

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

FILED

Jun 10, 2025

7:49 am

U.S. EPA REGION 3  
HEARING CLERK

In the Matter of:	:
	:
Washington, D.C. Department of	:
Corrections	:
3924 Minnesota Avenue, 2nd Floor	:
Washington, D.C. 20019	:
	:
Respondent.	:
	:
Washington, D.C. Department of	:
Corrections	:
1901 E Street SE	:
Washington, D.C. 20003,	:
	:
Facility.	:

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") and the Washington, D.C. Department of Corrections ("Respondent") (collectively the "Parties"), pursuant to Section 9006 of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976, as amended ("RCRA" or "the Act"), 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, 42 U.S.C. § 6991e, 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 the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent

Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under RCRA Subtitle I for the violations alleged herein.

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)(4).
5. The EPA has given the District of Columbia Department of Energy and Environment (“DOEE”) notice of the issuance of this Consent Agreement and Final Order in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

### **GENERAL PROVISIONS**

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
9. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
10. 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.
11. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.

12. By signing this Consent Agreement, Respondent waives any rights or defenses that respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

13. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(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.
14. The District of Columbia is approved to administer and enforce an underground storage tank program in lieu of the Federal program under Subtitle I of the Act, as amended, 42 U.S.C. §§ 6991-6991m. The program, as administered by DOEE, was approved by the EPA, pursuant to 42 U.S.C. § 6991c and 40 C.F.R. part 281. The EPA approved the District of Columbia underground storage tank (“UST”) program, set forth in the District of Columbia Municipal Regulations (“DCMR”), Title 20, Chapters 55-67 and 70, under “Underground Storage Tanks,” on July 9, 1997, and approval of the District of Columbia UST program became effective on May 4, 1998. A subsequent UST program revision application was approved by the EPA on January 27, 2022, and became effective on March 28, 2022.
15. The District of Columbia has primary responsibility for administering and enforcing its federally approved UST program. However, the EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. §§ 6991d and 6991e, regardless of whether the District has taken its own actions, as well as under any other applicable statutory and regulatory provisions.
16. Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d), authorizes the assessment of civil penalties against any owner or operator of an UST who fails to comply with, *inter alia*, any requirement or standard of a State program that has been approved pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, for the violations alleged herein.
17. The District of Columbia UST program regulates USTs used to contain “regulated substances,” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 20 DCMR 7099.1.
18. At all times relevant to the alleged violations in this Consent Agreement and Final Order, Respondent has been a “person” as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 20 DCMR 7099.1.
19. At all times relevant to this Consent Agreement, Respondent is, and has been, the “owner” and “operator,” as defined by Section 9001(3) and (4) of RCRA, 42 U.S.C. §

6991(3) and (4), and 20 DCMR 7099.1, of “USTs” and “UST systems,” as defined in Section 9001(10) of RCRA, 42 U.S.C. § 6991(10), and 20 DCMR 7099.1, at the District of Columbia Correctional Treatment facility located at 1901 E Street SE, Washington, D.C. 20003 (“the Facility”).

20. At all times relevant to this Consent Agreement, there is, and there has been, the following UST at the Facility, which contains a regulated substance.
  - a. A 4,000-gallon tank that contains diesel and was installed on or about January 1, 1998, that supplies an emergency generator. The tank is made of double walled fiberglass-reinforced plastic and utilized a U.S. Suction piping system made from double walled steel.
21. On February 21, 2024, the EPA requested documentation from Respondent via an Off-Site Compliance Monitoring Letter (“Compliance Monitoring Letter”) to determine its compliance with RCRA Subtitle I and the DCMR. The EPA received responses from Respondent on March 20, 2024; April 2, 2024; and April 15, 2024.

