



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

REGULAR MAIL

March 10, 2009

Lori Weidner
U.S. Environmental Protection Agency
Cincinnati Finance Center
26 W. MLK Drive
Cincinnati, OH 45268

Re: **Accounts Receivable**
In the Matter of Government of the District of Columbia
Department of Public Works
Consent Agreements and Final Orders
Docket No. RCRA-03-2009-0087; Docket No. RCRA-03-2009-0088

Dear Ms. Weidner:

Enclosed please find a true and correct copy of the Consent Agreements and Final Orders, and the Enforcement Accounts Receivable Control Number Forms (EARCNF) filed with the Regional Hearing Clerk today in settlement of the above referenced subject matters.

Should you have any question or require further information, please feel free to call me at (215) 814-2681.

Sincerely,


Louis F. Ramalho
Sr. Asst. Regional Counsel

Enclosures

cc: Lydia Guy
Regional Hearing Clerk
U.S. EPA, Region III





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

FedEX
Signature Confirmation Requested

March 10, 2009

Ms. Pamela B. Washington
Assistant General Counsel
Office of Attorney General
Government of the District of Columbia
Department of Public Works
2000 14th Street., N.W.
Washington, DC 20009

RE: Consent Agreement and Final Order
Docket No. RCRA-03-2009-0087; Docket No. RCRA-03-2009-0088

Dear Ms. Washington:

Enclosed please find a true and correct copy of the Consent Agreements and Final Orders filed today with the Regional Hearing Clerk in settlement of the above referenced matters.

Thank you in-advance for your assistance in the resolution of these matters. Should you have any questions or concerns regarding this matter, please contact me at (215) 814-2681.

Sincerely,


Louis F. Ramalho
Senior Asst. Regional Counsel

cc M. Toffel (3LC70)

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE FILLED OUT BY ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: L. RAMALHO 3/3/09
Name of Contact person Date

in the ORC at 22601
Office Phone number

Non-SF Jud. Order/Consent Decree. DOJ COLLECTS
 Administrative Order/ Consent Agreement FMD COLLECTS PAYMENT

SF Jud. Order/Consent Decree. FMD COLLECTS

This is an original debt This is a modification

Name of Person and/or Company/Municipality making the payment
Dept of Public Works, DC Government

The Total Dollar Amount of Receivable \$ 9,950.00
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number PCA-03-2005-0088

The Site-Specific Superfund Acct. Number _____

The Designated Regional/HQ Program Office _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
Name of Contact Date

in the Financial Management Office, phone number: _____

JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:

1. U.S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-002)
Cincinnati, OH 45268
Attn: Lori Weidner
2. Originating Office (ORC)
3. Designated Program Office

ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:

1. Originating Office
Regional Hearing Clerk
2. Designated Program Office
3. Regional Counsel

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

In the Matter of:)	
)	
Fleet Management Administration)	
Department of Public Works)	U.S. EPA Docket Number
Government of the District of Columbia)	RCRA-03-2009-0088
1725 15 th Street, N.E.)	
Washington, D.C. 20002)	Proceeding Under Section 9006 of the
)	Resource Conservation and Recovery Act,
RESPONDENT,)	as amended, 42 U.S.C. Section 6991e
)	
DPW - Adams Place Fueling Facility)	
2200 Adams Place, NE)	
Washington, DC 20018)	
FACILITY 1,)	
)	
DPW - Washington Metropolitan Police)	
Department, 7 th District)	
2455 Alabama Avenue, SE)	
Washington, DC 20020)	
)	
FACILITY 2.)	

RECEIVED
 10/26/09
 10:28 AM
 REGION III
 PHILADELPHIA

CONSENT AGREEMENT

This Consent Agreement (“CA”) is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and the Fleet Management Administration of the Department of Public Works of the Government of the District of Columbia (“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”), 40 C.F.R. Part 22, including, specifically 40 C.F.R. §§ 22.13(b) and .18(b)(2) and (3).

This CA and the Final Order (collectively “CAFO”), resolve violations of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, and the District of Columbia’s federally authorized underground storage tank program by Respondent in connection with its underground storage tanks at Respondent’s facilities located at 2200 Adams Place (“Facility 1”), and 2455 Alabama Avenue (“Facility 2”), both located in Washington, D.C.

