

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
1600 JFK BLVD
Philadelphia, Pennsylvania 19103

FILED

Jun 07, 2024

11:01 am

U.S. EPA REGION 3
HEARING CLERK

In the Matter of: :
: :
Uniformed Services University of : U.S. EPA Docket No. RCRA-03-2024-0025
the Health Sciences : :
4301 Jones Bridge Road : Proceeding under Section 3008(a) and (g) of the
Bethesda, MD 20814 : Resource Conservation and Recovery Act, as
: amended, 42 U.S.C. § 6928(a) and (g)
Respondent. : :
: :
Uniformed Services University of : :
the Health Sciences : :
4301 Jones Bridge Road : :
Bethesda, MD 20814 : :
Facility. : :

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 Uniformed Services University of the Health Sciences (“Respondent”) (collectively the “Parties”), pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA” or the “Act”), as amended, 42 U.S.C. § 6928(a) and (g), 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 3008(a) of RCRA authorizes the Administrator of the U.S. Environmental Protection Agency (“EPA” or the “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. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes the assessment of a civil monetary penalty against any person who violates any requirement of RCRA Subtitle C, EPA’s regulations thereunder, or any regulation of a state hazardous waste program which has been authorized by EPA. 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 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 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. On February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, EPA granted the State of Maryland final authorization to administer its hazardous waste management program regulations (“MdHWMR”) set forth at the Code of Maryland Regulations (“COMAR”), Title 10, Subtitle 51 et seq., in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. Through this final authorization, the provisions of the MdHWMR became requirements of RCRA Subtitle C and are, accordingly, enforceable by EPA on and after that date pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). EPA authorized revisions to the Maryland hazardous waste management program set forth at COMAR, Title 26, Subtitle 13 effective on July 31, 2001, September 24, 2004, and on October 31, 2016, and, accordingly, the provisions of the revised MdHWMR are enforceable by EPA on and after those dates pursuant to § 3008(a) of RCRA, 42 U.S.C. § 6928(a). Maryland has not sought authorization to implement the federal air monitoring RCRA regulations, commonly known as RCRA Subparts AA, BB, and CC. EPA promulgates the regulations in Subpart AA, BB and CC pursuant to the 1984 Hazardous and Solid Waste Amendments, and those federal regulations apply in Maryland.
6. On October 24, 2023, EPA sent notice to the State of Maryland, through the Maryland Department of the Environment (“MDE”), giving prior notice of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

GENERAL PROVISIONS

7. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.

8. Except as provided in Paragraph 7, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
9. 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.
10. 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. Respondent also expressly waives any right to confer with the Administrator pursuant to RCRA Section 6001(b)(2), 42 U.S.C. § 6961(b)(2).
11. 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.
12. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

13. 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.
14. Respondent's facility is located at 4301 Jones Bridge Road Bethesda, MD 20814 ("Facility"). The Facility is located on the Uniformed Services University of the Health Sciences campus, which is on the military installation known as Naval Support Activity Bethesda ("NSAB"), Bethesda, Maryland. The campus comprises approximately 1.14 million square feet among six buildings, plus the Armed Forces Radiobiology Research Institute ("AFRRI") and the other buildings located on the NSAB, having a total of 269 laboratories associated with the USUHS/AFRRI. The allegations in this Consent Agreement and Final Order concern two of the laboratories in one building at the Facility. The University performs educational and research activities and began operating at this location in 1980. There are approximately 781 employees and 395 military personnel along with a number of contractors which varies from time to time. The waste streams include laboratory waste (e.g. including but not limited to methanol (D001)), and universal waste.
15. Respondent notified as a Large Quantity Generator of hazardous waste ("LQG"). The Facility does not have a RCRA permit to treat, store and/or dispose of hazardous waste.

16. Respondent was chartered by an act of Congress on September 21, 1972 as the nation's only federal health sciences university. Respondent is now and was at the time of the violations alleged herein, a "person" as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and COMAR 26.13.01.03B(61).
17. At all times relevant to the allegations set forth in this Consent Agreement, Respondent is, and has been, the "operator" and the "owner" of the Facility, as those terms are defined in COMAR 26.13.01.03B(58) and (59), during the period of the violations alleged in this Consent Agreement.
18. At all times relevant to the allegations set forth in this Consent Agreement, and as described below, Respondent is, and has been, engaged in the "storage" of "solid waste" and "hazardous waste" in "containers" at the Facility, as those terms are defined in COMAR 26.13.01.03B(76), (73), (31), and (9).
19. At all times relevant to the allegations set forth in this Consent Agreement, Respondent's Facility is, and has been, a hazardous waste storage "facility" as that term is defined in COMAR 26.13.01.03B(23).
20. On December 14-15, 2021, two EPA inspectors and a MDE inspector ("the Inspectors") conducted a Compliance Evaluation Inspection at the Facility (the "CEI" or "Inspection") to examine the Respondent's compliance with the federally-authorized MdHWMR and applicable federal hazardous waste regulations.
21. On the basis of EPA's findings during the Inspection, and other information Respondent provided to EPA by the Respondent after the Inspection, EPA concludes that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, certain federally-authorized MdHWMR requirements promulgated thereunder, as enumerated below.

