

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

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REGIONAL HEARINGS OFFICE
EPA REGION III PHILADELPHIA

IN THE MATTER OF:

National Aeronautics and Space Administration

Respondent,

Goddard Space Flight Center
NASA Wallops Flight Facility
Wallops Island, Virginia

Facility.

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: Docket No. RCRA/CAA-03-2015-0178
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: Proceeding under 42 U.S.C. § 6928(a) and
: (g) and 42 U.S.C. §§ 7413 and 7418(a)
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CONSENT AGREEMENT

Preliminary Statement

This Consent Agreement (“CA”) is entered into by the Director of the Office of Enforcement, Compliance and Environmental Justice, U.S. Environmental Protection Agency, Region III (“EPA” or “Complainant”) and the National Aeronautics and Space Administration (“NASA” or “Respondent”), pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as “RCRA”), 42 U.S.C. § 6928(a) and (g), Sections 113 and 118(a) of the Clean Air Act, as amended (“CAA”), 42 U.S.C. §§ 7413 and 7418(a), 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 *Consolidated Rules of Practice*, at 40 C.F.R. § 22.13(b), 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 simultaneously may be commenced and concluded by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3). Pursuant thereto, this Consent Agreement (“CA”) and the accompanying Final Order (“FO”, collectively referred to herein as the “CAFO”) simultaneously commences and concludes this administrative proceeding against Respondents.

Regulatory Background

This CAFO resolves violations of the RCRA, Subtitle C, 42 U.S.C. §§ 6921- 6939e, and regulations in the authorized Virginia hazardous waste program in connection with Respondent’s

facility located at the NASA Wallops Flight Facility, Wallops Island, Virginia. Virginia initially received final authorization for its hazardous waste regulations, the Virginia Hazardous Waste Management Regulations (“VaHWMR”), 9 Virginia Administrative Code (“VAC”) 20-60-12 *et seq.*, on December 4, 1984, effective December 18, 1984 (49 Fed. Reg. 47391). EPA reauthorized Virginia’s regulatory program on June 14, 1993, effective August 13, 1993 (58 Fed. Reg. 32855); on July 31, 2000, effective September 29, 2000 (65 Fed. Reg. 46606); on June 20, 2003, effective June 20, 2003 (68 Fed. Reg. 36925); on May 10, 2006, effective July 10, 2006 (71 Fed. Reg. 27204); and on July 30, 2008, effective July 30, 2008 (73 Fed. Reg. 44168). The provisions of the revised federally-authorized program have thereby become requirements of the RCRA, Subtitle C, are enforceable by EPA pursuant to Section 3008(a) of the RCRA, 42 U.S.C. § 6928(a). The factual allegations and legal conclusions in this CA are based on provisions of the federally-authorized VaHWMR in effect at the time of the violations alleged herein.

Respondent was previously notified regarding the RCRA allegations recited herein under cover letter dated December 19, 2014. In accordance with Section 3008(a)(2) of the RCRA, 42 U.S.C. § 6928(a)(2), EPA has notified Virginia, through the Virginia Department of Environmental Quality, of EPA’s intent to enter into a CAFO with Respondent resolving the RCRA violations set forth herein.

This CAFO also resolves violations of the CAA, 42 U.S.C. §§ 7401, *et seq.* EPA is authorized by Section 110 of the CAA, 42 U.S.C. § 7410, to approve a federally enforceable state implementation plan (“SIP”), and by Section 113 of the CAA, 42 U.S.C. § 7413, to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. Respondent is subject to the federally-enforceable requirements set forth at 9 VAC, Chapter 80, Article 5 (9 VAC 5-80-800 through 9 VAC 5-80-1040), regarding operating permits, which EPA approved in a revision of the Virginia SIP on June 27, 2003 (68 Fed. Reg. 38191). Section 113(d)(1) of the CAA, 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 the 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. The Administrator and Attorney General, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Respondent was previously notified regarding the CAA allegations recited herein under cover letter dated December 19, 2014. EPA has notified Virginia, through the Virginia Department of Environmental Quality, of EPA’s intent to enter into a CAFO with Respondent to resolve the CAA violations set forth herein.