Effective May, 4, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the District of Columbia was granted final authorization to administer a state 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 District of Columbia UST management program, through this final authorization, are enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. The District of Columbia's authorized UST program regulations are set forth in the District of Columbia Municipal Regulations, Title 20, Chapters 55 *et seq.*, and will be cited hereinafter as 20 DCMR §§ 5500 *et seq.*

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 ("FO"), or the enforcement of the CAFO.
4. 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 CA and any right to appeal the accompanying FO.
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. The person signing this CA on behalf of the Respondent certifies to EPA by his signature herein that Respondent, as of the date of this CA, is in compliance with the provisions of RCRA, Subtitle I, 42 U.S.C. §§ 6991-6991m, and the District of Columbia's federally authorized underground storage tank program set forth at 20 DCMR §§ 5500 *et seq.* at the Facility referenced herein.
8. The provisions of this CAFO shall be binding upon Respondent, and its officers, directors, employees, 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 I, 42 U.S.C. §§ 6991-6991m, or any regulations promulgated thereunder.

10. Complainant shall have the right to institute further actions to recover appropriate relief if Complainant obtains evidence that the information provided and/or representations made by Respondent to EPA regarding matters at issue in the Complaint are false or, in any material respect, inaccurate. Respondent is aware that the submission of false or misleading information to the United States government may subject Respondent to separate civil and/or criminal liability.
11. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this Consent Agreement and the attached Final Order.
12. EPA has given the District of Columbia prior notice of the issuance of this CAFO in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

FACTUAL ALLEGATIONS AND CONCLUSIONS OF LAW

13. The United States Environmental Protection Agency - Region III ("EPA" or the "Region") and EPA's Office of Administrative Law Judges have jurisdiction over this matter pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, 40 C.F.R. Part 280 and 40 C.F.R. § 22.1(a)(4) and .4(c).
14. At all times relevant to the violations in this CAFO, Respondent has been the "owner" and/or "operator," as those terms are defined in Section 9001(3) and (4) of RCRA, 42 U.S.C. § 6991(3) and (4), and 20 DCMR § 6899.1, of the "underground storage tanks" ("USTs") and "UST systems" as those terms are defined in Section 9001(10) of RCRA, 42 U.S.C. § 6991(10), and 20 DCMR § 6899.1, located at 2200 Adams Place, Washington, D.C. ("Facility 1") and 2455 Alabama Avenue, Washington, D.C. ("Facility 2") (collectively the "Facilities"). Respondent is a "person" as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 20 DCMR § 6899.1.
15. On September 28, 2007, Respondent entered into a Consent Agreement, Final Order and Settlement Conditions Document with EPA to perform a Multi-Facility Underground Storage Tank Compliance Audit, EPA Docket No. RCRA-03-2007-0045.
16. On September 16, 2008, Archer, Inc. performed an audit of the Facilities on behalf of Respondent pursuant to the terms of the Settlement Conditions Document issued by the EPA to Respondent as indicated in Paragraph 15, above.

17. At the time of the September 16, 2008 audit, and at all times relevant to the applicable violations alleged herein, one (1) UST was located at Facility 1 as described in the following subparagraph:

Facility 1

- A. A ten thousand (10,000) gallon single-walled fiberglass reinforced plastic tank that was installed on or about January 1984, and that, at all times relevant hereto, routinely contained and was used to store diesel gasoline, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 20 DCMR § 6899.1 (hereinafter "UST No. 1").

18. At the time of the September 16, 2008 audit, and at all times relevant to the applicable violations alleged herein, one (1) UST was located at Facility 2 as described in the following subparagraph:

Facility 2

- A. A ten thousand (10,000) gallon double-walled fiberglass reinforced plastic tank that was installed on or about July 1986, and that, at all times relevant hereto, routinely contained and was used to store unleaded gasoline, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 20 DCMR § 6899.1 (hereinafter "UST No. 2").

19. At all times relevant to the applicable violations alleged in this CAFO, UST Nos. 1 and 2 have been "petroleum UST systems" and "existing tank systems" as these terms are defined in 20 DCMR § 6899.1.
20. USTs Nos. 1 and 2 are and were, at all times relevant to the applicable violations alleged in this CAFO, used to store "regulated substance(s)" at Respondent's Facilities, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 20 DCMR § 6899.1, and have not been "empty" as that term is defined at 20 DCMR § 6100.7.