#### **Count 1**

#### **Failure to Conduct Tank Release Detection**

22. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
23. 20 DCMR 6003.3 requires that “[a]t least once every thirty (30) days, each petroleum UST shall be monitored for a release using one of the methods listed in [20 DCMR] §§ 6008 through 6012.”
24. 20 DCMR 6008 allows automatic tank gauging for release detection, 20 DCMR 6009 allows vapor monitoring for release detection, 20 DCMR 6010 allows groundwater monitoring for release detection, 20 DCMR 6011 allows interstitial monitoring for release detection, and 20 DCMR 6012 allows statistical inventory reconciliation for release detection.
25. Respondent’s March 20, 2024, and subsequent responses to the Compliance Monitoring Letter indicated that manual tank gauging was the only active tank release detection method the Facility was using on the UST.
26. Manual tank gauging is not one of the approved methods for release detection listed in 20 DCMR 6008 through 6012.
27. On March 28, 2022, the District’s most recent revisions to its federally approved state UST program became effective. As part of these revisions, release detection at least

once every thirty days on an emergency generator tank became a newly federally enforceable requirement. This requirement was already enforceable by the District.

28. Accordingly, as of March 28, 2022, Respondent became subject to federal enforcement for failing to conduct tank release detection at least once every 30 days.
29. In response to the Compliance Monitoring Letter, Respondent was unable to provide documentation of tank release detection at least once every 30 days using an approved method in 20 DCMR 6008 through 6012.
30. Respondent subsequently provided documentation of a release detection test using an approved method on January 16, 2025, to the EPA.
31. From March 28, 2022, through January 16, 2025, Respondent failed to test its UST for release using one of the methods in 20 DCMR 6008 through 6012 at least once every thirty days.
32. From March 28, 2022, through January 16, 2025, Respondent violated 20 DCMR 6003.3 by failing to test its UST for release using one of the methods in 20 DCMR 6008 through 6012 at least once every thirty days.
33. In failing to comply with 20 DCMR 6003.3, Respondent violated Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d).

## **Count 2**

### **Failure to Perform 30-Day Walkthrough Inspections**

34. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
35. 20 DCMR 5904.2 requires that every thirty days the owner or operator must conduct a walkthrough inspection that, at minimum, checks spill prevention equipment, monitoring pipes or observation wells, and release detection equipment.
36. On March 28, 2022, the District's most recent revisions to its federally approved state UST program became effective. As part of these revisions, the requirement to perform walkthrough inspections at least every thirty days became a newly federally enforceable requirement. This requirement was already enforceable in the District.
37. Accordingly, as of March 28, 2022, Respondent became subject to federal enforcement for failing to conduct walkthrough inspections at least once every 30 days.

38. In response to the Compliance Monitoring Letter, Respondent was unable to provide documentation of walkthrough inspections at least once every 30 days. Instead, Respondent provided a Generator Log that purported to document the dates of the walkthroughs. However, the information in the Generator Log did not demonstrate that during the walkthrough inspection the owner or operator was checking the required equipment. Respondent was unable to provide additional documentation.
39. Respondent subsequently provided documentation of a December 9, 2024, 30-day walkthrough inspection to the EPA.
40. From March 28, 2022, through December 9, 2024, Respondent failed to conduct walkthrough inspections every 30 days of the required equipment.
41. From March 28, 2022, through December 9, 2024, Respondent violated 20 DCMR 5904.2 by failing to conduct walkthrough inspections every thirty days that, at minimum, checked spill prevention equipment, monitoring pipes or observation wells, and release detection equipment.
42. In failing to comply with 20 DCMR 5904.2, Respondent is in violation of Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d).

### **Count 3**

#### **Failure to Perform Annual Walkthrough Inspections**

43. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
44. 20 DCMR 5904.3 requires that once per year the owner or operator must conduct a walkthrough inspection that, at minimum, (1) checks containment sumps and under dispenser containment or dispenser cabinets for any damage, leaks, or releases and (2) checks handheld release detection equipment for operability and serviceability.
45. On March 28, 2022, the District's most recent revisions to its federally approved state UST program became effective. As part of these revisions, the requirement to conduct annual walkthrough inspections became a newly federally enforceable requirement. This requirement was already enforceable in the District.
46. Accordingly, as of March 28, 2022, Respondent became subject to federal enforcement for failing to conduct annual walkthrough inspections.
47. In response to the Compliance Monitoring Letter, Respondent was unable to provide documentation of annual walkthrough inspections. Instead, Respondent provided a

Generator Log that purported to document the dates of the walkthroughs. However, the information in the Generator Log did not demonstrate that during the walkthrough inspection the owner or operator was checking the required equipment. Respondent was unable to provide additional documentation.

