

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

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

2014 APR -3 AM 9:59

RECEIVED

IN RE: :
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 United States Department of Defense, :
 :
 Respondent, :
 : **Docket No. RCRA/CAA-03-2014-0039**
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 Pentagon Reservation :
 Arlington, Virginia :
 :
 :
 Facility. :

CONSENT AGREEMENT

Preliminary Statement

This Consent Agreement ("CA") is entered into by the Director of the Office of Enforcement, Compliance, and Environmental Justice, U.S. Environmental Protection Agency, Region III ("EPA" or "Complainant"), and the U.S. Department of Defense ("Respondent"), pursuant to Sections 3008(a)(1) and (g) and 6001(b) of the Resource Conservation and Recovery Act, as amended ("RCRA"), 42 U.S.C. §§ 6928(a)(1) and (g) and 6961(b), Sections 113 and 118(a) of the Clean Air Act ("CAA"), 42 U.S.C. §§ 7413 and 7418(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. Part 22, including, specifically 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

Regulatory Background

This CA and the accompanying Final Order (collectively "CAFO") resolve violations of the RCRA, Subtitle C, 42 U.S.C. §§ 6921- 6939e, and regulations in the authorized Virginia hazardous waste program in connection with Respondent's facility located at the Pentagon Reservation, Arlington, Virginia.

Virginia initially received final authorization for its hazardous waste regulations, the Virginia Hazardous Waste Management Regulations ("VaHWMR"), 9 VAC 20-60-12 *et seq.*, on December 4, 1984, effective December 18, 1984 (49 Fed. Reg. 47391). EPA reauthorized Virginia's regulatory program on June 14, 1993, effective August 13, 1993 (58 Fed. Reg. 32855); on July 31, 2000, effective September 29, 2000 (65 Fed. Reg. 46606), on June 20, 2003, effective June 20, 2003 (68 Fed. Reg. 36925), on May 10, 2006, effective July 10, 2006 (71 Fed. Reg.

27204), and on July 30, 2008, effective July 30, 2008 (73 Fed. Reg. 44168).

Respondent was previously notified regarding the RCRA allegations recited herein under cover letter dated August 16, 2012. In accordance with Section 3008(a)(2) of the RCRA, 42 U.S.C. § 6928(a)(2), EPA has notified the Commonwealth of Virginia of EPA's intent to enter into a CAFO with Respondent resolving the RCRA violations set forth herein.

This CAFO also resolves violations of the CAA, 42 U.S.C. §§ 7401, et seq. EPA is authorized by Section 113 of the CAA, 42 U.S.C. § 7413, to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. Respondent is subject to the requirements set forth at 40 C.F.R. Part 82, Subpart F, regarding the regulation of equipment containing refrigerants which are ozone depleting substances.

Respondent was previously notified regarding the CAA allegations recited herein under cover letter dated August 16, 2012. EPA has notified the Commonwealth of Virginia of EPA's intent to enter into a CAFO with Respondent to resolve the CAA violations set forth herein.

General Provisions

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, above.
3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order, or the enforcement of the CAFO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this CA and any right to appeal the accompanying Final Order, or any right to confer with the Administrator.
5. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
6. Respondent shall bear its own costs and attorney's fees.
7. Respondent certifies to EPA by its signature herein that it is presently in compliance with the provisions of the RCRA and the CAA referenced herein.
8. The provisions of this CAFO shall be binding upon Complainant and Respondent and any

successors and assigns.

9. This CAFO shall not relieve Respondent 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 RCRA, the CAA, or any regulations promulgated thereunder.

EPA's Findings of Fact and Conclusions of Law

10. In accordance with the Consolidated Rules at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the findings of fact and conclusions of law which follow.
11. Respondent is the owner and operator of the Pentagon Reservation, Arlington, Virginia.
12. EPA conducted an inspection of the Pentagon Reservation (the "Facility") on March 10 - 12, 2010 ("EPA Inspection").

