

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED
Mar 10, 2026
8:36 am
U.S. EPA REGION 3
HEARING CLERK

IN THE MATTER OF:)
) DOCKET NO.: RCRA-03-2026-0011
The United States Navy)
)
Respondent,)
) EXPEDITED SETTLEMENT AGREEMENT AND
) FINAL ORDER
)
)
Naval Station Norfolk)
) Proceeding under Section
1530 Gilbert Street)
) 3008(a) of the Resource Conservation and
Norfolk, VA 23511,)
) Recovery Act, as amended, 42 U.S.C.
) § 6928(a)
)
Facility)
)

EXPEDITED SETTLEMENT AGREEMENT

1. The United States Navy (“Respondent”) and the Acting Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C § 6928(a), 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 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 (“EPA”) has jurisdiction over this matter pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.
3. Pursuant to Section 6001(b) of RCRA, 42 U.S. C. § 6961(b), the EPA may take enforcement action against departments, agencies, and instrumentalities of the Federal Government in the same manner and under the same circumstances as against any other person.
4. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the EPA has authorized the Commonwealth of Virginia to administer a hazardous waste management program in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. The provisions of the current federally-authorized Virginia Hazardous Waste Management Regulations (“VaHWMR”), codified at 9 VAC-20-60-12

- through 9 VAC-20-60-1420, have thereby become requirements of RCRA Subtitle C and are enforceable by the EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).
5. The EPA last authorized revisions to the VaHWMR on December 19, 2022, including incorporation by reference of the federal regulations which were in effect as of February 22, 2019. The Code of Federal Regulation citations used herein are to the 2019 Federal regulations in place as of February 22, 2019, when referring to the Federal regulations incorporated by the Virginia regulations.
 6. On October 1, 2024, the EPA sent a letter to the Commonwealth of Virginia, through the Virginia Department of Environmental Quality (“VADEQ”), giving prior notice of this enforcement action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
 7. At its facility, located at 1530 Gilbert Street, Norfolk, VA 23511 (“Facility”), Respondent supports the operational readiness of the United States Atlantic Fleet, providing services including aircraft maintenance, ship maintenance, lab services, and building repair. Most recently, on April 17, 2025, Respondent submitted a notification to VADEQ that the Facility was a large quantity generator (“LQG”) of hazardous waste at the Facility, and VADEQ previously assigned RCRA ID No. VA6170061463 to the Facility.
 8. Respondent has a permit for the treatment, storage or disposal of hazardous waste at the Facility. On July 14, 2021, VADEQ issued Respondent Hazardous Waste Management Permit for Container Storage, Permit No. VA6170061463, which expires on July 14, 2031.
 9. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent is a department, agency, or instrumentality of the United States and is therefore a “person,” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and the VaHWMR, and at all times relevant to the allegations in this Agreement was the “operator” and the “owner” of a “facility,” described in Paragraph 7, as the terms “facility”, “owner” and “operator” are defined in 40 C.F.R. § 260.10, as incorporated by reference in the VaHWMR.
 10. At all times relevant to the allegations described in this Agreement, Respondent stored wastes including flammable liquids, expired paint, ethyl methyl ketone, and aerosol cans with EPA Hazardous Waste Number(s) D001, F003, among other characteristic, listed, and acute hazardous wastes, which are “hazardous waste(s)” generated and stored by the Facility, as the terms “stored” and “hazardous waste” are defined in 40 C.F.R. § 260.10, as incorporated by reference in VaHWMR.
 11. On May 8 – May 10, 2023, EPA representatives conducted a Compliance Evaluation Inspection at the Facility to determine compliance with the applicable hazardous waste regulations.
 12. Based on the observations during the Inspection, Complainant alleges and finds that

Respondent failed to comply with specific requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921 et seq., its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and the current federally-authorized Virginia Hazardous Waste Management Regulations (“VaHWMR”), codified at 9 VAC-20-60-12 through 9 VAC-20-60-1420.

13. Complainant has identified the following violations at the Facility:

- a. On May 8, 2023, Respondent operated the Facility without a permit, in violation of 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270. The following acts or omissions prevented Respondent from meeting the regulatory permit exemption conditions set forth at 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.17:
 - (1) Respondent failed to label containers as hazardous waste (“HW”), as required by 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.17(a)(5)(i)(A);
 - a. One (1) drum containing flammable liquid waste located in Building X-380
 - b. Two (2) boxes of ethyl methyl ketone waste in Building X-380
 - c. Boxes of aerosol cans located in Building X-380 and
 - d. Box of Isopropyl Alcohol waste located in Building X-380
 - e. Bag of paint waste located in Building SP-300
 - (2) Respondent failed to label containers of HW with an indication of the hazards of the contents, as required by 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.17(a)(5)(i)(B);
 - a. One (1) container of chemical cleaner waste located in Building LF-53
 - b. Containers of HW located in Building V-146
 - c. HW located in the satellite accumulation area of Building CD-2
 - d. HW located at the Building LP-34 HW accumulation area
 - (3) Respondent failed to label containers of HW with an accumulation start date, as required by 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.17(a)(5)(i)(C);
 - a. One (1) drum containing flammable liquid waste located in Building X-380
 - b. Two (2) boxes of ethyl methyl ketone waste in Building X-380
 - c. Aerosol cans of Krylon Paint located in Building X-380 and
 - d. Box of Isopropyl Alcohol waste located in Building X-380
 - (4) Respondent failed to conduct weekly inspection of the HW accumulation area, as required by 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.17(a)(1)(v);
 - a. Weekly inspections of the HW accumulation areas were not conducted

