

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)).

2. This Consent Agreement and the attached Final Order, hereinafter collectively referred to as the “CAFO,” resolve the violations EPA has alleged of Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and the State of Virginia’s federally authorized Underground Storage Tank (“UST”) Program by the Respondent.

3. The violations alleged by the Complainant occurred at the Respondent’s twelve facilities listed and described in Appendix A to this CAFO, the Alban facility, the Jermantown facility, and the North County Government Center (all fifteen facilities together referred to hereafter as the “Facilities”).

4. In accordance with 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3), Complainant hereby simultaneously commences and resolves, as part of the settlement set forth herein, EPA’s civil claims alleged in Section III (“Findings of Fact and Conclusions of Law”) of this Consent Agreement.

II. GENERAL PROVISIONS

5. The settlement agreed to by the parties in this Consent Agreement reflects the desire of the parties to resolve this matter without litigation.

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

7. For purposes of this proceeding only, the Respondent admits the jurisdictional allegations set forth in this CAFO.

8. Except as provided in Paragraph 7 of this Consent Agreement, for purposes of this proceeding, the Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this Consent Agreement.

9. The Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this CAFO.

10. For purposes of this proceeding only, the Respondent hereby expressly waives any right to contest any issue of law or fact set forth in this Consent Agreement and any right to appeal the accompanying Final Order.

11. Each Party to this Consent Agreement shall bear its own costs and attorney’s fees in connection with this proceeding.

12. The Respondent, by signing this Consent Agreement, certifies, to the best of its knowledge, to EPA that Respondent, as of the date of this CA, is in compliance with the provisions of Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and the Commonwealth of Virginia's UST Management Program regulations set forth at 9 VAC § 25-580-10 *et seq.*, at the Facilities referenced in this Consent Agreement.

13. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the Respondent and Respondent's successors and assigns.

14. 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 Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, or any regulations promulgated thereunder.

15. The Respondent is aware that the submission of false or misleading information to the United States government may subject the Respondent to separate civil and/or criminal liability. Complainant reserves the right to seek and obtain appropriate relief if Complainant obtains evidence that the information provided and/or representations made by the Respondent to Complainant regarding the matters at issue in the Findings of Fact and Conclusions of Law are false or, in any material respect, inaccurate.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

16. In accordance with 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and (3), Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.

17. Pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, a state may administer a state UST management program in lieu of the Federal Underground Storage Tank Management Program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m. Effective October 28, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, EPA granted the Commonwealth of Virginia final approval to administer a state underground storage tank management program ("Virginia UST Management Program") in lieu of the Federal Underground Storage Tank Management Program established under Subtitle I. See 63 *Fed. Reg.* 51528 (September 28, 1998).

18. Through this final approval, the provisions of the Virginia UST Management Program became requirements of RCRA Subtitle I and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. The Virginia UST Management Program's regulations are set forth in the Virginia Administrative

Code as Underground Storage Tanks (“VA UST Regulations”), 9 VAC § 25-580-10 *et seq.* For purposes of federal enforcement of the Virginia UST Management Program, the VA UST Regulations cited above are those regulations in effect when EPA granted the Commonwealth of Virginia final approval to administer the Virginia’s UST management program.

19. On December 7, 2015, EPA gave the Commonwealth of Virginia notice of the issuance of this CAFO in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

20. The Respondent is a “person” as defined in Section 9001 of RCRA, 42 U.S.C. § 6991, and in 9 VAC § 25-280-10.

21. At all times relevant to this CAFO, the Respondent has been the “owner” and/or “operator” of “underground storage tanks” (“USTs”) and “UST systems,” as those terms are defined in Section 9001 of RCRA, 42 U.S.C. § 6991, and 9 VAC § 25-280-10, located at the Facilities.

22. On April 24, 2014, an EPA representative conducted a Compliance Evaluation Inspection (“CEI”) of the Fairfax County Department of Vehicle Services (DVS) – Alban facility (“Alban”) pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.

