



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

March 24, 2015

VIA UPS NEXT DAY AIR

Phillip M. Pickus
Maryland Department of State Police
1201 Reisterstown Road
Pikesville, Maryland 21208

Re: Consent Agreement and Final Order
EPA Docket No. RCRA-2015-03-0081

Dear Mr. Pickus:

Enclosed is a copy of the CONSENT AGREEMENT AND FINAL ORDER filed today with the Regional Hearing Clerk settling the matter referenced above, with respect to your client, Maryland Department of State Police.

If you have any questions or concerns, please feel free to contact me at (215) 814-2649.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer J. Nearhood".

Jennifer J. Nearhood
Assistant Regional Counsel
U.S. EPA, Region III (3RC50)
1650 Arch St.
Philadelphia, PA 19103

Enclosures

cc: Marlin M. Matlin, EPA (w/o enclosures)

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

In the Matter of:)
)
 Bldg 2487 E. Perimeter Drive,)
 Andrews AFB, MD 20762,)
 and)
 1401 Belair Road,)
 Bel Air, MD 21014,)
Facilities,)
)
 Maryland Department of State Police)
 1201 Reisterstown Road)
 Pikesville, Maryland 21208,)
Respondent.)
)
)

Docket No.: RCRA-03-2015-0081
Proceeding Under Section 9006 of the
Resource Conservation and Recovery
Act, as amended, 42 U.S.C. Section
6991e
CONSENT AGREEMENT

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 REGIONAL OFFICE
 EPA REGION III
 PHILADELPHIA, PA

CONSENT AGREEMENT

This Consent Agreement is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“EPA” or “Complainant”) and the Maryland Department of State Police (“MDSP or “Respondent”), pursuant to Section 9006 of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C. § 6991e, and 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), 22.18(b)(2), and (3)).

I. PRELIMINARY STATEMENT AND STIPULATIONS

1. Effective July 30, 1992, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Maryland was granted final authorization to administer a state UST management program (“Maryland UST Management Program”) *in lieu* of the Federal UST management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m. The provisions of the Maryland UST Management Program as finally authorized are enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. The Maryland UST Management Program regulations are set forth in the Code of Maryland Regulations (“COMAR”), Title 26, Subtitle 10, Chapter 1, *et seq.*, and will be cited hereinafter as COMAR § 26.10.01 *et seq.*

2. Section 9006(d)(2)(B) of RCRA, 42 U.S.C. § 6991e(d)(2)(B), authorizes EPA to assess a civil penalty against any owner or operator of an underground storage tank who fails to comply with any requirement or standard of a state underground storage tank program that has been approved by EPA pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c.
3. In accordance with 40 C.F.R. § 22.13(b) and .18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves, as part of the settlement set forth herein, EPA's civil claims alleged in Section IV ("Findings of Fact and Conclusions of Law") of this Consent Agreement.

II. JURISDICTION

4. The U.S. Environmental Protection Agency has jurisdiction over the above-captioned matter pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.

III. GENERAL PROVISIONS

5. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and the attached Final Order, hereinafter collectively referred to as the "CAFO."
6. Except as provided in Paragraph 5 above, Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this Consent Agreement.
7. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of the CAFO.
8. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing on any issue of law or fact set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
9. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
10. Respondent shall bear its own costs and attorney's fees.
11. EPA has given Maryland prior notice of the issuance of this CAFO in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

