

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

REGIONAL HEARINGS CLERK
 EPA REGION III, PHILA.

2015 FEB -3 PM 12: 11

RECEIVED

IN RE: :
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 United States Department of the Army, :
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 :
 Respondent, :
 : **Docket No. RCRA-03-2015-0155**
 :
 United States Army Garrison, Fort Belvoir :
 Fort Belvoir, Virginia :
 :
 :
 Facility. :

CONSENT AGREEMENT

Preliminary Statement

This Consent Agreement (“CA”) is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“EPA” or “Complainant”) and the U.S. Department of the Army (“Respondent”), pursuant to Section 3008 of the Resource Conservation and Recovery Act, as amended (“RCRA”), 42 U.S.C. § 6928, 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 .18(b)(2) and (3).

Regulatory Background

This CA and the accompanying Final Order (collectively “CAFO”) resolve violations of 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 United States Army Garrison, Fort Belvoir, Fort Belvoir, 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 July 21, 2014. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), EPA has notified Virginia of EPA's intent to enter into a CAFO with Respondent resolving the RCRA 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 RCRA 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 RCRA, Subtitle C, 42 U.S. C. §§ 6921- 6939e, 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 United States Army Garrison, Fort Belvoir, 9820 Flagler Road, Fort Belvoir, Virginia 22060 (the "Facility").

12. EPA conducted an inspection of Respondent's Facility on February 25 – 28, 2013 ("EPA Inspection").

COUNT I (RCRA SUBTITLE C-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 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 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 40 C.F.R. § 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 he has been granted an extension to the 90-day period.

Weekly Inspection

20. 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i), requires (through the incorporation by reference of 40 C.F.R. § 265.174) that areas where containers are stored must be inspected at least weekly.
21. At the time of the EPA Inspection, the Facility could not produce documentation that the storage area in Building 1495 had been inspected from March 7, 2011, through May 13, 2011.
22. Respondent violated 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i), by failing to inspect the storage area in Building 1495 from March 7, 2011, through May 13, 2011.

Open Containers

23. 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.173(a), provides that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
24. At the time of the EPA Inspection, the EPA inspector observed an open 5-gallon container used to accumulate used blast booth media in Building 331. The blast booth media is a hazardous waste. At the time of this observation waste was not being added or removed from the container.
25. Respondent violated 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.173(a), by failing to keep the 5-gallon container in Building 331 closed during storage, even though it was not necessary to add or remove waste at the time of the EPA Inspection.
26. Because Respondent did not comply with the requirements concerning weekly inspections, as described in Paragraphs 20-22, above, and did not keep its containers closed during storage, except when necessary to add or remove waste from such containers, as described in Paragraphs 23-25, above, Respondent failed to satisfy the conditions set forth at 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34, for a generator to qualify for an exemption from the permit and/or interim status requirements of RCRA Section 3005(a) and (e), 42 U.S.C. § 6925(a) and (e), and 9 VAC 20-60-270 for the hazardous waste management activities described in Paragraphs 20-25,

above.

27. 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 Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e).
28. Because of the activities alleged in Paragraphs 20-25, 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—WEEKLY INSPECTION)

29. Paragraphs 1 through 28 of the CAFO are incorporated by reference as though fully set forth herein.
30. 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.174, requires that areas where containers are stored must be inspected at least weekly.
31. At the time of the EPA Inspection, the Facility could not produce documentation that the storage area in Building 1495 had been inspected from March 7, 2011, through May 13, 2011.
32. Respondent violated 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.174, by failing to inspect the storage area in Building 1495 from March 7, 2011, through May 13, 2011.

COUNT III (RCRA—OPEN CONTAINER)

33. Paragraphs 1 through 32 of the CAFO are incorporated by reference as though fully set forth herein.
34. 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.173(a), provides that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
35. At the time of the EPA Inspection, the EPA inspector observed an open 5-gallon container used to accumulate used blast booth media in Building 331. The blast booth media is a hazardous waste. At the time of this observation waste was not being added or removed from the container.
36. At the time of the EPA Inspection, Respondent violated 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.173(a), by failing to keep the 5-gallon container in Building 331 closed during storage, even though it was not necessary to add

or remove waste at the time of the EPA Inspection.

COUNT IV (RCRA-UNIVERSAL WASTE)

37. Paragraphs 1 through 36 of the CAFO are incorporated by reference as though fully set forth herein.
38. 9 VAC 20-60-273 incorporates by reference the definitions of 40 C.F.R. § 273.9, which provides in relevant part the following definition of lamp: "Lamp also referred to as 'universal waste lamp' is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps."
39. 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.
40. At the time of the EPA Inspection, at Building 2292- AMSA-91, 359th detachment, the EPA inspectors observed a locker located outside which contained one waste fluorescent tube in an open bucket. Lamps were neither being added nor removed to this bucket at the time of the observation.
41. At the time of the EPA Inspection, at Building 332, the EPA inspectors observed two waste fluorescent tubes leaning against a wall inside the building.
42. At the time of the EPA inspection, at the 21st Street debris collection and management area, there were six light poles containing high pressure sodium bulbs. Although the light poles themselves were being stored for potential future re-use, the high pressure sodium bulbs were universal waste lamps.
43. Respondent violated 9 VAC 20-60-273, which incorporates by reference the requirements of 40 C.F.R. § 273.13(d)(1), by not placing the universal waste lamps referenced in Paragraphs 40, 41 and 42 in containers or packages that were structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. In addition, Respondent did not place the universal waste lamps referenced in Paragraphs 40, 41 and 42 in containers that remained closed.

COUNT V (RCRA-UNIVERSAL WASTE)

44. Paragraphs 1 through 43 of the CAFO are incorporated by reference as though fully set

forth herein.

