

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE FILLED OUT BY ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Daniel Isaacs 8/1/07
Name of Contact person Date

in the Off. of Enforcement Compliance & Env. Justice at 410 305 3016
Office Phone number

Non-SF Jud. Order/Consent Decree. DOJ COLLECTS
 Administrative Order/Consent Agreement FMD COLLECTS PAYMENT

SF Jud. Order/Consent Decree. FMD COLLECTS

This is an original debt This is a modification

Name of Person and/or Company/Municipality making the payment
U.S. Department of Justice, Bureau of Prisons

The Total Dollar Amount of Receivable \$38,100
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number CA9/BCRA - 03 - 2007 - 0274

The Site-Specific Superfund Acct. Number _____

The Designated Regional/HQ Program Office Federal Facilities Program; D.F. of Enforcement Compliance & Env. Justice

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
Name of Contact Date

in the Financial Management Office, phone number: _____

JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:

- 1. U.S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-002)
Cincinnati, OH 45268
Attn: Lori Weidner
- 2. Originating Office (ORC)
- 3. Designated Program Office

ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:

- 1. Originating Office
- 2. Designated Program Office
- 3. Regional Hearing Clerk
- 3. Regional Counsel



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Environmental Sciences Center
701 Mapes Road
Fort Meade, Maryland 20755-5350

September 27, 2007

Cincinnati Finance Management Center (CFMC)
U.S. Environmental Protection Agency
Cincinnati Finance Center
Attn: Lori Weidner
26 W. Martin Luther King Drive
Cincinnati, OH 45268

Re: United States Department of Justice, Bureau of Prisons and Federal Prison
Industries, Inc.
Docket No. CAA/RCRA-03-2007-0274

Dear Ms. Weidner:

Enclosed please find the original Enforcement Accounts Receivable Control Number Form and copies of the Consent Agreement and Final Order and Certificate of Service for the above-captioned matter. As you might recall, this is the matter in which respondents had prematurely made payment of \$38,100.00. Please do not hesitate to contact me if you have any questions; you can reach me at (410) 305-3016.

Sincerely,

A handwritten signature in black ink that reads "Daniel L. Isales".

Daniel L. Isales
Assistant Regional Counsel

cc: Lydia Guy (3RC00)



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

IN RE:

United States Department of Justice -
Bureau of Prisons

and

Federal Prison Industries, Inc. (UNICOR)

Respondents;

U.S. Penitentiary - Lewisburg
2400 Robert F. Miller Drive
Lewisburg, PA 17837

Docket No. CAA/RCRA-03-2007-0274

2007 SEP 27 AM 9:47
REGIONAL HEARINGS CLERK
EPA REGION III, PHILA. PA

RECEIVED

CONSENT AGREEMENT

Preliminary Statement

This Consent Agreement ("CA") is entered into by the Director for the Office of Enforcement, Compliance, and Environmental Justice, U.S. Environmental Protection Agency, Region III ("EPA" or "Complainant") and the United States Department of Justice, Bureau of Prisons ("BOP") and Federal Prison Industries, Inc. ("UNICOR") (Jointly "Respondents"), pursuant to Sections 3008(a)(1) and (g) and 6001(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6928(a)(1) and (g) and 6961(b), Sections 113 and 118(a) of the Clean Air Act ("CAA"), 42 U.S.C. §§ 7413 and 7418(a), 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 accompanying Final Order (collectively "CAFO") resolve violations of the RCRA, Subtitle C, 42 U.S.C. §§ 6921-6939e, the regulations promulgated thereunder at 40 C.F.R. Parts 260-266, 268 and 270-273, and the regulations in the authorized Pennsylvania hazardous waste programs, and violations of the CAA, 42 U.S.C. §§ 7401, et seq., in connection with Respondents' facility located at U.S. Penitentiary - Lewisburg, 2400 Robert F. Miller Drive, Lewisburg, PA.

