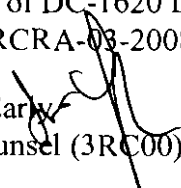



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**TRANSMITTAL MEMORANDUM**

**SUBJECT:** Consent Agreement and Final Order  
In the Matter of DC-1620 Limited Partnership  
Docket No. RCRA-03-2008-0398

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

Abraham Ferdas, Director   
Land and Chemicals Division (3LC30)

**TO:** Renée Sarajian  
Regional Judicial Officer (3RC00)

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EPA REGION III PHILA, PA

The attached Consent Agreement and Final Order ("CAFO") have been negotiated pursuant to Section 9006 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).

The CAFO resolves violations of RCRA Subtitle 1, 42 U.S.C. §§ 6991-6991m, and the District of Columbia's federally authorized underground storage tank program by DC-1620 Limited Partnership ("Respondent") in connection with its ownership of the underground storage tank located at 1620 L Street, NW, Washington, D.C. (the "Facility"). Please refer to the CAFO for further details concerning the violations at this Facility.

Under the terms of the settlement, Respondent will pay a civil penalty in the amount of \$9,287.00. This settlement was determined after consideration of the statutory factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), and other settlement adjustment factors set forth in the "U.S. Penalty Guidance for Violation of UST Regulations" dated November, 1990 ("UST Penalty Policy").

We concur with the terms of the enclosed CAFO. Accordingly, we recommend that you sign the Final Order and return it to the Office of Regional Counsel for further processing.

cc: Alec Rubenstein, Esq.  
Donzetta Thomas, Esq.

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

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REGION III  
EPA REGION III, PHILA, PA

In the Matter of: )  
DC-1620 Limited Partnership )  
Two North Riverside Plaza, Suite 2100 )  
Chicago, Illinois 60606 )

RESPONDENT, )

Budget Rent-A-Car Systems, Inc. )  
1629 L Street, NW )  
Washington, D.C. )

FACILITY. )

Docket Number: RCRA-3-2008-0398

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

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**CONSENT AGREEMENT**

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This Consent Agreement (“CA”) is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“EPA” or “Complainant”) and DC-1620 Limited Partnership (“Respondent”), pursuant to Section 9006 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).

This CA and the Final Order (collectively “CAFO”), resolves alleged 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 located at 1620 L Street, NW, Washington, D.C. (the “Facility”).

Effective May, 4, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the District of Columbia was granted final authorization to administer a state UST management program *in lieu* of the Federal UST management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m. The provisions of the District of Columbia UST management program, through this final authorization, are enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. The District of Columbia’s authorized UST program regulations are set forth in the District of Columbia Municipal Regulations, Title 20, Chapters 55 *et seq.*, and will be cited hereinafter as 20 DCMR §§ 5500 *et seq.*

**GENERAL PROVISIONS**

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, above.
3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order ("FO"), or the enforcement of the CAFO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing on any issue of law or fact set forth in this CA and any right to appeal the accompanying FO.
5. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
6. Respondent shall bear its own costs and attorney's fees.
7. The person signing this CA on behalf of the Respondent certifies to EPA by his/her signature herein that, to the best of his/her information and belief, Respondent, as of the date of this CA, is in compliance with the provisions of RCRA, Subtitle I, 42 U.S.C. §§ 6991-6991m, and the District of Columbia's federally authorized underground storage tank program set forth at 20 DCMR §§ 5500 *et seq.* at the Facility referenced herein.
8. The provisions of this CAFO shall be binding upon Respondent, and its officers, directors, employees, successors and assigns.
9. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit, nor does this CAFO constitute a waiver, suspension or modification of the requirements of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, or any regulations promulgated thereunder.
10. Complainant shall have the right to institute further actions to recover appropriate relief if Complainant obtains evidence that the information provided and/or representations made by Respondent to EPA regarding matters at issue in this CAFO are false or, in any material respect, inaccurate. Respondent is aware that the submission of false or

misleading information to the United States government may subject Respondent to separate civil and/or criminal liability.

11. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this Consent Agreement and the attached Final Order.
12. EPA has given the District of Columbia prior notice of the issuance of this CAFO in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

**FACTUAL ALLEGATIONS AND CONCLUSIONS OF LAW**

13. EPA- Region III (“EPA” or the “Region”) and EPA’s Office of Administrative Law Judges have jurisdiction over this matter pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, 40 C.F.R. Part 280 and 40 C.F.R. § 22.1(a)(4) and .4(c).
14. At all times relevant to this CAFO, Respondent has been an Illinois limited partnership doing business in the District of Columbia.
15. Respondent is a “person” as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 20 DCMR § 6899.1.
16. At all times relevant to this CAFO, Respondent has been the “owner,” as that term is defined in Section 9001(3) of RCRA, 42 U.S.C. § 6991(3), and 20 DCMR § 6899.1, of the “underground storage tank” (“UST”) and “UST system” as those terms are defined in Section 9001(10) of RCRA, 42 U.S.C. § 6991(10), and 20 DCMR § 6899.1, located at the Facility. Respondent sold the Facility on September 3, 2008 (“Sale Date”).
17. On May 17, 2007, EPA representatives attempted to conduct a Compliance Evaluation Inspection (“CEI”) of the Facility pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d; however the Facility was no longer in business. Thereafter, on May 24, 2007 and January 11, 2008, EPA sent the former operator, Budget Rent-A-Car Systems, Inc. and Respondent, respectively, a Request for Information pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d, (“IRL”) regarding UST Systems located at the Facility.
18. Based on the responses received to the IRLs, it was determined that at all times relevant to the violations alleged herein, the following UST, which was installed in or about 1989, was located at the Facility: a six thousand (6,000) gallon double-walled, fiberglass reinforced plastic (“FRP”) tank.

19. At all times relevant to the violations alleged herein, UST No. 1 has been an “existing tank system” and “petroleum UST system” as these terms are defined in 20 DCMR § 6899.1, respectively.
20. At all times relevant to the violations alleged in this CAFO, UST No. 1 was 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; however, on or about September 28, 2006, UST No. 1 was “empty” as that term is defined at 20 DCMR § 6100.7.
21. Pursuant to 20 DCMR § 6100.10, Respondent sent a letter to the District of Columbia, Department of the Environment dated September 18, 2007, requesting an extension of the 12 month temporary closure period limit for an additional 12 months. The District of Columbia’s Department of the Environment has stated that the 12-month extension was approved by letter dated April 7, 2008.
22. Respondent alleges that all field work associated with closing the tanks was completed on or about July 19, 2008 and that the District of Columbia Department of Consumer and Regulatory Affairs issued a permit to abandon the tanks in place. Respondent further alleges that the former operator, Budget Rent A Car Systems, Inc. (“Budget”), filed with the District of Columbia, Department of the Environment on or about August 1, 2008, an UST Closure Assessment Report.

COUNT 1

(Failure to maintain release detection records at the Facility)

23. The allegations of Paragraphs 1 through 22 of this CAFO are incorporated herein by reference.
24. 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.
25. 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.

26. 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.
27. Pursuant to 20 DCMR § 6001.1, owners and operators of each UST system shall maintain records in accordance with 20 DCMR § 5602 demonstrating compliance with all applicable requirements of DCMR.
28. 20 DCMR § 6001.2 provides that all written performance claims pertaining to any release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, shall be maintained for 5 years from the date of installation.
29. 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.
30. 20 DCMR § 6001.5 provides that written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on the UST system site shall be maintained for at least 3 years after the servicing work is completed.
31. 20 DCMR § 6001.6 provides that all schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be retained for five (5) years from the date of installation of the UST system.
32. The former operator, Budget, has previously certified, as further explained in Attachment A to this CAFO, that at all times relevant to the violations alleged in this CAFO, monthly release detection was performed for UST No. 1.
33. Notwithstanding the certification described in Paragraph 32 above, the former operator, Budget, was unable to provide copies of all monthly release detection monitoring records in accordance with 20 DCMR § 6001.3
34. As a result, Respondent was unable to provide any monitoring records of monthly release detection from June 1, 2004 through September 28, 2006.
35. Respondent failed to maintain records of release detection monitoring for UST No. 1 in accordance with 20 DCMR § 5602.4(c) and 20 DCMR § 6001.3.

36. Respondent's acts and/or omissions as alleged in Paragraph 35, above, constitute violations by Respondent of 20 DCMR § 5602.4(c) and 20 DCMR § 6001.