45. 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.
46. At the time of the EPA Inspection, at Building 2292- AMSA-91, 359th detachment, the EPA inspectors observed a locker located outside which contained one waste fluorescent tube in an open bucket. The bucket was unlabeled and unmarked at the time of the observation.
47. At the time of the EPA Inspection, at Building 332, the EPA inspectors observed two waste fluorescent tubes leaning against a wall inside the building. The two waste fluorescent tubes did not have any markings or labels.
48. At the time of the EPA inspection, at the 21st Street debris collection and management area, there were six light poles containing high pressure sodium bulbs. Although the light poles themselves were being stored for potential future re-use, the high pressure sodium bulbs were universal waste lamps. The bulbs did not have any markings or labels.
49. Respondent violated 9 VAC 20-60-273, which incorporates by reference the requirements of 40 C.F.R. § 273.14(e) by not having the universal waste lamps referenced in Paragraphs 46, 47 and 48 appropriately labeled.

COUNT VI (RCRA-UNIVERSAL WASTE)

50. Paragraphs 1 through 49 of the CAFO are incorporated by reference as though fully set forth herein.
51. 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.
52. At the time of the EPA Inspection at Building 2292- AMSA-91, 359th detachment, the EPA inspectors observed a locker located outside which contained one waste fluorescent tube in an open bucket which did not have an accumulation start date.
53. At the time of the EPA Inspection, at Building 332, the EPA inspectors observed two waste fluorescent tubes leaning against a wall inside the building which did not have an accumulation start date.
54. At the time of the EPA inspection, at the 21st Street debris collection and management

area, there were six light poles containing high pressure sodium bulbs. Although the light poles themselves were being stored for potential future re-use, the high pressure sodium bulbs were universal waste lamps. The bulbs did not have an accumulation start date.

55. 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 universal waste had been accumulating with respect to the universal waste lamps referenced in Paragraphs 52, 53 and 54.

COUNT VII (RCRA SUBTITLE C-USED OIL)

56. Paragraphs 1 through 55 of the CAFO are incorporated by reference as though fully set forth herein.
57. 9 VAC 20-60-279, which incorporates by reference the provisions of 40 C.F.R. § 279.22(c), requires, in relevant part, that containers of used oil be labeled or marked with the words “used oil.”
58. At the time of the EPA Inspection, a 55-gallon drum containing used oil at Building 332 had no labels or markings identifying the contents.
59. Respondent violated 9 VAC 20-60-279, which incorporates by reference the provisions of 40 C.F.R. § 279.22(c), by having a drum of used oil without any labels or markings with the words “used oil.”

CIVIL PENALTY

60. Respondent consents to the assessment of a civil penalty of seventeen thousand six hundred dollars (\$17,600.00) in full satisfaction of all claims for civil penalties for the violations alleged in the above alleged seven 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.
61. For the violations alleged in Counts I - VII, 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*, 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)*, 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.

62. Payment of the civil penalty amount required under the terms of Paragraph 60, 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-03-2015-0055);
- 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 Bryson Lehman at 513-487-2123.

- 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
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 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. 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

63. 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 62 above, shall be resolved by negotiation between the EPA and Respondent or by referral to the General Accounting Office.

EFFECT OF SETTLEMENT

64. Payment of the penalty specified in Paragraph 60, above, in the manner set forth in Paragraph 62, above, and compliance with all other terms of this CAFO shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have under RCRA Subtitle C for the specific violations alleged in Counts I - VII, 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

65. 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 RCRA, 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

66. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Sections 3008 of RCRA, 42 U.S.C. § 6928, 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

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

68. 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 Consent Agreement and to bind the Respondent to it.

EFFECTIVE DATE

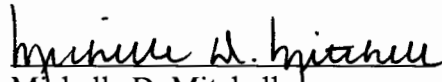
69. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

For Respondent:

The United States Department of the Army

16 Dec 14

Date

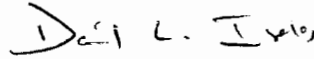

Michelle D. Mitchell
Colonel, U.S. Army

For Complainant:

U.S. Environmental Protection Agency,
Region III

11/5/15

Date

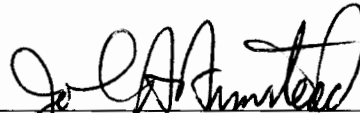


Daniel L. Isales
Assistant Regional Counsel
U.S. EPA - Region III

Accordingly, I hereby recommend that the Regional Administrator or his designee, the Regional Judicial Officer, issue the Final Order attached hereto.

1.8.15

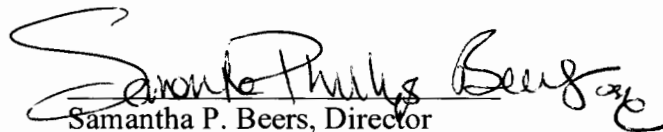
Date



John A. Armstead, Director
Land and Chemicals Division

1.9.15

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
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

IN RE:	:
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United States Department of the Army,	:
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Respondent,	:
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	: Docket No. RCRA-03-2015-0055
United States Army Garrison, Fort Belvoir	:
Fort Belvoir, Virginia	:
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	:
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 the Army, 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 Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a), EPA's 2003 RCRA Civil Penalty Policy, and the Consolidated Rules of Practice. **IT IS HEREBY ORDERED** that Respondent pay a penalty of seventeen thousand six hundred dollars (\$17,600.00) and comply with the terms and conditions of the 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-03-2015-0055).

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.

1-29-15
Date



Heather Gray
Regional Judicial Officer
U.S. Environmental Protection Agency, Region III