

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

In the Matter of:	)	
	)	
United States Air Force	)	
	)	U.S. EPA Docket Number
	)	RCRA-03-2013-0038
RESPONDENT,	)	
	)	
Joint Base Andrews	)	Proceeding Under Section 9006 of the
3466 North Carolina Avenue	)	Resource Conservation and Recovery Act,
Joint Base Andrews, MD 20762	)	as amended, 42 U.S.C. Section 9601
	)	
	)	<b>CONSENT AGREEMENT</b>
FACILITY.	)	

RECEIVED  
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 REGIONAL HEARING CLERK  
 EPA REGION III, PHILA. PA

**CONSENT AGREEMENT**

This Consent Agreement ("CA") is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("Complainant") and the United States Air Force ("Respondent"), 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 State of Maryland's federally authorized underground storage tank program by Respondent in connection with its underground storage tanks at Respondent's facility located at 3466 North Carolina Avenue, Joint Base Andrews, Maryland (the "Facility").

Effective July 30, 1992, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the State of Maryland was granted final authorization to administer a state underground storage tank management program *in lieu* of the Federal underground storage tank management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991i. The provisions of the Maryland underground storage tank management program, through this final authorization, have become requirements of Subtitle I of RCRA and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. Maryland's authorized underground storage tank program regulations are administered by the Maryland Department of the Environment ("MDE"), and are set forth in the Code of Maryland Regulations, Title 26, Subtitle 10, and will be cited as "COMAR" followed by the applicable section of the regulations.

## GENERAL PROVISIONS

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
2. Respondent neither admits nor denies the specific factual allegations, the alleged violations, and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, above.
3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this Consent Agreement ("CA"), the issuance of the attached Final Order ("FO"), or the enforcement thereof.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing on any issue of law or fact set forth in this CA and any right to appeal the accompanying FO, and any right to confer with the Administrator pursuant to Section 6001(b)(2) of RCRA, 42 U.S.C. § 6961(b)(2).
5. Respondent consents to the issuance of this CAFO, and agrees to comply with its terms and conditions set forth therein. The settlement agreed to by the parties in this CAFO reflects the desire of the parties to resolve this matter without litigation. This CAFO resolves whatever liability for civil penalties Respondent may have for the violations alleged in the Factual Allegations and Conclusions of Law.
6. Respondent shall bear its own costs and attorney's fees.
7. The provisions of this CAFO shall be binding upon EPA, Respondent, and Respondent's officers, directors, employees, successors and assigns.
8. This CAFO shall not relieve Respondent of its 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.
9. 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 Respondent to EPA regarding matters at issue in the CAFO are false or, in any material respect, inaccurate. Respondent is aware that the submission of false or misleading information to the United States government may subject Respondent to separate civil and/or criminal liability. Respondent reserves all available rights and defenses it may have, consistent with the terms of this CAFO, to defend itself in any such action.
10. EPA has given the State of Maryland prior notice of the issuance of this CAFO in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

## 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. At all times relevant to this CAFO, Respondent has been the "owner" and/or "operator," as those terms are defined in Section 9001(3) and (4) of RCRA, 42 U.S.C. § 6991(3) and (4), and COMAR § 26.10.02.04B(37) and (39), of the "underground storage tanks" ("USTs") and "UST systems" as those terms are defined in Section 9001(10) of RCRA, 42 U.S.C. § 6991(10), and COMAR § 26.10.02.04B(64) and (66), located at the Facility described herein.
13. Respondent 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. § 6991(5), and COMAR § 26.10.02.04B.(40).
14. On October 4-6, 2011, EPA performed a Compliance Evaluation Inspection ("CEI") at Facility. At the time of the October 4-6, 2011 CEI, and at all times relevant to the violations alleged herein, the following USTs were located at the Facility as described in the following subparagraphs:

### **Building 1558 - Tanks 10 and 12**

- A. A twenty-five thousand (25,000) gallon double-walled fiberglass reinforced plastic tank that was installed in or about 1997, and that, at all times relevant hereto, routinely contained and was used to store diesel fuel, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 1");
- B. A twenty-five thousand (25,000) gallon double-walled fiberglass reinforced plastic tank that was installed in or about 1997, and that, at all times relevant hereto, routinely contained and was used to store diesel fuel, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 2");

### **Building 3286 - Tanks 24 and 25**

- C. A twenty thousand (20,000) gallon double-walled fiberglass reinforced plastic tank that was installed in or about 1996, and that, at all times relevant hereto, routinely contained and was used to store gasoline, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 3");
- D. A twenty thousand (20,000) gallon double-walled fiberglass reinforced plastic tank that was installed in or about 1996, and that, at all times relevant

hereto, routinely contained and was used to store diesel fuel, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 4");