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, or the enforcement of the CAFO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this CA and any right to appeal the accompanying Final Order, or any right to confer with the Administrator.
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. Respondent certifies to EPA by its signature herein that it is presently in compliance with the provisions of the RCRA and the CAA referenced herein.
8. The provisions of this CAFO shall be binding upon Complainant and Respondent, and any 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 the RCRA, Subtitle C, 42 U.S. C. §§ 6921- 6939e, the CAA, or any regulations promulgated thereunder.

EPA's Findings of Fact and Conclusions of Law

10. In accordance with the Consolidated Rules at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the findings of fact and conclusions of law which follow.
11. Respondent is the owner and operator of the NASA Wallops Flight Facility, Wallops Island, Virginia 23337 (the "Facility"). The Facility is managed by NASA's Goddard Space Flight Center. The Facility has three components: Wallops Main Base, Wallops Island, and Wallops Mainland.
12. EPA conducted an inspection of Respondent's Facility on July 8-10, 2013 ("EPA Inspection").

COUNT I (RCRA SUBTITLE C-OPERATING WITHOUT A PERMIT)

13. Paragraphs 1-12 of this CAFO are incorporated by reference as though fully set forth herein.
14. Respondent is and has been at all times relevant to this CAFO the “owner” and “operator” of a “facility,” as those terms are defined by 9 VAC 20-60-260, which, with exceptions not relevant to this term, incorporates by reference 40 C.F.R. § 260.10.
15. Respondent is a department, agency and/or instrumentality of the United States and is a “person” as defined by Section 1004(15) of the RCRA, 42 U.S.C. § 6903(15), and 9 VAC 20-60-260, which, with exceptions not relevant to this term, incorporates by reference 40 C.F.R. § 260.10.
16. Respondent is and, at all times relevant to this CAFO, has been a “generator” of, and has engaged in the “storage” in “containers” of materials that are “solid wastes” and “hazardous waste” at the Facility, as those terms are defined in 9 VAC 20-60-260 and 261, which incorporate by reference 40 C.F.R. §§ 260.10 and 261.2 and .3, including the hazardous waste referred to herein.
17. Section 3005(a) and (e) of the RCRA, 42 U.S.C. § 6925(a) and (e), and 9 VAC 20-60-270 (which incorporates by reference 40 C.F.R. § 270.1(b)) provide, in pertinent part, that a person may not operate a hazardous waste storage, treatment or disposal facility unless such person has first obtained a permit for such facility or has qualified for interim status.
18. 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(a), provides that a generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status provided that, *inter alia*:
 - a. The waste is placed in containers and the generator complies with 40 C.F.R. § 265, Subparts I, AA, BB and CC;
 - b. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - c. While being accumulated on-site, each container and tank is labeled or marked clearly with the words “Hazardous Waste;” and
 - d. The generator complies with the requirements for owners or operators set forth in 40 C.F.R. Part 265, Subparts C and D, § 265.16, and § 268.7(a)(5).
19. 40 C.F.R. § 262.34(b) provides that a generator who accumulates more than 1,000 kilograms (kg) of hazardous waste for more than 90 days is an operator of a storage

facility and is subject to the requirements of 40 C.F.R. Parts 264 and 265 and the permit requirements of 40 C.F.R. Part 270 unless it has been granted an extension to the 90-day period.