23. At the time of the April 24, 2014 CEI, and at all times relevant to the applicable violations alleged herein, five USTs were located at Alban:

- A. One tank was a ten thousand (10,000) gallon tank constructed of single walled composite material that was installed on or about October 1988 with single walled piping composed of fiberglass and, which, at all times relevant hereto, routinely contained diesel fuel (“Alban-Tank One”);
- B. One tank was a ten thousand (10,000) gallon tank constructed of single walled composite material that was installed on or about October 1988 with single walled piping composed of fiberglass and, which, at all times relevant hereto, routinely contained regular gasoline (“Alban-Tank Two”);
- C. One tank was an eight thousand (8,000) gallon tank constructed of single walled composite material that was installed on or about October 1988 with single walled piping composed of steel and, which, at all times relevant hereto, routinely contained motor oil (“Alban-Tank Three”);
- D. One tank was a two thousand (2,000) gallon tank constructed of single walled composite material that was installed on or about October 1988 with single walled piping composed of copper and, which, at all times relevant hereto, routinely contained diesel fuel (“Alban-Tank Four”); and

- E. One tank was a four thousand (4,000) gallon tank constructed of single walled composite material that was installed on or about October 1988 with single walled piping composed of an unknown material and, which, at all times relevant hereto, routinely contained used oil (“Alban-Tank Five”).

24. On April 25, 2014, an EPA representative conducted a Compliance Evaluation Inspection (“CEI”) of the Jermantown Maintenance Facility (“Jermantown”) pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.

25. At the time of the April 25, 2014 CEI, and at all times relevant to the applicable violations alleged herein, six USTs were located at Jermantown:

- A. One tank was a ten thousand (10,000) gallon tank constructed of double walled steel that met the sti-P₃ standard and that was installed on or about April 1994 with double walled piping composed of fiberglass reinforced plastic, which at all times relevant hereto, routinely contained regular gasoline (“Jermantown-Tank One”);
- B. One tank was a ten thousand (10,000) gallon tank constructed of double walled steel that met the sti-P₃ standard and that was installed on or about April 1994 with double walled piping composed of fiberglass reinforced plastic, which at all times relevant hereto, routinely contained regular gasoline (“Jermantown-Tank Two”);
- C. One tank was a ten thousand (10,000) gallon tank constructed of double walled steel that met the sti-P₃ standard and that was installed on or about April 1994 with double walled piping composed of fiberglass reinforced plastic, which at all times relevant hereto, routinely contained diesel fuel (“Jermantown-Tank Three”);
- D. One tank was an eight thousand (8,000) gallon tank constructed of composite material that was installed on or about July 1988 with double walled fiberglass-reinforced plastic piping, which, at all times relevant hereto, routinely contained motor oil (“Jermantown-Tank Four”);
- E. One tank was a two thousand (2,000) gallon tank constructed of composite material that was installed on or about January 1988 with double walled fiberglass-reinforced plastic piping, which, at all times relevant hereto, routinely contained used oil (“Jermantown-Tank Five”); and
- F. One tank was a one thousand (1,000) gallon double walled tank constructed of steel that was clad with polyurethane (ACT-100) and was installed on or about February 2012 with double walled fiberglass

reinforced plastic piping, which, at all times relevant hereto, routinely contained diesel fuel (“Jermantown-Tank Six”).

26. At all times relevant to the applicable violations alleged herein, four USTs were located at the North County Government Center;

- A. One tank was a ten thousand (10,000) gallon tank constructed of fiberglass that was installed on or about January 1983 with single walled fiberglass reinforced plastic piping, which at all times relevant hereto routinely contained diesel fuel (“North County Tank One”).
- B. One tank was a ten thousand (10,000) gallon tank constructed of fiberglass that was installed on or about January 1983 with single walled fiberglass reinforced plastic piping, which at all times relevant hereto routinely contained diesel fuel (“North County Tank Two”).
- C. One tank was a ten thousand (10,000) gallon tank constructed of fiberglass that was installed on or about January 1983 with single walled fiberglass reinforced plastic piping, which at all times relevant hereto routinely contained gasoline (“North County Tank Three”).
- D. One tank was a ten thousand (10,000) gallon tank constructed of fiberglass that was installed on or about January 1983 with single walled fiberglass reinforced plastic piping, which at all times relevant hereto routinely contained gasoline (“North County Tank Four”).

