

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

In the Matter of:)	
)	
D.M. Bowman, Inc.)	
10228 Governor Lane Blvd.)	U.S. EPA Docket Number
Williamsport, MD 21795)	RCRA-03-2019-0121
)	
RESPONDENT,)	
)	
D.M. Bowman Trucking Co.)	Proceeding Under Section 9006 of the
10038 Governor Lane Blvd.)	Resource Conservation and Recovery Act,
Williamsport, MD 21795)	as amended, 42 U.S.C. Section 6991e
)	
Frederick Transfer Facility)	
6816 English Muffin Way)	
Frederick, MD 21701)	
)	
FACILITIES.)	

U.S. EPA-REGION 3-RHC
FILED-10SEP2019AM10:35

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director for the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and D.M. Bowman, Inc. (“Respondent”), pursuant to Section 9006 of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C. §§ 6991e, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Section 9006 of RCRA authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated it to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “CAFO”) resolve Complainant’s civil penalty claims against Respondent under Section 9006 of RCRA (or the “Act”), and the State of Maryland’s federally authorized underground storage tank program for the violations alleged herein.

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2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. §§ 22.1(a)(5), 22.13(b) and 18(b)(2) and (3).

GENERAL PROVISIONS

5. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this CAFO.
6. Except as provided in Paragraph 5, above, the Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. 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.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this CAFO and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

12. At all times relevant to 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 COMAR § 26.10.02.04B(37) and (39), 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 COMAR § 26.10.02.04B(64) and (66), located at D.M. Bowman Trucking Co. facility located at 10038 Governor Lane Boulevard, Williamsport, Maryland, and the Frederick Transfer facility located 6816 English Muffin Way, Frederick, Maryland (collectively the "Facilities").
13. Respondent is a "person" as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and COMAR § 26.10.02.04B(40).
14. On May 16, 2018, EPA performed a Compliance Evaluation Inspection ("CEI") at D.M. Bowman Trucking Co. Facility. At the time of the May 16, 2018 CEI, and at all times relevant to the violations alleged herein, seven (7) USTs were located at the D.M. Bowman Trucking Co. Facility as described in the following subparagraphs:
 - A. A six thousand (6,000) gallon single-walled cathodically protected steel tank that was installed in or about 1977, and that, at all times relevant hereto, routinely contained and was used to store lube oil, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 1");
 - B. A twenty thousand (20,000) gallon single-walled cathodically protected steel tank that was installed in or about 1977, and that, at all times relevant hereto, routinely contained and was used to store diesel, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 2");
 - C. A six thousand (6,000) gallon single-walled cathodically protected steel tank that was installed in or about 1977, and that, at all times relevant hereto, routinely contained and was used to store regular grade gasoline, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 3");
 - D. A six thousand (6,000) gallon single-walled cathodically protected steel tank that was installed in or about 1977, and that, at all times relevant hereto, routinely contained and was used to store mid-grade gasoline, a "regulated substance" as that term is defined in Section 9001(7) of RCRA,

42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 4");

- E. A six thousand (6,000) gallon single-walled cathodically protected steel tank that was installed in or about 1977, and that, at all times relevant hereto, routinely contained and was used to store premium grade gasoline, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 5");
- F. An eight thousand (8,000) gallon single-walled cathodically protected steel tank that was installed in or about 1977, and that, at all times relevant hereto, routinely contained and was used to store used oil, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 6"), and
- G. A thirty thousand (30,000) gallon double-walled fiberglass reinforced plastic tank that was installed in or about 2016, 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 COMAR § 26.10.02.04B(48) (hereinafter "UST No. 7").

15. On May 17, 2018, EPA performed a CEI at the Frederick Transfer Facility. At the time of the May 17, 2018 CEI, and at all times relevant to the violations alleged herein, four (4) USTs were located at the Frederick Transfer Facility as described in the following subparagraphs:

- A. A twenty thousand (20,000) gallon single-walled cathodically protected steel tank that was installed in or about 1985, and that, at all times relevant hereto, routinely contained and was used to store diesel, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 8");
- B. A three thousand (3,000) gallon single-walled cathodically protected steel steel tank that was installed in or about 1985, and that, at all times relevant hereto, routinely contained and was used to store regular grade gasoline, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 9");