RCRA Background

On January 30, 1986, pursuant to Section 3006(b) of the RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, Pennsylvania was granted final authorization to administer a state hazardous waste management program ("PaHWR") in lieu of the federal hazardous waste management program established under the RCRA, Subtitle C. A revised set of PaHWR was authorized by EPA on September 26, 2000, and became effective on November 27, 2000. A more recent revised set of PaHWR was authorized by EPA on January 20, 2004, and became effective on March 22, 2004. The provisions of the authorized PaHWR set forth at 25 Pa. Code Ch. 260a-266a, 266b, and 268a-270a, through such authorization, have become requirements of RCRA, Subtitle C and are, accordingly, enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). The factual allegations and legal conclusions in this CA are based on provisions of the PaHWR in effect at the time of the violations alleged herein.

Respondents were previously issued a Notice of Violation regarding the RCRA allegations recited herein under cover letter dated December 22, 2005. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), EPA has notified the Commonwealth of Pennsylvania of EPA's intent to enter into a CAFO with Respondents to resolve the RCRA violations set forth herein.

CAA Background

EPA is authorized by Section 113 of the CAA, 42 U.S.C. § 7413, to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. These include requirements promulgated by EPA and those contained in federally enforceable state implementation plans ("SIP") or permits. The Pennsylvania SIP, approved by EPA at 40 C.F.R. Part 52, Subpart NN, provides for the issuance of installation and non-attainment operating permits for stationary sources of air pollution.

Respondent BOP was previously issued a Notice of Violation regarding the CAA allegations recited herein under cover letter dated December 22, 2005. EPA has notified the Commonwealth of Pennsylvania of EPA's intent to enter into a CAFO with Respondents to resolve the CAA violations set forth herein.

General Provisions

1. For purposes of this proceeding only, Respondents admit 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, or the enforcement of the CAFO.

4. For the purposes of this proceeding only, Respondents hereby expressly waive their right to contest the allegations set forth in this CA and any right to appeal the accompanying Final Order. Respondents also waive any opportunity to confer with the EPA Administrator under Section 6001(b)(2) of RCRA, 42 U.S.C. § 6961(b)(2), on any issue of law or fact set forth in this CAFO.
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. Respondents certify to EPA by their signatures herein that they are presently in compliance with the provisions of RCRA and the CAA referenced herein.
8. The provisions of this CAFO shall be binding upon Complainant and 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 the RCRA, Subtitle C, 42 U.S.C. §§ 6921- 6939e, the CAA, or any regulations promulgated thereunder.

EPA's Findings of Fact and Conclusions of Law

10. In accordance with the Consolidated Rules at §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the following Findings of Fact and Conclusions of Law:
11. Respondent BOP is the owner of a correctional facility located on 2400 Robert F. Miller Drive in Lewisburg, PA 17837 (the Facility).
12. Respondent UNICOR runs manufacturing operations at the Facility. Nationally, market price goods are manufactured in a number of federal prisons around the country and then sold to the federal government as UNICOR products. At the time of the EPA inspection, UNICOR was manufacturing metal lockers at the Facility.
13. EPA conducted an inspection of the Facility on July 14, 2004.

COUNT I (RCRA-HAZARDOUS WASTE)

14. Each of the Respondents, BOP and UNICOR, is a department, agency and/or instrumentality of the United States and is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

