

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

FILED

Mar 11, 2025

9:54 am

**U.S. EPA REGION 3
HEARING CLERK**

IN THE MATTER OF:

**D.C. Department of Environmental
Services
Facility Management Division
Department of General Services
3924 Minnesota Ave NE, 4th Floor
Washington, DC 20019**

Respondent,

**Adams Place Warehouse
2200 Adams Place, N.E.
Washington, D.C. 20018**

Facility

DOCKET NO.: RCRA-03-2025-0018

**EXPEDITED SETTLEMENT AGREEMENT AND
FINAL ORDER**

**Proceeding under Section
3008(a) and (g) of the Resource
Conservation and Recovery Act, as
amended, 42 U.S.C. § 6928(a) and (g)**

EXPEDITED SETTLEMENT AGREEMENT

1. D.C. Department of General Services ("Respondent"), and the 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) and (g) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C § 6928(a) and (g), 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(g) of RCRA, 42 U.S.C. § 6928(g), and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.
3. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA has authorized the District of Columbia 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 authorized District of Columbia Hazardous Waste Management Regulations ("DCHWMR"), codified at 20 DCMR §§ 4000 et seq., have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to

Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

4. On September 13, 2024, EPA sent a letter to the District of Columbia, through the District of Columbia Department of Energy and the Environment (“DOEE”), giving prior notice of this enforcement action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
5. At its facility, located at 2200 Adams Place, N.E., Washington, D.C. 20018 (“Facility”), Respondent operates a maintenance and repair warehouse that can provide some of the following services to the District of Columbia owned buildings: housekeeping, welding, painting, warehouse storage, plumbing and carpentry. Hazardous waste generated by the Facility includes, but is not limited to, used lacquer and paint, used aerosol cans, waste lamps and batteries. On August 31, 2021, Respondent submitted a notification to DOEE that the Facility was a small quantity generator (“SQG”) of hazardous waste at the Facility, and DOEE assigned RCRA ID No. DCR000506212 to the Facility.
6. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a “person,” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 20 DCMR § 4260.1, and at all times relevant to the allegations in this Agreement was the “operator” and the “owner” of a “facility,” described in Paragraph 5, as the terms “facility”, “owner” and “operator” are defined in 40 C.F.R. § 260.10, as incorporated by reference in 20 DCMR § 4260.1.
7. At all times relevant to the allegations described in this Agreement, Respondent “stored” waste lacquers and paints, waste aerosol cans, and waste lamps with EPA Hazardous Waste Codes D001 and D009 which are “hazardous waste(s)” at the Facility, as the terms “stored” and “hazardous waste” are defined in 40 C.F.R. § 260.10, as incorporated by reference in 20 DCMR § 4260.1.
8. On February 7, 2023, EPA representatives conducted a Compliance Evaluation Inspection at the Facility to determine compliance with the applicable hazardous waste regulations. On July 10, 2023, EPA sent an information request letter to the Respondent pursuant to RCRA, requesting information about the Facility regarding its compliance with the applicable hazardous waste regulations. On April 5, 2024 and July 11, 2024, Respondent provided responses to EPA’s information request.
9. 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 federally-authorized District of Columbia hazardous waste management regulations set forth in the DCHWMR, 20 DCMR §§ 4000 et seq.
10. Complainant has identified the following violations at the Facility:

- a. On February 7, 2023, Respondent failed to make a hazardous waste determination for its solid waste, in violation of 20 DCMR § 4260.1 which incorporates by reference 40 C.F.R. § 262.11. During the Inspection, the EPA Inspector observed a used aerosol can in the Welding Shop with a cap missing on the actuator, and Facility personnel stated that used aerosol cans are discarded in the regular trash.
 - b. On February 7, 2023, Respondent failed to dispose of universal waste lamps with a universal waste handler or a destination facility, in violation of 20 DCMR § 4273 which incorporates by reference 40 C.F.R. § 273.18(a). During the Inspection, the EPA inspector observed broken waste lamps and lamp components discarded on the floor of the Lamp Room and outside on the ground near the Lamp Room.
11. Complainant and Respondent agree that settlement of this matter for a total penalty of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)** 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 ("RCRA Penalty Policy"), and the 2021 RCRA Expedited Settlement Agreement Pilot.
12. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)** by one of four methods: 1) electronic funds transfer ("EFT"), 2) Automated Clearinghouse, 3) Pay.gov, or 4) a cashier's check or certified check made out to "**United States Treasury**" with the case name, address and docket number of this Agreement (RCRA-03-2025-0018), for the amount specified above:
 - a. Payment of the penalty amount by EFT:

Federal Reserve Bank of New York
ABA 021030004
Account 68010727
SWIFT address FRNYUS33
33 Liberty Street
New York, NY 10045
Beneficiary: Environmental Protection Agency
 - b. Payment of the penalty amount by Automated Clearinghouse ("ACH"):

