



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
FOUR PENN CENTER – 1600 JOHN F. KENNEDY BLVD.
PHILADELPHIA, PENNSYLVANIA 19103

FILED

Apr 02, 2024

11:19 am

U.S. EPA REGION 3
HEARING CLERK

In the Matter of: :

Halifax County School Board :
1030 Mary Bethune St # 100 :
Halifax, VA 24558 :

Respondent. :

Halifax County Schools Bus Garage :
1030 Middle School Circle :
South Boston, VA 24592 :

Facility. :

U.S. EPA Docket No. RCRA-03-2024-0038

Proceeding under Section 9006 of the Resource
Conservation and Recovery Act, 42 U.S.C. Section
6991e

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) and the Halifax County School Board (“Respondent”) (collectively the “Parties”), pursuant to Section 9006 of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6991e, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules of Practice”), 40 C.F.R. Part 22. Section 9006 of RCRA, 42 U.S.C. § 6991e, authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated it to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under RCRA Subtitle I for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).
5. EPA has given the Commonwealth of Virginia Department of Environmental Quality (“VADEQ”) notice of the issuance of this Consent Agreement and Final Order in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

GENERAL PROVISIONS

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
13. Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d), authorizes EPA to assess civil penalties against any owner or operator of an underground storage tank (“UST”) who fails to comply with, *inter alia*, any requirement or standard of a State program that has been approved pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c.
14. Effective October 28, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, EPA approved the Commonwealth of Virginia 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. A subsequent UST program revision application was approved by EPA on March 2, 2021, and it became effective on May 3, 2021. The provisions of the Virginia UST management program which EPA approved have become requirements of RCRA Subtitle I and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. Virginia’s authorized UST management program regulations are set forth in the Virginia Code as “Underground Storage Tanks: Technical Standards and Corrective Action Requirements” (“VA UST Regulations”), 9 VAC § 25-580-10 *et seq.*
15. The Virginia UST management program regulates USTs used to contain “regulated substances,” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10.
16. At all times relevant to the alleged violations in this Consent Agreement and Final Order, Respondent has been a political subdivision of the Commonwealth of Virginia.
17. At all times relevant to the alleged violations in this Consent Agreement and Final Order, Respondent has been a “person” as defined by Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 9 VAC § 25-580-10.
18. At all times relevant to the alleged violations in this Consent Agreement and Final Order, Respondent has been the “owner” and/or “operator,” as those terms are defined by Section 9001(3) and (4) of RCRA, 42 U.S.C. § 6991(3) and (4), and 9 VAC § 25-580-10, of “USTs” and “UST systems,” as those terms are defined in Section 9001(10) of RCRA, 42 U.S.C. § 6991(10), and 9 VAC § 25-580-10, at the Halifax County Schools Bus Garage located at 1030 Middle School Circle, South Boston, VA 24592 (“the Facility”).
19. On March 9, 2022, under the authority of Section 9005(a) of RCRA, 42 U.S.C. § 6991d(a), an EPA inspector conducted a compliance evaluation inspection at the Facility (“CEI”).

20. At the time of the CEI, and at all times relevant to the applicable violations alleged herein, two (2) USTs were located at the Facility, each of which contained “regulated substances,” specifically (i) a 5,000-gallon ACT-100 fiberglass composite, double-walled UST installed in 1991 used to store and dispense gasoline, and (ii) a 10,000-gallon, fiberglass composite, double-walled UST installed in 1991 used to store and dispense diesel fuel. Both USTs utilize double-walled fiberglass-reinforced plastic piping that routinely contained regulated substances conveyed using a pressurized piping system.
21. At all times relevant to the alleged violations in this Consent Agreement and Final Order, such USTs at the Facility were and are “new tank systems,” as defined in 9 VAC 25-580-10, which states that a “new tank system” means a tank system used to contain an accumulation of regulated substances or for which installation has commenced after December 22, 1988.
22. The USTs at the Facility used a SiteSentinel Integra 100 automatic tank gauge system (“ATG system”) set to perform tightness testing on both USTs to detect leaks.
23. At all times relevant to the alleged violations in this Consent Agreement and Final Order, the USTs at the Facility and the respective underground piping associated with each UST were a “petroleum UST system,” as defined in 9 VAC § 25-580-10.
24. On April 13, 2023, EPA sent Respondent a Notice of Potential Violation and Opportunity to Confer letter outlining the alleged violations described herein.

COUNT I

Failure to Test the ATG System Annually for Proper Operation

25. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
26. 9 VAC § 25-580-130.A.3.a. states, in relevant part, that owners and operators of UST systems must provide a method, or combination of methods, of release detection that:

Beginning on January 1, 2021, is operated and maintained, and electronic and mechanical components are tested for proper operation... A test of the proper operation must be performed at least annually and, at a minimum, as applicable to the facility, cover the following components and criteria:

a. Automatic tank gauge and other controllers: test alarm; verify system configuration; test battery backup; ...
27. At the time of the CEI, EPA personnel noted that Respondent had failed to test the ATG

system for proper operation. In subsequent communications between Respondent and EPA, Respondent provided documentation to EPA showing that Respondent tested the ATG for proper operation on June 29, 2022.

