



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

**REGULAR MAIL**

December 29, 2008

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

Re: Accounts Receivable  
**Consent Agreement and Final Order**  
**U.S. Government Printing Office**  
**RCRA-03-2009-0004**

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,

A handwritten signature in black ink, appearing to read "Louis F. Ramalho".

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**

In the Matter of:	)	
	)	
U.S. Government Printing Office	)	U.S. EPA Docket Number
732 North Capital Street, N.W.	)	RCRA-03-2009-0004
Washington, D.C. 20401	)	
	)	
RESPONDENT,	)	Proceeding Under Section 9006 of the
	)	Resource Conservation and Recovery Act,
	)	as amended, 42 U.S.C. Section 6991c,
N. Capital Street and H Street, N.W.	)	
Washington, DC 20024	)	
	)	
FACILITY.	)	
	)	
	)	
	)	
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**CONSENT AGREEMENT**

This Consent Agreement (“CA”) is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“EPA” or “Complainant”) and the U.S. Government Printing Office (“Respondent”), pursuant to Section 9006 and 9007 of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C. § 6991e and § 6991f, 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 facility located at N. Capital Street and H Street, N.W., Washington, DC (the “Facility”).

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. In addition, the Respondent, U.S. Government Printing Office waives its right to confer with the Administrator pursuant to RCRA § 6001(b)(2), 42 U.S.C. § 6961(b)(2).
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 Respondent certifies to EPA by his/her 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 this CAFO 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. 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**

12. 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).
13. Respondent, U.S. Government Printing Office, is a department, agency, and/or instrumentality of the United States as referred to in Section 9007 of RCRA, 42 U.S.C. § 6991f, and is a "person" as defined in Section 9001(5) of RCRA, 42 U.S.C. Section 6991(5), and 20 DCMR § 6899.1.
14. At all times relevant to this CAFO, Respondent, the U.S. Government Printing Office, has been the "owner", as this term is defined in Section 9001(4) of RCRA, 42 U.S.C. § 6991(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 N. Capital Street and H Street NW, Washington, DC (the "Facility").
15. At all times relevant to this CAFO, Respondent has been the "operator," as this term is defined in Section 9001(3) of RCRA, 42 U.S.C. § 6991(3) 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 the Facility.
16. On February 25, 2008, EPA conducted a Compliance Evaluation Inspection ("CEI") of the Facility, including all UST systems present at the Facility, pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.
17. At the time of the February 25, 2008 CEI, and at all times relevant to the violations alleged herein, the following USTs were located at the Facility:
  - A. a six thousand (6000) gallon double-walled cathodically-protected steel tank with a dielectric coating that was installed in or about 1992 and, that at all times relevant hereto, routinely is or has been used to store regular 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").
  - B. a fifteen hundred (1,500) gallon double-walled cathodically-protected steel tank with a dielectric coating that was installed in or about 1992 and that, at all times relevant to the applicable violations alleged herein, routinely is or has been used to store a water-based, nonhazardous ink

solvent; 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”).

18. At all times relevant to the applicable violations alleged herein, the USTs have been a “petroleum UST system” and an “existing UST system” as these terms are defined in 20 DCMR § 6899.1.
19. The USTs were and are, at all times relevant to the violations alleged in this CAFO, used to store “regulated substance(s)” at Respondent’s Facility, 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.
20. On March 20, 2008, EPA issued an Information Request to Respondent U.S. Government Printing Office pursuant to RCRA Section 9005, 42 U.S.C. § 6991d.

### **COUNT I**

(Failure to have testing done on the cathodic protection system)

21. The allegations of Paragraphs 13 through 20 of the CA are incorporated herein by reference.
22. 20 DCMR § 5901.1 provides that each owner and operator of a steel UST system or a steel-fiberglass-reinforced plastic composite UST system with corrosion protection shall comply with the requirements of 20 DCMR § 5901 to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances.
23. 20 DCMR § 5901.4 provides that each steel or steel-fiberglass-reinforced plastic composite UST system equipped with a cathodic protection system must be inspected for proper operation by a qualified cathodic protection tester within 6 months of installation and at least once every 3 years thereafter.
24. From January 1, 2004 until the date of this CA, Respondent has failed to test the cathodic protection system for USTs Nos. 1 and 2 at the Facility as required by 20 DCMR § 5901.4.
25. Respondent’s acts and/or omissions as alleged in Paragraphs 24, above, constitute violations by Respondent of 20 DCMR § 5901.4 .

### **CIVIL PENALTY**

26. 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 Four Thousand Six Hundred Twenty Two (\$4,622.00) Dollars. The civil penalty amount is due and payable immediately upon Respondent’s receipt of a true and correct copy of this CAFO.

27. 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) - (e), and 42 U.S.C. § 6991(c) - (e), and with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.

28. Respondent shall pay the amount described in Paragraph 26, 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-03-2009-0004;
- 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](http://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](http://www.epa.gov/ocfo/finservices/make_a_payment_cin.htm)

Payment by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this CAFO. 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**

29. 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 in connection with the six thousand gallon and fifteen hundred gallon USTs located at the Respondent's Facility.

### **RESERVATION OF RIGHTS**

30. 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**

31. 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**

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

### **ENTIRE AGREEMENT**

33. 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**

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

For Respondent:

U.S. Government Printing Office

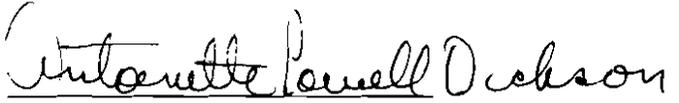
December 1, 2008  
Date

  
by: Janet Sansone  
Chief Management Officer

For Complainant:

U.S. Environmental Protection Agency,  
Region III

December 12, 2008  
Date

  
Antoinette Powell Dickson  
Office of Enforcement & Compliance  
Assurance, Headquarters  
Attorney Advisor

12/16/08  
Date

  
Louis F. Ramalho  
Senior Assistant Regional Counsel

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

12/19/08  
Date

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

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

In the Matter of:	)	
	)	
U.S. Government Printing Office 732 North Capital Street, N.W. Washington, D.C. 20401	)	U.S. EPA Docket Number RCRA-03-2009-0004
	)	
RESPONDENT,	)	Proceeding Under Section 9006(a) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6991e(a).
	)	
N. Capital Street and H Street, N.W. Washington, DC 20024	)	
	)	FINAL ORDER
FACILITY.	)	
	)	
	)	
	)	

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**FINAL ORDER**

Complainant, the Director, Land and Wastes Division, U.S. Environmental Protection Agency - Region III, and Respondent, the U.S. Government Printing Office, 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 Four Thousand Six Hundred Twenty Two Dollars (\$4,622.00) 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: 12/29/05

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

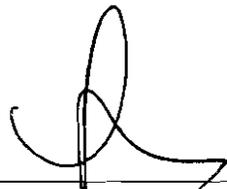
**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the date listed below, the original of the foregoing Complainant's Initial Pre-hearing Exchange, Docket No. RCRA-03-2009-0004 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 to the following parties:

DEC 29 PM 2:41

Mr. Everett Bole, EPS  
U.S. Government Printing Office  
732 North Capital Street NW  
Mail Stop: HCM  
Washington, D.C. 20401

12/29/08  
Date



\_\_\_\_\_  
Louis F. Ramalho  
Sr. Assistant Regional Counsel  
U.S. EPA - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029