15. Each of the Respondents is, and at all times relevant to this Complaint, has been a "generator," and has engaged in the "storage" of, "hazardous wastes" at the Facility as those terms are defined in 25 Pa. Code § 260a.10.
16. Pursuant to Section 3005(a) and (e) of the RCRA, 42 U.S.C. § 6925(a) and (e), and 40 C.F.R. § 270.1(b), as incorporated by reference into 25 Pa. Code § 270a.1, no person may own or operate a facility for the treatment, storage or disposal of hazardous waste without first obtaining a permit or interim status for such facility.
17. Respondent has never been issued a permit, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or 40 C.F.R. Part 270, as incorporated by reference into 25 Pa. Code § 270a.1, for the storage of hazardous waste at the Facility, and did not have interim status pursuant to Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), or 40 C.F.R. § 270.70, as incorporated by reference into 25 Pa. Code § 270a.1, at any time.
18. According to 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(d)(4), a hazardous waste container must be marked or labeled clearly with the words, "Hazardous Waste," by the facility and must be dated. If such conditions are not met, then the generator must have a permit or interim status before storing the hazardous waste.
19. During the July 14th, 2004 inspection, the EPA inspectors observed that none of the containers of hazardous waste in the Facility's hazardous waste storage area (a trailer behind the Facility's main buildings) was properly labeled as hazardous waste and none of them was dated with an accumulation start date. The containers in the storage area included a number of waste paint containers, waste organic adhesives, and 55-gallon waste drums.
20. At the time of the inspection, Respondents were violating Section 3005 of RCRA and 25 Pa. Code § 270a.1 by failing to label the containers with accumulation start dates and mark the words "Hazardous Waste" on the hazardous waste containers in accordance with the conditions to qualify for exemption from the permit requirements as set forth in 25 Pa. Code § 262a.10 (40 C.F.R. § 262.34(c)(1)).

COUNT II (RCRA-HAZARDOUS WASTE)

21. The allegations contained in Paragraphs 1 through 20 of this CAFO are incorporated by reference herein as though fully set forth at length.
22. Pursuant to 25 Pa. Code § 262a.20, a generator must prepare a manifest according to the instructions included with the manifest. This preparation of a hazardous waste manifest includes filling in the appropriate EPA ID number on the top of the manifest form.
23. The Facility originally notified as a RCRA large-quantity generator in August 1981, and was assigned the EPA ID number PAD098736291. In November 1981, EPA sent the

Facility a letter explaining that the correct number for the Facility was PA7151990002. During the July 14th, 2004 inspection, the Facility was still using the old number PAD098736291 on its hazardous waste manifests as its Facility ID number.

24. At the time of the inspection, Respondents were violating 25 Pa. Code § 262.20 by failing to prepare manifests according to the instructions included with the manifests.

COUNT III (RCRA-HAZARDOUS WASTE)

25. The allegations contained in Paragraphs 1 through 24 of this CAFO are incorporated by reference herein as though fully set forth at length.
26. Pursuant to 25 Pa. Code § 262a.10, which incorporates by reference the requirements of 40 C.F.R. § 262.40, a generator must retain copies of each hazardous waste manifest utilized by that Facility for at least three years.
27. Pursuant to Section 3007(a) of RCRA, 42 U.S.C. § 6927(a), a generator must be able to provide EPA with records pertaining to waste management.
28. At the time of the EPA inspection, the Facility could only locate one hazardous waste manifest (February, 2003) for the EPA inspectors to review. The Facility had shipped waste on a number of other occasions in the previous three years but was unable to produce copies of those manifests at the time of the inspection. The Facility was able to subsequently provide copies of the relevant manifests in response to an EPA information request.
29. Respondents' failure to provide copies of the manifests at the time of the inspection constitutes a violation of 25 Pa. Code § 262a.10 and Section 3007(a) of RCRA.

COUNT IV (CAA)

30. The allegations contained in Paragraphs 1 through 29 of this CAFO are incorporated by reference herein as though fully set forth at length.
31. EPA is authorized by Section 113 of the CAA, 42 U.S.C. § 7413, to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. These include requirements promulgated by EPA and those contained in federally enforceable state implementation plans or permits.
32. Title V of the Act, and implementing regulations at 40 C.F.R. Part 70, require that states develop and submit to EPA operating permit programs, and that EPA act to approve or disapprove each program.

