



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

REGULAR MAIL

June 26, 2008

Lori Weidner
U.S. Environmental Protection Agency
Cincinnati Finance Center
26 W. MLK Drive
Cincinnati, OH 45268

Re: Accounts Receivable
In the Matter of National Park Service et. al.
Docket No. RCRA-03-2008-0144

Dear Ms. Weidner:

Enclosed please find a true and correct copy of the Consent Agreement and Final Order, and the Enforcement Accounts Receivable Control Number Form (EARCNF) filed with the Regional Hearing Clerk on June 26, 2008 in settlement of the above referenced subject matter.

Should you have any question or require further information, please feel free to call me at (215) 814-2681.

Sincerely,



Louis F. Ramalho
Sr. Asst. Regional Counsel

Enclosures

cc: Lydia Guy
Regional Hearing Clerk
U.S. EPA, Region III



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

SUBJECT: Transmittal Memorandum
Consent Agreement and Final Order
In the Matter of H3 Stable, U.S. Park Service Facility
Docket No. RCRA-03-2008-0144

FROM: *W.C. Early*
William C. Early
Regional Counsel (3RC00)

Abraham Ferdas, Director *Abraham Ferdas*
Waste and Chemicals Management Division (3WC30)

TO: Renée Sarajian
Regional Judicial Officer (3RC00)

The attached Consent Agreement and Final Order ("CAFO") have been negotiated pursuant to Section 9006 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6991e, 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 CAFO resolves violations of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, and the District of Columbia's federally authorized Underground Storage Tank (UST) program by Respondents, the National Park Service and the U.S. Park Police, in connection with the UST at the National Park Service facility located at 5883 Horse Stable Road, NW, Washington, DC 20015 (the "Facility"). Please refer to the CAFO for further details concerning the violations at the Facility.

Under the terms of the settlement, Respondents will pay a civil penalty in the amount of \$29,252.00. This settlement was determined after consideration of the statutory factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), and other settlement adjustment factors set forth in the "U.S. Penalty Guidance for Violation of UST Regulations" dated November 14, 1990.

We concur with the terms of the attached Consent Agreement and Final Order. Accordingly, we recommend that you sign the Final Order and return it to the Office of Regional Counsel for further processing.

cc: Adrienne Coleman, Superintendent
Rock Creek National Park

Salvatore Lauro, Acting Assistant Chief
U.S. Park Police

Louis F. Ramalho, Esq.
U.S. EPA, Region III

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

In the Matter of:)	
)	
National Park Service)	
1900 Anacostia Drive, SE)	U.S. EPA Docket Number
Washington, DC 20020)	Docket No. RCRA-03-2008-0144
)	
U.S. Park Police)	Proceeding Under Section 9006 of the
1100 Ohio Drive, SW)	Resource Conservation and Recovery Act,
Washington, DC 20242)	as amended, 42 U.S.C. Section 6991e
)	
RESPONDENTS,)	
)	
U.S. Park Police Facility)	
H3 Stable)	
5883 Horse Stable Road, NW)	
Washington, DC 20015)	
)	
FACILITY.)	

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CONSENT AGREEMENT

This Consent Agreement ("CA") is entered into by the Director, Waste and Chemicals Management Division, U.S. Environmental Protection Agency, Region III ("EPA" or "Complainant"), and the National Park Service, U.S. Department of the Interior, and the U.S. Park Police, U.S. Department of the Interior (collectively "Respondents"), pursuant to Sections 9006 and 9007 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6991e and § 6991f, 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).

This CA and the Final Order (collectively "CAFO") resolve violations of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, and the District of Columbia's federally authorized underground storage tank ("UST") program by Respondents in connection with the UST at Respondents' facility located at 5883 Horse Stable Road, NW, Washington, DC (the "Facility").