COUNT 2

\_\_\_\_(Failure to perform automatic line leak detector testing annually on piping for UST No. 1)

37. The allegations of Paragraphs 1 through 36 of this CAFO are incorporated herein by reference.
38. 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.
39. 20 DCMR § 6000.2 provides that the owner and operator of each UST system, regardless of the date of installation, shall immediately comply with the release detection requirements for all pressurized piping as set forth in 20 DCMR §§ 6004.2 and 6004.3.
40. 20 DCMR § 6004.1 provides that the owner and operator of a petroleum UST system shall regularly monitor all underground piping that contains or conveys regulated substances for releases in accordance with 20 DCMR § 6004.
41. 20 DCMR § 6004.2 provides that underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector, in accordance with § 6013.2 of this chapter.
42. 20 DCMR § 6013.2 provides, in pertinent part, that the owner or operator shall conduct an annual test of the operation of the leak detector, in accordance with the manufacturer's requirements.
43. From December 2002 until the date the tank was emptied on or about September 28, 2006, the piping for UST No. 1 was underground and routinely conveyed regulated substances under pressure.
44. Respondent has never conducted a testing of the automatic line leak detector for the piping associated with UST No. 1; however, the former operator, Budget, did conduct such tests on May 9, 2003 and on January 24, 2006 only.

45. Respondent failed to perform an annual test of the automatic line leak detector for the underground piping associated with UST No. 1 from May 10, 2004 through January 23, 2006.
46. Respondent's acts and/or omissions as alleged in Paragraph 45, above, constitute violations by Respondent of 20 DCMR § 6004.2 and 20 DCMR § 6013.2.

COUNT 3

(Failure to perform line tightness testing or monthly monitoring on piping for UST No. 1)

47. The allegations of Paragraphs 1 through 46 of this CAFO are incorporated herein by reference.
48. 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.
49. 20 DCMR § 6000.2 provides that the owner and operator of each UST system, regardless of the date of installation, shall immediately comply with the release detection requirements for all pressurized piping as set forth in §§ 6004.2 and 6004.3.
50. 20 DCMR § 6004.1 provides that the owner and operator of a petroleum UST system shall regularly monitor all underground piping that contains or conveys regulated substances for releases in accordance with 20 DCMR § 6004.
51. 20 DCMR § 6004.3 provides that underground piping that conveys regulated substances under pressure shall have an annual line tightness test conducted in accordance with § 6013.3 or have monthly monitoring conducted in accordance with § 6013.4.
52. From December 2002 until the date the tank was emptied on or about September 28, 2006, the piping for UST No. 1 was underground and routinely conveyed regulated substances under pressure.
53. Respondent has never conducted a testing of the piping associated with UST No. 1; however, the former operator, Budget, conducted such tests on May 9, 2003 and January 24, 2006.
54. Respondent failed to perform an annual line tightness testing in accordance with 20 DCMR § 6013.3 or have monthly monitoring conducted in accordance with 20 DCMR



§ 6013.4 from May 10, 2004 through January 23, 2006 for the underground piping associated with UST No. 1.

55. Respondent's acts and/or omissions as alleged in Paragraph 54, above, constitute violations by Respondent of 20 DCMR § 6004.3.

COUNT 4

(Failure to conduct triennial corrosion protection testing on the piping for UST No. 1)

56. The allegations of Paragraphs 1 through 55 of this CAFO are incorporated herein by reference.
57. 20 DCMR § 5700.1 provides, in pertinent part, that the owner and operator of an existing UST system installed after December 22, 1988 and before November 12, 1993 shall be in compliance with the federally-required new tank performance standards set forth in 40 C.F.R. § 280.20. UST systems in this category which have not met such federal standards must be immediately upgraded to meet such standards, permanently closed in accordance with 20 DCMR Chapter 61 or replaced with an UST system which meets the District of Columbia's new tank performance standards set forth in 20 DCMR § 5701.
58. 40 C.F.R. § 280.20(b) provides that piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory. 40 C.F.R. § 280.20(b) further provides that:
- (1) the piping be constructed of fiberglass-reinforced plastic; or
  - (2) the piping be constructed of steel and cathodically protected in the following manner:
    - (i) the piping is coated with a suitable dielectric material;
    - (ii) field-installed cathodic protection systems are designed by a corrosion expert; (iii) impressed current systems are designed to allow determination of current operating status as required in § 280.31 or guidelines established by the implementing agency; and (iv) cathodic protection systems are operated and maintained in accordance with § 280.31 or guidelines established by the implementing agency; or

- (3) the piping is constructed of metal without additional corrosion protection measures provided that (i) the piping is installed at a site that is determined by a corrosion expert to not be corrosive enough to cause it to have a release due to corrosion during its operating life; and (ii) owners and operators maintain records that demonstrate compliance with the requirements of paragraph (b)(3)(i) of this section for the remaining life of the piping; or
  - (4) the piping construction and corrosion protection are determined by the implementing agency to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements (b)(1) through (3).
59. 40 C.F.R. § 280.31(a)(b)(1) 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.
60. At all times relevant to the violations alleged in this CAFO, the underground piping for UST No. 1 was made of steel, routinely contained regulated substances, and was in contact with the ground.
61. From December 27, 2004 (three years after the previous test performed on such UST on December 27, 2001) until September 28, 2006, Respondent failed to test the cathodic protection system for UST No. 1 every 3 years as required by 40 C.F.R. § 280.31(a)(b)(1).
62. Respondents act or omission as described in paragraph 61, above, constitutes a violation by Respondent of 20 DCMR § 5700.1.

