



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

OVERNIGHT MAIL
CONFIRMATION OF RECEIPT REQUESTED

Mr. Keith Hull
Director, Research and Development Services Division
Code 3500
Naval Research Lab
4555 Overlook Avenue, SW
Washington, DC 20375

RECEIVED
MAR 31 11:45
31 MAR 2008

Re: Consent Agreement, Final Order
In the Matter of: U.S. Department of the Navy, Naval Research Laboratory
Docket No. RCRA-03-2008-0132

Dear Mr. Hull:

Enclosed please find a true and correct copy of the filed Consent Agreement and Final Order ("CA/FO") in settlement of the violations of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, and the District of Columbia Municipal Regulations ("DCMR"), Title 20, Chapters 55-68, as authorized by EPA pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, by the United States Department of the Navy, Naval Research Laboratory ("Respondent") in connection with its underground storage tanks located at 4555 Overlook Avenue, SW, Washington, DC 20375 (the "Facility"). As you know, the CAFO has been negotiated pursuant to Sections 9006 and 9007 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6991e, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. Part 22, including, specifically 40 C.F.R. §§ 22.13(b) and .18(b)(2) and (3). Please refer to the CAFO for further details concerning the violations at this Facility.

Please direct any questions regarding this matter to Brianna Tindall, Office of Regional Counsel, (215) 814-2623.

Sincerely,

Carol Amend, Chief
RCRA Compliance and Enforcement Branch

cc: Melissa Toffel (3WC31)
Susan Offley (Naval Research Laboratory)
Sharon Hamilton (D.C. Department of the Environment)

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

MEMORANDUM

SUBJECT: Consent Agreement and Final Order
In the Matter of U.S. Department of the Navy, Naval Research Laboratory
Docket No: RCRA-03-2008-0132

FROM: William C. Early, Jr.
Regional Counsel (3RC00)

Abraham Ferdas, Director
Waste and Chemicals Management Division (3WC00)

TO: Renée Sarajian
Regional Judicial Officer (3RC00)

The attached Consent Agreement and Final Order ("CA/FO") has been negotiated with the U.S. Department of the Navy, Naval Research Laboratory (hereinafter "Respondent" or "NRL") pursuant to Sections 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/FO will 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 4555 Overlook Avenue, SW, Washington, D.C. 20375 (the "Facility"). Please refer to the Consent Agreement for further details concerning the violations at this Facility.

In settlement of EPA's claims for civil monetary penalties associated with the violations alleged in the attached Consent Agreement, the parties have negotiated a Sixteen Thousand and Forty Two Dollars (\$16,042.00). The settlement amount is an appropriate penalty for the identified violations based upon consideration of the statutory penalty factors set forth in Sections 9006(c) - (e) of RCRA, 42 U.S.C. § 6991e(c) - (e).

For the reasons set forth above, we recommend that you sign the attached Final Order ratifying the Consent Agreement and assessing the negotiated Sixteen Thousand and Forty Two Dollars (\$16,042.00) civil penalty against NRL.

Upon execution of the Final Order, please return the enclosed documents to Brianna Tindall of the Office of Regional Counsel for further processing.

Attachments

cc: Susan Offley, Esq., Naval Research Laboratory
Keith Hull, Naval Research Laboratory

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

In the Matter of:)	
)	
United States Department of the Navy)	
Naval Research Laboratory)	U.S. EPA Docket Number
4555 Overlook Avenue, SW)	RCRA-03-2008-0132
Washington, DC 20375)	
)	Proceeding Under Section 9006 of the
RESPONDENT,)	Resource Conservation and Recovery Act,
)	as amended, 42 U.S.C. Section 6991e
Naval Research Laboratory)	
4555 Overlook Avenue, SW)	
Washington, DC 20375)	
)	
FACILITY.)	
)	

RECEIVED
 6/11/98 10:49 AM
 REGION III OFFICE

CONSENT AGREEMENT

This Consent Agreement (“CA”) is entered into by the Director, Waste and Chemicals Management Division, U.S. Environmental Protection Agency, Region III (“EPA” or “Complainant”) and the United States Department of the Navy, Naval Research Laboratory (“Respondent”), pursuant to Section 9006 and Section 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 “CA/FO”), 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 4555 Overlook Avenue, SW, Washington, D.C. 20375 (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, became requirements

of Subtitle I of RCRA and are, accordingly, 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.*

EPA has given the District of Columbia notice of the issuance of this CA/FO in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

