

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, PA 19103**

**In the Matter of** )  
)  
Government of the District of Columbia )  
2000 14<sup>th</sup> Street, NW )  
Washington, DC 20009 )  
)  
Respondent )  
)  
District of Columbia General Hospital )  
1900 Massachusetts Avenue, SE )  
Washington, DC 20003 )  
)  
Facility )

DOCKET NO.: CAA-03-2013-0161

**RECEIVED**  
2013 SEP 27 PM 3:38  
REGIONAL HEARING CLERK  
EPA REGION III, PHILA. PA

**CONSENT AGREEMENT**

**I. Preliminary Statement**

1. This Consent Agreement is entered into by the Complainant, the Director of the Air Protection Division, U.S. Environmental Protection Agency (“EPA”), Region III, and the Government of the District of Columbia (“District” or “Respondent”), and is filed with the accompanying Final Order pursuant to Section 113 of the Clean Air Act (“CAA” or the “Act”), as amended, 42 U.S.C. § 7413, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation 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 when 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).
2. This Consent Agreement and the accompanying Final Order (“CAFO”) address alleged violations by Respondent of the conditions of permits issued pursuant to the District of Columbia’s Municipal Regulations (“DCMR”), Title 20, ‘Chapter 2 General and Non-attainment Area Permits’ and ‘Chapter 3 [Title V] Operating Permits’ programs, and of the requirements of the District’s state implementation plan (“SIP”) alleged herein. On August 9, 2012, EPA issued a Notice of Violation (“NOV”) to Respondent identifying the alleged violations of SIP approved construction and operating permit requirements, as well as other CAA violations, alleged in this CAFO. A copy of the NOV was provided to the District Department of the Environment. EPA met with representatives of the District on September 20, 2012 to discuss the violations identified in the NOV.

II. General Provisions

3. Section 113(a) of the Act, 42 U.S.C. § 7413(a), 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.
4. Though Respondent represents that it has not evaluated and determined the jurisdictional allegations to be correct, for purposes of this proceeding only and only to the extent required by 40 C.F.R. 22.18(b)(2), Respondent admits the jurisdictional allegations set forth in this CAFO. Respondent further agrees not to contest EPA's jurisdiction with respect to the issuance, execution and enforcement of this CAFO.
5. Respondent consents to the issuance of this CAFO and agrees to comply with the terms and conditions set forth therein.
6. Respondent neither admits nor denies the specific findings of fact and conclusions of law set forth in this CAFO except as otherwise stated in paragraph 4.
7. Respondent agrees that this CAFO shall apply to, and be binding upon, Respondent, its officers, directors, servants, employees, agents, successors and assigns.
8. For the purposes of this proceeding, Respondent hereby expressly waives its right to a hearing with respect to any issue of law or fact set forth in this CAFO, including the finality and/or validity thereof. Respondent hereby expressly waives its right to contest the factual allegations and legal conclusions set forth in Section III. Findings of Fact and Conclusions of Law, and any right to appeal the accompanying Final Order.

III. Findings of Fact and Conclusions of Law

9. 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:
10. At all times relevant to the violations alleged herein, the District has operated, through various departments, a facility located at 1900 Massachusetts Avenue, S.E., Washington, D.C. 20003 ("DC General").
11. The District is a "person" within the meaning of Section 113(a) of the Act, 42 U.S.C. § 7413(a), and as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