COUNT I (RCRA-OPERATING WITHOUT A PERMIT)

13. Paragraphs 1-12 of this CAFO are incorporated by reference as though fully set forth herein.
14. Respondent is and has been at all times relevant to this CAFO the "owner" and "operator" of a "facility," as those terms are defined by 9 VAC 20-60-260, which, with exceptions not relevant to this term, incorporates by reference 40 C.F.R. § 260.10.
15. Respondent is a department, agency and/or instrumentality of the United States and is a "person" as defined by Section 1004(15) of the RCRA, 42 U.S.C. § 6903(15), and 9 VAC 20-60-260, which, with exceptions not relevant to this term, incorporates by reference 40 C.F.R. § 260.10.
16. Respondent is and, at all times relevant to this CAFO, has been a "generator" of, and has engaged in the "storage" in "containers" of materials that are "solid wastes" and "hazardous waste" at the Facility, as those terms are defined in 9 VAC 20-60-260 and 261, which incorporate by reference 40 C.F.R. §§ 260.10 and 261.2 and .3, including the hazardous waste referred to herein.
17. Section 3005(a) and (e) of the RCRA, 42 U.S.C. § 6925(a) and (e), and 9 VAC 20-60-270 (which incorporates by reference 40 C.F.R. § 270.1(b)) provide, in pertinent part, that a person may not operate a hazardous waste storage, treatment or disposal facility unless

such person has first obtained a permit for such facility or has qualified for interim status.

18. 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(a), provides that a generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status provided that, *inter alia*:
 - a. The waste is placed in containers and the generator complies with the applicable requirements of 40 C.F.R. Part 265, Subparts I, AA, BB and CC;
 - b. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - c. While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste;" and
 - d. The generator complies with the requirements for owners or operators set forth in 40 C.F.R. Part 265, Subparts B, C, and D, § 265.16, and § 268.7(a)(5).
19. 40 C.F.R. § 262.34(b) provides that a generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 40 C.F.R. Parts 264 and 265 and the permit requirements of 40 C.F.R. Part 270 unless it has been granted an extension to the 90-day period.

Training Records

20. 9 VAC 20-60-262, which incorporates by reference the requirements of 40 C.F.R. § 262.34(a)(4), which in turn incorporates by reference 40 C.F.R. § 265.16(a), requires that facility personnel successfully complete a program of classroom instruction or on-the-job training that ensures a facility's compliance with the requirements of 40 C.F.R. Part 265.
21. 40 C.F.R. § 265.16(d) requires that the facility document and maintain records of such facility personnel training at the facility.
22. At the time of the EPA Inspection, the Facility was not maintaining records of training for the Facility representative who was signing hazardous waste manifests.
23. Respondent violated 9 VAC 20-60-262, which incorporates by reference the requirements of 40 C.F.R. § 265.16, by failing to maintain training records for the Facility representative who was signing hazardous waste manifests.

Satellite Accumulation

24. 9 VAC 20-60-262, which incorporates by reference the requirements of 40 C.F.R. § 262.34(c)(1), provides, in relevant part, that a generator may accumulate as much as 55 gallons of hazardous waste at or near any point of generation where waste initially accumulate, which is under the control of the operator of the process generating the waste without a permit or interim status provided certain condition are met; these conditions include marking the container either with the words “Hazardous Waste” or with other words that identify the contents of the container (as required by 40 C.F.R. § 262.34(c)(1)(ii)) and maintaining a container holding hazardous waste always closed during storage, except when it is necessary to add or remove waste (as required by 40 C.F.R. § 262.34(c)(1)(i), which incorporates by reference the requirements of 40 C.F.R. § 265.173(a)).
25. At the time of the EPA Inspection, the EPA inspector observed a container of hazardous waste near the paint booth in the Paint Shop that was open and waste was not being added or removed at the time of the observation. Moreover, the container was not marked with the words “Hazardous Waste” or with other words that identified the contents of the container.
26. Respondent does not have, and at the time of the violations alleged herein, did not have, a permit or interim status to store hazardous waste at the Facility as required by 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), and Sections 3005(a) and (e) of the RCRA, 42 U.S.C. §§ 6925(a) and (e).
27. Respondent violated 9 VAC 20-60-262, which incorporates by reference the requirements of 40 C.F.R. § 262.34(c)(1), by having a container of hazardous waste open at a time when waste was not being added or removed and which was not marked with the words “Hazardous Waste” or with other words that identified the contents of the container.
28. Because of the activities alleged in Paragraphs 20-26, above, Respondent violated 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), by operating a hazardous waste storage facility without a permit or interim status.