GENERAL PROVISIONS

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CA/FO.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CA/FO, 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 CA/FO.
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, Respondent 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 CA/FO, 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 the Respondent certifies to EPA by their signature herein that, Respondent, as of the date of its execution 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. This certification is based on the personal knowledge of the signer or an inquiry of the person or persons responsible for the Facility's compliance with Subtitle I of RCRA.
8. The provisions of this CA/FO shall be binding upon EPA and Respondent.
9. This CA/FO 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

CA/FO 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 the Complaint are false or, in any material respect, inaccurate.
11. EPA has given the District of Columbia prior notice of the issuance of this CA/FO 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, and 40 C.F.R. § 22.1(a)(4) and .4(c).
13. Respondent is a "person" as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 20 DCMR § 6899.1.
14. At all times relevant to this CA/FO, Respondent has been the "owner" and "operator," as those terms are defined in Section 9001(3) and (4) of RCRA, 42 U.S.C. § 6991(3) and (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 4555 Overlook Avenue, SW, Washington, D.C. 20375 (the "Facility").
15. On April 23, 2007, an EPA representative conducted a Compliance Evaluation Inspection ("CEI") of the Facility pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.
16. At the time of the April 23, 2007 CEI, and at all times relevant to the applicable violations alleged herein, five USTs, as described in the following subparagraphs, were located at the Facility. The following USTs were located in Building 36 at the Facility:
 - A. two (2) four thousand (4,000) gallon manifolded double-walled steel tanks that were installed in April 1993 and that, at all times relevant hereto, routinely contained and were used to store 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 "USTs Nos. 1 and 2"), and

- B. a two thousand (2,000) gallon double-walled steel tank that was installed in March 1993 and that, at all times relevant hereto, routinely contained and was used to store diesel fuel, 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. 3”).

The following UST was located in Building 210 at the Facility:

- C. a twelve thousand (12,000) gallon double-walled fiberglass reinforced plastic (“FRP”) tank that was installed in January 1989 and that, at all times relevant hereto, routinely contained and was used to store diesel fuel, 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. 4”).

The following UST was located in Building 259 at the Facility:

- D. a fifteen thousand (15,000) gallon double-walled fiberglass reinforced plastic tank that was installed in June 2003 and that, at all times relevant hereto, routinely contained and was used to store diesel fuel, 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. 5”).

17. At all times relevant to the applicable violations alleged herein, USTs Nos. 1, 2, 3, and 4 have been “petroleum UST systems” and “existing UST systems” as these terms are defined in 20 DCMR § 6899.1, respectively.
18. At all times relevant to the applicable violations alleged herein, UST No. 5 has been a “petroleum UST system” and “new tank system” as these terms are defined in 20 DCMR § 6899.1, respectively.
19. USTs Nos. 1, 2, 3, 4, and 5 are and were, at all times relevant to the applicable violations alleged in this CA/FO, 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. Pursuant to RCRA Section 9005, 42 U.S.C. § 6991d, on October 25, 2007, EPA issued an Information Request to Respondent concerning its petroleum UST systems at the Facility.
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COUNT #1

(Failure to maintain release detection records at the Facility)

21. The allegations of Paragraphs 1 through 20 of this CA/FO are incorporated herein by reference.
 22. 20 DCMR § 6000.1 provides that each owner and operator of a new or existing UST system shall provide a method, or combination of methods, of release detection that meets the requirements described therein.
 23. Pursuant to 20 DCMR §§ 6003.1 through 6003.5, tanks which are part of a petroleum UST system must be monitored at least every 30 days for releases using one of the methods listed in 20 DCMR §§ 6008 through 6012, except that: (1) prior to December 22, 1995, certain UST systems could have been monitored using a combination of inventory control and tank tightness testing in compliance with the requirements of 20 DCMR §§ 6005 through 6007; and (2) tanks with a capacity of 550 gallons or less may use weekly tank gauging conducted in accordance with 20 DCMR § 6006.
 24. 20 DCMR § 5602.4(c) provides that each UST system owner or operator shall maintain information of recent compliance with release detection requirements pursuant to 20 DCMR § 6001.
 25. Pursuant to 20 DCMR § 6001.1, owners and operators of each UST systems shall maintain records in accordance with 20 DCMR § 5602 demonstrating compliance with all applicable requirements of DCMR.
 26. 20 DCMR § 6001.3 and .4 provide that the results of any sampling, testing, or monitoring shall be maintained for 3 years, except the results for tank tightness testing conducted in accordance with 20 DCMR § 6007 shall be retained until the next test of the UST system is conducted.
 27. From at least April 1, 2005 until January 27, 2007, Respondent failed to maintain records of release detection monitoring which had been performed for UST No. 3 in accordance with 20 DCMR § 5602.4(c) and 20 DCMR § 6001.3 and .4.
 28. From at least April 1, 2005 until March 7, 2007, Respondent failed to maintain records of release detection monitoring which had been performed for USTs Nos. 1 and 2 in accordance with 20 DCMR § 5602.4(c) and 20 DCMR § 6001.3 and .4.
 29. Respondent's acts and/or omissions as alleged in Paragraphs 27 and 28, above, constitute violations by Respondent of 20 DCMR § 5602.4(c) and 20 DCMR § 6001.
-