12. In accordance with 40 C.F.R. § 22.13(b) and .18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.

13. Respondent is a “person” as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and COMAR § 26.10.04B(40).
14. At all times relevant to this CAFO, Respondent has been the “operator” and/or “owner”, of “underground storage tanks” (“USTs”) and “UST systems,” located at Bldg 2487 E. Perimeter Drive, Andrews AFB, Maryland 20762 (“Aviation Facility”) and 1401 Belair Road, Bel Air, Maryland 21014 (“Barrack D Facility”), as those terms are defined in Sections 9001(3), (4), and (10) of RCRA, 42 U.S.C. §§ 6991(3), (4), and (10); 40 C.F.R. § 280.12; and COMAR §§ 26.10.04B(37), (39), and (64).
15. On April 17, 2012, an EPA representative conducted a Compliance Evaluation Inspection (“CEI”) at the Aviation Facility pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.
16. At all times relevant to the applicable violations alleged herein:
 - a. A 1000 gallon “petroleum UST system” with connected underground piping (hereinafter “Tank 2”), that routinely contained a “regulated substance,” as those terms are defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR §§ 26.10.04B(43) and (48), was located at the Aviation Facility.
17. On June 19, 2012, an EPA representative conducted a Compliance Evaluation Inspection (“CEI”) at the Barrack D Facility pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.
18. At all times relevant to the applicable violations alleged herein:
 - a. A 12,000 gallon “petroleum UST system” with connected underground piping (hereinafter “Tank 5”), that routinely contained a “regulated substance,” as those terms are defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR §§ 26.10.04B(43) and (48), was located at the Barrack D Facility; and
 - b. A 550 gallon “petroleum UST system” with connected underground piping (hereinafter “Tank 6”), that routinely contained a “regulated substance,” as those terms are defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR §§ 26.10.04B(43) and (48), was located at the Barrack D Facility.
19. Pursuant to RCRA Section 9005, 42 U.S.C. § 6991d, EPA issued an Information Request letter to Respondent on July 17, 2012 concerning the petroleum UST systems at its Aviation Facility.
20. Pursuant to RCRA Section 9005, 42 U.S.C. § 6991d, EPA issued an Information Request letter to Respondent on October 11, 2012 and January 14, 2013 concerning the petroleum UST systems at its Barrack D Facility.

V. VIOLATIONS ALLEGED

COUNT 1

FAILURE TO MAINTAIN RELEASE DETECTION RECORDS FOR TANK 2

21. Paragraphs 1 through 21 are incorporated by reference as if fully set forth herein.
22. At all times relevant to the applicable violations alleged herein, Tank 2, the petroleum UST system described in Paragraph 16a, was equipped with an automatic tank gauging (“ATG”) system as its form of release detection.
23. Pursuant to COMAR § 26.10.05.06, the owners and operators of UST systems must maintain records in accordance with COMAR § 26.10.04.05 demonstrating compliance with all applicable requirements of COMAR, including, *inter alia*, keeping the results of release detection monitoring for 1 year.
24. From at least February 23, 2011 until February 23, 2012, Respondent failed to maintain release detection records for Tank 2.
25. Under COMAR § 26.10.05.06, Respondent’s failure to maintain release detection records for Tank 2 pursuant to COMAR § 26.10.04.05 constitutes a violation of Section 9006(d)(2)(B) of RCRA, 42 U.S.C. § 6991e(d)(2)(B).

COUNT 2

**FAILURE TO MEET UST SYSTEM PERFORMANCE STANDARDS FOR
SPILL PREVENTION FOR TANK 2**

26. Paragraphs 1 through 25 are incorporated by reference as if fully set forth herein.
27. Pursuant to COMAR § 26.10.03.01D(1)(a), UST systems installed after 1988 must use spill prevention equipment in the form of a spill catchment basin.
28. Pursuant to COMAR § 26.10.03.02D, existing UST systems must comply with the spill prevent requirements of COMAR § 26.10.03.01D(1)(a).
29. From at least March 26, 2009 until February 23, 2012, Respondent failed to provide a spill catchment basin for Tank 2.
30. Under COMAR § 26.10.03.02D, Respondent’s failure to provide proper spill prevention equipment for Tank 2 as described in 26.10.03.01D(1)(a) constitutes a violation of 9006(d)(2)(B) of RCRA, 42 U.S.C. § 6991e(d)(2)(B).