12. DC General, formerly a hospital, currently operates as outpatient facilities and uses multiple boilers and emergency generators as part of its operations.
13. At all times relevant to the violations alleged herein, the District's Title V operating permit program regulations, promulgated at 20 DCMR §§ 300 *et seq.*, which provide for the issuance of operating permits to major stationary sources, were approved by EPA under the authority of 40 C.F.R Part 70.
14. At all times relevant to the violations alleged herein, the District's federally-approved SIP included certain provisions of 20 DCMR §§ 200.1 *et seq.*, and Section 8-2:720(c) of the District of Columbia Air Quality Control Regulations (July 7, 1972), which provide for the issuance of construction permits and operating permits, respectively.
15. On September 27, 2004, a Final Title V Operating Permit (Permit #022) was issued for DC General pursuant to 20 DCMR §§ 300 *et seq.* ("DC General Title V Operating Permit"). Though the DC General Title V Operating Permit was due to expire September 26, 2009, an initial renewal application dated March 25, 2009 was submitted for approval, which was subsequently amended. To date, no final action to issue or deny the renewal permit has been taken. According to Condition Q.b. of the DC General Title V Operating Permit, so long as a timely and complete application for renewal is submitted, the DC General Title V Permit will not expire until the renewal permit has been issued or denied.
16. Conditions B.1.d, C.1.a.(2), E.2.c, F.2 and F.3 of the DC General Title V Operating Permit require the District to perform annual combustion adjustments to minimize formation of carbon monoxide and oxides of nitrogen for boilers CU-1 through CU-4, and to keep related records and submit related reports.
17. Respondent is unable to provide documentation or otherwise demonstrate compliance with the requirements of Conditions B.1.d, C.1.a. (2), E.2.c, F.2 and F.3 of the DC General Title V Operating Permit in years 2008-2011.
18. In the absence of documentation or other evidence of compliance, EPA has concluded that the District failed to conduct annual combustion adjustments and/or comply with related requirements of Conditions B.1.d, C.1.a.(2), E.2.c, F.2 and F.3 of the DC General Title V Operating Permit, as set forth in paragraph 17., above.
19. Conditions B.1.g, C.1.a.(3), E.2.d, and F.2 of the DC General Title V Operating Permit require the District to conduct weekly visible emission observations for boilers CU-1 through CU-4 and emergency generators EG-1 through EG-7 and annual visible emission tests for boilers CU-1 through CU-4, and to keep related records and submit related reports.

20. Beginning in September 2009, Respondent began conducting weekly visible emission observations on its boilers. However, Respondent is unable to provide documentation or otherwise demonstrate compliance with the remaining requirements of Conditions B.1.g, C.1.a.(3), E.2.d, and F.2 of the DC General Title V Operating Permit during the time period beginning September 30, 2008 through December 8, 2011.
21. In the absence of documentation or other evidence of compliance, EPA has concluded that the District failed to comply with the visible emission observations, visible emission test and/or related requirements of Conditions B.1.g, C.1.a.(3), E.2.d, and/or F.2 of the DC General Title V Operating Permit, as set forth in paragraph 20., above.
22. Conditions B.2.b. and F.2 of the DC General Title V Operating Permit require the District to maintain a log of the date and time of operation of emergency generators EG-1 through EG-7 and to keep related records.
23. Respondent is unable to provide documentation to demonstrate compliance with the requirements of Conditions B.2.b. and F.2 of the DC General Title V Operating Permit during the time period beginning September 30, 2008 through December 8, 2011.
24. In the absence of documentation or other evidence of compliance, EPA has concluded that the District failed to comply with the operation log and/or related requirements of Conditions B.2.b. and F.2 of DC General's Title V Operating Permit, as set forth in paragraph 23., above.
25. Conditions B.1.f, C.1.a.(1), E.2.b.(2), F.1 and F.2 of the DC General Title V Operating Permit require the District to sample and test fuel oil once per quarter or otherwise demonstrate compliance with the sulfur in fuel requirements for boilers CU-1 through CU-4 and emergency generators EG-1 through EG-7, and to keep related records and submit related reports.
26. Respondent is unable to provide documentation or otherwise demonstrate compliance with the requirements of Conditions B.1.f, C.1.a.(1), E.2.b.(2), F.1 and F.2 of the DC General Title V Operating Permit during the time period beginning July 2010 through December 8, 2011.
27. In the absence of documentation or other evidence of compliance, EPA has concluded that the District failed to comply with the sulfur in fuel requirements and related requirements of Conditions B.1.f, C.1.a.(1), E.2.b.(2), F.1 and F.2 of the DC General Title V Operating Permit, as set forth in paragraph 26., above.
28. Conditions X.2.g and F.2 of the DC General Title V Operating Permit require the District to keep records of refrigerant purchased and added to appliances normally containing 50 or

more pounds of refrigerant pursuant to 40 CFR § 82.166.

