

RECEIVED

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III

1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

2015 JUL 28 PM 4: 10

REGIONAL HEARING CLERK  
EPA REGION III PHILA. PA

In Re: :  
: :  
United States Government Publishing Office, : Docket No. CAA-03-2015-0169FF  
732 North Capitol Street, NW :  
Washington, D.C. 20401 :  
Respondent. : Proceeding under the Clean Air Act,  
: Section 113(a) and (d)

FINAL ORDER

Complainant, Director, Air Protection Division, U.S. Environmental Protection Agency - Region III ("EPA - Region III"), and Respondent, United States Government Publishing Office, 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 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3)]. The terms of the executed Consent Agreement, attached hereto, are accepted by the undersigned and incorporated herein as if fully set forth.

Based on the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's Clean Air Act Stationary Source Civil Penalty Policy, dated October 25, 1991, as modified, and the statutory factors set forth in Section 113(e) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(e). **NOW, THEREFORE, PURSUANT TO** Section 113(a)(3)(A) and (d)(1)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(A) and (d)(1)(B), and 40 C.F.R. § 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of **ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000)**, plus any applicable interest, as specified in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of this Final Order and attached Consent Agreement is the date on which the Final Order, signed by the Regional Administrator of EPA - Region III or the Regional Judicial and Presiding Officer of EPA - Region III, is filed with the Regional Hearing Clerk of EPA - Region III.

July 28, 2015  
Date

  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial and Presiding Officer  
EPA - Region III

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**In Re:** :  
 :  
United States Government Publishing Office, : **Docket No. CAA-03-2015-0169FF**  
732 North Capitol Street, NW :  
Washington, D.C. 20401 :  
 :  
**Respondent.** : **Proceeding under the Clean Air Act,**  
 : **Section 113(a) and (d)**

**CONSENT AGREEMENT**

**I. Preliminary Statement**

This administrative Consent Agreement (the "Consent Agreement") is entered into by and between the Complainant, the Director of the Air Protection Division, United States Environmental Protection Agency, Region III ("EPA" or "Complainant"), and the Respondent, United States Government Publishing Office ("USGPO" or the "Respondent"), pursuant to Section 113(a) and (d) of the Clean Air Act ("CAA" or "the Act"), 42 U.S.C. § 7413(a) and (d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 (the "Consolidated Rules of Practice"). The Consolidated Rules of Practice at 40 C.F.R. § 22.13 provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be commenced and concluded simultaneously by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

This Consent Agreement and the accompanying Final Order (collectively referred to as the "CAFO") address violations set forth herein, which occurred at Respondent's premises located at 732 North Capitol Street, NW, Washington, D.C. 20401 (the "Facility").

**II. General Provisions**

1. Section 113(a) and (d) of the Act, 42 U.S.C. § 7413(a) and (d), authorizes the Administrator of EPA to issue an administrative order assessing a civil administrative penalty whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement, rule, plan, order, waiver, or permit promulgated, issued, or approved under Subchapters I, IV, V and VI [also referred to as Titles I, IV, V and VI] of the Act. The authority to issue the accompanying Final Order has been duly delegated to the Regional Judicial Officer, EPA Region III.

2. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO and agrees not to contest EPA's jurisdiction with respect to the issuance, execution and enforcement of this CAFO.

3. Except as provided in paragraph 2 above, Respondent neither admits nor denies the specific findings of fact and conclusions of law set forth in this CAFO.

4. Respondent consents to the issuance of this CAFO, agrees to comply with the terms and conditions set forth therein, and consents to the assessment and payment of the civil penalty as set forth in this CAFO.

5. Respondent agrees to pay its own costs and attorney fees.

6. Respondent agrees that this CAFO shall apply to, and be binding upon, Respondent, its officers, directors, servants, employees, agents, successors and assigns.

### **III. Findings of Fact And Conclusions of Law**

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), EPA alleges the following findings of fact and conclusions of law:

7. Respondent, United States Government Publishing Office, formerly the United States Government Printing Office, is an agency of the legislative branch of the United States government. Respondent is the owner and operator of its premises located at 732 North Capitol Street, NW, Washington, D.C. 20401.

8. Respondent is a "person" as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and within the meaning of Section 113(d) of the Act, 42 U.S.C. § 7413(d).

9. Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), limits the Administrator's authority to matters where the first alleged violation occurred no more than 12 months prior to initiation of an administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

10. The Administrator and the Attorney General, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the periods of violation alleged in this CAFO.

11. Title V of the Act, 42 U.S.C. §§ 7661-7661f, established an operating permit program for major sources of air pollution. Section 502(d) of the Act, 42 U.S.C. § 7661a(d), provides that each state must submit to the Administrator a permit program meeting the requirements of Title V.

12. Pursuant to Section 502(b) of the Act, 42 U.S.C. § 7661a(b), the Administrator promulgated regulations providing for the establishment of Title V permitting programs at 40 C.F.R. Part 70.
13. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b), provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
14. The District of Columbia's District Department of the Environment ("DDOE") is a permitting authority for Title V purposes, as defined in Section 501(4) of the Act, 42 U.S.C. § 7661(4).
15. EPA granted final interim approval of the District of Columbia's Title V operating permit program on August 7, 1995 (60 FR 40101). EPA granted final full approval of the District of Columbia's Title V operating permit program on April 16, 2003 (68 FR 18581).
16. The DDOE issued to Respondent Title V Operating Permit #29 (the "Title V Permit"), with an effective date of April 25, 2000. This Title V Permit expired on April 25, 2005. Respondent filed a permit renewal application on October 19, 2004. The renewal application has not been acted on by DDOE as of this date. Pursuant to Chapter 20 of the District of Columbia Municipal Regulations ("20 DCMR"), Section 303.3(c), "If a timely and complete application for a permit renewal is submitted, but the Mayor fails to take final action to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the renewal permit has been issued or denied." Accordingly, the Title V Permit issued on April 25, 2000 is still in force, and all terms thereof are enforceable.
17. On December 11, 2012 and April 30, 2013, EPA personnel conducted compliance inspections at Respondent's premises at 732 North Capitol Street, NW, Washington, D.C. 20401.
18. By letter dated August 5, 2013, under Section 114 of the Act, 42 U.S.C. § 7414, EPA required Respondent to provide certain information and documents to EPA. Information and documents were received by letter (and enclosures) from Respondent dated November 8, 2013.
19. On February 10, 2011 and January 31, 2012, Respondent submitted to EPA its Title V Annual Compliance Certifications for 2010 and 2011, respectively, as required by Paragraph E.2. of the Title V Permit (page13).

**Failure to Keep Records Required for Determining Compliance (Printing)**

20. Paragraph B.3.a. and c. of the Title V Permit (pages 5-6) contain emission standards applicable to the BecMar Classic General Silk Screen Press for Security Printing in the Passport Section. According to the Title V Permit, determining compliance with these standards requires hourly and daily records of the gallons of each ink and each organic solvent used as well as the

pounds of volatile organic compound per gallon of each ink and solvent used. Paragraphs B.3.e. (page 6) and F. (pages 17-18) of the Title V Permit require these records to be kept. Respondent failed to keep these required records for at least the period from September 2012 to March 2013.

21. Respondent's failure to comply with Paragraphs B.3.e. (page 6) and F. (pages 17-18) of the Title V Permit constitutes a violation of the Title V Permit and Sections 113 and 502(a) of the Act, 42 U.S.C. §§ 7413 and 7661a(a).

**Failure to Keep Thermal Oxidizer Operative and Effective at All Times (Series 5000/Press Group 98)**

22. Paragraph B.4. (pages 6-7) of the Title V Permit contains, among other things, requirements applicable to a TEC 3.75 million BTU per hour thermal oxidizer (Series 5000). Paragraph B.4.a. (page 6) of the Title V Permit requires the thermal oxidizer to remain operative and effective at all times. In July 2010 and March, June and December 2011, Respondent violated Paragraph B.4.a. (page 6) of the Title V Permit by not keeping the thermal oxidizer (serving Press Group 98) operative and effective at all times. In Paragraph E. of the Title V Annual Compliance Certifications submitted by Respondent for 2010 (page 14) and 2011 (page 15), Respondent admitted it failed to operate the thermal oxidizer at certain times on certain dates during the months stated in this paragraph. Those dates and times are as follows: July 2010 (on July 1 from 8:30 a.m. to 11:45 a.m.); March 2011 (from 8:00 a.m. on March 15 to 4:00 p.m. on March 18); June 2011 (from 8:00 a.m. on June 1 to 10:00 a.m. on June 16); and December 2011 (from 3:00 p.m. on December 16 to 3:00 p.m. on December 18).

