

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III
1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

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REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

In the Matter of:

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FINAL ORDER

United States Bureau of Engraving and Printing,

Docket No. CAA-03-2015-0203FF

Proceeding under the Clean Air Act,
Section 113(d)

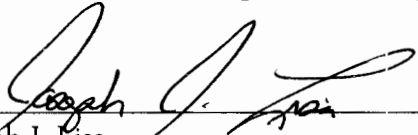
Respondent.

Complainant, Director, Air Protection Division, U.S. Environmental Protection Agency - Region III ("EPA - Region III"), and Respondent, United States Bureau of Engraving and Printing, have executed a document entitled "Consent Agreement", which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 [with specific reference to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3)]. The terms of the executed Consent Agreement, attached hereto, are accepted by the undersigned and incorporated herein as if fully set forth.

Based on the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's Clean Air Act Stationary Source Civil Penalty Policy, dated October 25, 1991, as modified, and the statutory factors set forth in Section 113(e) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(e). **NOW, THEREFORE, PURSUANT TO** Section 113(a)(3)(A) and (d)(1)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(A) and (d)(1)(B), and 40 C.F.R. § 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of **FOURTEEN THOUSAND EIGHT HUNDRED SEVENTY DOLLARS (\$14,870)**, plus any applicable interest, as specified in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of this Final Order and attached Consent Agreement is the date on which the Final Order, signed by the Regional Administrator of EPA - Region III or the Regional Judicial and Presiding Officer of EPA - Region III, is filed with the Regional Hearing Clerk of EPA - Region III.

July 28, 2015
Date



Joseph J. Lisa
Regional Judicial and Presiding Officer
EPA - Region III

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In the Matter of:	:	
	:	
	:	CONSENT AGREEMENT
	:	
United States Bureau of Engraving and Printing,	:	Docket No. CAA-03-2015-0203FF
	:	
	:	Proceeding under the Clean Air Act,
	:	Section 113(d)
Respondent.	:	

I. PRELIMINARY STATEMENT

This administrative Consent Agreement (the “Consent Agreement”) is entered into by and between the Complainant, the Director, Air Protection Division, Region III, United States Environmental Protection Agency (“EPA” or “Complainant”), and the United States Bureau of Engraving and Printing (the “Respondent”), pursuant to Section 113(d) of the Clean Air Act (“CAA” or “the Act”), 42 U.S.C. § 7413(d) and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 (the “Consolidated Rules of Practice”). The Consolidated Rules of Practice at 40 C.F.R. § 22.13 provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be commenced and concluded simultaneously by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

This Consent Agreement and the accompanying Final Order (collectively referred to as the “CAFO”) addresses violations alleged by EPA which occurred at a federally-funded facility owned and operated by the Respondent, located at 14th and C Streets, SW, Washington, D.C. 20228.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Complainant has the authority to find, among other things, that any person has violated any requirement of rules promulgated by EPA for the regulation of hazardous air pollutants under Section 112 of the federal Clean Air Act (CAA), 42 U.S.C. § 7412. The authority to issue the accompanying Final Order has been duly delegated to the Regional Judicial Officer, EPA - Region III. The geographical jurisdiction of EPA - Region III includes the District of Columbia.

2. The United States Bureau of Engraving and Printing (USBEP) is part of the United States Department of the Treasury. It is headquartered at 14th and C Streets, SW, Washington, D.C. 20228.
3. USBEP is a person under Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
4. On January 25, 1995, EPA promulgated rules under Section 112 of the CAA establishing national emission standards for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks. These rules were and are codified at 40 C.F.R. Part 63, Subpart N (§§ 63.340-348).
5. On July 1, 2008, EPA promulgated rules under Section 112 of the CAA establishing national emission standards for plating and polishing operations. These rules were and are codified at 40 C.F.R. Part 63, Subpart WWWWWW (§§ 63.11504-11513).
6. In 2009, USBEP constructed three hard chromium electroplating tanks at its facility in Washington, D.C. that were subject to the requirements of Subpart N. The actual date of startup of these three tanks was September 9, 2009.
7. In 2009, USBEP constructed six nickel electroforming/electroplating tanks at its facility in Washington, D.C. that were subject to the requirements of Subpart WWWWWW. The actual date of startup of these six tanks was September 9, 2009. USBEP became subject to Subpart WWWWWW on that date.
8. 40 C.F.R. § 63.347(c)(2)(iii) required USBEP to submit a notification of the actual date of startup of the three hard chromium electroplating tanks to EPA within 30 calendar days after September 9, 2009.
9. Although USBEP notified the District Department of the Environment on September 30, 2009, USBEP did not submit notification to EPA of the actual date of startup of the three hard chromium electroplating tanks until May 18, 2010.
10. 40 C.F.R. § 63.11509(a)(4) required USBEP to submit an initial notification for the six nickel electroforming/electroplating tanks when USBEP became subject to Subpart WWWWWW on September 9, 2009.
11. Although USBEP notified the District Department of the Environment on September 30, 2009, USBEP did not submit the initial notification for the six nickel electroforming/electroplating tanks to EPA until May 18, 2010.