**Building 3602 - Tanks 86 and 87**

- E. A one thousand (1000) gallon double-walled fiberglass reinforced plastic tank that was installed in or about 1990, and that, at all times relevant hereto, routinely contained and was used to store gasoline, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No.5");
- F. A one thousand (1000) gallon double-walled fiberglass reinforced plastic tank that was installed in or about 1990, and that, at all times relevant hereto, routinely contained and was used to store diesel fuel, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No.6");

**Building 1206 - Tanks 78 and 79**

- G. A twenty thousand (20,000) gallon double-walled fiberglass reinforced plastic tank that was installed in or about 1999, and that, at all times relevant hereto, routinely contained and was used to store diesel fuel, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 7");
- H. A twenty thousand (20,000) gallon double-walled fiberglass reinforced plastic tank that was installed in or about 1999, and that, at all times relevant hereto, routinely contained and was used to store gasoline, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 8"); and

**Building 1288 - Tank 48**

- I. A three thousand (3,000) gallon double-walled fiberglass reinforced plastic tank that was installed in or about 1997, and that, at all times relevant hereto, routinely contained and was used to store diesel fuel, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 9").
15. At all times relevant to the violations alleged herein, USTs Nos. 1 through 9 have been "petroleum UST systems" and "new tank systems" as these terms are defined in COMAR § 26.10.02.04B(43), (31), respectively.

### **COUNTS I-II**

(Failure to meet the UST system performance standards for overfill prevention on USTs No. 1, 2, and 9)

16. The allegations of Paragraphs 1 through 15 of this CAFO are incorporated herein by reference.
17. COMAR § 26.10.03.01A provides, in pertinent part, that all owners and operators of new UST systems shall meet certain requirements in order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances.
18. COMAR § 26.10.03.01D(1) provides that owners and operators of new UST systems shall use certain spill and overfill prevention equipment to prevent spilling and overfilling associated with product transfer to the UST system as follows:
  - (a) Spill prevention equipment that shall prevent release of product into the environment when the transfer hose is detached from the fill pipe by use of a spill catchment basin; and
  - (b) Overfill prevention equipment that shall:
    - (i) Automatically shut off flow into the tank when the tank is more than 95 percent full, or
    - (ii) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high level alarm.
19. From at least October 4, 2011 through November 8, 2011, Respondent failed to provide overfill prevention for USTs Nos. 1 and 2, as described in COMAR § 26.10.03.01D, such USTs did not fall within the exception in COMAR § 26.10.03.01D(2) and such USTs were not in compliance with the closure requirements of COMAR § 26.10.10.
20. From at least November 16, 2011 through February 29, 2012, Respondent failed to provide overfill prevention for UST No. 9, as described in COMAR § 26.10.03.01D, such UST did not fall within the exception in COMAR § 26.10.03.01D(2) and such UST was not in compliance with the closure requirements of COMAR § 26.10.10
21. Respondent's acts and/or omissions as alleged in Paragraphs 19 and 20, above, constitute violations by Respondent of COMAR § 26.10.03.01A and D.

### **COUNT III**

(Failure to perform release detection on USTs Nos. 5 and 6)

22. The allegations of Paragraphs 1 through 21 of the CA are incorporated herein by reference.

23. Pursuant to COMAR § 26.10.05.01A and C, owners and operators of new and existing UST systems must provide a method or combination of methods of release detection monitoring that meets the requirements described therein.
24. COMAR § 26.10.05.02B provides, in pertinent part, that USTs shall be monitored at least every 30 days for releases using one of the methods listed in COMAR § 26.10.05.04E-I, except that:
- (1) UST systems that meet the performance standards in COMAR §§ 26.10.03.01 (Performance Standards for New UST Systems) and .02 (Upgrading of Existing UST Systems), and the monthly inventory control requirements in COMAR § 26.10.05.04B or C (Inventory Control or Manual Tank Gauging) shall use tank tightness testing, conducted in accordance with COMAR § 26.10.05.04D (Tank Tightness Test), at least every 5 years until December 22, 1998, or until 10 years after the UST is installed or upgraded under COMAR § 26.10.03.02B (Tank Upgrading Requirements); and
  - (2) UST systems that do not meet the performance standards in COMAR §§ 26.10.03.01 (Performance Standards for New UST Systems) and .02 (Upgrading of Existing UST Systems), may use monthly inventory controls, conducted in accordance with COMAR § 26.10.05.04B or C (Inventory Control or Manual Tank Gauging) and annual tank tightness testing, conducted in accordance with COMAR § 26.10.05.04D (Tank Tightness Test) until December 22, 1998, when the tank must be upgraded under COMAR § 26.10.03.02 (Tank Upgrading Requirements) or permanently closed under COMAR § 26.10.10.02; and
  - (3) Tanks with a capacity of 550 gallons or less and not metered may use weekly tank gauging, conducted in accordance with COMAR § 26.10.05.04C.
25. From at least August 16, 2010 until October 31, 2011, Respondent did not use any release detection methods specified in COMAR § 26.10.05.02B(1)-(3) and/or COMAR § 26.10.05.04E-I on USTs Nos. 5 and 6.
26. Respondent's acts and/or omissions as alleged in Paragraph 25, above, constitute a violation by Respondent of COMAR § 26.10.05.02B.