COUNT #2

(Failure to test cathodic protection system on USTs)

30. Paragraphs 1 through 29 of this CA/FO are incorporated by reference as if fully set forth herein.
31. 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.
32. 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.
33. At all times relevant to the applicable violations alleged herein, USTs Nos. 1, 2, and 3 were steel UST systems used to store regulated substances and were equipped with “cathodic protection” within the meaning of 20 DCMR § 5901.4.
34. Respondent indicated in its response to the October 25, 2007 IRL that it performed tests on the cathodic protection systems for USTs 1, 2, and 3 on September 11, 1995. Additionally, the Respondent provided records demonstrating that it tested the cathodic protection systems for USTs 1 and 2 on May 9, 2007 and the cathodic protection system for UST 3 on July 24, 2007.
35. From at least April 1, 2003 until May 8, 2007, Respondent failed to test the cathodic protection system for USTs Nos. 1 and 2, and from at least April 1, 2003 until July 23, 2007, Respondent failed to test the cathodic protection system for UST No. 3, as required by 20 DCMR § 5901.4.
36. Respondent’s acts and/or omissions as alleged in Paragraph 35, above, constitute violations by Respondent of 20 DCMR § 5901.4.

COUNT #3

(Failure to meet the UST system performance standards for spill prevention on UST No. 4)

37. The allegations of Paragraphs 1 through 36 of this CA/FO are incorporated herein by reference.
-

38. 20 DCMR § 5803.1 provides that all existing UST systems shall comply with new UST system spill prevention equipment requirements specified in 20 DCMR § 5705 to prevent spilling associated with product transfer to the UST system.
39. 20 DCMR § 5705.1 provides, except as provided in 20 DCMR § 5705.3, that each owner and operator must use spill prevention equipment (such as a spill catchment basin) that will prevent release of regulated substances when the transfer hose is detached from the fill pipe to prevent spilling associated with the transfer of regulated substances to an UST system .
40. From April 1, 2003 until September 27, 2007, Respondent failed to install certain spill prevention equipment for UST No. 4 as described in 20 DCMR § 5705.1. UST No. 4 did not fall within the exception in 20 DCMR § 5705.3 and was not in compliance with the closure requirements of 20 DCMR Chapter 61.
41. Respondent's act and/or omission as alleged in Paragraph 40, above, constitutes a violation by Respondent of 20 DCMR § 5705.1 and § 5803.1.

COUNT #4

(Failure to meet the UST system performance standards for overfill prevention on UST No. 4)

42. The allegations of Paragraphs 1 through 41 of this CA/FO are incorporated herein by reference.
43. 20 DCMR § 5803.1 provides that all existing UST systems shall comply with new UST system overfill prevention equipment requirements specified in 20 DCMR § 5705 to prevent overfilling associated with product transfer to the UST system.
44. 20 DCMR § 5705.2 provides, except as provided in 20 DCMR § 5705.3, that to prevent overfilling associated with the transfer of regulated substances, each owner and operator must use overfill prevention equipment that does the following:
 - (a) Automatically shuts off flow into the tank when the tank is no more than ninety-five percent (95%) full; or
 - (b) Alerts the transfer operator when the tank is no more than ninety percent (90%) full by restricting the flow into the tank or triggering a high-level alarm, or
 - (c) For tanks with a capacity of 4,000 gallons or more, equipment which will restrict flow 30 minutes prior to overfilling, or automatically shut off flow into the tank so that none of the fittings located on the top of the tank are exposed to product due to overfilling.

45. During the April 23, 2007 CEI, the audible overflow alarm in place at the Facility was tested and did not function.
46. From at least April 23, 2007 until March 12, 2008, Respondent failed to have fully functional overflow prevention equipment for UST No. 4 as described in 20 DCMR § 5705.2. UST No. 4 did not fall within the exception in 20 DCMR § 5705.3 and was not in compliance with the closure requirements of 20 DCMR Chapter 61.
47. Respondent's act and/or omission as alleged in Paragraph 46, above, constitutes a violation by Respondent of 20 DCMR § § 5705.2 and § 5803.1.