Effective May, 4, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the District of Columbia was granted final authorization to

administer a state UST management program *in lieu* of the Federal UST management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m. The provisions of the District of Columbia UST management program, through this final authorization, are enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. The District of Columbia's authorized UST program regulations are set forth in the District of Columbia Municipal Regulations, Title 20, Chapters 55 *et. seq.*, and will be cited hereinafter as 20 DCMR §§ 5500 *et. seq.*

EPA has given the District of Columbia notice of the issuance of this CAFO in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

GENERAL PROVISIONS

1. For purposes of this proceeding only, Respondents admit to the jurisdictional allegations set forth in this CAFO.
2. Respondents neither admit nor deny the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, above.
3. Respondents agree not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order ("FO"), or the enforcement of the CAFO.
4. For the purposes of this proceeding only, Respondents hereby expressly waive their right to a hearing on any issue of law or fact set forth in this CA and any right to appeal the accompanying FO. In addition, Respondents waive their right to confer with the Administrator pursuant to RCRA § 6001(b)(2), 42 U.S.C. § 6961(b)(2).
5. Respondents consent to the issuance of this CAFO, and agree to comply with its terms and conditions.
6. Respondents shall bear their own costs and attorney's fees.
7. The persons signing this CA on behalf of each Respondent certify to EPA by their signatures herein that Respondents, as of the date of this CA, are in compliance with the provisions of RCRA, Subtitle I, 42 U.S.C. §§ 6991-6991m, and the District of Columbia's federally authorized UST program set forth at 20 DCMR §§ 5500 *et. seq.* at the Facility referenced herein.
8. The provisions of this CAFO shall be binding upon Respondents, their officers, directors, employees, successors and assigns.
9. This CAFO shall not relieve Respondents of their 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 RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, or any regulations promulgated thereunder.

10. Complainant shall have the right to institute further actions to recover appropriate relief if Complainant obtains evidence that the information provided and/or representations made by Respondents to EPA regarding matters at issue in this CAFO are false or, in any material respect, inaccurate. Respondents are aware that the submission of false or misleading information to the United States government may subject it to separate civil and/or criminal liability.

FACTUAL ALLEGATIONS AND CONCLUSIONS OF LAW

11. The United States Environmental Protection Agency - Region III ("EPA" or the "Region") and EPA's Office of Administrative Law Judges have jurisdiction over this matter pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, 40 C.F.R. Part 280 and 40 C.F.R. § 22.1(a)(4) and .4(c).
12. Respondent, National Park Service ("NPS"), is a department, agency, and/or instrumentality of the United States as referred to in Section 9007 of RCRA, 42 U.S.C. § 6991f, and is a "person" as defined in Section 9001(5) of RCRA, 42 U.S.C. Section 6991(5), and 20 DCMR § 6899.1.
13. Respondent, U.S. Park Police ("USPP"), is a department, agency, and/or instrumentality of the United States as referred to in Section 9007 of RCRA, 42 U.S.C. § 6991f, and is a "person" as defined in Section 9001(5) of RCRA, 42 U.S.C. Section 6991(5), and 20 DCMR § 6899.1.
14. At all times relevant to this CAFO, Respondent NPS has been the "owner", as this term is defined in Section 9001(4) of RCRA, 42 U.S.C. § 6991(4), and 20 DCMR § 6899.1, of the "underground storage tank" and "UST system" as those terms are defined in Section 9001(10) of RCRA, 42 U.S.C. § 6991(10), and 20 DCMR § 6899.1, located at the H3 Stable, 5883 Horse Stable Road, Washington, DC (the "Facility").
15. At all times relevant to this CAFO, Respondent USPP has been the "operator", as this term is defined in Section 9001(3) of RCRA, 42 U.S.C. § 6991(3), and 20 DCMR § 6899.1, of the "underground storage tank" and "UST system" as those terms are defined in Section 9001(10) of RCRA, 42 U.S.C. § 6991(10), and 20 DCMR § 6899.1, located at the H3 Stable, 5883 Horse Stable Road, Washington, DC.
16. On April 4, 2007, an EPA representative conducted a Compliance Evaluation Inspection ("CEI") of the Facility pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.
17. At the time of the April 4, 2007 CEI, and at all times relevant to the applicable violations alleged herein, one (1) UST (hereinafter the "UST") was located at the Facility. The UST was a four thousand (4,000) gallon fiberglass-reinforced-plastic tank that was

installed in 1995 and that, at all times relevant hereto, routinely contained gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 20 DCMR § 6899.1.