27. At all times relevant to the applicable violations alleged herein, USTs were located at the Respondent’s facilities listed in Appendix A (the “Appendix A Facilities”). The USTs, listed in the tables in Appendix A, had the capacity, were constructed, were installed, and, at all times relevant hereto, routinely contained petroleum products, all as described in the appendix tables.

28. At all times relevant to the applicable violations alleged in this Consent Agreement, the tanks at the Appendix A Facilities have been used to store gasoline and diesel fuel, which are petroleum products. These liquids are “regulated substances,” as that term is defined in Section 9001 of RCRA, 42 U.S.C. § 6991, and 9 VAC § 25-280-10. The tanks at the Appendix A Facilities and their associated piping therefore constitute “petroleum UST systems,” as that term is defined in 9 VAC § 25-280-10.

29. On January 20, 2015, EPA requested information from the Respondent about the sump sensors that the Respondent used to detect leaks from its UST piping at

the Appendix A Facilities, at Jermantown, and at the facilities listed in Appendix B (the “Appendix B Facilities”) (“January 20 Request”).

30. The January 20 Request specifically asked to have a certified licensed contractor certify that the sump sensors at the facilities referenced in Paragraph 29 could detect leaks of three gallons per hour at ten pounds per square inch line pressure within one hour, the standard for automatic line leak detectors set in 9 VAC § 25-580-170(1) and 40 C.F.R. § 280.44(a).

31. In response to the January 20 Request, the Respondent contracted with a private certified and licensed firm to test the sump sensors at each of the facilities referenced in Paragraph 29 and that firm thereafter conducted the test specified by the EPA in the January 20 Request at each of those facilities.

32. The Respondent replied to the January 20 Request on May 15, June 12, and July 7, 2015 with the testing results for its sump sensors (“Sump Sensor Data”) at the facilities referenced in Paragraph 29.

33. The Sump Sensor Data’s testing results were from tests conducted in accordance with the January 20 Request. The Sump Sensor Data shows that the sump sensors at the Appendix A Facilities and at Jermantown did not meet the standard for automatic line leak detectors. The Sump Sensor Data shows that the sump sensors at the Appendix B Facilities did meet the standard for automatic line leak detectors. Therefore, the Sump Sensor Data shows that the Appendix B Facilities were able to meet the requirements for annual automatic line leak detector testing and conducting secondary piping release detection. Thus, in light of the Sump Sensor Data’s results, no penalties need to be assessed for the Appendix B Facilities.

Count 1

(Failure to perform automatic line leak detector testing annually)

34. Paragraphs 1 through 33 of this Consent Agreement are incorporated by reference as if fully set forth herein.

35. Pursuant to 9 VAC § 25-580-130.A and C, owners and operators of new and existing UST systems must provide a method or combination of methods that can detect a release from underground piping and that meets the requirements described in the regulations.

36. 9 VAC § 25-580-140.2.a(1) provides, in pertinent part, that underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector conducted in accordance with 9 VAC § 25-580-170.1.

37. 9 VAC § 25-580-170.1 provides, in pertinent part, that an annual test of the operation of the line leak detector shall be conducted in accordance with the manufacturer's requirements.

38. From at least October 1 2010, to April 18, 2011, and April 18, 2012, to April 22, 2014, the Respondent did not test the operation of the line leak detectors for the piping on Alban-Tank One and Alban-Tank Two.

39. From at least October 1 2010, to April 19, 2011, and April 19, 2012, to March 11, 2014, the Respondent did not test the operation of the line leak detectors for piping on Jermantown-Tanks One, Two, and Three.

40. Based on information voluntarily supplied by the Respondent, from at least September 26, 2012, to August 27, 2014, the Respondent did not test the operation of the line leak detectors for piping on North County Tanks.

41. From at least January 21, 2014, to January 20, 2015, the Respondent did not test the sump sensors at the Appendix A Facilities and at Jermantown.

42. The Respondent has violated 9 VAC 25-580-170(1) by not annually testing the line leak detectors at the Facilities.

43. The Respondent's failure to annually test the line leak detectors constitutes separate violations of 9 VAC 25-580-170(1) for each day that the tanks specified in Paragraphs 38 through 41 contained petroleum products.

