

22.4 of the Consolidated Rules of Practice.

4. Respondents are each a "person," and are the "operator" and/or "owner" of "underground storage tanks" ("USTs") and "UST systems," located at the Facility, as those terms are defined in COMAR § 26.10.02.04.
5. At the time of the June 26 and July 19, 2019 Compliance Evaluation Inspections performed by the EPA, and at all times relevant to the applicable violations alleged herein, two (2) USTs, as described in the following paragraphs, were located at the Building 31 NEX Store and Gas Station at the Facility:
 - a. A twenty thousand (20,000) gallon tank that was installed in or about August 1995, and that, at all times relevant hereto, routinely contained regular-grade gasoline, a "regulated substance" as that term is defined in COMAR § 26.10.02.04(48)(b) (hereinafter "UST No. 17/298").
 - b. A twenty thousand (20,000) gallon tank that was installed in or about August 1995, and that, at all times relevant hereto, routinely contained premium-grade gasoline, a "regulated substance" as that term is defined in COMAR § 26.10.02.04(48)(b) (hereinafter "UST No. 18/299").
6. Complainant has identified the following violations:
 - a. From at least December 5, 2018 until December 30, 2019, Respondents failed to conduct functionality testing of the line leak detectors on both USTs, in violation of COMAR § 26.10.05.02(C)(2)(a) and COMAR § 26.10.05.05(B)
 - b. From at least December 5, 2018 until March 28, 2019, Respondents failed to conduct annual line tightness testing in violation of COMAR § 26.10.05.02(C)(2)(b) and COMAR § 26.10.05.05(C), or monthly monitoring of the pressurized piping on UST No. 17/298 in violation of COMAR § 26.10.05.02(C)(2)(b) and COMAR § 26.10.05.05(D)
7. The Complainant and the Respondents agree that settlement of this matter for a penalty of **\$2,820.00** is in the public interest, and has been calculated in accordance with the statutory factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), and the Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations and Revised Field Citation Program and ESA Pilot, effective October 5, 2018.
8. Respondents agree that within 30 days of the effective date of this Agreement (the date it is filed with the Regional Hearing Clerk), Respondents shall submit a check made out to "**United States Treasury**" with the case name, address and docket number of this Agreement (RCRA-03-2020-0087), for the amount specified above, to:

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

Respondents shall send a copy of the payment to:

Melissa Toffel, UST Compliance Officer
U.S. EPA Region III (Mail Code 3ED22)
1650 Arch Street
Philadelphia, PA 19103
toffel.melissa@epa.gov;

and,

Regional Hearing Clerk
U.S. EPA Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029
R3_Hearing_Clerk@epa.gov

9. In signing this Agreement, the Respondents: admit the jurisdictional allegations set forth in this Agreement; neither admit nor deny the specific factual allegations and conclusions of law set forth in this Agreement, except as provided in the jurisdictional admission above; agree not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waive their rights to a hearing on any issue of law or fact set forth in this Agreement and any rights to appeal the accompanying Final Order; consent to the issuance of the Agreement and agree to comply with its terms; and bear their own costs and attorney's fees.
10. By the signatures below, Respondents certify, subject to civil and criminal penalties for making a false submission to the United States Government, that he or she has: (1) corrected the alleged violations, and (2) submitted true and accurate documentation of those corrections.
11. This Agreement and attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
12. EPA reserves the right to commence action against any person, including Respondents, 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 Sections 22.18(c) and 22.31(a) 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.
13. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

In the matter of: Naval Support Activity Bethesda and
Bethesda Navy Exchange

Docket No: RCRA-03-2020-0087

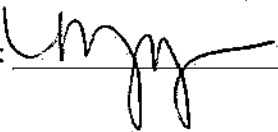
14. The undersigned representatives certify that she/he is fully authorized to execute this Agreement and to legally bind the Respondents to this Agreement.

For Respondent: Naval Support Activity Bethesda

M. S. SEYMOUR
Captain, Medical Service Corps
U. S. Navy
Commanding Officer

Name (print): M. S. Seymour

Title (print): Commanding Officer

Signature: 

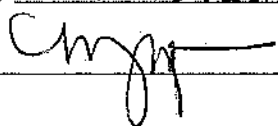
Date 24 Apr 2020

For Respondent: Bethesda Navy Exchange

M. S. SEYMOUR
Captain, Medical Service Corps
U. S. Navy
Commanding Officer

Name (print): M. S. Seymour

Title (print): Commanding Officer

Signature: 

Date 24 Apr 2020

For Complainant: U.S. Environmental Protection Agency, Region III

After reviewing the Expedited Settlement Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

May 4, 2020

Date

KAREN
MELVIN

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KAREN MELVIN
Date: 2020.05.04
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Karen Melvin
Director, Enforcement and Compliance
Assurance Division
U.S. EPA – Region III
Complainant

Based upon the representations of the parties in the attached Expedited Settlement Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations and Revised Field Citation Program and ESA Pilot, effective October 5, 2018, and the statutory factors set forth in 9006(c) of RCRA, 42 U.S.C. § 6991e(c).

NOW, THEREFORE, PURSUANT TO Section 9006 of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C. Section 6991e, and Section 22.18(b)(3) and (3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondents pay a civil penalty in the amount of **TWO THOUSAND EIGHT HUNDRED AND TWENTY DOLLARS (\$2,820.00)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and conditions of the Expedited Settlement 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 Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondents’ obligation to comply with all applicable provisions of Subtitle I of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6991 *et seq.*, and the regulations promulgated thereunder.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date

JOSEPH
LISA

Digitally signed by
JOSEPH LISA
Date: 2020.05.05
10:24:55 -04'00'

Joseph J. Lisa
Regional Judicial Officer
U.S. EPA - Region III

IN THE MATTER OF:

Naval Support Activity Bethesda
4655 Taylor Road
Bethesda, MD 20889

Facility,

Naval Support Activity Bethesda
4655 Taylor Road
Building 27, Floor 3
Bethesda, MD 20889

Bethesda Navy Exchange
8710 Gunnell Road, Bldg 31
Bethesda, MD 20889

Respondents.

Docket No.: RCRA-03-2020-0087

**EXPEDITED SETTLEMENT
AGREEMENT AND FINAL ORDER**

CERTIFICATE OF SERVICE

I certify that on May 5, 2020, the original and one (1) copy of the foregoing Consent Agreement and Final Order, were filed with the EPA, Region III, Regional Hearing Clerk. I further certify that on the date set forth below, I served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copy served via Electronic Delivery to:

Captain Mary Seymour, Installation Commanding Officer
Naval Support Activity Bethesda
4655 Taylor Road
Building 27, Floor 3
Bethesda, MD 20889
Mary.s.seymour.mil@mail.mil

Copy served via Electronic Delivery to:

Melissa Toffel
UST Compliance Officer
U.S. EPA Region III
Enforcement and Compliance Assurance Division (Mail Code 3ED22)
1650 Arch Street
Philadelphia, PA 19103-2029
toffel.melissa@epa.gov

Dated: May 5, 2020

**BEVIN
ESPOSITO**

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ESPOSITO
Date: 2020.05.05 14:43:23
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Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III