18. At all times relevant to the applicable violations alleged herein, the UST has been a “petroleum UST system” and “new tank system”, as these terms are defined in 20 DCMR § 6899.1, respectively.
19. At all times relevant to the applicable violations alleged herein, the UST was used to store “regulated substance(s)” at the Facility, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 20 DCMR § 6899.1, and has not been “empty” as that term is defined at 20 DCMR § 6100.7.
20. Pursuant to RCRA Section 9005, 42 U.S.C. § 6991d, on June 25, 2007, EPA issued an Information Request to Respondent NPS concerning its petroleum UST system at the Facility.

COUNT I

(Failure to conduct release detection on
the UST every thirty (30) days.)

21. The allegations of Paragraphs 1 through 20 of the CA are incorporated herein by reference.
22. 20 DCMR § 6000.1 provides that each owner and operator of a new or existing UST system shall provide a method, or combination of methods, of release detection that meets the requirements described therein.
23. Pursuant to 20 DCMR §§ 6003.1 through 6003.5, tanks which are part of a petroleum UST system must be monitored at least every 30 days for releases using one of the methods listed in 20 DCMR §§ 6008 through 6012, except that: (1) prior to December 22, 1995, UST systems could have been monitored using a combination of inventory control and tank tightness testing in compliance with the requirements of 20 DCMR §§ 6005 through 6007; and (2) tanks with a capacity of 550 gallons or less may use weekly tank gauging conducted in accordance with 20 DCMR § 6006.
24. From January 1, 2003 until the date of this CA, the method of release detection selected by Respondent for the UST has been automatic tank gauging in accordance with 20 DCMR § 6008.
25. From May 31, 2003 until November 2, 2004; from March 16, 2004 until September 24, 2006; from October 25, 2006 until November 5, 2006; from January 11, 2007 until January 28, 2007; and from March 5, 2007 until March 18, 2007; Respondents failed to perform automatic tank gauging for the UST in accordance with 20 DCMR § 6008.

26. During the periods of time indicated in Paragraphs 25 above, Respondents did not use any of the other release detection methods specified in 20 DCMR §§ 6003.2 through 6003.5 and/or 20 DCMR §§ 6005 through 6012 on the UST.
27. Respondents' acts and/or omissions as alleged in Paragraphs 25 and 26, above, constitute violations by Respondents of 20 DCMR §§ 6000.1 and 6003.

COUNT II

(Failure to perform automatic line leak detector testing annually on the UST)

28. The allegations of Paragraphs 1 through 27 of the CA are incorporated herein by reference.
29. 20 DCMR § 6000.1 provides that each owner and operator of a new or existing UST system shall provide a method, or combination of methods, of release detection that meets the requirements described therein.
30. 20 DCMR § 6000.2 provides that the owner and operator of each UST system, regardless of the date of installation, shall immediately comply with the release detection requirements for all pressurized piping as set forth in 20 DCMR §§ 6004.2 and 6004.3.
31. 20 DCMR § 6004.1 provides that the owner and operator of a petroleum UST system shall regularly monitor all underground piping that contains or conveys regulated substances for releases in accordance with 20 DCMR § 6004.
32. 20 DCMR § 6004.2 provides that underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector, in accordance with § 6013.2 of this chapter.
33. 20 DCMR § 6013.2 provides, in pertinent part, that the owner or operator shall conduct an annual test of the operation of the leak detector, in accordance with the manufacturer's requirements.
34. From January 1, 2003 until the date of this CA, the underground piping for the UST conveyed regulated substances under pressure.
35. Respondents conducted a testing of the automatic line leak detectors for the underground piping associated with the UST on May 30, 2007.
36. Respondents failed to perform an annual test of the automatic line leak detectors for the underground piping associated with the UST for the years 2003, 2004, 2005, and 2006.
37. Respondents' acts and/or omissions as alleged in Paragraph 36 above, constitute violations by Respondents of 20 DCMR § 6004.2 and 20 DCMR § 6013.2.