Count 1

Failure to make a hazardous waste determination

22. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
23. COMAR § 26.13.03.02A, provides that a person who generates solid waste shall determine if that waste is hazardous prior to disposal.
24. At the time of the December 14-15, 2021 CEI, the Inspectors, while in Building 46 room 4416 Lab, were informed by a representative of the Facility that the testing solution, which consists of methanol (D001) and water utilized by 4416 Lab is disposed of down a sink drain when it is no longer needed and that a waste determination is not made prior to disposal down the sink drain. The representative of the Facility further stated that

they did not know if the testing solution retained the D001 hazardous waste characteristic after it is used. The testing solution when disposed is a “solid waste” as that term is defined at COMAR 26.13.01.03B(73).

25. At the time of the December 14-15, 2021 CEI, Respondent violated COMAR § 26.13.03.02A, by generating solid waste and failing to determine if that waste is hazardous prior to disposal insofar as it disposed of the testing solution down a sink drain without making a waste determination prior to disposal.
26. In failing to comply with COMAR § 26.13.03.02A, Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

Count 2

Operating without a permit or valid exemption to the permitting requirement or interim status

27. The information and allegations in the preceding Paragraphs of this Consent Agreement are incorporated herein by reference.
28. COMAR § 26.13.07.01 states, with exceptions not relevant to this matter, no person may own or operate a facility that treats, stores or disposes of hazardous waste without first obtaining a permit or interim status for such facility.
29. At the time of the December 14-15, 2021 CEI, the Facility did not have a Hazardous Waste Permit or a valid exemption to the permitting requirement or Interim status.
30. Pursuant to COMAR § 26.13.03.05E, a generator of hazardous waste may accumulate hazardous waste on site without a permit or interim status for 90 days or less provided that all of the requirements of the exemptions in COMAR § 26.13.03.05E are met.
31. At the time of the December 14-15, 2021 CEI, did not meet the following requirements for the exemption in COMAR 26.13.03.05E:
 - a. COMAR §26.13.03.05E(1)(g): The generator complies with the requirements for owners or operators in COMAR 26.13.05.02G, .03, and .04, when it stored hazardous waste on site for greater than 90-days. EPA inspectors observed that hazardous waste lab packs generated at the Facility were shipped off-site for disposal 235 days after the waste was generated.
 - b. COMAR § 26.13.03.05E(1)(f)(ii), when it failed to mark satellite accumulation containers with the words “Hazardous Waste.” EPA inspectors observed that many satellite accumulation containers, which contained hazardous waste, in various labs at the Facility did not have the marking “hazardous waste” on them.

- c. COMAR § 26.13.05.02G(3) as incorporated by COMAR §26.13.03.05E(1)(g) when it failed to have Facility personnel take part in an annual review of the initial hazardous waste training for 2020 and 2021.
 - d. COMAR § 26.13.05.02G(4)(b) as incorporated by COMAR §26.13.03.05E(1)(g) when it failed to maintain at the Facility documents that describe each job position that is related to hazardous waste management.
 - e. COMAR § 26.13.05.04C as incorporated by COMAR §26.13.03.05E(1)(g) when it failed to maintain an adequate contingency plan at the Facility because Respondent's contingency plan failed to include the location of emergency equipment, an evacuation plan route, and included outdated Emergency Coordinators information.
 - f. COMAR § 26.13.05E(1)(e) when it failed to label or mark each container of used lamps with the words "Hazardous Waste" insofar as thirty-nine (39) containers of lamps stored in the hazardous waste accumulation area in building 74, Room nine were labeled not labeled as hazardous waste.¹
32. At the time of the December 14-15, 2021 CEI, Respondent violated COMAR § 26.13.07.01, by operating a hazardous waste storage facility without a permit, interim status, or valid exemption to the permitting requirement.
33. In failing to comply with COMAR § 26.13.07.01 Respondent violated RCRA Section 3005(a) and (e), 42 U.S.C. § 6925(a) and (e), and is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