#### **COMPLIANCE ORDER**

Pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, Respondent is hereby ordered to:

63. Within sixty (60) days upon receipt of a Closure Certificate, from the District of Columbia Department of the Environment, provide documentation (i.e. closure certificate) that UST No.1 has been permanently closed in accordance with 20 DCMR §§ 6101. Submission of such documentation by the former operator, Budget, shall satisfy Respondent's obligation hereunder.

64. Any notice, report, certification, data presentations, or other document submitted by Respondent pursuant to this Compliance Order which discusses, describes, demonstrates, supports any findings or makes any representations concerning Respondent's compliance or noncompliance with any requirement of this Compliance Order shall be certified by a responsible representative of Respondent, as described in 40 C.F. R. § 270.11(a).

The certification of the responsible representative required above shall be in the following form:

I certify that the information contained in or accompanying this [list type of submission] is true, accurate, and complete. As to [the/those] identified portions of this [list type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [list type of submission] and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

65. All documents and reports to be submitted pursuant to this Compliance Order shall be sent to the following persons:
- a. Documents to be submitted to EPA shall be sent certified mail, return receipt requested to the attention of:

Martin Matlin  
Office of Land Enforcement (3LC70)  
U.S. Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

and

Donzetta W. Thomas  
Senior Assistant Regional Counsel (3RC30)  
U.S. Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

66. If activities undertaken by the Respondent in connection with this Compliance Order or otherwise indicate that a release of a regulated substance from any UST at the Facilities may have occurred, Respondent may be required to undertake corrective action pursuant to applicable regulations in 20 DCMR § 6200.
67. Respondent is hereby notified that failure to comply with any of the terms of this Compliance Order may subject it to imposition of a civil penalty of up to \$32,500 for each day of continued noncompliance, pursuant to Section 9006(a)(3) of RCRA, 42 U.S.C. § 6991e(a)(3), the Debt Collection Improvement Act of 1996 (“DCIA”), and the subsequent Civil Monetary Penalty Inflation Adjustment Rules, 61 *Fed. Reg.* 69360 (December 31, 1996), and 69 *Fed. Reg.* 7121, 7126 (February 13, 2004), codified at 40 C.F.R. Part 19.
68. The term “days” as used herein shall mean calendar days unless specified otherwise.

#### **CIVIL PENALTY**

69. 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 nine thousand two hundred eighty-seven dollars (\$9,287.00). The civil penalty amount is due and payable immediately upon Respondent’s receipt of a true and correct copy of this CA and attached FO. If Respondent pays the entire civil penalty nine thousand two hundred eighty-seven dollars (\$9,287.00) within thirty (30) calendar days of the date on which this CAFO is mailed or hand-delivered to Respondent, no interest will be assessed against Respondent pursuant to 40 C.F.R. § 13.11(a)(1).
70. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below.
71. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such civil

penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

72. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
73. A late payment penalty of six percent per year will be assessed monthly on any portion of a civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
74. 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 alleged violations and any good faith efforts by Respondent to comply with all applicable requirements as provided in RCRA Section 9006(c), 42 U.S.C. § 6991e(c), and with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.
75. Respondent shall pay the amount described in Paragraph 69 above, by sending a certified or cashier's check payable to the "United States Treasury," as follows:

By Regular US Postal Service Mail:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

By Private Commercial Overnight Delivery:

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

Payment of the penalty as required by this CAFO may also be made by electronic transfer to:

Electronic Funds Transfer ("EFT")

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 wire transfer message should read:  
"D 68010727 Environmental Protection Agency")

Automated Clearing House (ACH) Transfers or Remittance Express ("REX")

---

PNC Bank  
ABA = 051036706  
Environmental Protection Agency  
Account 310006  
CTX Format  
Transaction Code 22 - checking  
808 17<sup>th</sup> Street, NW  
Washington, DC 20074  
Contact: Jessie White  
(301) 887-6548