Satellite Accumulation

20. 9 VAC 20-60-262, which incorporates by reference the requirements of 40 C.F.R. § 262.34(c)(1), provides, in relevant part, that a generator may accumulate as much as 55 gallons of hazardous waste at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status provided certain conditions are met. Among these conditions are the requirement that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste (*See* 40 C.F.R. § 262.34(c)(1)(i), which incorporates by reference the requirements of 40 C.F.R. § 265.173) and the requirement that the generator mark his containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers (*See* C.F.R. § 262.34(c)(1)(ii)).
21. At the time of the EPA Inspection, a Maxwell House coffee container used to collect lead solder in Building E-109, Room 158, was not marked with the words “Hazardous Waste,” nor any other words that identified the content of the container. The lead solder was hazardous waste.
22. At the time of the EPA Inspection, a Maxwell House coffee container used to collect alcohol rags and waste solder in Building E-109, Room 272, was not marked with the words “Hazardous Waste,” nor any other words that identified the content of the container. The alcohol rags and waste solder were hazardous wastes.
23. At the time of the EPA Inspection, a Maxwell House coffee container used to collect alcohol rags and waste solder in Building E-109, Room 272, was open. The alcohol rags and waste solder were hazardous wastes. At the time of this observation, waste was not being added or removed from the container.
24. Respondent violated 9 VAC 20-60-262, which incorporates by reference the requirements of 40 C.F.R. § 262.34(c)(1), by placing waste in containers not marked with the words “Hazardous Waste,” nor any other words that identified the content of the containers, and by maintaining a container of hazardous waste open at a time when waste was not being added or removed from the container.

Container Labeling

25. 9 VAC 20-60-262, which incorporates by reference the requirements of 40 C.F.R. § 262.34(a)(2) and (a)(3), requires that each container have upon it the date upon which

each period of accumulation begins and be labeled or marked clearly with the words, "Hazardous Waste" while being accumulated on-site.

26. At the time of the EPA Inspection, a white 5-gallon container in Building E109, Room 275, did not have upon it the date upon which the period of accumulation began.
27. Respondent violated 9 VAC 20-60-262, which incorporates by reference the requirements of 40 C.F.R. §§ 262.34(a)(2) and (a)(3), by failing to appropriately place upon the white 5-gallon container of waste in Building E109, Room 275, the date upon which the period of accumulation began.
28. Because Respondent did not comply with the requirements pertaining to satellite accumulation, as described in Paragraphs 20-24, above, and did not comply with the requirements for container labeling, as described in Paragraphs 25-27, above, Respondent failed to satisfy the conditions set forth at 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34, for a generator to qualify for an exemption from the permit and/or interim status requirements of the RCRA Section 3005(a) and (e), 42 U.S.C. § 6925(a) and (e), and 9 VAC 20-60-270, for the hazardous waste management activities described in Paragraphs 20-27, above.
29. Respondent does not have, and at the time of the violations alleged herein, did not have, a permit or interim status to store hazardous waste at the Facility as required by 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) and (e) of the RCRA, 42 U.S.C. § 6925(a) and (e).
30. Because of the activities alleged in Paragraphs 20-27, above, Respondent violated 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), by operating a hazardous waste storage facility without a permit or interim status.

COUNT II (RCRA SUBTITLE C-CONTAINER LABELING)

31. Paragraphs 1 through 30 of the CAFO are incorporated by reference as though fully set forth herein.
32. 9 VAC 20-60-262, which incorporates by reference the requirements of 40 C.F.R. § 262.34(a)(2) and (a)(3), requires that each container have upon them the date upon which each period of accumulation began and are labeled or marked clearly with the words, "Hazardous Waste" while being accumulated on-site.
33. At the time of the EPA Inspection, a white 5-gallon container in Building E109, Room 275, did not have upon it the date upon which the period of accumulation began.
34. Respondent violated 9 VAC 20-60-262, which incorporates by reference the requirements of 40 C.F.R. §§ 262.34(a)(2) and (a)(3), by failing to appropriately place

upon the white 5-gallon container of waste in Building E109, Room 275, the date upon which the period of accumulation began.