Count 3

Failure to annually train Satellite Accumulation Area employees

34. The information and allegations in the preceding Paragraphs of this Consent Agreement are incorporated herein by reference.
35. COMAR § 26.13.05.02G(3) requires that facility personnel take part in an annual review of the initial training required in COMAR §26.13.05.02G(1).
36. At the time of the December 14-15, 2021 CEI, Facility records provided to EPA inspectors indicated that 2019 was the most recent annual review training for the laboratory personnel at the Facility. Respondent did not provide annual review training in calendar years 2020 and 2021.

¹ *The November 12, 2010 Authorized Maryland Code Regulations as enforceable by EPA did not include used lamps as universal waste and thus are treated as hazardous waste.

37. Respondent violated COMAR § 26.13.05.02G(3), by failing to ensure that Facility personnel took part in an annual review of the initial training required in COMAR §26.13.05.02G(1).
38. In failing to comply with COMAR § 26.13.05.02G(3), which incorporates by reference COMAR §26.13.05.02G(1), Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

Count 4

Failure to have a written job description that specified hazardous waste duties

39. The information and allegations in the preceding Paragraphs of this Consent Agreement are incorporated herein by reference.
40. COMAR § 26.13.05.02G(4)(b) requires an owner or operator of a hazardous waste facility shall maintain at the facility documents that describe each job position that is related to hazardous waste management.
41. At the time of the December 14-15, 2021 CEI, job descriptions were not available at the Facility. Respondent provided descriptions for positions related to hazardous waste management at the Facility to EPA after the CEI. There was no specific description of the duties performed that relate to hazardous waste for the Supervisory Safety and Occupational Health Specialist and the Senior Safety/Bio Safety Officer.
42. At the time of the December 14-15, 2021 CEI, Respondent violated COMAR § 26.13.05.02G(4)(b) by failing to maintain at the Facility written descriptions for each job position that is related to hazardous waste management.
43. In failing to comply with 26.13.05.02G(4)(b), Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

Count 5

Failure to maintain an adequate contingency plan

44. The information and allegations in the preceding Paragraphs of this Consent Agreement are incorporated herein by reference.
45. COMAR § 26.13.05.04C provides that the owner or operator of a hazardous waste facility will ensure it has a contingency plan for its facility that includes, in relevant part, location of emergency equipment, inclusion of primary and alternate evacuation routes in the event of an emergency, and up-to-date Emergency Coordinator information.

46. At the time of the December 14-15, 2021 CEI, EPA inspectors observed that Respondent's contingency plan at the Facility did not include a list of emergency equipment, and it did not include evacuation routes. Additionally, the contingency plan listed an emergency contact who was no longer at the Facility.
47. Respondent violated COMAR § 26.13.05.04C, by failing to have a contingency plan which included the location of emergency equipment, primary and alternate evacuation routes in the event of an emergency, and up-to-date Emergency Coordinator information.
48. In failing to comply with COMAR § 26.13.05.04C, Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

Count 6

Failure to properly manage Universal Waste

49. The information and allegations in the preceding Paragraphs of this Consent Agreement are incorporated herein by reference.
50. COMAR § 26.13.10.17A(2)(a) states that universal waste batteries not in a container should be individually labeled, and if in a container, be labeled with one of the following phrases "Universal Waste – Battery(ies)", "Waste Battery(ies)" or "Used Battery(ies)" for batteries being disposed.
51. At the time of the December 14-15, 2021 CEI, EPA inspectors observed that Respondent failed to meet the universal waste battery labeling requirement by having one small battery container labeled "Lithium Batteries Hazardous Waste" stored in the hazardous waste accumulation area in building 74, Room 9 at the Facility.
52. Respondent violated COMAR § 26.13.10.17A(2)(a) by failing to label universal waste batteries with the proper phrases of "Universal Waste – Battery(ies)", "Waste Battery(ies)" or "Used Battery(ies)" for batteries being disposed.
53. In failing to comply with COMAR § 26.13. 10.17A(2)(a) Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

CIVIL PENALTY

54. 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 **ONE HUNDRED FORTY-FOUR THOUSAND SIX HUNDRED THIRTY-EIGHT DOLLARS (\$144,638.00)**, which Respondent shall be liable to pay in accordance with the terms set

forth below. Respondent must pay the civil penalty no later than **THIRTY (30)** calendar days from the effective date of this Consent Agreement and Final Order.

55. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), including, the following: the seriousness of the violation and any good faith efforts to comply with the applicable requirements. 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 and amended in May 2020 ("RCRA Penalty Policy"), which reflect the statutory penalty criteria and factors set forth at Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6928(a)(3) and (g), 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.
56. Respondent's Treasury Account Symbol is 097 2024/2024 0130 1814. Inquiries concerning this payment may be made to Elizabeth Hegarty, who may be contacted at elizabeth.hegarty.usuhs.edu and (301) 775-5626.
57. Payment of the civil penalty amount shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
 - a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2024-0025;
 - b. All checks shall be made payable to the "United States Treasury";
 - c. 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>;
 - d. Payment may be made using the Intra Governmental Payment and Collection application (IPAC), Agency Location Code 68-01-0727, and Respondent's Treasury Account Symbol 097 2024/2024 0130 1814. Please include the Docket Number of this action (Docket No. RCRA-03-2024-0025) in the description field of the IPAC;
 - e. 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 via email to:

Jeffrey S. Nast
Sr. Assistant Regional Counsel
U.S. EPA, Region 3
nast.jeffrey@epa.gov

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

58. The parties consent to service of the Final Order by e-mail at the following valid email addresses: nast.jeffrey@epa.gov (for Complainant), and paul.hutter@usuhs.edu (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, personally identifiable information, or information which may adversely affect national security.
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, 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, 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. Respondent reserves whatever rights or defenses it may have to defend itself in any such action.

ANTIDEFICIENCY ACT

64. Respondent shall seek all existing funds to meet the requirements of this Consent Agreement and Final Order. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligation to comply with the RCRA, the applicable regulations thereunder, or with this Consent Agreement and Final Order. Nothing in this Consent Agreement and Final Order shall be interpreted to require obligation or payment of funds in violation of the Antideficiency Act, 31 U.S.C. § 1341.

EXECUTION /PARTIES BOUND

65. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and its successor agencies, departments or instrumentalities. 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

66. 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/her 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

67. 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.

In re: *Uniformed Services University of the Health Sciences*

EPA Docket No. RCRA-03-2024-0025

For Respondent: Uniformed Services University of the Health Sciences

Date: 5/6/2024

By: 
Jonathan Woodson, M.D., President

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/her 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]
Jeffrey S. Nast
Sr. Assistant Regional Counsel
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103



In the Matter of: :
: :
Uniformed Services University of : U.S. EPA Docket No. RCRA-03-2024-0025
the Health Sciences : :
4301 Jones Bridge Road : Proceeding under Section 3008(a) and (g) of the
Bethesda, MD 20814 : Resource Conservation and Recovery Act, as
 : amended, 42 U.S.C. § 6928(a) and (g)
Respondent. : :
: :
Uniformed Services University of : :
the Health Sciences : :
4301 Jones Bridge Road : :
Bethesda, MD 20814 Facility. : :
: :

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Uniformed Services University of the Health Sciences 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 1990 RCRA Civil Penalty Policy, as revised in June, 2003, and again on May 6, 2020 ("RCRA Penalty Policy"), and the statutory factors set forth at Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. § 6928(a)(3) and (g).

NOW, THEREFORE, PURSUANT TO Section 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA" or the "Act"), as amended, 42 U.S.C. § 6928(a) and (g), 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 **ONE HUNDRED FORTY-FOUR THOUSAND SIX HUNDRED THIRTY-EIGHT DOLLARS (\$144,638.00)**, 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 the 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
Philadelphia, Pennsylvania 19103**

In the Matter of:	:	
	:	
Uniformed Services University of the Health Sciences 4301 Jones Bridge Road Bethesda, MD 20814	:	DOCKET NO.: RCRA-03-2024-0025
	:	
Respondent.	:	Proceeding under Section 3008(a) and (g) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6928(a) and (g)
	:	
	:	
Uniformed Services University of the Health Sciences 4301 Jones Bridge Road Bethesda, MD 20814 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:

Paul Hutter, Esq.
General Counsel, USUHS
paul.hutter@usuhs.edu

Jeffrey S. Nast
Senior Assistant Regional Counsel
U.S. EPA, Region 3
nast.jeffrey@epa.gov

Stephen Forostiak
Senior Enforcement Officer/Inspector
U.S. EPA, Region 3
forostiak.stephen@epa.gov

Date: _____

[Digital Signature and Date]

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 3