U.S. Treasury REX/Cashlink ACH Receiver

ABA: 051036706
Account Number: 310006, Environmental Protection Agency

CTX Format Transaction Code 22- Checking

Physical Location of the U.S. Treasury Facility
5700 Rivertech Court
Riverdale, MD 20737

Remittance Express (REX): 1-866-234-5681

c. Payments made through Pay.gov:

Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account information to make payments. Follow these steps to make a payment:

- (1) You **DO NOT** need a user name and password or account.
- (2) Enter **SFO 1.1** in the form search box on the top left side of the screen.
- (3) Open the form and follow the on-screen instructions.
- (4) Select your method of payment from the "Type of Payment" drop down menu.
- (5) Based on your selection, the corresponding line will open and no longer be shaded grey.
- (6) Enter the docket number of this Agreement into the field.

d. Payment of the penalty amount by regular U.S. Postal Service shall be sent via regular mail to:

U.S. Environmental Protection Agency
P.O. Box - Cincinnati Finance Division Box 979078
St. Louis, MO 63197-9000

e. Payment of the penalty amount by overnight mail (FedEx or other non-U.S. Postal Service express mail) shall be sent to:

U.S. Environmental Protection Agency
Government Lock Box - Cincinnati Finance Division Box 979078
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

f. A list of the payment methods is also provided at this website
<https://www.epa.gov/financial/makepayment>.

13. 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:

Andrew Ma, Inspector (3ED22)
U.S. EPA, Region III
ma.andrew@epa.gov

and

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

14. 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 Consent Agreement and Final Order.
15. 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 EPA was true and accurate.
16. 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.
17. By signing this 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 Agreement.
18. 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.

19. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
20. This Agreement is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
21. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind D.C. Department of General Services.
22. 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: ma.andrew@epa.gov (for Complainant), and donny.gonzalez@dc.gov (for Respondent).
23. 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.

For Respondent: D.C. Department of General Services

Date: 03/06/25

By: 

Name: Donny Gonzalez

Title: Deputy Director, DGS,FMD

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

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.

Melvin,
Karen

Digitally signed by Melvin,
Karen
Date: 2025.03.10
16:03:58 -04'00'

[Digital Signature and Date]

Karen Melvin, Director
Enforcement and Compliance Assurance Division

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

FILED

Mar 11, 2025

9:54 am

U.S. EPA REGION 3
HEARING CLERK

IN THE MATTER OF:

D.C. Department of Environmental Services
Facility Management Division
Department of General Services
3924 Minnesota Ave NE, 4th Floor
Washington, DC 20019

Respondent,

Adams Place Warehouse
2200 Adams Place, N.E.
Washington, D.C. 20018

Facility

DOCKET NO.: RCRA-03-2025-0018

EXPEDITED SETTLEMENT AGREEMENT AND
FINAL ORDER

Proceeding under Section
3008(a) and (g) of the Resource
Conservation and Recovery Act, as
amended, 42 U.S.C. § 6928(a) and (g)

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region 3, and Respondent, D.C. Department of Environmental Services, have executed a document entitled "Expedited Settlement 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 Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Expedited Settlement Agreement, the penalty agreed to therein took into account 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 ("RCRA Penalty Policy"), and the 2021 RCRA Expedited Settlement Agreement Pilot.

NOW, THEREFORE, PURSUANT TO 3008(g) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Section 6991e, 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 **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, 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 Expedited Settlement Agreement and 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.

JOSEPH
LISA

Digitally signed by
JOSEPH LISA
Date: 2025.03.11
08:56:58 -04'00'

[*Digital Signature and Date*]

Joseph J. Lisa
Regional Judicial Officer
U.S. EPA - Region 3

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

IN THE MATTER OF:

**D.C. Department of Environmental Services
Facility Management Division
Department of General Services
3924 Minnesota Ave NE, 4th Floor
Washington, DC 20019**

Respondent,

**Adams Place Warehouse
2200 Adams Place, N.E.
Washington, D.C. 20018**

Facility

DOCKET NO.: RCRA-03-2025-0018

**EXPEDITED SETTLEMENT AGREEMENT AND
FINAL ORDER**

**Proceeding under Section
3008(a) and (g) of the Resource
Conservation and Recovery Act, as
amended, 42 U.S.C. § 6928(a) and (g)**

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited Settlement Agreement and Final Order was filed with the EPA Region III 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:

Donny Gonzalez, Deputy Director
DC Department of Environmental Services
Facility Management Division
Department of General Services
donny.gonzalez@dc.gov

Xavier Beltran, General Counsel
Department of General Services
xavier.beltran@dc.gov

Andrew Ma, Inspector
U.S. EPA, Region 3
ma.andrew@epa.gov

Kathleen Root, Sr. Assistant Regional Counsel
U.S. EPA, Region 3
root.kathleen@epa.gov

**BEVIN
ESPOSITO**

Digitally signed by BEVIN ESPOSITO
Date: 2025.03.11 09:58:51 -0400

[Digital Signature and Date]

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 3 ¹