33. Provisions included by state permitting authorities in Title V permits issued under a program approved by EPA are enforceable by EPA unless denoted in the permit as a state or local requirement that is not federally enforceable.
34. EPA fully approved the Title V operating permit programs for the Commonwealth of Pennsylvania, on August 29, 1996. 40 C.F.R. Part 70, Appendix A.
35. The United States Department of Justice, Bureau of Prisons, is the owner and operator, as that term is defined at 25 Pa. Code § 121.1, of a correctional facility located on 2400 Robert F. Miller Drive in Lewisburg, PA 17837 (the Facility).
36. The Commonwealth of Pennsylvania issued a Title V permit to the Facility; the Facility's Title V permit number is TVOP 60-00007. The Facility received a renewed Title V permit on January 16, 2003 and the permit expires on January 15, 2008.
37. EPA inspected the Facility on July 14, 2004. Federal Prisons Industries (also known as UNICOR) runs manufacturing operations at the Facility. At the time of the EPA inspection, UNICOR was manufacturing metal lockers at the Facility and was utilizing a paint booth in the process of placing a powder coating on to the metal surface of the lockers. However, the paint booth was not part of the Facility's Title V air permit, despite the fact that the paint booth was a source for atmospheric emissions of particulate matter.
38. The paint booth was apparently installed after the Title V permit was issued in January, 2003.
39. 25 Pa. Code §127.11 provides as follows, "Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), a person may not cause or permit the construction or modification of an air contamination source, the reactivation of an air contamination source after the source has been out of operation or production for 1 year or more, or the installation of an air cleaning device on an air contamination source, unless the construction, modification, reactivation or installation has been approved by the Department."
40. Prior to July 14, 2004, the Facility had not provided notice of construction or modification to the Commonwealth of Pennsylvania, nor had the Facility received approval from the Commonwealth of Pennsylvania, to construct and operate the paint booth.
41. As of July 14, 2004, the Facility had constructed a paint booth in violation of its Title V permit and of 25 Pa. Code § 127.11.
42. As of July 14, 2004, the Facility had operated a paint booth in violation of its Title V permit and of 25 Pa. Code § 127.11.

COUNT V (CAA)

43. The allegations contained in Paragraphs 1 through 42 of this CAFO are incorporated by reference herein as though fully set forth at length.
44. Under Section 113(a)(3) of the Act, the Administrator of EPA has the authority to issue Orders requiring persons to comply with the National Recycling and Emission Reduction Program for stratospheric ozone-depleting refrigerants promulgated under Section 608(a) of the Act, 42 U.S.C. § 7671g(a).
45. At the time of the inspection, the Facility had three pieces of equipment that were being utilized for refrigerant recovery. At the time of the EPA inspection, a Rigid Model RS-200 type2, serial number 96A00265, and a National Model LP-22, serial number R02F1696, were being utilized in this capacity by the Facility and were not properly registered with EPA's Air Programs office, as required by 40 C.F.R. § 82.162.
46. As of July 14, 2004, the Facility had operated refrigerant recovery devices that had not been registered with EPA, in violation of Section 608(a) of the Act, 42 U.S.C. § 7671g(a), and 40 C.F.R. § 82.162.

CIVIL PENALTY

47. Respondent consents to the assessment of a civil penalty of THIRTY-EIGHT THOUSAND ONE HUNDRED DOLLARS (\$38,100.00) in full satisfaction of all claims for civil penalties for the violations alleged in the above listed five counts of this CAFO. Such civil penalty amount shall become due and payable immediately upon Respondents' receipt of a true and correct copy of this CAFO. Respondents must pay the civil penalty no later than SIXTY (60) calendar days after the date on which this CAFO is mailed or hand-delivered to Respondents.
48. For the violations alleged in Counts I - III, EPA considered a number of factors including, but not limited to, the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), *i.e.*, the seriousness of Respondents' violations and the good faith efforts by Respondents to comply with the applicable requirements of RCRA, the authorized PaHWR, and the *RCRA Civil Penalty Policy* (2003). EPA has also considered the *Adjustments of Civil Penalties for Inflation and implementing the Debt Collection Improvement Act of 1996* ("DCIA"), as set forth in 40 C.F.R. Part 19, and the September 21, 2004 memorandum by Acting EPA Assistant Administrator Thomas V. Skinner entitled, *Modifications to EPA Penalty Policies to Implement the Civil Monetary Penalty Inflation Adjustment Rule* ("2004 Skinner Memorandum") which specify that for violations occurring after January 30, 1997, statutory penalties and penalties under the RCRA Civil Penalty Policy for, *inter alia*, RCRA Subtitle C violations, were increased 10% above the statutory maximum amount to account for inflation and, statutory penalties for, *inter alia*, RCRA Subtitle C violations occurring after March 15, 2004,

were increased by an additional 17.23% above the statutory maximum amount to account for inflation.