COUNT III (RCRA-UNIVERSAL WASTE)

35. Paragraphs 1 through 34 of the CAFO are incorporated by reference as though fully set forth herein.
36. 9 VAC 20-60-273 incorporates by reference the definitions of 40 C.F.R. § 273.9, which provides in relevant part the following definition of lamp: "Lamp, also referred to as 'universal waste lamp' is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps."
37. 9 VAC 20-60-273, which incorporates by reference the requirements of 40 C.F.R. § 273.13(d)(1), requires, in relevant part, that universal waste lamps be placed in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. In addition, such containers or packages must remain closed.
38. At the time of the EPA Inspection, there was a box of universal waste lamps in Building D1. The box was open. Lamps were neither being added nor removed to this box at the time of the observation.
39. Respondent violated 9 VAC 20-60-273, which incorporates by reference the requirements of 40 C.F.R. § 273.13(d)(1), by not placing the universal waste lamps referenced in Paragraph 38 in a container that remained closed.

COUNT IV (RCRA-UNIVERSAL WASTE)

40. Paragraphs 1 through 39 of the CAFO are incorporated by reference as though fully set forth herein.
41. 9 VAC 20-60-273, which incorporates by reference the requirements of 40 C.F.R. § 273.14(e), requires, in relevant part, that each lamp or a container or package in which universal waste lamps are contained must be labeled or marked clearly as such.
42. At the time of the EPA Inspection, there was a box of universal waste lamps in Building D1 which was unlabeled and unmarked.

- 43. Respondent violated 9 VAC 20-60-273, which incorporates by reference the requirements of 40 C.F.R. § 273.14(e) by not having the universal waste lamps referenced in Paragraph 42 appropriately labeled.

COUNT V (RCRA-UNIVERSAL WASTE)

- 44. Paragraphs 1 through 43 of the CAFO are incorporated by reference as though fully set forth herein.
- 45. 9 VAC 20-60-273, which incorporates by reference the requirements of 40 C.F.R. § 273.15(c), requires, in relevant part, that a small quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.
- 46. At the time of the EPA Inspection, there was a box of universal waste lamps in Building D1 which did not have an accumulation start date, nor had any other means of demonstrating the length of time the universal waste had been accumulating.
- 47. Respondent violated 9 VAC 20-60-273, which incorporates by reference the requirements of 40 C.F.R. § 273.15(c) by not having a means of demonstrating the length of time universal waste had been accumulating with respect to the universal waste lamps referenced in Paragraph 46.

COUNT VI (CAA—OPERATING PERMIT)

- 48. Paragraphs 1 through 47 of the CAFO are incorporated by reference as though fully set forth herein.
- 49. Under Section 110 of the CAA, EPA has the authority to approve a SIP, which is federally enforceable once it is approved by EPA. EPA originally approved the Virginia SIP on May 31, 1972, at 37 Fed. Reg. 10842, and has periodically approved revisions to the SIP after that date.
- 50. EPA is authorized by Section 113 of the CAA, 42 U.S.C. § 7413, to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. These include requirements promulgated by EPA and those contained in federally enforceable SIPs or permits. Under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), EPA has the authority to issue administrative penalty orders for violations of any requirement or prohibition contained in a federally enforceable SIP or permit.
- 51. EPA approved a revision to the Virginia SIP for permits for new and modified stationary sources at 9 VAC 5-80-10 in 65 Fed. Reg. 21315 (April 21, 2000). Those regulations became a federally enforceable part of the SIP as of the June 20, 2000, effective date.

52. EPA approved a revision to the Virginia SIP for state operating permits at 9 VAC 5-80-800 through 5-80-1040 in 68 Fed. Reg. 38191 (June 27, 2003). Those regulations became a federally enforceable part of the SIP as of the August 26, 2003, effective date.
53. The Virginia DEQ issued an amended Stationary Source Permit to Operate, Registration No. 40217, Identification No. 51-001-00005 (the "Permit") on December 6, 2011, for the Main Base component of the Facility.
54. Condition 11 of the Permit provides in pertinent part as follows:

Fuel Certification – The permittee shall obtain a certification from the fuel supplier with each shipment of fuel oil. Each fuel supplier certification shall include the following:

 - a. The name of the fuel supplier;
 - b. The date on which the distillate oil was received;
 - c. The volume of distillate oil delivered in the shipment;
 - d. A statement that the distillate oil complies with the American Society for Testing and Materials specifications (ASTM D396) for numbers 1 and 2 fuel oil; and
 - e. The sulfur content of the distillate oil.
55. The fuel certification that the Facility obtained for its supplier from June 2012 through December 2013 did not include the statement that the distillate oil delivered complied with the ASTM D396 specifications for numbers 1 and 2 fuel oil in violation of Condition 11.d. of the Permit.
56. The fuel certifications that the Facility obtained from its supplier from August 2013 through December 2013 did not indicate the sulfur content of the distillate oil in violation of Condition 11.e. of the Permit.
57. The Facility violated Condition 11 of the Permit as set forth in Paragraphs 55 and 56, above.

CIVIL PENALTY

58. Respondent consents to the assessment of a civil penalty of fifty thousand six hundred sixty dollars (\$50,660.00) in full satisfaction of all claims for civil penalties for the violations alleged in the above alleged seven counts of this CAFO. Respondent must pay the civil penalty no later than **THIRTY (30)** calendar days after the date on which this CAFO is mailed or hand-delivered to Respondent.
59. For the violations alleged in Counts I - V, EPA considered a number of factors including, but not limited to, the statutory factors set forth in Section 3008(a)(3) of the RCRA, 42 U.S.C. § 6928(a)(3), *i.e.*, the seriousness of Respondent's violations and the good faith efforts by Respondent to comply with the applicable requirements of the RCRA. These factors were applied to the particular facts and circumstances of this case with specific

reference to EPA's October 1990 RCRA Civil Penalty Policy, as revised in June 2003, which reflect the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of the RCRA, 42 U.S.C. §§ 6982(a)(3) and (g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the April 6, 2010, Memorandum by EPA Office of Civil Enforcement, Waste and Chemical Enforcement Division Director Rosemarie A. Kelly, entitled *Revisions to Adjusted Penalty Matrices Package Issued on November 16, 2009*.

60. For the violation alleged in Count VI, EPA considered a number of factors, including, but not limited to, the penalty assessment criteria in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), including the seriousness of Respondent's violations and Respondent's good faith efforts to comply, and the *Clean Air Act Stationary Source Civil Penalty Policy* (1991). EPA also considered the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the December 29, 2008, memorandum by EPA Assistant Administrator Granta Y. Nakayama entitled, *Amendments to EPA's Civil Penalty Policies to Implement the 2008 Civil Monetary Penalty Inflation Adjustment Rule (Effective January 12, 2009)*.
61. Payment of the civil penalty amount required under the terms of Paragraph 58, above, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
 - a. All payments by Respondent shall reference its name and address and the Docket Number of this action (Docket No. RCRA/CAA-03-2015-0178);
 - 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: Craig Steffen (513-487-2091)
 - d. All payments made by check and sent by overnight delivery service shall be addressed and sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza

Mail Station SL-MO-C2-GL
St. Louis, MO 63101

- e. 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"

- f. All payments through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX/Cashlink ACH Receiver
ABA = 051036706
Transaction Code 22 - checking
Account 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – Checking

Physical location of U.S. Treasury Facility:
5700 Rivertech Court
Riverdale, MD 20737
REX: 1-866-234-5681

- g. There is an on-line payment option available through the Department of the Treasury. This payment option can be accessed from: WWW.PAY.GOV. Enter sfo 1.1 in the search field and complete all required fields in the form.

- h. At the same time that any payment is made, Respondent shall mail copies of any corresponding check, or written notification confirming any electronic wire transfer, to:

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

and to

Daniel L. Isales (3RC60)
Environmental Science Center
U.S. Environmental Protection Agency, Region III
701 Mapes Road
Fort Meade, MD 20755-5350

EFFECT OF SETTLEMENT

62. Payment of the penalty specified in Paragraph 58, above, in the manner set forth in Paragraph 61, above, and compliance with all other terms of this CAFO shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have under the RCRA, Subtitle C, and the CAA for the specific violations alleged in Counts I - VI, above. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and regulations administered by EPA.