Count 2

(Failure to conduct secondary piping release detection)

44. Paragraphs 1 through 43 of this Consent Agreement are incorporated by reference as if fully set forth herein.

45. Pursuant to 9 VAC 25-580-140(2)(a)(2), all owners and operators of petroleum UST systems must have an annual line tightness test or have monthly monitoring of the UST pressurized piping.

46. The requirement of 9 VAC 25-580-140(2)(a)(2) is otherwise known as the requirement to have secondary piping release detection.

47. From at least October 1, 2010, to April 18, 2011 and from at least April 18, 2012 to April 22, 2014, the Respondent did not conduct secondary piping release detection in accordance with 9 VAC 25-580-140(2)(a)(2) at Alban.

48. From at least September 26, 2012 to August 27, 2014, the Respondent did not conduct secondary piping release detection in accordance with 9 VAC 25-580-140(2)(a)(2) at the North County Government Center.

49. The Respondent has violated 9 VAC 25-580-140(2)(a)(2) by not conducting secondary piping release detection in accordance with 9 VAC 25-580-140(2)(a)(2).

50. The Respondent's failure to conduct secondary piping release detection at Alban and the North County Government Center constitutes separate violations of 9 VAC 25-580-140(2)(a)(2) for each day that the tanks contained petroleum.

IV. CIVIL PENALTY

51. Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2), authorizes the Administrator of EPA to assess a penalty not to exceed \$ 10,000 for each tank for each day of violation of any requirement or standard promulgated by EPA under Section 9003 of RCRA, 42 U.S.C. § 6991b, or that is part of an authorized state underground storage tank program that EPA has approved by pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c. Pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, Pub. L. 101-410, as amended, and its implementing regulation, the *Adjustment of Civil Monetary Penalties for Inflation* Rule, codified at 40 C.F.R. Part 19, EPA has subsequently raised the maximum civil penalty not to exceed \$11,000 for each tank for each day of violation for all violations occurring from March 15, 2004 through January 12, 2009, and to \$16,000 for each tank for each day of violation for all violations occurring after January 12, 2009 and to the present.

52. In this matter, in settlement of EPA's claims for civil penalties assessable for the violations alleged in this Consent Agreement, the Respondent consents to the assessment of a civil penalty in the amount of sixty-four thousand, four hundred and fifty dollars (\$64,450.00) which the Respondent shall be liable to pay in accordance with the terms set forth below.

53. Interest on the Penalty:

a. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest on outstanding debts owed to the United States. Accordingly, Respondent's failure to make timely payment as specified in this Consent Agreement and Final Order shall result in the assessment of late payment charges including, interest. EPA does not require local governments such as the Respondent to pay administrative costs and late payment penalties for an outstanding debt.

b. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a true and correct copy of this CAFO is mailed or hand-delivered to 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 rate in accordance with 40 C.F.R. § 13.11(a).

54. EPA represents that the settlement terms of this Consent Agreement are reasonable.

55. The Complainant states the following:

a. The settlement amount is based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), *i.e.*, the seriousness of the violation and the Respondent's good faith efforts to comply with the applicable requirements, including the Respondent's timely corrective action and the Respondent's cooperation in the investigation;

b. Section 9006(e) of RCRA, 42 U.S.C. § 6991e(e) authorizes EPA to also take into consideration the compliance history of the owner or operator and any other factors that EPA considers appropriate;

c. EPA applied these factors to the particular facts and circumstances of this case with specific reference to EPA's *Penalty Guidance for Violations of UST Regulations ("UST Penalty Guidance")*;

d. In applying these factors, EPA took into account that the last amendment to 40 C.F.R. Part 19 (See 73 Fed. Reg. 75340 (2008)), 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*, and the December 6, 2013 memorandum by EPA Assistant Administrator Cynthia Giles, *Amendments to the U. S. Environmental Protection Agencies' Civil Penalty Policies to Account for Inflation*; and

e. The Nakayama and Giles memorandums modified the *UST Penalty Guidance* and authorized EPA to assess penalties using penalty matrix values larger than those stated in the *UST Penalty Guidance*.