On-line Payments (bank account, credit card, debit card)

Go to [www.pay.gov](http://www.pay.gov)  
Within the search field enter: sfo 1.1  
Open the form and complete the required fields

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

Regional Hearing Clerk (3RC00)  
EPA Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103 - 2029, and

Donzetta Thomas (3RC30)  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

**FULL AND FINAL SATISFACTION**

76. This CAFO constitutes a settlement by EPA of all of its claims for civil penalties pursuant to 9006(a) of RCRA, 42 U.S.C. § 6991e(a), for any and all activities associated with the violations alleged in this Consent Agreement occurring on or before the sale of the Facility on September 3, 2008.

**RESERVATION OF RIGHTS**

77. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.

**OTHER APPLICABLE LAWS**

78. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed on it by applicable federal, state or local law and/or regulations.

**AUTHORITY TO BIND THE PARTIES**

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

**ENTIRE AGREEMENT**

80. This CA and the attached FO 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 CA and the attached FO.


**EFFECTIVE DATE**

81. This CA and attached FO shall become effective upon filing with the Regional Hearing Clerk.

For Respondent:

DC-1620 Limited Partnership


\_\_\_\_\_  
Date

  
\_\_\_\_\_  
By (print name): ALEC RUBENSTEIN  
Title: MANAGING COUNSEL

For Complainant:

U.S. Environmental Protection Agency,  
Region III


9/23/00  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Donzetta Thomas (3RC30)  
Senior Assistant Regional Counsel



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

9/24/08  
Date

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

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

In the Matter of:	)	
DC-1620 Limited Partnership	)	
Two North Riverside Plaza, Suite 2100	)	Docket Number: RCRA-3-2008-0398
Chicago, Illinois 60606	)	
	)	Proceeding Under Section 9006 of the
RESPONDENT	)	Resource Conservation and Recovery Act,
	)	as amended, 42 U.S.C. § 6991e

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 REGION III - PHILADELPHIA

**FINAL ORDER**

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, DC-1620 Limited Partnership, have executed a document entitled "Consent Agreement" which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

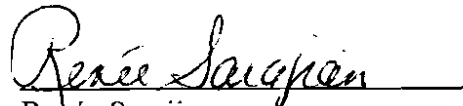
**NOW, THEREFORE, PURSUANT TO** Section 22.18(b)(3) of the *Consolidated Rules of Practice* and Section 9006(c) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6991e(c) ("RCRA"), and having determined, based on the representations of the parties in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the factors set forth in Section 9006(c) and (d) of RCRA, 42 U.S.C. § 6991e(c) and (d), **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of nine thousand two hundred eighty-seven dollars (\$9,287.00) in accordance with the payment provisions set forth in

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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: 9/29/08

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

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

In the Matter of: )  
DC-1620 Limited Partnership )  
Two North Riverside Plaza, Suite 2100 )  
Chicago, Illinois 60606 )  
RESPONDENT, )  
Docket Number: RCRA-3-2008-0398  
Proceeding Under Section 9006 of the  
Resource Conservation and Recovery Act,  
as amended, 42 U.S.C. § 6991e.

Budget Rent-A-Car Systems, Inc.  
1629 L Street, NW  
Washington, D.C.

FACILITY.

RECEIVED  
2:00 PM 9/29/08  
REGION III  
EPA REGION III OFFICE  
1650 ARCH STREET  
PHILADELPHIA, PA

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CERTIFICATE OF SERVICE

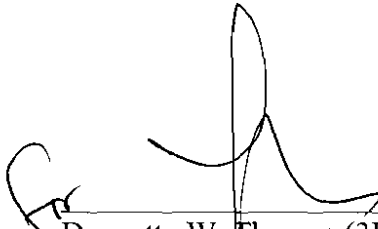
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I hereby certify that, on the date listed below, the original and one copy of the foregoing Consent Agreement and Final Order, Docket No. RCRA-03-2008-0398, has been filed with the EPA Region III Regional Hearing Clerk, and that a correct copy of the same was sent in the following manner to the person listed below:

Via Federal Express Overnight to:

Alec Rubenstein, Esq.  
Equity Office  
Two North Riverside Plaza  
Suite 2100  
Chicago, IL 60606

9/29/08  
Date

  
\_\_\_\_\_  
Donzetta W. Thomas (3RC30)  
Counsel for Complainant  
U.S. Environmental Protection Agency, Region III  
(215) 814-2474