COUNT II (RCRA-TRAINING RECORDS)

29. Paragraphs 1 through 28 of the CAFO are incorporated by reference as though fully set forth herein.
30. 9 VAC 20-60-262, which incorporates by reference the requirements of 40 C.F.R. § 262.34(a)(4), which in turn incorporates by reference 40 C.F.R. § 265.16(a), requires that

facility personnel successfully complete a program of classroom instruction or on-the-job training that ensures a facility's compliance with the requirements of 40 C.F.R. Part 265.

31. 40 C.F.R. § 265.16(d) requires that the facility document and maintain records of such facility personnel training at the facility.
32. At the time of the EPA Inspection, the Facility was not maintaining records of training for the Facility representative who was signing hazardous waste manifests.
33. Respondent violated 9 VAC 20-60-262, which incorporates by reference the requirements of 40 C.F.R. § 265.16, by failing to maintain training records for the Facility representative who was signing hazardous waste manifests.

COUNT III (RCRA-UNIVERSAL WASTE)

34. Paragraphs 1 through 33 of the CAFO are incorporated by reference as though fully set forth herein.
35. 9 VAC 20-60-273, which incorporates by reference the requirements of 40 C.F.R. § 273.13(d)(1), requires, in relevant part, that universal waste lamps be placed in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. In addition, such containers or packages must remain closed.
36. At the time of the EPA Inspection, at the less-than-ninety-day storage area (Bays #5, 6) in the Remote Delivery Facility (RDF), the EPA inspector observed a large cardboard box of universal waste lamps that did not have a closed lid. Lamps were neither being added nor removed to this box at the time of the observation.
37. At the time of the EPA Inspection, at the universal waste storage bay in the RDF, the EPA inspector observed an open, large cardboard container that held two spent lamps. Lamps were neither being added nor removed to this container at the time of the observation.
38. Respondent violated 9 VAC 20-60-273, which incorporates by reference the requirements of 40 C.F.R. § 273.13(d)(1), by having a box of universal waste lamps and a container of universal waste lamps which were not closed.

COUNT IV (RCRA-UNIVERSAL WASTE)

39. Paragraphs 1 through 38 of the CAFO are incorporated by reference as though fully set

forth herein.

40. 9 VAC 20-60-273, which incorporates by reference the requirements of 40 C.F.R. § 273.14(e), requires, in relevant part, that each lamp or a container or package in which universal waste lamps are contained must be labeled or marked clearly as such.
41. At the time of the EPA Inspection, at the universal waste storage bay in the RDF, the EPA inspector observed an open, large cardboard container that held two spent lamps. The cardboard box was unlabeled at the time of the observation.
42. Respondent violated 9 VAC 20-60-273, which incorporates by reference the requirements of 40 C.F.R. § 273.14(e) by having a box of universal waste lamps which was not labeled appropriately.

COUNT V (RCRA-UNIVERSAL WASTE)

43. Paragraphs 1 through 42 of the CAFO are incorporated by reference as though fully set forth herein.
44. 9 VAC 20-60-273, which incorporates by reference the requirements of 40 C.F.R. § 273.15(c), requires, in relevant part, that a small quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.
45. At the time of the EPA Inspection, at the less-than-ninety-day storage area (Bays #5, 6) in the RDF, the EPA inspector observed thirty-two (32) boxes of universal waste lamps that did not have accumulation start dates.
46. At the time of the EPA Inspection, at the less-than-ninety-day storage area (Bays #5, 6) in the RDF, the EPA inspector observed a bundle of used lead acid batteries sitting on a pallet that did not have an accumulation start date.
47. At the time of the EPA Inspection, at the less-than-ninety-day storage area (Bay #2) in the RDF, the EPA inspector observed a cardboard box of used lithium batteries that had a universal waste label, but the label was not dated.
48. At the time of the EPA Inspection, in the Tri-Service Dental Clinic (Rm. 336), the EPA inspector observed two, two-gallon containers that were labeled with hazardous waste stickers along with other labels annotating bulbs and batteries. During the inspection, these containers were relabeled as universal waste, but the labels did not have accumulation start dates.

