

RECEIVED  
2013 MAR 19 AM 11:48  
BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
REGIONAL HEARING CLERK  
EPA REGION III, PHILA. PA.

**IN THE MATTER OF:**

West Virginia Department of Transportation  
Division of Highways  
1900 Kanawha Boulevard East  
Building Five, Room 110  
Charleston, WV 25305-0430

**RESPONDENT,**

District 2, Cabell County HQ  
6200 Route 60 East  
Barboursville, WV 25504

District 2, Logan County HQ  
127 Springfield Road  
Wilkinson, WV 25653

District 2, Mingo County HQ  
1 Highway Garage  
Williamson, WV 25661

District 3, Ritchie County HQ  
Route 16  
Harrisville, WV 26362

District 5, Mineral County HQ  
HC, Box 72AA  
New Creek, WV 26743

District 5, Morgan County HQ  
166 DOH Lane  
Berkeley Springs, WV 25411

District 5, Short Gap Sub Station  
Mineral County  
c/o Equipment Division  
P.O. Box 610  
Buckhannon, WV 26201

District 7, Braxton County HQ  
1001 State Street  
Gassaway, WV 26624

Consent Agreement and Final Order

Docket No.: RCRA-03-2013-0063

Proceeding under Section 9006 of the  
Resource Conservation and Recovery Act,  
42 U.S.C. § 6991e

District 9, Peterstown Substation  
On WV12  
Peterstown, WV 24963

District 9, Summers County HQ  
On WV12  
Forest Hill, WV 24935

FACILITIES,


FINAL ORDER

Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, The West Virginia Department of Transportation, Division of Highways, 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 22.18(b)(3) of the Consolidated Rules of Practice and Section 9006(c) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6991e(c) ("RCRA"), and having determined, based on the representations of the parties in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the factors set forth in Section 9006(c) and (d) of RCRA, 42 U.S.C. § 6991e(c) and (d), IT IS HEREBY ORDERED that Respondent pay a civil penalty of **thirty thousand dollars (\$30,000)** and comply with the terms and conditions of the attached Consent Agreement.

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

Date 3/18/13

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

Re: West Virginia Department of Transportation Division of Highways  
Docket No. RCRA-03-2013-0063

RECEIVED

2013 MAR 19 AM 11:48

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGIONAL HEARING CLERK  
Region III  
EPA REGION III, PHILA. PA  
1650 Arch Street

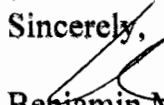
Philadelphia, Pennsylvania 19103-2029

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original and one copy of the United States Environmental Protection Agency's Consent Agreement and Final Order In Re: West Virginia Department of Transportation Division of Highways (Docket No. RCRA-03-2013-0063), with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Consent Agreement and Final Order, along with its enclosures and/or attachments, were sent by UPS Overnight mail to:

Lisa Balderson, Esq.  
WV Department of Transportation Division of Highways  
Capital Complex Building 5  
1900 Kanawha Boulevard E  
Charleston, WV 25305

Sincerely,

  
Benjamin M. Cohan  
Senior Assistant Regional Counsel

Date: 3/19/13