12. The above-referenced facts indicate violations by USBEP of:

- a. 40 C.F.R. § 63.347(c)(2)(iii), and
- b. 40 C.F.R. § 63.11509(a)(4).

13. Section 113(a)(3)(A) of the CAA, 42 U.S.C. § 7413(a)(3)(A), provides, in pertinent part, that "...whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated...a requirement...of any rule...promulgated...under [certain provisions of the CAA, including Section 112]..., the Administrator may...issue an administrative penalty order in accordance with [Section 113(d) of the CAA]...".

14. Section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B), provides, in pertinent part, that "The Administrator may issue an administrative order against any person assessing a civil administrative penalty of up to \$25,000 per day of violation, whenever, on the basis of any available information, the Administrator finds that such person...has violated...a requirement...of any rule...promulgated...under [certain provisions of the CAA, including Section 112]...".

15. Under the Debt Collection Improvement Act of 1996 and 40 C.F.R. Part 19 (§§ 19.1-4), the figure of \$25,000 in Section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B), referenced above, is currently \$37,500.

16. EPA and the U.S. Department of Justice have made a joint determination that this administrative penalty action is appropriate and that, as a consequence, the 12-month time limitation of Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), is waived.

III. SETTLEMENT

1. This proceeding is governed by the Consolidated Rules of Practice, 40 C.F.R. Part 22. As provided in 40 C.F.R. Part 22, § 22.18(b)(1), EPA encourages settlement of a proceeding at any time if the settlement is consistent with the provisions and objectives of the CAA and applicable regulations. In the event a settlement is reached, the provisions of 40 C.F.R. Part 22, § 22.18(b)(2) and (3), and (c), govern the process of effectuating the settlement and concluding the proceeding.

2. Any and all terms and conditions of this settlement are recorded herein.

3. For the purpose of this proceeding, Respondent USBEP admits the jurisdictional allegations set forth in this Consent Agreement but neither admits nor denies the remaining allegations in this Consent Agreement.

4. Respondent USBEP agrees not to contest EPA's jurisdiction with respect to the execution of this Consent Agreement, the issuance of the accompanying Final Order, or the enforcement of the CAFO.

5. Respondent USBEP consents to the issuance of this CAFO and agrees to comply with its terms and conditions.

6. This CAFO shall not relieve Respondent USBEP of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit, nor does this CAFO constitute a waiver, suspension or modification of the requirements of the CAA, 42 U.S.C. § 7401 et seq., or of any regulations promulgated or approved thereunder.

7. Respondent USBEP hereby certifies to Complainant EPA that, upon investigation, to the best of its knowledge and belief, all violations alleged in this Consent Agreement have been remedied.

8. For the purpose of this proceeding, Respondent USBEP waives any right to contest the allegations set forth in the Consent Agreement, to appeal the proposed final order and to confer with the EPA Administrator under 40 C.F.R. § 22.31(e) with regard to this case.

9. Respondent USBEP agrees that this Consent Agreement and the accompanying Final Order shall apply to, and be binding upon, Respondent USBEP and its successor agencies, departments, and instrumentalities.

10. The parties agree to bear their own costs and attorney's fees.

11. The undersigned representative of Respondent USBEP certifies that he/she is fully authorized by Respondent USBEP to execute this consent agreement and to legally bind Respondent USBEP to its terms and conditions.

12. This Consent Agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

IV. CIVIL PENALTY

1. The civil penalty noted below for the above-referenced CAA violations was determined in accordance with 1) Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and 2) EPA's Clean Air Act Stationary Source Civil Penalty Policy, dated October 25, 1991 (CAA penalty policy), as modified.

Relevant modifications to the CAA penalty policy since its issuance on October 25, 1991 include modifications dated May 9, 1997, September 21, 2004, December 29, 2008 and December 6, 2013 to implement the Civil Monetary Penalty Inflation Rule (40 C.F.R. Part 19), pursuant to the Debt Collection Improvement Act of 1996 (inflation modifications). These inflation modifications essentially increased penalty policy amounts by 10%, 17.23%, 9.83%, and 4.87%, respectively.