RESERVATION OF RIGHTS

63. This CAFO resolves only the civil claims for monetary penalties for the specific violations alleged in the CA. 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 the RCRA, the CAA, 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. Respondent reserves all available rights and defenses it may have to defend itself in any such action.

FULL AND FINAL SATISFACTION

64. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Sections 3008(a) and (g) of the RCRA, 42 U.S.C. § 6928(a) and (g), and Section 113 of the CAA, 42 U.S.C. § 7413, for the specific violations alleged in this CAFO. This CAFO constitutes the entire agreement and understanding of the parties regarding settlement of all claims pertaining to 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 CAFO.

ANTIDEFICIENCY ACT

65. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligation to comply with the RCRA, the CAA, the applicable regulations thereunder, or with 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.

AUTHORITY TO BIND THE PARTIES

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

EFFECTIVE DATE

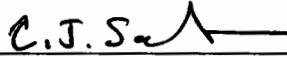
67. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

For Respondent:

National Aeronautics and Space Administration

25 August 2015

Date



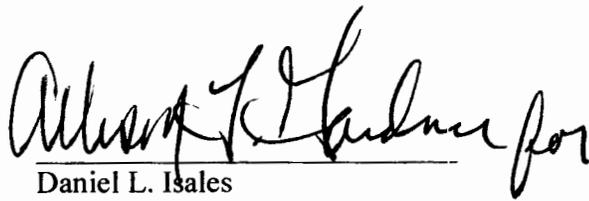
Name: Chris Scolese

Title: Center Director

For Complainant:

U.S. Environmental Protection Agency,
Region III

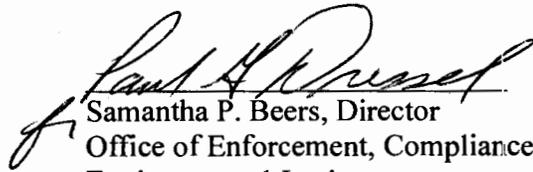
9/3/15
Date



Daniel L. Isales
Assistant Regional Counsel
U.S. EPA - Region III

Accordingly, I hereby recommend that the Regional Administrator or his designee, the Regional Judicial Officer, issue the Final Order attached hereto.

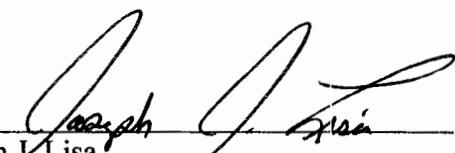
9/9/15
Date



Samantha P. Beers, Director
Office of Enforcement, Compliance and
Environmental Justice
U.S. EPA - Region III

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.

Sept. 14, 2015
Date



Joseph I. Lisa
Regional Judicial Officer
U.S. Environmental Protection Agency, Region III

IN THE MATTER OF:

National Aeronautics and Space Administration

Respondent,

Goddard Space Flight Center
NASA Wallops Flight Facility
Wallops Island, Virginia

Facility.

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REGIONAL HEARING CLERK
EPA REGION 03, PHILA. PA

Docket No. RCRA/CAA-03-2015-0178

Proceeding under 42 U.S.C. § 6928(a) and
(g) and 42 U.S.C. §§ 7413 and 7418(a)

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent a true and correct copy of the Consent Agreement and Final Order to the following:

ORIGINAL AND ONE COPY FILED, VIA HAND DELIVERY

Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103

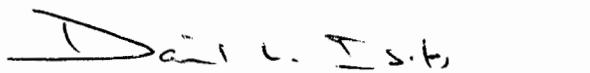
COPY SERVED, VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Daniel C. Hymer
NASA Goddard Space Flight Center
Code 140, Building 8
8800 Greenbelt Rd.
Greenbelt, MD 20771

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Thomas M. Hayes
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A handwritten signature in black ink, appearing to read "Daniel L. Isaacs", is written over a horizontal line.

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