COUNT III

(Failure to perform line tightness testing or monthly monitoring on the UST)

38. The allegations of Paragraphs 1 through 37 of the CA are incorporated herein by reference.
39. 20 DCMR § 6000.1 provides that each owner and operator of a new or existing UST system shall provide a method, or combination of methods, of release detection that meets the requirements described therein.
40. 20 DCMR § 6000.2 provides that the owner and operator of each UST system, regardless of the date of installation, shall immediately comply with the release detection requirements for all pressurized piping as set forth in §§ 6004.2 and 6004.3.
41. 20 DCMR § 6004.1 provides that the owner and operator of a petroleum UST system shall regularly monitor all underground piping that contains or conveys regulated substances for releases in accordance with 20 DCMR § 6004.
42. 20 DCMR § 6004.3 provides that underground piping that conveys regulated substances under pressure shall have an annual line tightness test conducted in accordance with § 6013.3 or have monthly monitoring conducted in accordance with § 6013.4.
43. From January 1, 2003 and until the date of this CA, the underground piping for the UST conveyed regulated substances under pressure.
44. Respondents conducted a testing of the piping associated with the UST only on May 30, 2007.
45. Respondents failed to perform an annual line tightness testing in accordance with 20 DCMR § 6013.3 or have monthly monitoring conducted in accordance with 20 DCMR § 6013.4 during the years 2003, 2004, 2005, and 2006 for the underground piping associated with the UST.
46. Respondents' acts and/or omissions as alleged in Paragraph 45, above, constitute violations by Respondents of 20 DCMR § 6004.3.

COUNT IV

(Failure to investigate and confirm a suspected release from the UST)

47. The allegations of Paragraphs 1 through 46 of the CA are incorporated herein by reference.

48. 20 DCMR § 6203.3 provides, in pertinent part, that a “responsible party” as defined in 20 DCMR § 6899.1, which includes the owner and operator of an UST, shall follow the procedures in 20 DCMR § 6203 (Preliminary Investigation and Confirmation of Releases: Systems Tests and Site Check) if a release is suspected. Pursuant to 20 DCMR § 6202.4(c), a release shall be suspected if, among other things, monitoring results from a release detection method required under 20 DCMR §§ 6002 through 6015 indicate a release may have occurred, unless the monitoring device is found to be defective and is immediately repaired, recalibrated, or replaced, and additional monitoring does not confirm the initial result.
49. 20 DCMR § 6203.1 provides, with an exception not relevant to this matter, that a responsible party shall immediately investigate and confirm each suspected release of a regulated substance requiring reporting under 20 DCMR § 6202.3 within 7 days or within such other time frame as may be required by the Director of the Department of Consumer and Regulatory Affairs, using the procedures set forth in 20 DCMR § 6203.
50. Respondents failed to undertake an immediate investigation and confirm a release or suspected release of regulated substances requiring reporting under 20 DCMR § 6202.3 within the time prescribed by 20 DCMR § 6203.1 on February 12, 2007; February 19, 2007; and March 5, 2007 when leak detector testing provided fail test results indicating that a release may have occurred from the UST. Respondents did not find the monitoring device in issue to be defective and/or Respondents did not immediately repair, recalibrate, or replace any such defective device and/or Respondents did not thereafter conduct additional monitoring which did not confirm the initial monitoring result.
51. Respondents’ act and/or omission as alleged in Paragraph 50, above, constitutes a violation by Respondent of 20 DCMR § 6203.1.