48. Respondent subsequently provided documentation of a December 9, 2024, annual walkthrough inspection to the EPA.
49. From March 28, 2022, through December 9, 2024, Respondent failed to conduct annual walkthrough inspections to (1) check containment sumps and under dispenser containment or dispenser cabinets for any damage, leaks, or releases and (2) check handheld release detection equipment for operability and serviceability.
50. From March 28, 2022, through December 9, 2024, Respondent violated 20 DCMR 5904.3 by failing to conduct annual walkthrough inspections that, at minimum, (1) checked containment sumps and under dispenser containment or dispenser cabinets for any damage, leaks, or releases and (2) checked handheld release detection equipment for operability and serviceability.
51. In failing to comply with 20 DCMR 5904.3, Respondent is in violation of Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d).

#### **Count 4**

##### **Failure to Perform Piping Release Detection**

52. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
53. 20 DCMR 6004.7 requires that owners and operators of an UST with underground piping that conveys regulated substances under suction to either conduct a line tightness test at least once every three years pursuant to 20 DCMR 6004.8 or use monthly monitoring methods pursuant to 20 DCMR 6004.10, except as provided in 20 DCMR 6004.9.
54. 20 DCMR 6004.9 eliminates the requirement for release detection for safe suction piping if certain conditions are met.
55. Respondent's UST utilizes U.S. Suction, which does not meet the exception for safe suction under 20 DCMR 6004.9. Accordingly, Respondent needed to conduct pipe release detection through either a line tightness test or monthly monitoring.
56. On March 28, 2022, the District's most recent revisions to its federally approved state UST program became effective. As part of these revisions, the requirement to perform

pipng release detection became a newly federally enforceable requirement. This requirement was already enforceable in the District.

57. Accordingly, as of March 28, 2022, Respondent became subject to federal enforcement for failing to conduct release detection through either a line tightness test once every three years or monthly monitoring.
58. In response to the Compliance Monitoring Letter, Respondent was unable to provide any documentation of a line tightness test or monthly monitoring.
59. Respondent subsequently provided documentation of a January 16, 2025, line tightness test to the EPA.
60. From March 28, 2022, through January 16, 2025, Respondent failed to conduct a line tightness test pursuant to 20 DCMR 6004.8 and failed to alternatively use monthly monitoring methods pursuant to 20 DCMR 6004.10 for piping release detection. The Compliance Monitoring Letter asked for either the most recent line tightness test or the most recent twelve months of monthly monitoring, but Respondent was unable to provide any documentation of either method of pipe release detection.
61. From March 28, 2022, through January 16, 2025, Respondent violated 20 DCMR 6004.7 by failing to conduct either a line tightness test at least once every three years, pursuant to 20 DCMR 6004.8, or perform monthly monitoring methods, pursuant to 20 DCMR 6004.10.
62. In failing to comply with 20 DCMR 6004.7, Respondent is in violation of Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d).

#### **Count 5**

##### **Failure to Conduct Functionality Testing of the Overfill Equipment**

63. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
64. 20 DCMR 5900.15 requires inspection of overfill prevention equipment at least once every three years. At minimum, the inspection “shall ensure that overfill prevention equipment is set to activate at the level specified in [20 DCMR] § 5705.3 and will activate when the regulated substance reaches that level.”
65. A March 17, 2022, DOEE inspection checklist confirmed that Respondent’s UST utilizes a flapper valve for overfill prevention equipment.



66. On March 28, 2022, the District's most recent revisions to its federally approved state UST program became effective. As part of these revisions, the requirement to conduct inspections of the overfill equipment at least once every three years became a newly federally enforceable requirement. This requirement was already enforceable in the District.
67. Accordingly, as of March 28, 2022, Respondent became subject to federal enforcement for failing to conduct inspections of the overfill equipment.
68. In response to the Compliance Monitoring Letter, Respondent was unable to provide documentation of an inspection of the overfill prevention equipment that at minimum ensured the equipment is set to activate at specified levels at least once every three years.
69. Respondent subsequently provided documentation of a January 16, 2025, overfill control test to the EPA.
70. From March 28, 2022, through January 16, 2025, Respondent failed to inspect the overfill prevention equipment at least once every three years. The Compliance Monitoring Letter requested the most recent overfill prevention testing; however, Respondent was unable to provide documentation of any testing.
71. From March 28, 2022, through January 16, 2025, Respondent violated 20 DCMR 5900.15 by failing to inspect the UST's overfill prevention equipment at least once every three years.
72. In failing to comply with 20 DCMR 5900.15, Respondent is in violation of Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d).