28. From May 3, 2021 to June 28, 2022, Respondent was in violation of 9 VAC § 25-580-130.A.3.a. by failing to test the ATG system annually for proper operation.
29. In failing to comply with 9 VAC § 25-580-130.A.3.a., Respondent has violated Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

COUNT II

Failure to Perform Monthly Walkthrough Inspections

30. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
31. 9 VAC § 25-580-85.A.1.a. states, in relevant part, that:

A. To properly operate and maintain UST systems, not later than January 1, 2021, owners and operators must meet one of the following:

1. Conduct a walkthrough inspection that, at a minimum, checks the following equipment as specified below:

a. Every 30 days (Exception: spill prevention equipment at UST systems receiving deliveries at intervals greater than every 30 days may be checked prior to each delivery):

(1) Spill prevention equipment – visually check for damage; remove liquid or debris; check for and remove obstructions in the fill pipe; check the fill cap to make sure it is securely on the fill pipe; and, for double walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area; and

(2) Release detection equipment – check to make sure the release detection equipment is operating with no alarms or other unusual operating conditions present and ensure records of release detection testing are reviewed and current;

...

32. At the time of the CEI, Respondent provided EPA personnel with an inspection checklist that indicated that monthly walkthrough inspections had only been performed in February and March 2022. In response to EPA's inquiry regarding whether Respondent conducted monthly walkthrough inspections between May 3, 2021 and February 1, 2022, Respondent's Director of Maintenance, stated his belief that monthly walkthrough inspections had not been performed between May 3, 2021 and February 1, 2022. Respondent commenced conducting monthly walkthrough inspections in

February 2022.

33. Respondent violated 9 VAC § 25-580-85.A.1.a. by failing to perform walkthrough inspections at the Facility from May 2021 through January 2022.
34. In failing to comply with 9 VAC § 25-580-85.A.1.a., Respondent violated Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

COUNT III

Failure to Inspect Overfill Prevention Equipment

35. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
36. 9 VAC § 25-580-82.A.2 states, in relevant part, that:

...Overfill prevention equipment must be inspected at least once every three years. At a minimum, the inspection must ensure that overfill prevention equipment is set to activate at the correct level specified in subdivision 3 of 9 VAC 25-580-50 and will activate when regulated substance reaches that level.

37. Following the CEI, in subsequent communications between EPA and Respondent, in response to EPA's inquiry regarding whether Respondent conducted an inspection of overfill prevention equipment within the preceding three years, Respondent was unable to produce documentation of any overfill prevention equipment inspections within the preceding three years.
38. Respondent violated 9 VAC § 25-580-82.A.2 by failing to test the overfill prevention equipment at the Facility at least once every three years.
39. In failing to comply with 9 VAC § 25-580-82.A.2, Respondent violated Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

COUNT IV

Failure to Equip UST Systems with Overfill Prevention Equipment

40. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
41. 9 VAC § 25-580-50.3.a.(2) provides that all UST systems must be equipped with adequate overfill prevention equipment, defined as either a) an automatic shut off of

- input flow when the tank is no more than 95% full, b) an alert to transfer operators when the tank is no more than 90% full, or c) a restriction on the flow 30 minutes prior to overfilling, an alert to transfer officer with high level alarm one minute before overfilling, or an automatic shut off of flow into the tank.
42. A July 7, 2020, compliance inspection of the Facility's USTs by the Virginia Department of Environmental Quality noted that at that time, the Facility used ball floats for overfill protection. The report from this inspection did not note any noncompliance related to the Facility's use of ball floats for overfill protection.
 43. At the time of the CEI, EPA personnel attempted, but were unable, to verify the presence of the ball floats in the Facility's USTs.
 44. On May 31, 2022, Respondent communicated to EPA personnel that overfill prevention equipment at the Facility was scheduled to be repaired.
 45. On August 15, 2022, the contractor hired by Respondent to repair the overfill prevention equipment at the Facility stated to EPA personnel that the contractor observed that the ball floats were not present in the Facility's USTs at the time the repair work was performed. Overfill protection equipment repair work was completed on August 17, 2022.
 46. At the time of the CEI, Respondent violated 9 VAC § 25-580-50.3.a.(2) by failing to have overfill prevention equipment for the USTs at the Facility.
 47. In failing to comply with 9 VAC § 25-580-50.3.a.(2), Respondent violated Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

CIVIL PENALTY

48. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **Thirty Thousand Five Hundred dollars (\$30,500.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
49. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Sections 9006(c) and (e) of RCRA, 42 U.S.C. §§ 6991e(c) and (e), which includes the seriousness of the violation, any good faith efforts to comply with the applicable requirements, the compliance history of the owner or operator and any other factors considered appropriate. In developing a proposed penalty for the violations alleged in this Consent Agreement, EPA will take into account the particular facts and circumstances of this case with specific reference to

EPA's November 1990 *U.S. E.P.A. Penalty Guidance for Violations of UST Regulations* ("UST Penalty Policy"), the 2018 *Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations* ("Enforcement Penalty Policy") (collectively the "UST Penalty Policies), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.