COUNT V

(Failure to report to the implementing agency a suspected release from the UST)

52. The allegations of Paragraphs 1 through 51 of the CA are incorporated herein by reference.
53. 20 DCMR § 6202.1 provides, in pertinent part, that a “responsible party” as defined in 20 DCMR § 6899.1, which includes the owner and operator of an UST, or any authorized agent of a responsible party, who knows or has reason to know of a release from an underground storage tank shall notify the Director of the Department of Consumer and Regulatory Affairs of the release or suspected release within 24 hours.
54. 20 DCMR § 6202.4(c) provides, that a responsible party, including the owner and operator of an UST system, shall suspect a release if, among other things, monitoring results from a release detection method required under 20 DCMR §§ 6002 through 6015 indicate a release may have occurred from the UST system, unless the monitoring device

is found to be defective and is immediately repaired, recalibrated, or replaced, and additional monitoring does not confirm the initial result.

55. DCMR § 6202.3 provides that a responsible party shall not knowingly allow any release from an UST system to continue; a responsible party for an UST system shall notify the Director of any release or potential release within twenty-four hours, and shall follow the procedures in § 6202, if a release is suspected.
56. 20 DCMR § 6202.2 provides, in pertinent part, that the notification required pursuant to 20 DCMR § 6202.1 may be provided orally or in writing, and shall consist of, if known, the name of the owner, operator and any other responsible party, as well as the location, date, time, volume, and substance of the release or suspected release.
57. On February 12, 2007, February 19, 2007, and March 5, 2007 leak detector testing provided fail test results indicating that a release may have occurred from the UST. Respondents did not find the monitoring device in issue to be defective and/or Respondents did not immediately repair, recalibrate, or replace any such defective device and/or Respondents did not thereafter conduct additional monitoring which did not confirm the initial monitoring result.
58. Respondents did not report within 24 hours to the Director of the Department of Consumer and Regulatory Affairs the release or suspected release as described in Paragraph 57 above.
59. Respondents' act and/or omission as alleged in Paragraph 58, above, constitutes a violation by Respondents of 20 DCMR § 6202.1 and .3.

CIVIL PENALTY

60. In settlement of Complainant's claims for civil penalties for the violations alleged in this CA, Respondents agree to pay a civil penalty in the amount of Twenty-Nine Thousand Two Hundred and Fifty-Two Dollars (\$29,252.00). The civil penalty amount is due and payable immediately upon Respondents' receipt of a true and correct copy of this CAFO.
61. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of Respondents' violations and any good faith efforts by Respondents to comply with all applicable requirements as provided in RCRA Section 9006(c), 42 U.S.C. § 6991e(c), and with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.
62. Respondents shall pay the amount described in Paragraph 60, above, by sending certified or cashier's checks payable to the "United States Treasury," as follows:

By Regular US Postal Service Mail:

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

By Private Commercial Overnight Delivery:

U.S. EPA, Fines and Penalties
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Natalie Pearson
(314) 418-4087

Payment of the penalty as required by this CAFO may also be made by electronic transfer to:

Wire Transfers

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 wire transfer message should read:
"D 68010727 Environmental Protection Agency")

Automated Clearing House (ACH) Transfers

PNC Bank
ABA = 051036706
Environmental Protection Agency
Account 310006
CTX Format
Transaction Code 22 - checking
808 17th Street, NW
Washington, DC 20074

Payment by each Respondent shall reference Respondent's name and address, and the EPA Docket Number of this CAFO. A copy of each Respondent's check or a copy of Respondent's electronic transfer shall be sent simultaneously to:

Regional Hearing Clerk (3RC00)
EPA Region III

1650 Arch Street
Philadelphia, Pennsylvania 19103 - 2029, and

Louis F. Ramalho
Sr. Assistant Regional Counsel
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

FULL AND FINAL SATISFACTION

63. This CAFO constitutes a settlement by EPA of its claims for civil penalties pursuant to 9006(a) of RCRA, 42 U.S.C. § 6991e(a), for the violations alleged in this Consent Agreement.