29. Respondent is unable to provide documentation to demonstrate compliance with the requirements of Conditions X.2.g. and F.2 of the DC General Title V Operating Permit during the time period beginning September 30, 2008 through December 8, 2011.
30. In the absence of documentation or other evidence of compliance, EPA has concluded that the District failed to comply with refrigerant usage and related recordkeeping requirements of Conditions X.2.g and F.2 of the DC General Title V Operating Permit, as set forth in paragraph 29., above.
31. On April 3, 2006, an Air Quality Permit to Construct a Modified Boiler System (Permit No. 5811) was issued for DC General pursuant to 20 DCMR §§ 200 *et seq.* ("DC General Construction Permit") authorizing the installation, *inter alia*, of a dual fuel Low NO<sub>x</sub> burner on boiler CU-1; a Continuous Emission Monitoring System (CEMS) consisting of NO<sub>x</sub>, CO, and Gas (oxygen) analyzers and an opacity monitor, and new Flue Gas Recirculation ("FGR") ducts on boilers CU-2 and CU-4.
32. Conditions A.2, A.3, A.7 and B.1 of the DC General Construction Permit required the District to conduct compliance testing of the Low NO<sub>x</sub> burner, and to obtain a separate permit to operate and/or a modification to the DC General Title V permit reflecting the Low NO<sub>x</sub> burner.
33. Respondent is unable to provide documentation or otherwise demonstrate compliance with the requirements of Conditions A.2, A.3, A.7 and B.1 of the DC General Construction Permit during the time period beginning September 30, 2008 through December 8, 2011.
34. In the absence of documentation or other evidence of compliance, EPA has concluded that the District failed to comply with the Low NO<sub>x</sub> burner compliance testing and permitting requirements of Conditions A.2, A.3, A.7 and B.1 of the DC General Construction Permit, as set forth in paragraph 33., above.
35. Conditions A.7 and B.2 of the DC General Construction Permit required the District to, among other things, obtain approval of a CEMS compliance test protocol from the appropriate District regulatory authority, comply with applicable record keeping requirements, and obtain a modification to the DC General Title V permit reflecting the CEMS and recordkeeping requirements.
36. Respondent is unable to provide documentation or otherwise demonstrate compliance with the requirements of Conditions A.7 and B.2 of the DC General Construction Permit during the time period beginning September 30, 2008 through December 8, 2011.

37. In the absence of documentation or other evidence of compliance, EPA has concluded that the District failed to comply with the CEMS compliance test protocol, record keeping and permitting requirements of Conditions A.7 and B.2 of the DC General Construction Permit, as set forth in paragraph 36., above.
38. Conditions A.7 and B.3 of the DC General Construction Permit required the District to submit engineering design parameters and data to quantify the magnitude of NOx reduction associated with the FGR ducts, and to obtain any appropriate modifications to the DC General Title V permit.
39. Respondent is unable to provide documentation or otherwise demonstrate compliance with the above-mentioned requirements of Conditions A.7 and B.3 of the DC General Construction Permit during the time period beginning September 30, 2008 through December 8, 2011.
40. In the absence of documentation or other evidence of compliance, EPA has concluded that the District failed to comply with the data and design reporting requirements associated with the FGR ducts and permitting requirements of Conditions A.7 and B.3 of the DC General Construction Permit, as set forth in paragraph 39., above.
41. Pursuant to 20 DCMR § 200.1, which is approved as part of the District's SIP, "[a] permit from the Mayor shall be obtained before a person shall cause, suffer, or allow the construction of a new stationary source, or the modification of an existing source, or the installation or modification of any air pollution control device on a stationary source." Pursuant to Section 8-2:720(c) of the District of Columbia Air Quality Control Regulations (July 7, 1972), which is approved as part of the District's SIP, "no person shall own or operate any stationary source without a valid permit to operate such source."
42. The District installed a 25kW Generac emergency generator in Bldg 15 (EG-8) in 2010, a 300kW Kohler emergency generator in Building 9 (EG-2) in 2011, a 300 kW Cat emergency generator in the Core Building (EG-3) in 2011, and a 2.163 mmBTU/hr Smith Boiler in the Medical Examiner Building in or about 2002, without first obtaining construction and/or operating permits pursuant to 20 DCMR § 200.1 and Section 8-2:720(c) District of Columbia Air Quality Control Regulations (July 7, 1972).
43. In the absence of documentation or other evidence of compliance, EPA has concluded that the District failed to comply with the SIP requirements of 20 DCMR § 200.1 and Section 8-2:720(c) District of Columbia Air Quality Control Regulations (July 7, 1972) to obtain construction and operating permits for EG-2, EG-3 and EG-8, and the 2.163 mmBTU/hr Smith Boiler in the Medical Examiner Building.