from 2/15/23 through 4/2/23

- (5) Respondent failed to keep containers of HW closed when not adding or removing waste, as required by 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.17(a)(1)(iv)(A);
 - a. One (1) container of flammable HW located in the Building LP-24 HW accumulation area and
 - b. One (1) gallon waste paint container located in the Building LP-24 HW accumulation area
 - b. On May 8, 2023, Respondent failed to make a HW determination, in violation of 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.11, on the following waste stream: used paint filters observed in a nonhazardous dumpster next to Building SP-300.
 - c. From at least February 15, 2023 to April 2, 2023, Respondent failed to conduct weekly inspections of the HW accumulation area, as required by 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.174.
 - d. On May 8, Respondent failed to keep containers of HW closed when not adding or removing waste, as required by 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.173(a); by failing to keep closed:
 - a. One (1) container of flammable HW located in the Building LP-24 HW accumulation area and
 - b. One (1) gallon waste paint container located in the Building LP-24 HW accumulation area
14. Complainant and Respondent agree that settlement of this matter for a total penalty of **SIX THOUSAND TWO HUNDRED AND FIFTY DOLLARS (\$6,250.00)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and with specific reference to EPA’s October 1990 RCRA Civil Penalty Policy, as revised in June 2003 and May 2020 (“RCRA Penalty Policy”), and the 2021 RCRA Expedited Settlement Agreement Pilot.
15. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$6,250.00**.
16. Respondent’s Treasury Account Symbol is 017 1804 Operation and Maintenance Navy. Inquiries concerning this payment may be made to Gail Smith, Budget Officer – Navy Region Mid-Atlantic, who may be contacted by email at gail.e.smith10.civ@us.navy.mil and by telephone at (757) 322-2625.
17. Payment of the civil penalty amount 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 to Respondent's name and address, and the Docket Number of this action, *i.e.*, **RCRA-03-2026-0011**;
- b. All checks shall be made payable to the "United States Treasury"
- c. Respondent shall pay the assessed penalty and any 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." However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025 Executive Order on Modernizing Payments To and From America's Bank Account, Respondent shall pay using one of the electronic payments methods listed on the EPA's How to Make a Payment website and will not pay with a paper check.

Payment may be made using the Intra Governmental Payment and Collection application (IPAC), **Agency Location Code 68-01-0727**, and Respondent's Treasury Account Symbol 017 1804 Operation and Maintenance Navy. Please include the Docket Number of this action (Docket No. **RCRA-03-2026-0011**) in the description field of the IPAC.

18. Within 24 hours of payment, Respondent shall also send proof of payment (a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Rebecca Serfass, Sr. Inspector / Enforcement Officer, (3ED22)
U.S. EPA, Region 3
Serfass.Rebecca@epa.gov

and

Regional Hearing Clerk (3RC00)
U.S. EPA, Region 3
R3_Hearing_Clerk@epa.gov

19. In signing this Agreement, Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final

- Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Agreement and Final Order.
20. Respondent also expressly waives any right to confer with the Administrator pursuant to RCRA Section 6001(b)(2), 42 U.S.C. § 6961(b)(2).
 21. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) the alleged violations have been corrected, and (2) any documentation or information provided to the EPA was true and accurate.
 22. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
 23. 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 Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.
 24. This Agreement is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
 25. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind The United States Navy.
 26. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: Serfass.Rebecca@epa.gov (for Complainant), and matthew.t.schlarmann.mil@us.navy.mil (for Respondent).
 27. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent or information which may adversely affect national security.
 28. Antideficiency Act. Respondent shall seek all existing funds to meet the requirements of this Agreement and Final Order. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligation to comply with RCRA, the

applicable regulations thereunder, or with this Agreement and Final Order. Nothing in this Agreement and Final Order shall be interpreted to require obligation or payment of funds in violation of the Antideficiency Act, 31 U.S.C. § 1341.

For Respondent: The United States Navy

Date: 12 FEB 2026

By: 

CAPT Matthew Schlarmann
Commanding Officer of Naval Station Norfolk

For Complainant: U.S. Environmental Protection Agency, Region 3

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

[Digital Signature and Date]

Andrea Bain, Acting Director

Enforcement and Compliance Assurance Division

does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921 et seq., and the regulations promulgated thereunder.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

[Digital Signature and Date]

Regional Judicial Officer

U.S. EPA - Region 3

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

In the Matter of: :

The United States Navy :

Respondent. : **U.S. EPA Docket No. RCRA-03-2026-0011**

: **Proceeding under Section**

: **3008(a) and (g) of the Resource Conservation**

: **and Recovery Act, as amended, 42 U.S.C.**

: **§ 6928(a) and (g)**

Naval Station Norfolk :

1530 Gilbert Street :

Norfolk, VA 23511 :

:

Facility :

CERTIFICATE OF SERVICE

I certify that the foregoing *Expedited Settlement Agreement and Final Order* was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the *Expedited Settlement 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:

CAPT Matthew Schlarmann
Commanding Officer of Naval Station Norfolk
Naval Station Norfolk
matthew.t.schlarmann.mil@us.navy.mil
1530 Gilbert Street
Norfolk, VA 23511

Rebecca Serfass
Sr. Inspector / Enforcement Officer
U.S. EPA, Region 3
Serfass.Rebecca@epa.gov

[Digital Signature and Date]
 Regional Hearing Clerk
 U.S. Environmental Protection Agency, Region 3