#### **Count 6**

##### **Failure to Maintain Records of Operator Training**

73. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
74. 20 DCMR 6503.10 requires the owner or operator to "maintain documentation that the designated Class A, B, and C operators have completed the required training and retraining for as long as the Class A, B, and C operators are designated."
75. On March 28, 2022, the District's most recent revisions to its federally approved state UST program became effective. As part of these revisions, the requirement to maintain

operator training records became a newly federally enforceable requirement. This requirement was already enforceable in the District.

76. Accordingly, as of March 28, 2022, Respondent became subject to federal enforcement for failing to maintain operator training records.
77. In response to the Compliance Monitoring Letter, Respondent indicated only one staff operator had taken the training and that there was no documentation of the training. Respondent was provided an opportunity to provide more information after its initial response to the Compliance Monitoring Letter, but responded via email that “the facility personnel currently do not maintain this certification, we will be offering the personnel it as we proceed.”
78. Respondent provided additional training certificates to the EPA on November 22, 2024, which showed that personnel had received required training on November 18, 2024.
79. From March 28, 2022, through November 18, 2024, Respondent violated 20 DCMR 6503.10 by failing to maintain operator training and retraining records for Class A, B, and C operators.
80. In failing to comply with 20 DCMR 6503.10, Respondent is in violation of Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d).

#### **CIVIL PENALTY**

81. In settlement of the EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **SEVENTY-ONE THOUSAND, NINE HUNDRED AND TEN DOLLARS (\$71,910)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
82. The civil penalty is based upon the EPA’s consideration of a number of factors, including the penalty criteria (“statutory factors”) set forth in RCRA, Section 9006(c) and (e), 42 U.S.C. § 6991e(c) and (e), including, the following: the seriousness of the violation, any good faith efforts to comply with the applicable requirements, and any other factors considered appropriate. These factors were applied to the particular facts and circumstances of this case with specific reference to the EPA’s 1990 *Penalty Guidance for Violations of UST Regulations* and 2023 *Revised Consolidated Enforcement Penalty Policy for Underground Storage Tank (UST) Regulations and Revised Field Citation Program and ESA Pilot* (collectively “UST Penalty Guidance”) which reflect the statutory penalty criteria and factors set forth at Section 9006(c) and (e) of RCRA, 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.

83. Respondent agrees to pay a civil penalty in the amount of \$71,910 ("Assessed Penalty") within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
84. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. Any checks should be made payable to "Treasurer, United States of America."
85. When making a payment, Respondent shall:
  - a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, **EPA Docket Number RCRA-03-2025-0013**,
  - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously **by email** to the following person(s):

Amy Stevens  
Assistant Regional Counsel  
[stevens.amy@epa.gov](mailto:stevens.amy@epa.gov),

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov),

and

U.S. EPA Region 3 Regional Hearing Clerk  
[R3\\_Hearing\\_Clerk@epa.gov](mailto:R3_Hearing_Clerk@epa.gov).

"Proof of Payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

86. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Consent Agreement, the EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

- a. Interest. Interest begins to accrue from the Effective Date of this Consent Agreement. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States, the rate of interest is set at the Internal Revenue Service ("IRS") standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.
- b. Handling Charges. Respondent will be assessed monthly a charge to cover the EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Consent Agreement, the EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Effective Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.
- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Effective Date.
87. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.
- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.
- d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

88. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.
89. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
90. 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 Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed the EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
91. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: [stevens.amy@epa.gov](mailto:stevens.amy@epa.gov) (for Complainant), [michelle.wilson@dc.gov](mailto:michelle.wilson@dc.gov) (for Respondent), and [andrew.mazzuchelli@dc.gov](mailto:andrew.mazzuchelli@dc.gov) (for Respondent).