23. Respondent's failure to comply with Paragraph B.4.a. (page 6) of the Title V Permit constitutes a violation of the Title V permit and Sections 113 and 502(a) of the Act, 42 U.S.C. §§ 7413 and 7661a(a).

**Failure to Keep Records Required for Determining Compliance (Painting)**

24. Paragraph B.6.a. and c. (pages 8-9) of the Title V Permit contain emission standards applicable to the Maintenance Paint Shop. According to the Title V permit, determining compliance with these standards requires hourly and daily records of the gallons of each paint, primer, thinner, and lacquer applied as well as the pounds of volatile organic compound per gallon of each paint, primer, thinner, and lacquer applied. Paragraphs B.6.e. (page 9) and F. (pages 17-18) of the Title V Permit requires these records to be kept. Respondent failed to keep these required records for at least the period from January 2012 to August 2013.

25. Respondent's failure to comply with Paragraphs B.6.e. (page 9) and F. (pages 17-18) of the Title V Permit constitutes a violation of the Title V permit and Sections 113 and 502(a) of the Act, 42 U.S.C. §§ 7413 and 7661a(a).

#### **Failure to Obtain Required Construction Permit and Operating Permit Revision**

26. Paragraph M. (page 21) of the Title V Permit requires construction permits and operating permit revisions to be obtained in advance for the construction, installation or alteration/modification of any equipment or facility which emits or controls air pollutants. After the effective date of the Title V Permit on April 25, 2000, Respondent altered/modified one (1) thermal oxidizer (the Series 7000 in 2012 to support Press Group 98) without obtaining the required construction permit and operating permit revision. The Series 7000 thermal oxidizer is equipment which emits or controls air pollutants.

27. Respondent's failure to comply with Paragraph M. (page 21) of the Title V Permit constitutes a violation of the Title V permit and Sections 113 and 502(a) of the Act, 42 U.S.C. §§ 7413 and 7661a(a).

#### **IV. Settlement Recitation, Settlement Conditions, and Civil Penalty**

28. Respondent hereby certifies to Complainant that, upon investigation, to the best of its knowledge and belief, all violations alleged in this Consent Agreement have been remedied.

29. Complainant and Respondent enter into this CAFO in order to settle and resolve all violations set forth in Section III of this Consent Agreement.

30. In settlement of the alleged violations set forth in Section III of this Consent Agreement, Respondent consents to the assessment of, and agrees to pay, a civil penalty in the amount of one hundred twenty-five thousand dollars (\$125,000) in the manner specified herein.

31. The settlement amount of one hundred twenty-five thousand dollars (\$125,000) is based upon Complainant's consideration of and application of the statutory penalty factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e) [which include the size of the business, economic impact of the penalty, the violator's full compliance history and good faith efforts to comply, the duration of the violations as established by any credible evidence, the economic benefit of noncompliance, the payment of penalties previously assessed for the same violations, the seriousness of the violations and such other matters as justice may require], and EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as indexed for inflation in keeping with 40 C.F.R. Part 19 (Adjustment to Civil Monetary Penalties for Inflation). Complainant has determined that Respondent's payment of this civil penalty shall constitute satisfaction of the violations set forth in Section III of this Consent Agreement.

32. Respondent shall pay the civil penalty of one hundred twenty-five thousand dollars (\$125,000) no later than thirty (30) calendar days after the effective date of this CAFO in order to avoid the assessment of interest.

33. Payment of the civil penalty set forth in Paragraph 30 above shall be made by cashier's check, certified check, electronic wire transfer, the Automated Clearing House ("ACH"), or an online internet payment, as specified below. All payments are payable to Treasurer, United States of America, and shall reference the above case caption and docket number (CAA-03-2015-0169FF).

34. All checks shall be made payable to Treasurer, United States of America, and shall be mailed to the attention of:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000  
Contact: (513) 487-2105.

Overnight deliveries shall be sent to:

U.S. Environmental Protection Agency  
Government Lockbox 979077  
Fines and Penalties  
U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: (314) 418-1028.