FACILITY 1 VIOLATIONS

COUNT 1

(Failure to perform release detection)

21. The allegations of Paragraphs 1 through 20 of this CAFO are incorporated herein by reference.

22. 20 DCMR § 6000.1 provides that each owner and operator of a new or existing UST system shall provide a method, or combination of methods, of release detection that meets the requirements described therein.
23. Pursuant to 20 DCMR §§ 6003.1 through 6003.5, tanks which are part of a petroleum UST system must be monitored at least every 30 days for releases using one of the methods listed in 20 DCMR §§ 6008 through 6012, except that: (1) prior to December 22, 1995, certain UST systems could have been monitored using a combination of inventory control and tank tightness testing in compliance with the requirements of 20 DCMR §§ 6005 through 6007; and (2) tanks with a capacity of 550 gallons or less may use weekly tank gauging conducted in accordance with 20 DCMR § 6006.
24. From September 28, 2004 until May 31, 2006, Respondent's UST No. 1 was not monitored in compliance with any of the methods set forth in 20 DCMR § 6003.1 through 6003.5 and/or 20 DCMR §§ 6005 through 6012.
25. Respondent's acts and/or omissions as alleged in Paragraph 24, above, constitute violations by Respondent of 20 DCMR §§ 6000.1 and 6003.

FACILITY 2 VIOLATIONS

COUNT 2

(Failure to perform automatic line leak detector testing annually on piping)

26. The allegations of Paragraphs 1 through 25 of this CAFO are incorporated herein by reference.
27. 20 DCMR § 6000.2 provides that the owner and operator of each UST system, regardless of the date of installation, shall immediately comply with the release detection requirements for all pressurized piping as set forth in 20 DCMR §§ 6004.2 and 6004.3.
28. 20 DCMR § 6004.1 provides that the owner and operator of a petroleum UST system shall regularly monitor all underground piping that contains or conveys regulated substances for releases in accordance with 20 DCMR § 6004.
29. 20 DCMR § 6004.2 provides that underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector, in accordance with § 6013.2 of this chapter.

30. 20 DCMR § 6013.2 provides, in pertinent part, that the owner or operator shall conduct an annual test of the operation of the leak detector, in accordance with the manufacturer's requirements.
31. From January 1, 2004 until December 31, 2007, the piping for UST No. 2 was underground and routinely conveyed regulated substances under pressure.
32. Respondent conducted a testing of the automatic line leak detector for the piping associated with UST No. 2 in 2006.
33. Respondent failed to perform an annual test of the automatic line leak detector for the underground piping associated with UST No. 2 in 2004, 2005, and 2007.
34. Respondent's acts and/or omissions as alleged in Paragraph 33, above, constitute violations by Respondent of 20 DCMR § 6004.2 and 20 DCMR § 6013.2.

COUNT 3

(Failure to perform release detection)

35. The allegations of Paragraphs 1 through 34 of this CAFO are incorporated herein by reference.
36. From September 28, 2004 until May 31, 2006, the method of release detection selected by Respondent for UST No. 2 was automatic tank gauging in accordance with 20 DCMR § 6008.
37. From September 28, 2004 until August 1, 2005; from September 1, 2005 until October 1, 2005; from November 1, 2005 until January 1, 2006; and from March 1, 2006 until May 31, 2006, Respondent failed to perform automatic tank gauging for UST No. 2 in accordance with 20 DCMR § 6008.
38. During the periods of time indicated in Paragraph 37, Respondent did not use any of the other release detection methods specified in 20 DCMR § 6003.1 through 6003.5 and/or 20 DCMR §§ 6005 through 6012 on UST No. 2.
39. Respondent's acts and/or omissions as alleged in Paragraph 37, above, constitute violations by Respondent of 20 DCMR §§ 6000.1 and 6003.