**COUNT IV-V**

(Failure to perform automatic line leak detector testing annually on USTs Nos. 3, 4, 7 and 8)

27. The allegations of Paragraphs 1 through 26 of the CA are incorporated herein by reference.
28. COMAR § 26.10.05.02C(2) provides, in pertinent part, that underground piping that conveys regulated substances under pressure shall:

- a. Be equipped with an automatic line leak detector conducted in accordance with COMAR § 26.10.05.05B; and
  - b. Have an annual line tightness test conducted in accordance with COMAR § 26.10.05.05C or have monthly monitoring conducted in accordance with COMAR § 26.10.05.05D.
29. COMAR § 26.10.05.05B provides, in pertinent part, that an annual test of the operation of the leak detector shall be conducted in accordance with the manufacturer's requirements.
  30. Respondent failed to test annually the automatic line leak detectors from September 30, 2007 until January 9, 2008 for USTs Nos. 3, 4, 7, and 8.
  31. From September 30, 2007 until January 9, 2008, the underground piping for USTs Nos. 3, 4, 7, and 8 conveyed regulated substances under pressure.
  32. Respondent's acts and/or omissions as alleged in Paragraphs 30 and 31, above, constitute violations by Respondent of COMAR § 26.10.05.02C(2)(a) and COMAR § 26.10.05.05B.

#### **COUNT VI**

(Failure to investigate a suspected release from UST No. 2)

33. The allegations of Paragraphs 1 through 32 of this CA are incorporated herein by reference.
34. COMAR § 26.10.08.01B(3) provides, in pertinent part, that owners or operators of UST systems shall report to the Maryland Department of Environment ("MDE") and follow the procedures in COMAR § 26.10.08.03 (Release Investigation and Confirmation Steps) if monitoring results from a release detection method required under COMAR § 26.10.05.02 (Requirements for Petroleum UST Systems) 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.
35. COMAR § 26.10.08.03 provides, in pertinent part, that owners and operators shall immediately investigate and confirm all suspected releases of regulated substances requiring reporting under COMAR § 26.10.08.01 within 72 hours or another reasonable time period specified by MDE, unless corrective action is initiated by the owner and/or operator in accordance with COMAR § 26.10.09.
36. On January 6, 2010, the automatic tank gauging leak monitoring system provided a fail test result indicating that a release may have occurred from UST No. 2 on or about January 6, 2010, and Respondent did not find the monitoring device in issue to be defective and/or Respondent did not immediately repair, recalibrate or replace any such defective device and thereafter conduct additional monitoring which did not confirm the initial monitoring result from a release detection method required under COMAR § 26.10.05.02.

37. The incident described in Paragraph 36, above, was a suspected release which was required to be reported to MDE under COMAR § 26.10.08.01 and immediately investigated under COMAR § 26.10.08.03.
38. Respondent failed to undertake an immediate investigation and confirm the suspected release of regulated substances from UST No. 2 within the time and manner prescribed by COMAR § 26.10.08.03.
39. Respondent's acts and/or omissions as alleged in Paragraph 38, above, constitute a violation by Respondent of COMAR § 26.10.08.01.

#### CIVIL PENALTY

40. In settlement of Complainant's claims for civil penalties for the violations alleged in this CA, Respondent agrees to pay a civil penalty in the amount of Twenty-Four Thousand One Hundred Fifty-Four Dollars (\$24,154.00).
41. 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 Respondent's violations and any good faith efforts by Respondent to comply with all applicable requirements as provided in RCRA Section 9006(c) and (e), 42 U.S.C. § 6991e(c) and (e), and with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.
42. Respondent shall pay the civil penalty set forth in Paragraph 40, above, by sending either a cashier's check, certified check, or electronic wire transfer, in the following manner:
  - A. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2013-0038;
  - 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 to:

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

Contact: Eric Volck 513-487-2105



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

U.S. Bank  
Government Lockbox 979077  
U.S. EPA, Fines & Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

Contact: 314-418-1028

- E. 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

- F. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York  
ABA = 021030004  
Account No. = 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

- G. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver  
ABA = 051036706  
Account No.: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:

5700 Rivertech Court  
Riverdale, MD 20737

Contact: Jesse White 301-887-6548 or REX, 1-866-234-5681

H. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV

Enter sfo 1.1 in the search field. Open and complete the form.