COUNT 3

**FAILURE TO MEET UST SYSTEM PERFORMANCE STANDARDS FOR
OVERFILL PREVENTION FOR TANK 2**

31. Paragraphs 1 through 30 are incorporated by reference as if fully set forth herein.
32. Pursuant to COMAR § 26.10.03.01D(1)(b), UST systems installed after 1988 must use overfill prevention equipment that automatically shuts off flow or alerts the operator when the tank is close to full.
33. Pursuant to COMAR § 26.10.03.02D, existing UST systems must comply with the overfill prevention requirements of COMAR § 26.10.03.01D(1)(b).
34. From at least March 26, 2009 until February 23, 2012, Respondent failed to provide overfill protection for Tank 2.
35. Under COMAR § 26.10.03.02D, Respondent's failure to provide proper spill prevention equipment for Tank 2 as described in 26.10.03.01D(1)(b) constitutes a violation of 9006(d)(2)(B) of RCRA, 42 U.S.C. § 6991e(d)(2)(B).

COUNT 4

FAILURE TO MAINTAIN RELEASE DETECTION RECORDS FOR TANK 5

36. Paragraphs 1 through 35 are incorporated by reference as if fully set forth herein.
37. At all times relevant to the applicable violations alleged herein, Tank 5, the petroleum UST system described in Paragraph 18a, was equipped with an automatic tank gauging ("ATG") system as its form of release detection.
38. Pursuant to COMAR § 26.10.05.06, the owners and operators of UST systems must maintain records in accordance with COMAR § 26.10.04.05 demonstrating compliance with all applicable requirements of COMAR, including, *inter alia*, keeping the results of any release detection monitoring for 1 year.
39. For the months of September 2011, January 2012, and February 2012, Respondent failed to maintain release detection records for Tank 5.
40. Under COMAR § 26.10.05.06, Respondent's failure to maintain release detection records for Tank 5 pursuant to COMAR § 26.10.04.05 constitutes a violation of Section 9006(d)(2)(B) of RCRA, 42 U.S.C. § 6991e(d)(2)(B).

COUNT 5

FAILURE TO PERFORM RELEASE DETECTION FOR TANK 6

41. Paragraphs 1 through 40 are incorporated by reference as if fully set forth herein.
42. At all times relevant to the applicable violations alleged herein, Tank 6, the petroleum UST system described in Paragraph 18b, was equipped with an ICON tank monitor, which was disconnected or otherwise not in use, as its form of release detection.
43. Pursuant to COMAR § 26.10.05.02B, USTs must be monitored at least every 30 days for releases using one of the methods listed in COMAR §§ 26.10.05.04E-I.
44. From at least March 26, 2009 until September 25, 2013, Respondent failed to use the ICON tank monitor or any other form of release detection monitoring for Tank 6.
45. Under COMAR § 16.10.05.02B, Respondent's failure to perform release detection for Tank 6 using one of the methods listed in COMAR §§ 26.10.05.04E-I constitutes a violation of 9006(d)(2)(B) of RCRA, 42 U.S.C. § 6991e(d)(2)(B).

VI. CIVIL PENALTY

46. Pursuant to Section 9006 of RCRA, the nature of the violations, Respondent's agreement to perform a Supplemental Environmental Project ("SEP"), and other relevant factors, EPA has determined that an appropriate civil penalty to settle this actions is **seven thousand eight hundred and twelve dollars (\$7812.00)**.
47. Respondent consents to the issuance of this Consent Agreement and consents for the purposes of settlement to the payment of the civil penalty cited in paragraph 46, above, and to the performance of the SEP.
48. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this signed and executed CAFO. In order to avoid the assessment of interest, administrative costs and late payment penalties in connection with such civil penalty, Respondent must pay such civil penalty no later than thirty (30) calendar days after the date on which a true and correct copy of the signed and executed CAFO is mailed or hand-delivered to Respondent.
49. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of Respondents' violations and any good faith efforts by Respondents to comply with all applicable requirements as provided in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), and with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.
50. Payment of the civil penalty amount 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 Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2015-0081;
- 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
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Primary Contact: Craig Steffen, (513) 487-2091
Secondary Contact: Molly Williams, (513) 487-2076

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

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
1005 Convention Plaza SL-MO-C2-GL
St. Louis, MO 63101