All electronic wire transfer payments 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"

Payments through ACH (also known as REX or remittance express) shall be directed to:

U.S. Treasury REX/Cashlink ACH Receiver  
ABA = 051036706  
Account 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 - checking

Physical location of U.S. Treasury facility:

5700 Rivertech Court  
Riverdale, MD 20737  
Contact: (866) 234-5681

35. An online internet payment option is also available through the United States Department of the Treasury. This payment option can be accessed from [www.pay.gov](http://www.pay.gov). Enter sfo 1.1 in the search field. Open the form and complete the required fields.

Additional payment guidance is available at:

[http://www.epa.gov/ocfo/finservices/make\\_a\\_payment.htm](http://www.epa.gov/ocfo/finservices/make_a_payment.htm).

36. All payments made by check shall reference the above case caption and docket number (CAA-03-2015-0169FF). At the same time that any payment is made, copies of any corresponding check or written notification confirming any electronic wire transfer, ACH, or online internet payment shall be mailed to Lydia A. Guy, Regional Hearing Clerk (3RC00), U.S. EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, to James M. Baker, Senior Assistant Regional Counsel (3RC10), U.S. EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and to Theresa Horgan (3AP20), U.S. EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029.

37. Payment of the civil penalty specified in Paragraph 30 above in the manner set forth in this Consent Agreement, and payment of any applicable interest associated with late payment, as set forth above, shall constitute satisfaction of all civil claims under the Act for civil penalties for the specific violations alleged in Section III of this Consent Agreement. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of any federal laws and regulations administered by EPA.

38. If Respondent fails to make full and complete payment of the \$125,000 penalty by the due date set forth in this CAFO, the entire unpaid balance of the penalty and accrued interest

shall become immediately due and owing. Pursuant to Section 113(d)(5) of the Act, 42 U.S.C. 7413(d)(5), any unpaid portion of the assessed penalty shall bear interest at the rate established pursuant to 26 U.S.C. Section 6621 from the effective date of the Final Order until the date of payment, provided, however, that no interest shall be payable on any portion of the assessed penalty that is paid within 30 days of the effective date of the Final Order.

#### **V. Reservation of Rights**

This CAFO resolves only the civil claims for the specific violations alleged in Section III of this Consent Agreement. 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, welfare, or environment. Nor shall anything in this CAFO be construed to limit the United States' authority to pursue criminal sanctions. In addition, this settlement is subject to all limitations on the scope of resolution and the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, Complainant reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this CAFO following its filing with the Regional Hearing Clerk.

#### **VI. Antideficiency Act**

Failure to obtain adequate funds or appropriations from Congress does not release Respondent USGPO from its obligation to comply with the Act, the applicable regulations thereunder, or this CAFO. Nothing in this CAFO shall be interpreted to require obligation or payment of funds in violation of the Antideficiency Act, 31 U.S.C. § 1341.

#### **VII. Effective Date**

The effective date of this CAFO is the date on which the CAFO is filed with the Regional Hearing Clerk of EPA - Region III.

#### **VIII. Waiver of Hearing**

For purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing pursuant to Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), with respect to any issue of fact or law in the above-captioned action, and the right to confer with the EPA Administrator under 40 C.F.R. § 22.31(e) with regard to this case. Respondent also waives its right to appeal the accompanying Final Order.

#### **IX. Entire Agreement**

This CAFO constitutes 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 CAFO.

Nothing in this CAFO shall be construed to affect or limit in any way the obligation of Respondent to comply with all federal, state and local laws and regulations.

**X. Execution**

The person signing this Consent Agreement on behalf of Respondent acknowledges and certifies by his/her signature that he/she is fully authorized to enter into this Consent Agreement and to legally bind Respondent to the terms and conditions thereof.

For the Respondent:

6/26/2015  
Date

Herbert H. Jackson, Jr.  
Herbert H. Jackson, Jr.  
Chief Administrative Officer  
United States Government Publishing Office

For the Complainant:

4/27/15  
Date

Diana Esher  
Diana Esher, Director  
Air Protection Division  
U.S. Environmental Protection Agency  
Region III

Accordingly, the Air Protection Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator of EPA - Region III, or his designee, the Regional Judicial Officer, ratify this Consent Agreement and issue the accompanying Final Order. The amount of the recommended civil penalty assessment is one hundred twenty-five thousand dollars (\$125,000).

7/16/2015  
Date

  
-----  
Diana Esher, Director  
Air Protection Division  
U.S. Environmental Protection Agency  
Region III