56. Payment of the civil penalty amount required under the terms of Paragraph 52, above, shall be made as follows:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, that is, RCRA-03-2016-0107;
- 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
P.O. Box 979077
St. Louis, MO 63197-9000

Contact: Craig Steffen 513-487-2091

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

US Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

Contact: Craig Steffen 513-487-2091

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

Cincinnati Finance
U.S. EPA, MS-NWD
26 W ML King Drive
Cincinnati, OH 45268-0001

- f. All electronic payments made through Fedwire (generally for foreign 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
Beneficiary: US Environmental Protection Agency

- g. All electronic payments made through the automated clearinghouse (ACH) using the US Treasury's Vendor Express Program shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

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

Contact customer assistance at the closest Regional Finance Center for more information about Vendor Express. See <http://fms.treas.gov/aboutfms/locations.html> for the locations of centers.

- h. On-Line Payment Option for credit and debit card payments:

WWW.PAY.GOV

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

- i. Additional payment guidance is available at:

<http://www2.epa.gov/financial/makepayment>

57. At the same time that any payment is made, Respondent shall mail copies of any corresponding check, or provide written notification confirming any electronic wire transfer, automated clearinghouse or online payment to the following addresses:

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

and

Philip Yeany
Sr. Asst. Regional Counsel (3RC50)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

V. EFFECT OF SETTLEMENT

58. This CAFO constitutes a settlement by EPA of all of its claims for civil penalties pursuant to Section 9006(a) of RCRA, 42 U.S.C. § 6991e(a), for the violations alleged in this Consent Agreement, namely, the failure to perform an annual line leak detection test or to perform secondary piping release detection at Alban, Jermantown, North County Government Center, and any of the Appendix A Facilities during the time period from October 10, 2010, through January 20, 2015. This settlement resolves Respondent's liability for Federal civil penalties for the violations and facts alleged in this Consent Agreement. 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.

VI. RESERVATION OF RIGHTS

59. This Consent Agreement and the accompanying Final Order resolve EPA's claims for civil monetary penalties for the violations alleged in Section III ("Findings of Fact and Conclusions of Law") herein. 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. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in 40 C.F.R. § 22.18(c).

VII. AUTHORITY TO BIND THE PARTIES

60. The undersigned representative of the Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and bind Respondent hereto.

VIII. EFFECTIVE DATE

61. The effective date of this Consent Agreement and the accompanying Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA Region III, or his designee, the Regional Judicial Officer, and the Consent Agreement are filed with the EPA Regional Hearing Clerk pursuant to the *Consolidated Rules of Practice*.

IX. ENTIRE AGREEMENT

62. 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.

In Re: Fairfax County Government
RCRA-03-2016-0107

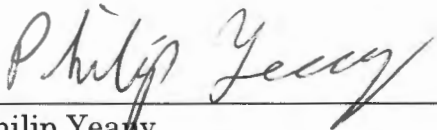
For Fairfax County, Virginia:

Date: 6/28/2018

Edward L. Lyb

For Complainant:

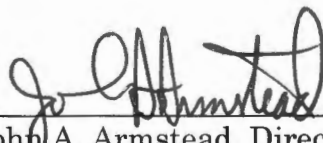
Date: 7/22/16



Philip Yeary
Senior Assistant
Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, I hereby recommend that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

Date: 8.2.16



John A. Armstead, Director
Land and Chemicals Division
U.S. EPA Region III

APPENDIX A

JEFFERSON HIGH SCHOOL
6560 Braddock Road
Alexandria, VA

JEFFERSON HIGH SCHOOL					
Tank Number	Capacity (gallons)	Liquid Routinely Contained n Tank	Tank Construction Material	Pipe Construction Material	Approximate Installation Date
1	15,000	Diesel	Double walled ACT100 Type II	Double walled flex	8/2005

LORTON FIRE STATION #19
7701 Armistead Road
Lorton, VA 22079

LORTON FIRE STATION #19					
Tank Number	Capacity (gallons)	Liquid Routinely Contained n Tank	Tank Construction Material	Pipe Construction Material	Approximate Installation Date
1	5000	Gasoline	Double walled ACT 100 Type II	Double walled flex	2/2002
2	5000	Diesel	Double walled ACT 100 Type II	Double Walled flex	2/2002