50. Respondent agrees that, within 30 days of the effective date of this Consent Agreement and Final Order, Respondent shall make a payment of **Thirty Thousand Five Hundred dollars (\$30,500.00)** to "United States Treasury" with the case name, address and docket number of this Consent Agreement and Final Order (**RCRA-03-2024-0038**), for the amount specified above. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
51. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously by email to:

Mark Bolender
Sr. Assistant Regional Counsel
bolender.mark@epa.gov

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov

52. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest 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. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
53. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the

Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).

54. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date Respondent is notified of its debt to the United States as established upon the ratification and filing of the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk. However, EPA will not seek to recover interest on any amount of the civil penalties 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).
55. ADMINISTRATIVE COSTS: The costs of the EPA'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). If payment is not received within 30 calendar days of the effective date of this Consent Agreement, EPA will also 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.
56. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
57. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
58. The parties consent to service of the Final Order by e-mail at the following valid e-mail address: bolender.mark@epa.gov (for Complainant), and hpollard@williamsmullen.com (for Respondent).

GENERAL SETTLEMENT CONDITIONS

59. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
60. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete

and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about Respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

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

OTHER APPLICABLE LAWS

62. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of RCRA Subtitle I, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

63. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. 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. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under RCRA Subtitle I, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

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

EFFECTIVE DATE

65. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region 3, or his designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

66. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent:

Halifax County School Board

Date: 3/14/24

By:  Superintendent
(Enter Name and Title)

For the Complainant:

After reviewing the Consent 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 Consent Agreement and recommend that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

By: _____

[Digital Signature and Date]

Karen Melvin, Director
Enforcement and Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: _____

[Digital Signature and Date]

Mark Bolender
Sr. Assistant Regional Counsel
U.S. EPA – Region 3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
FOUR PENN CENTER – 1600 JOHN F. KENNEDY BLVD.
PHILADELPHIA, PENNSYLVANIA 19103

FILED
Apr 02, 2024
11:20 am
U.S. EPA REGION 3
HEARING CLERK

In the Matter of: :
:
:
Halifax County School Board : U.S. EPA Docket No. RCRA-03-2024-0038
1030 Mary Bethune St # 100 :
Halifax, VA 24558 : Proceeding under Section 9006 of the Resource
:
Respondent. : Conservation and Recovery Act, 42 U.S.C. Section
:
:
Halifax County Schools Bus Garage :
1030 Middle School Circle :
South Boston, VA 24592 :
:
Facility. :
:
:

FINAL ORDER

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

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's November 1990 U.S. E.P.A. Penalty Guidance for Violations of UST Regulations ("UST Penalty Policy"), the 2018 Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations ("Enforcement Penalty Policy") (collectively the "UST Penalty Policies") which reflects the statutory penalty criteria and factors set forth Section 9006(c) of the Resource Conservation and Recovery Act ("RCRA"), and the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.

NOW, THEREFORE, PURSUANT TO Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **THIRTY THOUSAND FIVE-HUNDRED DOLLARS (\$30,500.00)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent’s obligation to comply with all applicable provisions of RCRA and the regulations promulgated thereunder.

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

Date: _____

By: _____

[Digital Signature and Date]

Joseph J. Lisa

Regional Judicial and Presiding Officer

U.S. EPA Region 3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
FOUR PENN CENTER – 1600 JOHN F. KENNEDY BLVD.
PHILADELPHIA, PENNSYLVANIA 19103

In the Matter of:	:
	:
	: U.S. EPA Docket No. RCRA-03-2024-0038
Halifax County School Board	:
1030 Mary Bethune St # 100	: Proceeding under Section 9006 of the Resource
Halifax, VA 24558	: Conservation and Recovery Act, 42 U.S.C. Section
	: 6991e
Respondent.	:
	:
Halifax County Schools Bus Garage	:
1030 Middle School Circle	:
South Boston, VA 24592	:
	:
Facility.	:

CERTIFICATE OF SERVICE

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

Copies served via email to:

Henry R. Pollard, V
Attorney
Williams Mullen Center
200 South 10th Street, Suite 1600
Richmond, Virginia 23219
hpollard@williamsmullen.com

Mark Bolender
Senior Assistant Regional Counsel
U.S. EPA, Region 3
bolender.mark@epa.gov

Melissa Toffel
RCRA Branch, Enforcement and Compliance Assurance Division
U.S. EPA, Region 3
toffel.melissa@epa.gov

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