- C. A six thousand (6,000) gallon single-walled cathodically protected steel tank that was installed in or about 1985, and that, at all times relevant hereto, routinely contained and was used to store motor oil, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 10"), and
 - D. An eight thousand (8,000) gallon single-walled cathodically protected steel tank that was installed in or about 1985, and that, at all times relevant hereto, routinely contained and was used to store waste oil, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 11").
16. At all times relevant to the violations alleged herein, USTs Nos. 1 through 6 and USTs Nos. 8 through 11 have been "petroleum UST systems" and "existing tank systems" as these terms are defined in COMAR § 26.10.02.04B(43) and (19), respectively.
17. At all times relevant to the violations alleged herein, USTs No. 7 has been a "petroleum UST system" and "new tank system" as these terms are defined in COMAR § 26.10.02.04B(43) and (31), respectively.
18. USTs Nos. 1 through 11 are and were, at all times relevant to 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 COMAR § 26.10.02.04B(48), and have not been "empty" as that term is defined at COMAR § 26.10.10.01A.

COUNT 1

(Failure to perform release detection on USTs)

19. The allegations of Paragraphs 1 through 18 of this CAFO are incorporated herein by reference.
20. Pursuant to COMAR § 26.10.05.01A and C, owners and operators of new and existing UST systems must provide a method or combination of methods of release detection monitoring that meets the requirements described therein.
21. COMAR § 26.10.05.02B provides, in pertinent part, that USTs shall be monitored at least every 30 days for releases using one of the methods listed in COMAR § 26.10.05.04E-I, except that:

- (1) UST systems that meet the performance standards in COMAR §§ 26.10.03.01 (Performance Standards for New UST Systems) and .02 (Upgrading of Existing UST Systems), and the monthly inventory control requirements in COMAR § 26.10.05.04B or C (Inventory Control or Manual Tank Gauging) shall use tank tightness testing, conducted in accordance with COMAR § 26.10.05.04D (Tank Tightness Test), at least every 5 years until December 22, 1998, or until 10 years after the UST is installed or upgraded under COMAR § 26.10.03.02B (Tank Upgrading Requirements); and
 - (2) UST systems that do not meet the performance standards in COMAR §§ 26.10.03.01 (Performance Standards for New UST Systems) and .02 (Upgrading of Existing UST Systems), may use monthly inventory controls, conducted in accordance with COMAR § 26.10.05.04B or C (Inventory Control or Manual Tank Gauging) and annual tank tightness testing, conducted in accordance with COMAR § 26.10.05.04D (Tank Tightness Test) until December 22, 1998, when the tank must be upgraded under COMAR § 26.10.03.02 (Tank Upgrading Requirements) or permanently closed under COMAR § 26.10.10.02; and
 - (3) Tanks with a capacity of 550 gallons or less and not metered may use weekly tank gauging, conducted in accordance with COMAR § 26.10.05.04C.
22. At all times relevant to the violation alleged herein, the method of release detection selected by Respondent for the USTs Nos. 1 through 5, and USTs Nos. 7 through 10, was statistical inventory reconciliation in accordance with COMAR § 26.10.05.04I.
23. At all times relevant to the violation alleged herein, the method of release detection selected by Respondent for the UST No. 6, and UST No. 11, was automatic tank gauging in accordance with COMAR § 26.10.05.04E.
24. From April 1, 2017 until October 30, 2018, Respondent failed to perform automatic tank gauging for the UST No. 6 in accordance with COMAR § 26.10.05.04E.
25. From March 23, 2017 until September 1, 2017, Respondent failed to perform statistical inventory reconciliation for the UST No. 7 in accordance with COMAR § 26.10.05.04I.
26. From March 1, 2017 until August 1, 2018, Respondent failed to perform automatic tank gauging for the UST No. 11 in accordance with COMAR § 26.10.05.04E.

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27. During the periods of time indicated in Paragraphs 24 through 26, above, Respondent did not use any of the other release detection methods specified in COMAR § 26.10.05.02B(1)-(3) and/or COMAR § 26.10.05.04A on USTs Nos. 6, 7, and 11 located at the Facilities.
28. Respondent's acts and/or omissions as alleged in Paragraphs 24 through 27, above, constitute violations by Respondent of COMAR § 26.10.05.01A and .02B.