IV. Civil Penalty

44. In settlement of the violations alleged above, Respondent consents to the assessment of a civil administrative penalty of FOURTEEN THOUSAND NINE HUNDRED DOLLARS (\$14,900), which Respondent agrees to pay in accordance with the terms set forth below. Such administrative civil penalty amount shall become due and payable upon receipt by Respondent of a true and correct copy of the fully-executed and filed CAFO. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such administrative civil penalty as described in this CAFO, Respondent must pay the administrative civil penalty no later than thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent.
45. The aforesaid settlement amount is based upon Complainant's consideration 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 violation as established by any credible evidence, the economic benefit of noncompliance, the payment of penalties previously assessed for same violation, the seriousness of violation 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.
46. Payment of the administrative civil penalty amount required under the terms of Paragraph 44, above, shall be made as follows:

a. Mailing (*via first class U.S. Postal Service Mail*) a certified or cashier's check, made payable to the "United States Treasury" to the following address:

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  
Molly Williams 513-487-2076

b. Via Overnight Delivery of a certified or cashier's check, made payable to the "United States Treasury", sent to the following address:

U.S. Bank  
Government Lockbox 979077  
US EPA Fines & Penalties

DOCKET NO.: CAA-03-2013-0161

1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101

c. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance  
US EPA, MS-NWD  
26 W. M.L. King Drive  
Cincinnati, OH 45268-0001

d. By electronic funds transfer ("EFT") to the following account:

Federal Reserve Bank of New York  
ABA 021030004  
Account No. 68010727  
SWIFT Address FRNYUS33  
33 Liberty Street  
NY, NY 10045

(Field tag 4200 of Fedwire message should read  
"D 68010727 Environmental Protection Agency")

e. By automatic clearinghouse ("ACH") to the following account:

U.S. Treasury REX/Cashlink ACH Receiver  
ABA 051036706  
Account No. 310006  
Environmental Protection Agency  
CTX Format  
Transaction Code 22 - checking

Contact: John Schmid  
202-874-7026

f. Online payments can be made at [WWW.PAY.GOV](http://WWW.PAY.GOV) by entering "sfo 1.1" in the search field, and opening the form and completing the required fields.



g. 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)

All payments shall also reference the above case caption and docket number (DOCKET NO.: CAA-03-2013-0161). At the same time that any payment is made, Respondent shall mail copies of any corresponding check, or provide written notification confirming any electronic wire transfer, automated clearinghouse or online payment, to Lydia A. Guy, Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029 and to Theresa Horgan (3AP20), Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029.

47. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and also to assess a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of this CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

The cost of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

#### V. Other Applicable Laws

48. Nothing in this CAFO shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations.

VI. Reservation of Rights

49. This CAFO resolves only EPA's civil claims for penalties for the specific violations of the Act alleged in this Consent Agreement for the specific periods of time alleged. 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 Act, the regulations promulgated there under, 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.

VII. Full and Final Satisfaction

50. This settlement shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have under Section 113 of the Act, 42 U.S.C. § 7413, for the specific violations alleged in this CAFO for the specific periods of time alleged. 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.

VIII. Parties Bound

51. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this CAFO.

IX. Effective Date

52. The effective date of this CAFO is the date on which the Final Order, signed by the Regional Administrator of EPA -- Region III, or his designee, the Regional Judicial Officer, is filed with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

X. Entire Agreement

53. This CAFO constitutes the entire agreement and understanding of the Parties concerning settlement of the action referenced in the caption above, and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed herein.

For Respondent:

**DISTRICT OF COLUMBIA**, by and through its  
Department of General Services

9.18.13

Date




\_\_\_\_\_  
Brian J. Hanlon, Director  
Department of General Services

For Complainant:

**U.S. EPA, Region III**

9/27/13

Date

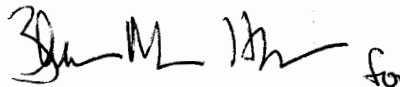


\_\_\_\_\_  
Jennifer M. Abramson  
Senior Assistant Regional Counsel

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

9/27/13

Date



\_\_\_\_\_  
Diana Esher, Director  
Air Protection Division  
U.S. EPA, Region III

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, PA 19103**

**In the Matter of** )  
)  
Government of District of Columbia )  
2000 14<sup>th</sup> Street, NW )  
Washington, DC 20009 )  
)  
Respondent )  
)  
District of Columbia General Hospital )  
1900 Massachusetts Avenue, SE )  
Washington, DC 20003 )  
)  
Facility )