MCLEAN FIRE STATION #1
 1455 Laughlin Avenue
 McLean, VA 22101

MCLEAN FIRE STATION #1					
Tank Number	Capacity (gallons)	Liquid Routinely Contained n Tank	Tank Construction Material	Pipe Construction Material	Approximate Installation Date
1	2000	Diesel	Double walled ACT 100 Type II	Double walled flex	11/2012

STONECROFT TRANSPORTATION
 4641 Stonecroft Boulevard
 Chantilly, VA

STONECROFT TRANSPORTATION					
Tank Number	Capacity (gallons)	Liquid Routinely Contained n Tank	Tank Construction Material	Pipe Construction Material	Approximate Installation Date
1	15,000	Diesel	Double walled ACT100 Type II	Double walled flex	8/2003

WEST SPRINGFIELD POLICE
 6140 Rolling Road
 Springfield, VA

WEST SPRINGFIELD POLICE					
Tank Number	Capacity (gallons)	Liquid Routinely Contained in Tank	Tank Construction Material	Pipe Construction Material	Approximate Installation Date
1	10,000	Gasoline	Double walled ACT100 Type II	Double walled flex	4/2005

FC HERNDON BUS OPS
 268 Spring Street
 Herndon, VA 20170

FC HERNDON BUS OPS					
Tank Number	Capacity (gallons)	Liquid Routinely Contained in Tank	Tank Construction Material	Pipe Construction Material	Approximate Installation Date
1	15,000	Diesel	Double walled ACT100 Type II	Double walled flex	9/2004
2	15,000	Diesel	Double walled ACT100 Type II	Double walled flex	9/2004

GREAT FALLS FIRE STATION #12
 9916 Georgetown Pike
 Great Falls, VA 22066

GREAT FALLS FIRE STATION #12					
Tank Number	Capacity (gallons)	Liquid Routinely Contained n Tank	Tank Construction Material	Pipe Construction Material	Approximate Installation Date
1	2000	Diesel	Double walled ACT100 Type II	Double walled flex	1/2011
2	1000	Gasoline	Double walled ACT100 Type II	Double walled flex	1/2011

LINE MAINTENANCE PROPERTY YARD
 6000 Fred's Oak Road
 Burke, VA 22015

LINE MAINTENANCE PROPERTY YARD					
Tank Number	Capacity (gallons)	Liquid Routinely Contained n Tank	Tank Construction Material	Pipe Construction Material	Approximate Installation Date
1	20,000	Diesel	Double walled ACT100 Type II	Double walled flex	2/2002
2	20,000	Diesel	Double walled ACT100 Type II	Double walled flex	2/2002

WEST DRIVE PROPERTY YARD
 10635 West Drive
 Fairfax, VA 22030

WEST DRIVE PROPERTY YARD					
Tank Number	Capacity (gallons)	Liquid Routinely Contained n Tank	Tank Construction Material	Pipe Construction Material	Approximate Installation Date
1	6000	Gasoline	Double walled ACT100 Type II	Double walled flex	11/1999
2	4000	Diesel	Double walled ACT100 Type II	Double walled flex	11/1999

WOODSON SUPPORT CENTER
 9515 Main Street
 Fairfax, VA

WOODSON SUPPORT CENTER					
Tank Number	Capacity (gallons)	Liquid Routinely Contained n Tank	Tank Construction Material	Pipe Construction Material	Approximate Installation Date
1	15,000	Gasoline	Double walled ACT100Type II	Double walled flex	4/2002
2	15,000	Diesel	Double Walled ACT100 Type II	Double walled	4/2002

FRYING PAN FIRE STATION
 2660 West Ox Road
 Herndon, VA 20171

FRYING PAN FIRE STATION					
Tank Number	Capacity (gallons)	Liquid Routinely Contained n Tank	Tank Construction Material	Pipe Construction Material	Approximate Installation Date
1	5000	Diesel	Double Walled ACT 100 Type II	Double walled flex	11/2012

FAIRFAX CONNECTOR BUS WEST
 4950 Alliance Drive
 Fairfax, VA 22035

FAIRFAX CONNECTOR BUS WEST					
Tank Number	Capacity (gallons)	Liquid Routinely Contained n Tank	Tank Construction Material	Pipe Construction Material	Approximate Installation Date
1	20,000	Diesel	Double Walled ACT 100 Type II	Double Walled flex	6/2008
2	20,000	Diesel	Double Walled Act 100 Type II	Double Walled flex	6/2008
3	20,000	Diesel	Double Walled Act100 Type II	Double Walled flex	6/2008
4	15,000	Gasoline	Double Walled ACT100 type II	Double Walled flex	6/2008