COUNT II

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

29. The allegations of Paragraphs 1 through 28 of the CA are incorporated herein by reference.
30. COMAR § 26.10.05.02C(2) provides, in pertinent part, that underground piping that conveys regulated substances under pressure shall:
- A. Be equipped with an automatic line leak detector conducted in accordance with COMAR § 26.10.05.05B; and
 - B. Have an annual line tightness test conducted in accordance with COMAR § 26.10.05.05C or have monthly monitoring conducted in accordance with COMAR § 26.10.05.05D.
31. COMAR § 26.10.05.05B provides, in pertinent part, that an annual test of the operation of the leak detector shall be conducted in accordance with the manufacturer's requirements.
32. Respondent failed to test annually the automatic line leak detector from February 24, 2018 until June 4, 2018 for UST No. 7.
33. Respondent failed to test annually the automatic line leak detector from July 21, 2017 until May 9, 2019 for UST No. 8.
34. From February 24, 2018 until June 4, 2018 and from July 21, 2017 until May 9, 2019, the underground piping for USTs Nos. 7 and 8, respectively, conveyed regulated substances under pressure.
35. Respondent's acts and/or omissions as alleged in Paragraphs 32 through 34, above, constitute violations by Respondent of COMAR § 26.10.05.02C(2)(a) and COMAR § 26.10.05.05B.

COUNT III

(Failure to test cathodic protection system on USTs)

36. The allegations of Paragraphs 1 through 35 of this CAFO are incorporated by reference as if fully set forth herein.
37. COMAR § 26.10.04.02D(1) provides that all UST systems equipped with cathodic protection system must be inspected for proper operation within 6 months of installation and at least every year thereafter by a qualified cathodic protection tester.
38. UST Nos. 1, 6, and 8 through 11 are and were, at the time of the violations alleged herein, "steel UST systems with corrosion protection" and were used to store regulated substances within the meaning of COMAR § 26.10.04.02D.
39. Respondent was approximately 7 months overdue in testing the cathodic protection system as required by COMAR § 26.10.04.02D(1) for the UST Nos. 1 and 6 at the Facility from May 2, 2018 until November 30, 2018.
40. Respondent was approximately 20 months overdue in testing the cathodic protection system as required by COMAR § 26.10.04.02D(1) for the UST Nos. 8 through 11 at the Facility from August 10, 2017 until May 15, 2019.
41. Respondent's act and/or omission as alleged in Paragraphs 39 and 40, above, constitute violations by Respondent of COMAR § 26.10.04.02D(1).

COUNT IV

(Failure to perform line tightness testing or monthly monitoring on piping for UST No. 8)

42. The allegations of Paragraphs 1 through 41 of this CAFO are incorporated herein by reference.
43. Pursuant to COMAR § 26.10.05.01A and C, owners and operators of new and existing UST systems must provide a method or combination of methods of release detection monitoring that meets the requirements described therein.
44. COMAR § 26.10.05.02C(2) provides, in pertinent part, that underground piping that conveys regulated substances under pressure shall:
 - a. Be equipped with an automatic line leak detector conducted in accordance with COMAR § 26.10.05.05B; and

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- b. Have an annual line tightness test conducted in accordance with COMAR § 26.10.05.05C or have monthly monitoring conducted in accordance with COMAR § 26.10.05.05D.
45. Respondent failed to perform an annual line tightness testing in accordance with COMAR § 26.10.05.05C or have monthly monitoring conducted in accordance with COMAR § 26.10.05.05D for the underground piping associated with UST No. 8 from July 21, 2017 until May 9, 2019.
46. From July 21, 2017 until May 9, 2019, the piping for UST No. 8 was underground and routinely conveyed regulated substances under pressure.
47. Respondent's acts and/or omissions as alleged in Paragraphs 45 and 46, above, constitute violations by Respondent of COMAR § 26.10.05.02C(2)(b).

CIVIL PENALTY

48. In settlement of EPA's claims for civil penalties assessable for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **Sixty-Six Thousand Thirty-Eight Dollars (\$66,038.00)** which Respondent shall be liable to pay in accordance with the terms set forth below.
49. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), requires EPA to take into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations ("UST Penalty Guidance") which reflects the statutory penalty criteria and factors set forth Section 9006(c) of RCRA, and the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.
50. Payment of the civil penalty amount, and any associated interest, administrative fee, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
- a. All payments by Respondent shall include reference Respondent's name and address, and the Docket Number of this action, *i.e.*, **RCRA-03-2019-0121**;
 - b. All checks shall be made payable to "**United States Treasury**";

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

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

- d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously to:

Louis Ramalho (3RC40)
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Ramalho.louis@epa.gov

51. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this Consent Agreement and the attached Final Order shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
52. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed CAFO. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed CAFO, with a date stamp indicating the date on which the CAFO was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).