49. Respondent violated 9 VAC 20-60-273, which incorporates by reference the requirements of 40 C.F.R. § 273.15(c) by not having a means of demonstrating the length of time the universal waste had been accumulating.

COUNT VI (CAA—REFRIGERANT REGULATIONS)

50. The allegations contained in Paragraphs 1 through 49 of this CAFO are incorporated by reference herein as though fully set forth at length.
51. Under Section 113(a)(3) of the CAA, the Administrator of EPA has the authority to issue administrative penalty orders for violations of regulations concerning stratospheric ozone-depleting refrigerants promulgated under Section 608(a) of the CAA, 42 U.S.C. § 7671g(a). These regulations have been codified at 40 C.F.R. Part 82.
52. 40 C.F.R. § 82.166(k) requires that facilities with appliances containing greater than fifty pounds of a Class I or Class II ozone depleting refrigerants must create and maintain servicing records documenting the date and type of service, as well as the quantity of refrigerant added to such appliances.
53. At the time of the EPA Inspection, the Facility had appliances containing greater than fifty pounds of a Class I or Class II ozone depleting refrigerant.
54. At the time of the EPA Inspection, the Facility did not maintain adequate records regarding its servicing of appliances containing greater than fifty pounds of a Class I or Class II ozone depleting refrigerants.
55. The Facility violated 40 C.F.R. § 82.166(k) by failing to create or maintain servicing records documenting the date and type of service, as well as the quantity of refrigerant added with respect to its appliances containing greater than fifty pounds of a Class I or Class II ozone depleting refrigerants.

CIVIL PENALTY

56. Respondent consents to the assessment of a civil penalty of thirty four thousand four hundred dollars (\$34,400.00) in full satisfaction of all claims for civil penalties for the violations alleged in the above alleged six counts of this CAFO. Respondent must pay the civil penalty no later than **THIRTY (30)** calendar days after the date on which this CAFO is mailed or hand-delivered to Respondent.
57. For the violations alleged in Counts I - V, EPA considered a number of factors including,

but not limited to, the statutory factors set forth in Section 3008(a)(3) of the RCRA, 42 U.S.C. § 6928(a)(3), *i.e.*, the seriousness of Respondent's violations and the good faith efforts by Respondent to comply with the applicable requirements of the RCRA, and the *RCRA Civil Penalty Policy* (2003). EPA has also considered the *Adjustments of Civil Penalties for Inflation and Implementing the Debt Collection Improvement Act of 1996* ("DCIA"), as set forth in 40 C.F.R. Part 19, and the December 29, 2008 memorandum by EPA Assistant Administrator Granta Y. Nakayama entitled, *Amendments to EPA's Civil Penalty Policies to Implement the 2008 Civil Monetary Penalty Inflation Adjustment Rule (Effective January 12, 2009)* ("2008 Nakayama Memorandum"), which specify that for violations that occurred after January 30, 1997, statutory penalties and penalties under the RCRA Civil Penalty Policy for, *inter alia*, RCRA Subtitle C violations, were increased 10% above the maximum amount to account for inflation, statutory penalties for, *inter alia*, RCRA Subtitle C violations that occurred after March 15, 2004 through January 12, 2009, were increased by an additional 17.23% above the maximum amount to account for inflation, and statutory penalties for, *inter alia*, RCRA Subtitle C violations that occurred after January 12, 2009, were increased by an additional 9.83% above the maximum amount to account for inflation.