DOCKET NO.: CAA-03-2013-0161

REGIONAL HEARING CLERK  
EPA REGION III, PHILA. PA

2013 SEP 27 PM 3:39

RECEIVED

**FINAL ORDER**

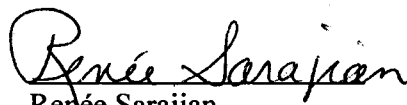
The Director, Air Protection Division, U.S. Environmental Protection Agency - Region III (“Complainant”) and the Government of the District of Columbia (“Respondent”) have executed a document entitled “Consent Agreement” which I hereby ratify as a Consent Agreement in accordance with the Consolidated 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. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

**NOW THEREFORE**, pursuant to Section 113 of the Clean Air Act (“CAA” or the “Act”), as amended, 42 U.S.C. § 7413, and based on representations in the Consent Agreement that the penalty agreed to therein is based on a consideration of the factors set forth in Section

113(e) of the Act, 42 U.S.C. § 7413(e), Respondent is hereby ordered to pay a civil penalty of FOURTEEN THOUSAND NINE HUNDRED DOLLARS (\$14,900), as set forth in the Consent Agreement, and to comply with the terms and conditions of the Consent Agreement.

The effective date of this document is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Administrator or Regional Judicial Officer.

Date: 9/27/13

  
Renée Sarajian  
Regional Judicial Officer  
U.S. EPA, Region III

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

In the Matter of )  
Government of the District of )  
Columbia )  
2000 14<sup>th</sup> Street, NW )  
Washington, DC 20009 )  
Respondent )  
District of Columbia General Hospital )  
1900 Massachusetts Avenue, SE )  
Washington, DC 20003 )  
Facility )

Docket No.: CAA-03-2013-0161

CERTIFICATE OF SERVICE

REGIONAL HEARING CLERK  
EPA REGION III, PHILA. PA

2013 SEP 27 PM 3:39

RECEIVED

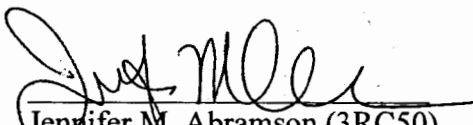
I certify that the foregoing CONSENT AGREEMENT AND FINAL ORDER in the above referenced matter was sent this day in the following manner to the below addressees.

**Original and one copy by hand-delivery:** Lydia Guy, Regional Hearing Clerk

**Copy by Certified Mail:** Camille D. Sabbakhan, General Counsel  
Government of the District of Columbia  
Department of General Services  
2000 14th Street, NW, 8th Floor  
Washington, DC 20009

SEP 27 2013

Date

  
Jennifer M. Abramson (3RC50)  
Senior Assistant Regional Counsel  
U.S. EPA, Region III



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

MEMORANDUM

SUBJECT: Consent Agreement and Final Order  
Docket No. CAA-03-2013-0161

FROM: Marcia E. Mulkey *DJM for*  
Regional Counsel (3RC00)

Diana Esher, Director *KA Jul*  
Air Protection Division (3AP00)

TO: Renée Sarajian  
Regional Judicial Officer (3RC00)

The attached Consent Agreement and Final Order ("CAFO") has been negotiated with the Government of the District of Columbia ("Respondent") in settlement of actionable Clean Air Act ("CAA") violations. The compliance issues addressed in the CAFO involve the failure to comply with conditions of permits issued pursuant to the District of Columbia's Municipal Regulations, Title 20, 'Chapter 2 General and Non-attainment Area Permits' and 'Chapter 3 [Title V] Operating Permits' programs, and of the requirements of the District's state implementation plan, at the DC General Hospital facility located at 1900 Massachusetts Avenue, S.E., Washington, DC.

The litigation team calculated a civil penalty of fourteen thousand nine hundred dollars (\$14,900) considering 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 violation as established by any credible evidence, the economic benefit of noncompliance, the payment of penalties previously assessed for same violation, the seriousness of violation and such other matters as justice may require, as provided in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), in general conformance with EPA's October 25, 1991 Clean Air Act Stationary Source Civil Penalty Policy.

We recommend that you sign the attached Final Order assessing fourteen thousand nine hundred dollars (\$14,900) in civil penalties against Respondent. After you execute the Final Order, please return the documents to Jennifer M. Abramson of Office of Regional Counsel for further processing.

Attachments

cc: Camille D. Sabbakhan

RECEIVED  
2013 SEP 27 PM 3:39  
REGIONAL HEARING CLERK  
EPA REGION III, PHILA. PA