49. For the violations alleged in Counts IV - V, EPA considered a number of factors, including, but not limited to, the penalty assessment criteria in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), including the seriousness of Respondents' violations and Respondents' good faith efforts to comply, and the Clean Air Act Stationary Source Civil Penalty Policy (1991). EPA has also considered the *Adjustments of Civil Penalties for Inflation and implementing the Debt Collection Improvement Act of 1996* ("DCIA"), as set forth in 40 C.F.R. Part 19, and the 2004 Skinner Memorandum, which specify that for violations occurring after January 30, 1997, statutory penalties and penalties under the Clean Air Act Stationary Source Civil Penalty Policy, were increased 10% above the statutory maximum amount to account for inflation and, statutory penalties for, *inter alia*, CAA violations occurring after March 15, 2004, were increased by an additional 17.23% above the statutory maximum amount to account for inflation.

50. Payment of the civil penalty amount required under the terms of paragraph 47, above, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:

- a. All payments by Respondents shall reference their name and address and the Docket Number of this action (Docket No. CAA/RCRA-03-2007-0274);
- b. All checks shall be made payable to "United States Treasury;"
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency, Region III
P.O. Box 371099M
Pittsburgh, Pennsylvania 15251-6515

The Customer Service contacts for the above method of payment are either Craig Steffen at 513-487-2091 or Eric Volck at 513-487-2105.

- d. All payments made by check and sent by overnight delivery service shall be addressed and sent to:

Mellon Bank Client Service Center
ATTN: Shift Supervisor, Room 0690
Lockbox 371099M
500 Ross Street
Pittsburgh, PA 15262-0001

The Customer Service contact for the above method of payment is Patricia McKaveney at 412-234-5805.

- e. All electronic wire transfer payments shall be directed to:

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 Fedwire message should read "D 68010727
Environmental Protection Agency "

The Federal Reserve Bank of New York Customer Service phone number for the above method of payment is 212-720-5000.

- f. All payments through the Automated Clearinghouse shall be directed to:

PNC Bank
ABA No. 051036706
Environmental Protection Agency
Account 310006
CTX Format
Transaction Code 22 - checking
808 17th Street NW
Washington, DC 20074

The Customer Service contact for the above method of payment is Jesse White at 301-887-6548.

- g. At the same time that any payment is made, Respondent shall mail copies of any corresponding check, or written notification confirming any electronic wire transfer, to:

Ms. Lydia Guy
Regional Hearing Clerk (3RC00)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

and to

Daniel L. Isales (3EC10)
Environmental Science Center
U.S. Environmental Protection Agency, Region III
701 Mapes Road
Fort Meade, MD 20755-5350

EFFECT OF SETTLEMENT

51. Payment of the penalty specified in paragraph 47, above, in the manner set forth in paragraph 50, above, shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have under RCRA, subtitle C, and the CAA for the specific violations alleged in Counts I through V, above. 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.

RESERVATION OF RIGHTS

52. This CAFO resolves only the civil claims for monetary penalties for the specific violations alleged in the CAFO. 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 the RCRA, the CAA, 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. Respondent reserves all available rights and defenses it may have to defend itself in any such action.

FULL AND FINAL SATISFACTION

53. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 3008(a) of the RCRA, 42 U.S.C. § 6928(a), and Section 113 of the CAA, 42 U.S.C. § 7413, for the specific violations alleged in this CAFO.

ANTIDEFICIENCY ACT

54. Failure to obtain adequate funds or appropriations from Congress does not release Respondents from their obligation to comply with the RCRA, the CAA, 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.