58. For the violations alleged in Count VI, EPA considered a number of factors, including, but not limited to, the penalty assessment criteria in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), including the seriousness of Respondent's violations and Respondent's good faith efforts to comply, and the *Clean Air Act Stationary Source Civil Penalty Policy* (1991). EPA also considered the DCIA, as set forth in 40 C.F.R. Part 19, and the 2008 Nakayama Memorandum, which specify that for violations that occurred after January 30, 1997, statutory penalties and penalties under the *Clean Air Act Stationary Source Civil Penalty Policy*, were increased 10% above the maximum amount to account for inflation, and statutory penalties for, *inter alia*, CAA violations that occurred after March 15, 2004 through January 12, 2009, were increased by an additional 17.23% above the maximum amount to account for inflation, and statutory penalties for, *inter alia*, CAA violations that occurred after January 12, 2009, were increased by an additional 9.83% above the maximum amount to account for inflation.
59. Payment of the civil penalty amount required under the terms of Paragraph 56, above, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
- a. All payments by Respondent shall reference its name and address and the Docket Number of this action (Docket No. RCRA/CAA-03-2014-0039);
 - b. All checks shall be made payable to "United States Treasury;"

- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

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

The Customer Service contact for the above method of payment is Eric Volck at 513-487-2105.

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

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

The Customer Service number for the above method of payment is 314-418-1028.

- e. All electronic wire transfer payments 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 payments through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX/Cashlink ACH Receiver
ABA = 051036706
Transaction Code 22 - checking
Account 310006, Environmental Protection Agency

Pentagon Reservation

Docket No. RCRA/CAA-03-2014-0039

CTX Format Transaction Code 22 – Checking

Physical location of U.S. Treasury Facility:

5700 Rivertech Court
Riverdale, MD 20737

The Customer Service contact for the above method of payment is John Schmid at 202-874-7026, or REX at 1-866-234-5681.

- g. There is an on-line payment option available through the Department of the Treasury. This payment option can be accessed from: WWW.PAY.GOV. Enter sfo 1.1 in the search field and complete all required fields in the form.
- h. Payment may be made using the Intra Governmental Payment and Collection application (IPAC), ALC 68-01-0727, and Treasury Symbol 681099. Please include the Docket Number of this action (Docket No. RCRA/CAA-03-2014-0039) in the description field of the IPAC. The Customer Service contact is Molly Williams at 513-487-2076.
- i. At the same time that any payment is made, Respondent shall mail copies of any corresponding check, or written notification confirming any electronic wire transfer, to:

Ms. Lydia Guy
Regional Hearing Clerk (3RC00)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

and to

Daniel L. Isales (3RC60)
Environmental Science Center
U.S. Environmental Protection Agency, Region III
701 Mapes Road
Fort Meade, MD 20755-5350

- 60. In accordance with 40 C.F.R. § 13.3, any debt owed to the EPA as a result of Respondent's failure to make timely payments in accordance with Paragraph 59 above,

shall be resolved by negotiation between the EPA and Respondent or by referral to the General Accounting Office.

EFFECT OF SETTLEMENT

61. Payment of the penalty specified in Paragraph 56, above, in the manner set forth in Paragraph 59, above, shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have under the RCRA and the CAA for the specific violations alleged in Counts I - VI, above. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and regulations administered by EPA.

RESERVATION OF RIGHTS

62. This CAFO resolves only the civil claims for monetary penalties for the specific violations alleged in the CAFO. EPA reserves the right to commence 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, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the RCRA, the CAA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk. Respondent reserves all available rights and defenses it may have to defend itself in any such action.

FULL AND FINAL SATISFACTION

63. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Sections 3008(a)(1) and (g) and 6001(b) of the RCRA, 42 U.S.C. §§ 6928(a)(1) and (g) and 6961(b), Sections 113 and 118(a) of the CAA, 42 U.S.C. §§ 7413 and 7418(a), and for the specific violations alleged in this CAFO. This CAFO constitutes the entire agreement and understanding of the parties regarding settlement of all claims pertaining to specific violations alleged herein, and there are no representations, warranties, covenants, terms, or conditions agreed upon between the parties other than those expressed in this CAFO.