CIVIL PENALTY

48. 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 **Sixteen Thousand and Forty Two Dollars [\$16,042.00]**. The civil penalty amount is due and payable immediately upon Respondent's receipt of a true and correct copy of this CA/FO, fully executed by the parties, signed by the Regional Judicial Officer, and filed with the Regional Hearing Clerk.
49. 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 § 9006(c), 42 U.S.C. § 6991e(c), the maximum civil penalties established under RCRA § 9006(d), 42 U.S.C. § 6991e(d), Respondent's compliance history and any other factors EPA considers appropriate as provided in RCRA § 9006(e), 42 U.S.C. § 6991e(e), as well as EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.
50. Respondent shall pay the amount described in Paragraph 48, 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-03-2008-0132;
 - 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

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

I. Payment by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this CA/FO. A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

Brianna Tindall
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

and

Ms. Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

FULL AND FINAL SATISFACTION

51. This CA/FO constitutes a full and final resolution of Respondent's liability for Federal civil penalties pursuant to 9006(a) of RCRA, 42 U.S.C. § 6991e(a), for the violations and matters alleged in this Consent Agreement.

RESERVATION OF RIGHTS

52. 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 CA/FO, following its filing with the Regional Hearing Clerk.

ADEQUACY OF FUNDS; ANTIDEFICIENCY ACT

53. 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 CA/FO. Nothing in this CA/FO shall be interpreted to require obligation or payment of funds in violation of the Antideficiency Act, 31 U.S.C. § 1341.

OTHER APPLICABLE LAWS

54. Nothing in this CA/FO 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

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

ENTIRE AGREEMENT

56. 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

57. This CA/FO shall become effective upon filing with the Regional Hearing Clerk.
-

In the Matter of:
U.S. Dept. of the Navy


12

Consent Agreement
Docket No. RCRA-03-2008-0132

For Respondent:

U.S. Department of the Navy


3/20/08
Date


by: CAPT Daniel R. Gahagan
Commanding Officer

For Complainant:

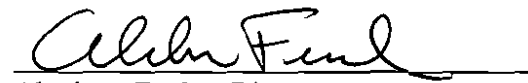
U.S. Environmental Protection Agency,
Region III

3/26/08
Date


Brianna Tindall
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.

3/27/08
Date


Abraham Ferdas, Director,
Waste and Chemicals Management
Division, EPA Region III

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

In the Matter of:)
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United States Department of the Navy)
Naval Research Laboratory)
4555 Overlook Avenue, SW)
Washington, DC 20375)
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RESPONDENT,)
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Naval Research Laboratory)
4555 Overlook Avenue, SW)
Washington, D.C. 20375)
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FACILITY.)
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**U.S. EPA Docket Number
RCRA-03-2008-0132**

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

FINAL ORDER

FINAL ORDER

Complainant, the Director, Waste and Chemicals Management Division, U.S. Environmental Protection Agency - Region III, and Respondent, United States Department of the Navy, 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.

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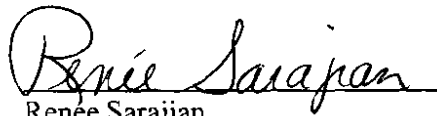
§ 6991e(c) (“RCRA”), and having determined, based on the representations of the parties in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the factors set forth in Section 9006(c) - (e) of RCRA, 42 U.S.C. § 6991e(c) - (e),

IT IS HEREBY ORDERED that Respondent pay a civil penalty of **Sixteen Thousand and Forty Two Dollars [\$16,042.00]** 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:

3/31/08



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

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by Overnight Delivery Service, a copy of the Consent Agreement and Final Order, **In the Matter of: U.S. Department of the Navy, Naval Research Laboratory, U.S. EPA Docket Number RCRA-03-2008-0132**, to the persons and addresses listed below. The original Consent Agreement and Final Order were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III.

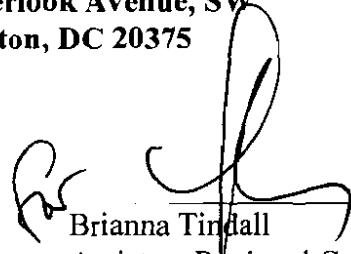
Keith Hull
Director, Research and Development Services Division
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