Contact: (314) 418-1028

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

51. Respondent may also pay the civil penalty amount electronically or on-line as follows:

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

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

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

- b. All electronic payments made through the automated clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact: John Schmid, (202) 874-7026 or
Remittance Express (REX): 1-866-234-5681

- c. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV

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

- d. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

A copy of Respondent's check or a copy of Respondent's electronic transfer shall be sent simultaneously to:

Jennifer J. Nearhood
Assistant Regional Counsel
U.S. EPA, Region III (3RC50)
1650 Arch Street
Philadelphia, PA 19103-2029

and

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

52. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and

late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this Consent Agreement and the attached Final Order shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

53. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of this CAFO is received by Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan account rate in accordance with 40 C.F.R. § 13.11(a).
54. The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
55. A late penalty payment of six percent (6%) per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
56. Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this Consent Agreement and the accompanying Final Order.

VII. SUPPLEMENTAL ENVIRONMENTAL PROJECT

57. The following Supplemental Environmental Project ("SEP") is consistent with applicable EPA policy and guidelines, specifically EPA's Supplemental Environmental Projects Policy, effective May 1, 1998.
58. Respondent agrees to replace the two existing underground petroleum storage tanks at Maryland State Police Headquarters, 1201 Reisterstown Road, Pikesville, Maryland 21208, with a new above ground system ("Tank Replacement Project"), as detailed in the SEP Proposal attached as Exhibit A hereto. Respondent shall complete the Tank Replacement Project by April 30, 2015 ("SEP Completion Deadline").
59. Respondent's total expenditure for installation of the SEP shall not be less than \$88,589.00, in accordance with the specifications set forth in the SEP Proposal. The EPA has given the SEP a value of \$23,434.00, which corresponds to a \$23,434.00 reduction in the original \$31,246.00 penalty. Respondent shall include documentation of the

expenditures made in connection with the SEP as part of the SEP Completion Report described in Paragraph 63 below.

60. Respondent hereby certifies that, as of the date of this Consent Agreement, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulations; nor is Respondent required to perform or develop the SEP by any other agreement, grant or as injunctive relief in this or any other case. Respondent further certifies that it has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.
61. For Federal Income Tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP.
62. Respondent shall notify Compliance Officer Martin Matlin, at the address noted in Paragraph 63a, below, when such implementation is complete. EPA may grant Respondent an extension of time to fulfill its SEP obligations if EPA determines, in its sole discretion, that, through no fault of Respondent, Respondent is unable to complete the SEP obligations within the time frames required by Paragraph 58 and, if extensions are granted, by this Paragraph. Requests for any extension must be made in writing within 48 hours of Respondent's knowledge of any event, such as an unanticipated delay in obtaining governmental approvals, the occurrence of which renders the Respondent unable to complete either the SEP within the required time frame ("force majeure event"), and prior to the expiration of the applicable SEP Completion Deadline. Any such requests should be directed to Martin Matlin at the mail and email addresses noted in Paragraph 63a below.
63. SEP Completion Report

- a. Respondent shall submit to EPA a SEP Completion Report via first class mail to:

Martin Matlin (3WP50)
Office of Infrastructure and Assistance
U.S. EPA Region III
1650 Arch St.
Philadelphia, PA 19103-2029

and via email, matlin.martin@epa.gov, within thirty (30) days of completing the SEP, as set forth in Paragraph 58. The SEP Completion Report shall contain the following information:

- (1) detailed description of the SEP as implemented;
- (2) a description of any problems encountered and the solution thereto; and
- (3) itemized costs.

- b. Respondent shall sign the reports required by this Paragraph—and certify under penalty of law that the information contained therein is true, accurate, and not misleading by including and signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fines and imprisonment.