APPENDIX B

1. Fair Oaks Government Center 12300 Lee-Jackson Memorial Highway, Fairfax, VA 22033
2. Fairview Fire Station No. 32 5600 Burke Center Parkway, Fairfax Station, VA 22039
3. Falls Church High School 7521 Jaguar Trail, Falls Church, VA 22042
4. Fox Mill Fire Station No. 31 2610 Reston Parkway, Herndon, VA 20171
5. Franconia Fire Station No. 5 6300 Beulah Street, Alexandria, VA 22310
6. Government Center 12000 Government Center Pkwy, Fairfax, VA 22035
7. Herndon Middle School 901 Locust Street, Herndon, VA 20170
8. Kingstowne Fire Station No. 37 7936 Telegraph Road, Alexandria, VA 22315
9. Marshall High School 7731 Leesburg Pike, Falls Church, VA 22043
10. McLean Government Center 1437 Balls Hill Road, McLean, VA 22101
11. Merrifield Fire Station No. 30 8739 Lee Highway, Fairfax, VA 22031
12. Mt. Vernon Government Center 2511 Parkers Lane, Alexandria, VA 22306
13. Newington Connector Bus 4 8101 Cinder Bed Road, Lorton, VA 22079
14. Newington Maintenance/DVS 6900 Newington Road, Lorton, VA 22079
15. Pohick Fire Station No. 35 7801 Maritime Lane, Springfield, VA 22153
16. Police Administration Building 10600 Page Avenue, Fairfax, VA 22030
17. Seven Corners Fire Station No. 28 2949 Sleepy Hollow Road, Falls Church, VA 22044
18. Springfield Fire Station No. 22 7011 Backlick Road, Springfield, VA 22150
19. Sully Police/Government Ctr. 4900 Stonecroft Boulevard, Chantilly, VA 20151
20. Tysons Corner Fire No. 29 1560 Spring Hill Road, McLean, VA 22102
21. West Ox Maintenance Facility/DVS 4620 West Ox Road, Fairfax, VA 22030
22. West Springfield High School 6100 Rolling Road, Springfield, VA 22152

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**


In the Matter of:	:	Consent Agreement and
	:	Final Order
Fairfax County Department of Vehicle	:	
Services (DVS) – Alban	:	U.S. EPA Docket Number
7245 Fullerton Road	:	RCRA-03-2016-0107
Springfield, VA 22150,	:	
	:	Proceeding Under Section 9006
North County Government Center	:	of the Resource Conservation
12000 Bowmantowne Drive	:	and Recovery Act, as amended,
Reston, VA 20190,	:	42 U.S.C. § 6991e
	:	
Jermantown Maintenance	:	
Facility	:	
3609 Jermantown Road	:	
Fairfax, VA 22030,	:	
	:	
<i>Et al.</i>	:	
	:	
Facilities of	:	
	:	
Fairfax County Government	:	
12000 Government Center Parkway	:	
Fairfax, VA 22035,	:	
	:	
Respondent.	:	

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and the above-captioned 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*, 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO 40 C.F.R. § 22.18(b)(3) and Section 9006(c) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6991e(c), and having determined, based on the representation in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the factors set forth in Sections 9006(c) and (d) of RCRA, 42 U.S.C. §§ 6991e(c) and (d), and EPA's *Penalty Guidance for Violations of UST Regulations* ("*UST Penalty Guidance*"), IT IS HEREBY ORDERED that Respondent pay a civil penalty of sixty-four thousand, four hundred and fifty dollars (\$64,450.00) in accordance with the payment provisions set forth in the attached Consent Agreement and comply with each of the additional terms and conditions as specified in the attached Consent Agreement. The effective date of the foregoing Consent Agreement and this FINAL ORDER is the date on which the Consent Agreement and this FINAL ORDER are filed with the EPA Regional Hearing Clerk.

Date: Aug 9, 2016



Joseph J. Lisa
Regional Judicial Officer
U.S. EPA, Region III