#### **GENERAL SETTLEMENT CONDITIONS**

92. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
93. Respondent certifies that any information or representation it has supplied or made to the 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. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the 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**

94. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

**OTHER APPLICABLE LAWS**

95. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the 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 Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of RCRA, or any regulations promulgated thereunder.

**RESERVATION OF RIGHTS**

96. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the 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). The 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 Consent Agreement and Final Order after its effective date.

**EXECUTION /PARTIES BOUND**

97. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By providing the signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that the person signing is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

**EFFECTIVE DATE**

98. The effective date of this Consent Agreement and Final Order (“Effective Date”) is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or the Regional Administrator’s 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**

99. This Consent Agreement and Final Order 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 Consent Agreement and Final Order.

For Respondent: Washington, D.C. Department of Corrections

Date: 5/30/2025

By:

A black rectangular box redacting the signature of Thomas Faust.

Thomas Faust  
Director, Washington, D.C. Department of  
Corrections



**For the Complainant:**

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

By: **KAREN MELVIN** Digitally signed by KAREN MELVIN  
Date: 2025.06.09 11:39:14 -04'00'  
\_\_\_\_\_  
[Digital Signature and Date]  
Karen Melvin, Director  
Enforcement & Compliance Assurance Division  
U.S. EPA – Region 3  
Complainant

**Attorney for Complainant:**

By: **AMY STEVENS** Digitally signed by AMY STEVENS  
Date: 2025.06.03 10:22:52 -04'00'  
\_\_\_\_\_  
[Digital Signature and Date]  
Amy Stevens  
Assistant Regional Counsel  
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

FILED

Jun 10, 2025

7:49 am

U.S. EPA REGION 3  
HEARING CLERK

In the Matter of:	:
	:
Washington, D.C. Department of Corrections	: U.S. EPA Docket No. RCRA-03-2025-0093
	:
3924 Minnesota Avenue, 2nd Floor	: Proceeding under Section 9006 of the Resource
Washington, D.C. 20019	: Conservation and Recovery Act, as amended,
	: 42 U.S.C. Section 6991e
Respondent.	:
	:
Washington, D.C. Department of Corrections	:
	:
1901 E Street SE	:
Washington, D.C. 20003,	:
	:
Facility.	:

**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, the Washington, D.C. Department of Corrections, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the Parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the EPA's 1990 *Penalty Guidance for Violations of UST Regulations* and 2023 *Revised Consolidated Enforcement Penalty Policy for Underground Storage Tank (UST) Regulations and Revised Field Citation Program and ESA Pilot*, which reflect the statutory penalty criteria and factors set forth in Section 9006(c) and (e) of RCRA, 42 U.S.C. § 6991e(c) and (e), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing the EPA's civil penalty policies to account for inflation.

**NOW, THEREFORE, PURSUANT TO** Section 9006(d) of RCRA, 42 U.S.C. Section 6991e(d), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of ***SEVENTY-ONE THOUSAND, NINE HUNDRED AND TEN DOLLARS (\$71,910)***, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the 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 of RCRA and the regulations promulgated thereunder.

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

By: **JOSEPH LISA** Digitally signed by JOSEPH LISA  
Date: 2025.06.09 15:12:01 -04'00'  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

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Washington, D.C. Department of	:	
Corrections	:	
1901 E Street SW	:	
Washington, D.C. 20003	:	
	:	
Facility	:	

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**CERTIFICATE OF SERVICE**

I certify that the foregoing ***Consent Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Consent Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Michelle K. Wilson, Esq.  
Deputy Director of Administration  
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Washington, D.C. 20019

Amy Stevens  
Assistant Regional Counsel  
U.S. EPA, Region 3

Melissa Toffel  
UST Enforcement Officer  
U.S. EPA, Region 3

*In Re: Washington, D.C. Department of Corrections*

*EPA Docket No. RCRA-03-2025-0093*

stevens.amy@epa.gov

toffel.melissa@epa.gov

**BEVIN ESPOSITO**

Digitally signed by BEVIN  
ESPOSITO  
Date: 2025.06.10 07:54:20 -04'00'

*[Digital Signature and Date]*

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 3