RESERVATION OF RIGHTS

64. 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 Section 22.18(c) 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.
65. Failure to obtain adequate funds or appropriations from Congress does not release Respondents from their obligations to comply with RCRA, 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.

OTHER APPLICABLE LAWS

66. Nothing in this CAFO shall relieve Respondents of any duties otherwise imposed on them by applicable federal, state or local law and/or regulations.

AUTHORITY TO BIND THE PARTIES

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

ENTIRE AGREEMENT

68. This Consent Agreement and the attached Final Order constitute the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Agreement and the attached Final Order.

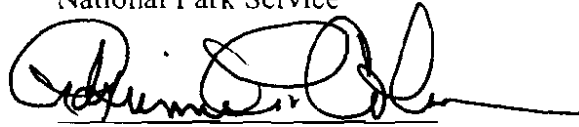
EFFECTIVE DATE

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

For Respondent:

5/12/08
Date

National Park Service



by: Adrienne Coleman
Superintendent
Rock Creek Park

For Respondent:

5/9/08
Date

United States Park Police

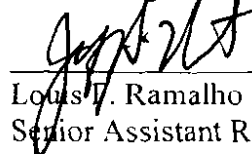


by: Salvatore Lauro
Acting Assistant Chief
U.S. Park Police


For Complainant:

6/9/08
Date

U.S. Environmental Protection Agency,
Region II

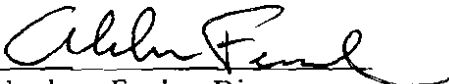
FOR 
Louis V. Ramalho
Senior Assistant Regional Counsel

5/15/08
Date


Thomas J. Charlton
Attorney
Office of Civil Enforcement

After reviewing the foregoing Consent Agreement and other pertinent information, the Waste and Chemicals Management Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

6/12/08
Date

By: 
Abraham Ferdas, Director
Waste and Chemicals Management
Division, EPA Region III

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

In the Matter of:)
)
National Park Service) U.S. EPA Docket Number
1900 Anacostia Drive, SE) Docket No. RCRA-03-2008-0144
Washington, DC 20020)
) Proceeding Under Section 9006(a) of the
U.S. Park Police) Resource Conservation and Recovery Act,
1100 Ohio Drive, SW) as amended, 42 U.S.C. § 6991e(a).
Washington, DC 20242)
)
) FINAL ORDER
RESPONDENTS,))
)
U.S. Park Police Facility)
H3 Stable)
5883 Horse Stable Road, NW)
Washington, DC 20015)
)
FACILITY.)

FINAL ORDER

Complainant, the Associate Director for Enforcement, Waste and Chemicals Management Division, U.S. Environmental Protection Agency - Region III, and Respondents, National Park Service, U.S. Department of the Interior, and U.S. Park Police, U.S. Department of Interior, 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.

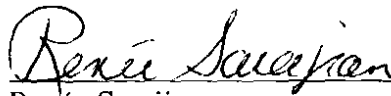
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031

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 Respondents shall pay a civil penalty in the amount of Twenty-Nine Thousand Two Hundred and Fifty-Two Dollars (\$29,252.00) in accordance with the payment provisions set forth in the attached Consent Agreement, and comply with each of the additional terms and conditions as specified in 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:

6/24/08



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

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date listed below, the original of the foregoing Consent Agreement and Final Order, EPA Docket No. RCRA-03-2008-0144, was filed with the Regional Hearing Clerk, U.S. EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and that a true and correct copy was sent via first class mail to the following:

Amy Hornor, Esquire
Department of the Interior
1849 C Street, NW
Mailstop 3210
Washington, DC 20240

9/19/08 09:56 AM
03-2111-02-00000006
U.S. EPA

9/22/08
Date



Louis F. Ramalho
Sr. Assistant Regional Counsel
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103-2029