AUTHORITY TO BIND THE PARTIES

55. The undersigned representative of the BOP certifies that he or she is fully authorized to enter into the terms and conditions of this CA and to bind the BOP to it.
56. The undersigned representative of UNICOR certifies that he or she is fully authorized to enter into the terms and conditions of this CA and to bind UNICOR to it.

EFFECTIVE DATE

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

For Respondent BOP:

8-19-07
Date

Troy Williams

For Respondent UNICOR:

8/3/07
Date

Paul M. Laird
Paul M. Laird
Assistant Director
Federal Bureau of Prisons/
Federal Prison Industries Inc.

For Complainant:

U.S. Environmental Protection Agency,
Region III

9/6/2007

Date

Daniel L. Isaacs

Daniel L. Isaacs
Senior Assistant Regional Counsel

Accordingly, I hereby recommend that the Regional Administrator or his designee issue the Final Order (Docket No. CAA/RCRA-03-2007-0274) attached hereto.

9/20/07
Date

Samantha P. Beers

Samantha P. Beers
Director
Office of Enforcement, Compliance, and
Environmental Justice
U.S. EPA - Region III

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

IN RE: :
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 :
 United States Department of Justice - :
 Bureau of Prisons :
 :
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 and :
 :
 :
 Federal Prison Industries, Inc. (UNICOR) :
 :
 :
 Respondents; :
 :
 : **Docket No. CAA/RCRA-03-2007-0274**
 :
 U.S. Penitentiary - Lewisburg :
 2400 Robert F. Miller Drive :
 Lewisburg, PA 17837 :
 :
 :

FINAL ORDER


Complainant, the Director for the Office of Enforcement, Compliance, and Environmental Justice, U.S. Environmental Protection Agency - Region III, and Respondents, the United States Department of Justice, Bureau of Prisons ("BOP") and Federal Prison Industries, Inc. ("UNICOR"), 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 on the representations of the parties set forth in the Consent Agreement, I have determined that the penalty assessed herein is based upon a consideration of the factors set forth in Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a), EPA's 2003 RCRA Civil Penalty Policy, the factors set forth in Section 113(e) of the Clean Air Act, 42 U.S.C. § 7413(e), the Clean Air Act Stationary Source Civil Penalty Policy (1991), and the Consolidated Rules of Practice. IT IS HEREBY ORDERED that Respondent pay a penalty of THIRTY-EIGHT THOUSAND ONE HUNDRED DOLLARS (\$38,100.00), in accordance with

the foregoing Consent Agreement. Payment shall be made in the manner set forth in the foregoing Consent Agreement. Payment shall reference each Respondent's name and address as well as the EPA Docket Number of this Final Order (Docket No. CAA/RCRA-03-2007-0274).

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

9/24/07
Date



Renée Sarajian
Regional Judicial Officer
U.S. Environmental Protection Agency, Region III

IN RE:

United States Department of Department of Justice
Bureau of Prisons

and

Federal Prison Industries, Inc. (UNICOR)

Respondents;

U.S. Penitentiary - Lewisburg
2400 Robert F. Miller Drive
Lewisburg, PA 17837

Docket No. CAA/RCRA-03-2007-0274

REGIONAL HEARING OFFICE
EPA REGION III PHILADELPHIA

2007 SEP 27 AM 9:47

RECEIVED

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent a true and correct copy of the Consent Agreement and Final Order to the following:

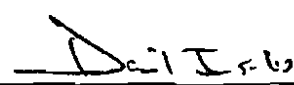
ORIGINAL AND ONE COPY FILED, VIA HAND DELIVERY

Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103

COPY SERVED, VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Craig F. Meyers, Esquire
Federal Bureau of Prisons
Associate General Counsel
Real Estate & Environmental Law
320 First Street, N.W.
Washington, DC 20534

Dated: September 27, 2007


Daniel Isales
Assistant Regional Counsel
U.S. EPA, Region III
Environmental Science Center
701 Mapes Road
Fort Meade, MD 20755-5350
(410) 305-3016