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53. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of the fully executed and filed CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties 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. ADMINISTRATIVE COSTS: The costs of the EPA'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 – Case Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
55. *LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).*
56. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this CAFO.

GENERAL SETTLEMENT CONDITIONS

57. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and represents that, to the best of Respondent's knowledge and belief, this CAFO does not contain any confidential business information or personally identifiable information from Respondent.
58. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this CAFO, including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in

such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

59. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief that it currently is complying with applicable provisions of RCRA Subtitle I, 40 C.F.R. Part 280, and the State of Maryland's federally authorized underground storage tank program, COMAR § 26.10.02 *et seq.*

OTHER APPLICABLE LAWS

60. Nothing in this CAFO shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This CAFO does not constitute a waiver, suspension or modification of the requirements of Subtitle I of RCRA or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

61. This CAFO resolves only EPA's claims for civil penalties for the specific violation[s] alleged against Respondent in this 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. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this CAFO after its effective date.

EXECUTION /PARTIES BOUND

62. This CAFO shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this CAFO.

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EFFECTIVE DATE

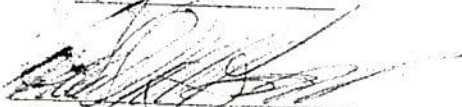
63. The effective date of this CAFO is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

64. This CAFO constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties 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.

For Respondent:

Date: 8/26/19

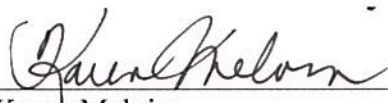


D.M. Bowman, Inc.
Donald M. Bowman, Jr.
President

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: SEP 5 2019

By: 

Karen Melvin
Director, Enforcement and Compliance
Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

Date: 9/3/2019

By: 

Louis F. Ramalho
Sr. Assistant Regional Counsel
U.S. EPA – Region III

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

FINAL ORDER

The Complainant, the Director for the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III and Respondent D.M. Bowman, Inc. 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 into this Final Order as if set forth fully herein.

WHEREFORE, pursuant to the authority of Section 9006 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6991e, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of **Sixty Six Thousand Thirty Eight Dollars (\$66,038.00)** in accordance with the payment provisions set forth in the attached Consent Agreement, including payment of any applicable interest, and complying with each of the additional terms and conditions as specified in the attached Consent Agreement.

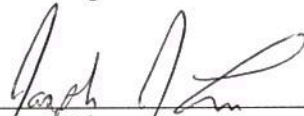
This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions

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of Section 9006 of RCRA, as amended, 42 U.S.C. §§ 6991e, and the regulations promulgated thereunder.

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

Date: Sept 10, 2019



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

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

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D.M. Bowman, Inc.)	
10228 Governor Lane Blvd.)	U.S. EPA Docket Number
Williamsport MD 21795)	RCRA-03-2019-0121
)	
RESPONDENT,)	
)	
D.M. Bowman Trucking Co.)	Proceeding Under Section 9006 of the
10038 Governor Lane Blvd.)	Resource Conservation and Recovery Act,
Williamsport MD 21795)	as amended, 42 U.S.C. Section 6991e
)	
Frederick Transfer Facility)	
6816 English Muffin Way)	
Frederick, MD 21701)	
)	
FACILITIES.)	

CERTIFICATE OF SERVICE

I certify that on _____, the original and one (1) copy of foregoing ***Consent Agreement and Final Order***, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I served a true and correct copy of the same to each of the following persons, in the manner specified below, at the following addresses:

Copy served via UPS OVERNIGHT MAIL to:

Mike Boarman
Director of Maintenance
D.M. Bowman Inc.
10228 Governor Lane Blvd.
Suite 3006
Williamsport, MD. 21795

Copy served via **Hand Delivery or Inter-Office Mail** to:

Louis F. Ramalho
Senior Assistant Regional Counsel
Office of Regional Counsel (3RC40)
U.S. EPA, Region III
1650 Arch Street

Philadelphia, PA 19103-2029
(Attorney for Complainant)

Dated: **SEP 10 2019**

Berwin Esposito

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III

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