ANTIDEFICIENCY ACT

64. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligation to comply with the RCRA, the CAA, the applicable

Pentagon Reservation

Docket No. RCRA/CAA-03-2014-0039

regulations thereunder, or with 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.

AUTHORITY TO BIND THE PARTIES

65. The undersigned representative of Respondent certifies that he or she is fully authorized by the Respondent to enter into the terms and conditions of this CA and to bind the Respondent to it.

EFFECTIVE DATE

66. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

Pentagon Reservation

Docket No. RCRA/CAA-03-2014-0039

For Respondent:

The United States Department of Defense

12 MAR 2014
Date

William E. Brazis
Signature

William E. BRAZIS
Name [print or type]

DIRECTOR, WASHINGTON HEADQUARTERS SERVICES
Title [print or type]

Pentagon Reservation

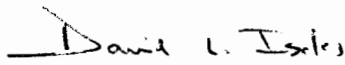
Docket No. RCRA/CAA-03-2014-0039

For Complainant:

U.S. Environmental Protection Agency,
Region III

3/19/14

Date

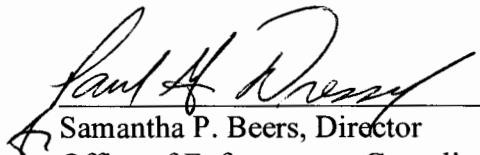


Daniel L. Isales
Assistant Regional Counsel
U.S. EPA - Region III

Accordingly, I hereby recommend that the Regional Administrator or his designee, the Regional Judicial Officer, issue the Final Order attached hereto pertaining to Docket No. RCRA/CAA-03-2014-0039.

4/1/2014

Date



Samantha P. Beers, Director
Office of Enforcement, Compliance, and
Environmental Justice
U.S. EPA - Region III

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
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Respondent,	:
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Arlington, Virginia	:
	:
Facility.	:

FINAL ORDER

Complainant, the Director of the Office of Enforcement, Compliance, and Environmental Justice, U.S. Environmental Protection Agency - Region III, and Respondent, the United States Department of Defense, 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 Sections 22.13(b) and 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based on the representations of the parties set forth in the Consent Agreement, I have determined that the penalty assessed herein is based upon a consideration of the factors set forth in Sections 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a), EPA's *RCRA Civil Penalty Policy* (2003), Section 113(e) of the Clean Air Act, 42 U.S.C. § 7413(e), EPA's *Clean Air Act Stationary Source Civil Penalty Policy* (1991), and the Consolidated Rules of Practice. **IT IS HEREBY ORDERED** that Respondent pay a penalty of thirty four thousand four hundred dollars (\$34,400.00) in accordance with the foregoing Consent Agreement. Payment shall be made in the manner set forth in the foregoing Consent Agreement. Payment shall reference Respondent's name and address as well as the EPA Docket Number of this Final Order (Docket No. RCRA/CAA-03-2014-0039).

Pentagon Reservation

Docket No. RCRA/CAA-03-2014-0039

The effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

4/2/14
Date



Renee Sarajian
Regional Judicial Officer
U.S. Environmental Protection Agency, Region III

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

REGIONAL HEARING CLERK
EPA REGION III, PHILADELPHIA

2014 APR - 3 AM 10: 30

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IN RE:

United States Department of Defense,

Respondent,

Pentagon Reservation
Arlington, Virginia

Facility.

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Docket No. RCRA/CAA-03-2014-009

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent a true and correct copy of the Consent Agreement and Final Order to the following:

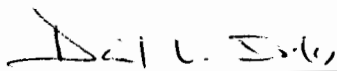
ORIGINAL AND ONE COPY FILED, VIA HAND DELIVERY

Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103

COPY SERVED, VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

John F. McCarthy
Assistant General Counsel
WHS & PFPA OGC
1155 Defense Pentagon, Room 2E1035
Washington, DC 20301-1155

Dated: April 3, 2014



Daniel L. Isales
Assistant Regional Counsel
U.S. EPA, Region III
Environmental Science Center
701 Mapes Road
Fort Meade, MD 20755-5350
(410) 305-3016