2. To develop the CAA civil penalty, EPA took into account the CAA civil penalty policy, as modified, and the particular facts and circumstances of this case.
3. For the purpose of this proceeding, Respondent USBEP consents to the assessment of a civil penalty of fourteen thousand eight hundred and seventy dollars (\$14,870) against it for the violations referenced above. Respondent USBEP shall pay the civil penalty of fourteen thousand eight hundred and seventy dollars (\$14,870) no later than thirty (30) calendar days after the effective date of this CAFO in order to avoid the assessment of interest.
4. Payment by Respondent USBEP of the civil penalty amount set forth in Paragraph 3 immediately above shall be made by either cashier's check, certified check, electronic wire transfer, electronic Automated Clearinghouse (ACH) payment, or online, in the following manner:
 - a. All payments by Respondent USBEP shall reference Respondent's name and address, and the docket number of this action, i.e., CAA-03-2015-0203FF.
 - b. All checks shall be made payable to Treasurer, United States of America;
 - c. All payments made by check and sent by regular mail shall be addressed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Contact: (513) 487-2105

d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Environmental Protection Agency
Fines and Penalties
Government Lockbox 979077
U.S. Bank
1005 Convention Plaza
Mail Station SLMO-C2GL
St. Louis, MO 63101

Contact: 314-418-1028

e. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT Address = FRNYUS33
33 Liberty Street
New York, NY 10045

(Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency")

f. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

U.S. Treasury REX/Cashlink ACH Receiver
ABA = 051036706
Account 310006, Environmental Protection Agency
CTX Format
Transaction Code 22 - checking

Physical location of U.S. Treasury facility:

5700 Rivertech Court
Riverdale, MD 20737
Contact: (866) 234-5681

- g. On-Line Payment Option:

WWW.PAY.GOV

Enter sfo 1.1 in the search field. Open form and complete required fields.

- h. A copy of Respondent's check or a copy of documentation of Respondent's electronic or on-line payment shall be sent simultaneously to:

James M. Baker
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code: 3RC10)
1650 Arch Street
Philadelphia, PA 19103-2029

and

Ms. Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III (Mail Code: 3RC00)
1650 Arch Street
Philadelphia, PA 19103-20293.

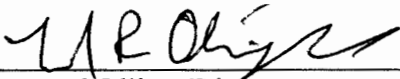
5. If Respondent USBEP fails to make complete payment of the assessed penalty by the due date set forth above, the entire unpaid balance of the penalty and accrued interest shall become immediately due and owing. Pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), any unpaid portion of the assessed penalty shall bear interest at the rate established pursuant to 26 U.S.C. § 6621 from the effective date of the CAFO until the date of payment, provided, however, that no interest shall be payable on any portion of the assessed penalty that is paid within 30 calendar days of the effective date of the CAFO. The effective date of the CAFO is the date on which the CAFO is filed with the Regional Hearing Clerk of EPA - Region III.

6. Failure to obtain adequate funds or appropriations from Congress does not release Respondent USBEP from its obligation to comply with the CAA, the applicable regulations thereunder, or this CAFO. Nothing in this CAFO shall be interpreted to require obligation or payment of funds in violation of the Antideficiency Act, 31 U.S.C. § 1341.

7. Full payment of the civil penalty provided for herein shall only resolve Respondent USBEP's civil penalty liability for the violations referenced above. Nothing in this consent

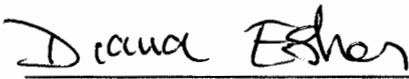
agreement is intended to, or shall be construed to, operate in any way to resolve any criminal liability of Respondent. Nothing in this consent agreement shall be construed to limit the authority of EPA to undertake action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health or welfare, or the environment.

Date: 7/15/15



Leonard Olijar, Director
United States Bureau of Engraving and Printing
(USBEP)

Date: 7/27/2015



Diana Esher, Director
Air Protection Division
U.S. EPA- Region III

Accordingly, the Air Protection Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator of EPA Region III or his designee, the Regional Judicial Officer, ratify this Consent Agreement and issue the accompanying Final Order (CAA-03-2015-0203FF). The amount of the recommended civil penalty assessment is \$14,870.00.

7/27/2015
Date

Diana Esher
Diana Esher, Director
Air Protection Division
U.S. Environmental Protection Agency
Region III