COUNT 4

(Failure to investigate and confirm a suspected release)

40. The allegations of Paragraphs 1 through 39 of the CAFO are incorporated herein by reference.
41. 20 DCMR § 6203.3 provides, in pertinent part, that a “responsible party” as defined in 20 DCMR § 6899.1, which includes the owner and operator of an UST, shall follow the procedures in 20 DCMR § 6203 (Preliminary Investigation and Confirmation of Releases: Systems Tests and Site Check) if a release is suspected. Pursuant to 20 DCMR § 6202.4(c), a release shall be suspected if, among other things, monitoring results from a release detection method required under 20 DCMR §§ 6002 through 6015 indicate a release may have occurred, unless the monitoring device is found to be defective and is immediately repaired, recalibrated, or replaced, and additional monitoring does not confirm the initial result.
42. 20 DCMR § 6203.1 provides, with an exception not relevant to this matter, that a responsible party shall immediately investigate and confirm each suspected release of a regulated substance requiring reporting under 20 DCMR § 6202.3 within 7 days or within such other time frame as may be required by the Director of the Department of Consumer and Regulatory Affairs, using the procedures set forth in 20 DCMR § 6203.
43. Respondent failed to undertake an immediate investigation and confirm a release or suspected release of regulated substances requiring reporting under 20 DCMR § 6202.3 within the time prescribed by 20 DCMR § 6203.1 in January 2006, February 2006, and February 2008 after the monthly monitoring results from Respondent’s release detection method indicated a fail leak test result that a release may have occurred from Respondent’s UST No. 2.
44. Respondent’s act and/or omission as alleged in Paragraph 43, above, constitute violations by Respondent of 20 DCMR § 6203.1.

COUNT 5

(Failure to report to the implementing agency a suspected release)

45. The allegations of Paragraphs 1 through 44 of this CAFO are incorporated herein by reference.
46. 20 DCMR § 6202.1 provides, in pertinent part, that a “responsible party” as defined in 20 DCMR § 6899.1, which includes the owner and operator of an UST, or any authorized agent of a responsible party, who knows or has reason to know of a release from an

underground storage tank shall notify the Director of the Department of Consumer and Regulatory Affairs of the release or suspected release within 24 hours.

47. 20 DCMR § 6202.2 provides, in pertinent part, that the notification required pursuant to 20 DCMR § 6202.1 may be provided orally or in writing, and shall consist of, if known, the name of the owner, operator and any other responsible party, as well as the location, date, time, volume, and substance of the release or suspected release.
48. 20 DCMR § 6202.3 provides that a responsible party shall not knowingly allow any release from an UST system to continue; a responsible party for an UST system shall notify the Director of any release or potential release within twenty-four hours, and shall follow the procedures in §6202, if a release is suspected.
49. 20 DCMR § 6202.4(c) provides, that a responsible party, including the owner and operator of an UST system, shall suspect a release if, among other things, monitoring results from a release detection method required under 20 DCMR §§ 6002 through 6015 indicate a release may have occurred from the UST system, unless the monitoring device is found to be defective and is immediately repaired, recalibrated, or replaced, and additional monitoring does not confirm the initial result.
50. In January 2006, February 2006, and February 2008, the monthly monitoring results from Respondent's release detection method indicated a fail leak test result that a release may have occurred from Respondent's UST No. 2. Respondent did not find the monitoring device in issue to be defective and/or Respondent did not immediately repair, recalibrate, or replace any such defective device and/or Respondent did not thereafter conduct additional monitoring which did not confirm the initial monitoring result.
51. Respondent did not report within 24 hours to the Director of the Department of Consumer and Regulatory Affairs the releases or suspected releases as described in Paragraph 50 above.
52. Respondent's acts and/or omissions as alleged in Paragraph 51, above, constitute violations by Respondent of 20 DCMR § 6202.1 and .3.

CIVIL PENALTY

53. In settlement of Complainant's claims for civil penalties for the violations alleged in this CA, Respondent agrees to pay a civil penalty in the amount of Nine Thousand Nine Hundred Fifty Dollars (\$9,950.00). The civil penalty amount is due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO. If Respondent pays the entire civil penalty of Nine Thousand Nine Hundred Fifty Dollars

(\$9,950.00) within thirty (30) calendar days of the date on which this CAFO is mailed or hand-delivered to Respondent, no interest will be assessed against Respondent pursuant to 40 C.F.R. § 13.11(a)(1).

54. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs 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.
55. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such 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).
56. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a 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.
57. A late payment penalty of six percent per year will be assessed monthly on any portion of a 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 a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
58. 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 Respondent's violations and any good faith efforts by Respondent to comply with all applicable requirements as provided in RCRA Section 9006(c), 42 U.S.C. § 6991e(c), and with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.
59. Respondent shall pay the amount described in Paragraph 53, above, by sending a certified or cashier's check payable to the "United States Treasury," as follows:
 - a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2009-0088;

- 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

Contact: Natalie Pearson, 314-418-4087

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

U.S. Environmental Protection Agency–Fines and Penalties
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Natalie Pearson, 314-418-4087

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

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

Field Tag 4200 of the Fedwire message should read “D 68010727 Environmental Protection Agency”

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

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW

Washington, DC 20074
Contact: Jesse White 301-887-6548

ABA = 051036706
Transaction Code 22 - Checking
Environmental Protection Agency
Account 310006
CTX Format

- g. On-Line Payment Option:

WWW.PAY.GOV

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

- h. The customer service phone numbers for the above payment centers are:

212-720-5000 (wire transfers, Federal Reserve Bank of New York)
800-762-4224 (ACH/Wire Info, PNC Bank)

Additional payment guidance is available at:

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

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

Regional Hearing Clerk (3RC00)
EPA Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103 - 2029, and

Louis F. Ramalho
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

FULL AND FINAL SATISFACTION

61. This CAFO constitutes a settlement by EPA of its claims for civil penalties pursuant to 9006(a) of RCRA, 42 U.S.C. § 6991e(a), for the violations alleged in this Consent Agreement.

RESERVATION OF RIGHTS

62. 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.

OTHER APPLICABLE LAWS

63. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed on it by applicable federal, state or local law and/or regulations

AUTHORITY TO BIND THE PARTIES

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

ENTIRE AGREEMENT

65. This Consent Agreement and the attached Final Order constitute the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Agreement and the attached Final Order.

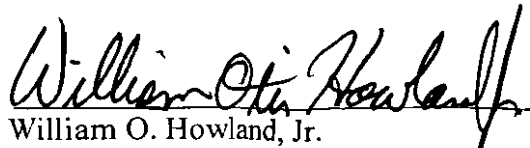
EFFECTIVE DATE

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

For Respondent:

Fleet Management Administration of the
Department of Public Works of the
Government of the District of Columbia

2-19-2009
Date


William O. Howland, Jr.
Director of the Department of Public Works

For Complainant:

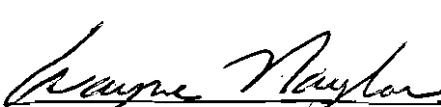
U.S. Environmental Protection Agency,
Region III

3-3-2009
Date


Louis F. Ramalho
Senior Assistant Regional Counsel

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.

3/5/04
Date

By: 
Abraham Ferdas, Director
Land and Chemicals Division
EPA Region III

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

In the Matter of:

Fleet Management Administration
 Department of Public Works
 Government of the District of Columbia
 1725 15th Street, N.E.
 Washington, D.C. 20002

RESPONDENT,

DPW - Adams Place Fueling Facility
 2200 Adams Place, NE
 Washington, DC 20018

Facility 1,

Washington Metropolitan Police
 Department, DPW - 7th District
 2455 Alabama Avenue, SE
 Washington, DC 20020

Facility 2.

U.S. EPA Docket Number
 RCRA-03-2009-0088

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

FINAL ORDER

RECEIVED
 10 29
 2009

FINAL ORDER


Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, Fleet Management Administration of the Department of Public Works of the Government of the District of Columbia, 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 as if set forth at length.

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, 42 U.S.C. § 6991e(c) (“RCRA”), and having determined, based on the representations of the parties in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the factors set forth in Section 9006(c) and (d) of RCRA, 42 U.S.C. § 6991e(c) and (d), **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of Nine Thousand Nine Hundred Fifty Dollars (\$9,950.00) 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 this Final Order and the accompanying Consent Agreement is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or the Regional Judicial Officer, is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

Date: 3/9/09


Renée Sarajian
Regional Judicial Officer
U.S. EPA, Region III

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date listed below, the original of the foregoing Consent Agreement and Final Order, EPA Docket No. RCRA-03-2009-0088, was filed with the Regional Hearing Clerk, U.S. EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and that a true and correct copy was sent via first class mail to the following:

Ms. Pamela B. Washington
Assistant General Counsel
Office of Attorney General
Government of the District of Columbia
Department of Public Works
2000 14th Street., N.W.
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