- c. Respondent agrees that failure to submit the report required by this Paragraph 63 shall be deemed a violation of this CAFO and, in such an event, Respondent will be liable for stipulated penalties pursuant to Paragraph 66 below.
- d. In itemizing its costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all eligible SEP costs. Where either report includes costs not eligible for SEP credit, those costs must be clearly identified as such. For purposes of this Paragraph, “acceptable documentation” includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Canceled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.
64. Respondent agrees that EPA may inspect the locations at which the SEP is implemented at any time, subject to coordination with the landowner, in order to confirm that the SEP is being undertaken in conformity with the representations made herein and as required by this CAFO.
65. EPA Acceptance of SEP Completion Report
- a. Upon receipt of the SEP Completion Report, EPA may exercise one of the following options:
- (i) notify the Respondent in writing that the SEP Completion Report is deficient, provide an explanation of the deficiencies, and grant Respondent an additional thirty (30) days to correct those deficiencies;
 - (ii) notify the Respondent in writing that EPA has concluded that the project has been satisfactorily completed; or
 - (iii) notify the Respondent in writing that EPA has concluded that the project has not been satisfactorily completed, and seek stipulated penalties in accordance with Paragraph 66 herein.
- b. If EPA elects to exercise option (i) above, EPA shall permit Respondent the

opportunity to object in writing to the notification of deficiency within ten (10) days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement on changes necessary to the SEP Completion Report. If agreement cannot be reached within this thirty (30) day period, EPA shall provide to the Respondent a written statement of its decision on the adequacy of the completion of the SEP, which shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any failure to comply with the terms of this CAFO. In the event either the SEP is not completed as required herein or the SEP Completion Report is not submitted to EPA, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with Paragraph 66 below.

66. Stipulated Penalties

- a. In the event that Respondent fails to comply with any of the terms or provisions of this Consent Agreement relating to the performance of the SEP described in Paragraph 58 above and/or to the extent that the actual expenditures for the SEP do not equal or exceed the costs of the SEP required by Paragraph 59 above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:
 - i. Except as provided in subparagraph (iii) below, if the SEP has not been completed satisfactorily pursuant to this CAFO, Respondent shall pay a stipulated penalty to EPA in the amount of the value of the SEP, \$23,434.00, as set forth in Paragraph 59.
 - ii. If a SEP is not completed in accordance with Paragraph 58, but the Complainant determines that the Respondent: (a) made good faith and timely efforts to complete the project; and (b) certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not be liable for any stipulated penalty.
 - iii. If the SEP is completed in accordance with Paragraph 58, but the Respondent spent less than 90 percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to EPA in the amount of \$8,859.00.
 - iv. If the SEP is completed in accordance with Paragraph 58, and the Respondent spent at least 90 percent of the amount of money required to be spent for the project, Respondent shall not be liable for any stipulated penalty.
 - v. For failure to submit the SEP Completion Report required by Paragraph 63, above, Respondent shall pay a stipulated penalty in the amount of \$500.00 for each day after the report was originally due until the report is submitted.

- b. The determination of whether the SEP has been satisfactorily implemented and whether the Respondent has made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA.

VIII. EFFECT OF SETTLEMENT

67. The settlement set forth in this CAFO shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have under RCRA for the specific violations alleged in Section IV (“Findings of Fact and Conclusions of Law”) 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.

IX. OTHER APPLICABLE LAWS

68. Nothing in this CAFO shall relieve Respondent of the obligation to comply with all applicable federal, state, and local laws and regulations.

X. CERTIFICATION OF COMPLIANCE

69. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is complying with applicable provisions of Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and corresponding Maryland UST Management Program regulations, set forth at COMAR § 26.10.01 *et seq.*

XI. RESERVATION OF RIGHTS

70. This Consent Agreement and the accompanying Final Order resolve only EPA’s claims for civil monetary penalties for the specific violations alleged against the Respondent in the Complaint. 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, 40 C.F.R. § 22.18(c). Further, EPA reserves any rights and remedies available to it under Subtitle I of RCRA and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO following its filing with the EPA Regional Hearing Clerk.

XII. PARTIES BOUND

71. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, Respondent, and Respondent’s successors, agents and assigns.

XIII. EFFECTIVE DATE

72. The effective date of this Consent Agreement and the accompanying Final Order (which is signed by the Regional Administrator of EPA Region III, or his designee, the Regional Judicial Officer), shall be the date the CAFO is filed with the EPA Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

XIV. ENTIRE AGREEMENT

73. This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding of the parties regarding settlement of all claims pertaining to the 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.

XV. EXECUTION

74. The person signing this Consent Agreement on behalf of Respondent acknowledges and certifies by his signature that he is fully authorized to enter into this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and the accompanying Final Order.

For Respondent:

Date:

2/13/15

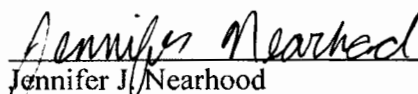


Lieutenant Colonel Anthony C. Satchell
Acting Superintendent
Maryland State Police

For Complainant:

Date:

3/2/15



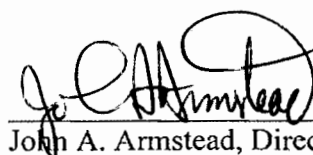
Jennifer J. Nearhood
Assistant Regional Counsel
U.S. EPA Region III

After reviewing the foregoing Consent Agreement and other pertinent information, the Land and Chemicals Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

Date:

3-10-15

By:



John A. Armstead, Director
Land and Chemicals Division

U.S. EPA, Region III

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

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Bel Air, MD 21014,)

Facilities,)

Maryland Department of State Police)
1201 Reisterstown Road)
Pikesville, Maryland 21208,)

Respondent.)

Docket No.: RCRA-03-2015-0081

**Proceeding Under Section 9006 of the
Resource Conservation and Recovery
Act, as amended, 42 U.S.C. Section
6991e**

CONSENT AGREEMENT

FINAL ORDER

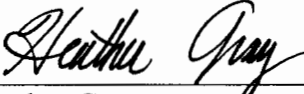
Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and the Respondent, Maryland Department of State Police ("MDSP or "Respondent"), have executed a document entitled "Consent Agreement" which I hereby ratify as a Consent Agreement in accordance 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. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein by reference.

NOW, THEREFORE, PURSUANT TO Section 22.18(b)(3) of the *Consolidated Rules of Practice* and Section 9006(c) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6991e(c), and based upon the representations of the parties set forth in the Consent Agreement that the civil penalty amount agreed to therein is based upon a consideration of the factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), **IT IS HEREBY**

ORDERED that Respondents shall pay a civil penalty in the amount of seven thousand eight hundred and twelve dollars (\$7812.00) and any applicable interest in accordance with the payment provisions set forth in the attached Consent Agreement, and comply with each of the additional terms and conditions of the Consent Agreement.

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

Date: 3-24-15



Heather Gray
Regional Judicial Officer
U.S. EPA, Region III

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

RECEIVED
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EPA REGION III PHILADELPHIA

In the Matter of:)

Bldg 2487 E. Perimeter Drive,)
Andrews AFB, MD 20762,)

and)

1401 Belair Road,)
Bel Air, MD 21014,)

Facilities,)

Maryland Department of State Police)
1201 Reisterstown Road)
Pikesville, Maryland 21208,)

Respondent.)
)
)

Docket No.: RCRA-03-2015-0081

**Proceeding Under Section 9006 of the
Resource Conservation and Recovery
Act, as amended, 42 U.S.C. Section
6991e**

CONSENT AGREEMENT

CERTIFICATE OF SERVICE

I certify that the foregoing CONSENT AGREEMENT AND FINAL ORDER in the above referenced matter was sent this day in the following manner to the below addressees.

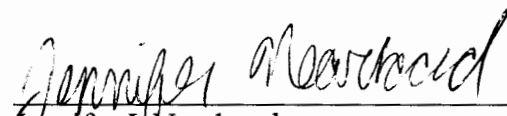
Original and One Copy by Hand-Delivery:

Lydia Guy, Regional Hearing Clerk

Copy by UPS Overnight:

Phillip M. Pickus
Maryland Department of State Police
1201 Reisterstown Road
Pikesville, Maryland 21208

3/25/2015
Date



Jennifer J. Nearhood
Assistant Regional Counsel
U.S. EPA, Region III

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