I. 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)

A copy of 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  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

43. In accordance with 40 C.F.R. § 13.3, any debt owed to EPA as a result of Respondent's failure to timely pay the civil penalty set forth in Paragraph 40, above, shall be resolved by negotiation between EPA and Respondent or by referral to the General Accounting Office (since 2004, referred to as the Government Accountability Office (PL-188-271)).

**FULL AND FINAL SATISFACTION**

44. 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.

### **SERVICE OF DOCUMENTS**

45. A copy of any legal documents that Respondent files in this action shall be sent to the EPA's representative this matter at the following address:

Louis F. Ramalho (3RC50)  
Senior Assistant Regional Counsel  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103  
[ramalho.louis@epa.gov](mailto:ramalho.louis@epa.gov)

A copy of any legal documents that EPA files in this action shall be sent to the Respondent's representative at the following address:

Capt. R. Scott Adams  
60 Forsyth Street, SW  
Suite 8M80  
Atlanta, GA 30303

### **RESERVATION OF RIGHTS**

46. 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 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. Respondent reserves all available rights and defenses it may have, consistent with the terms of this CAFO, to defend itself in any such action. This CAFO and any provision herein shall not be construed as an admission of liability in any criminal or civil action or other administrative proceeding, except in an action of proceeding to enforce or seek compliance with this CA and accompanying FO.
47. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligation to comply with RCRA, the applicable regulations thereunder, or with this CAFO.

### **OTHER APPLICABLE LAWS**

48. Nothing in this CA shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341, or other applicable law.

### **CERTIFICATION**

49. The person signing this CA on behalf of the Respondent certifies to EPA by his or her signature herein that Respondent, as of the date of execution of this CA, is in compliance with the provisions of RCRA, Subtitle I, 42 U.S.C. §§ 6991-6991m, and the Commonwealth of Maryland's federally authorized underground storage tank program set forth at COMAR § 26.10.02 *et seq.* at the Facility referenced herein. This certification is based on the personal knowledge of the signer or based on an inquiry of the person or persons responsible for the Facility's compliance with Subtitle I of RCRA.

### **AUTHORITY TO BIND THE PARTIES**

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

### **SUBSEQUENT MODIFICATIONS**

51. Intentionally deleted by the parties to this CAFO.

### **ENTIRE AGREEMENT**

52. 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**

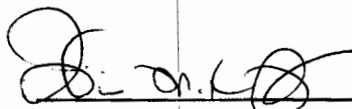
53. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

For Respondent:

United States Air Force

23 JAN 13

Date




WILLIAM M. KNIGHT, Colonel  
Commander, 11th Wing

For Complainant:

U.S. Environmental Protection Agency,  
Region III

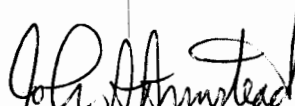
2/6/2013  
Date

  
Louis F. Ramalho  
Senior Assistant Regional Counsel

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

2.6.13  
Date

By:

  
John A. Armstead, Director  
Land and Chemicals Division  
EPA Region III

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

**In the Matter of:**

**United States Air Force**

**Respondent,**

**Joint Base Andrews  
3466 Carolina Avenue  
Joint Base Andrews, MD 20762**

**Facility.**

**CONSENT AGREEMENT**

**Docket No.: RCRA-03-2013-0038**

**Proceeding Under Section 9006 of the  
Resource Conservation and Recovery  
Act, as amended, 42 U.S.C. Section 6991e**

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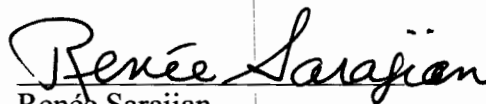
**FINAL ORDER**

Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency–Region III, and United States Air Force, 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, 40 C.F.R. Part 22 (“Consolidated Rules of Practice”). The terms of the foregoing Consent Agreement are incorporated into this Final Order as if fully set forth at length herein.

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 \$24,154 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 the accompanying Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk of U.S Environmental Protection Agency–Region III.

2/21/13  
Date



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

BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III

In the Matter of:

Docket No. RCRA-03-2013-0038


U.S. Air Force

CERTIFICATE OF SERVICE

I certify that on the date provided below, I hand-delivered the original and one copy of the Consent Agreement and Final Order in the case captioned *In re U.S. Air Force*, Docket No. RCRA-03-2013-0038 to Lydia Guy, Regional Hearing Clerk, U.S. EPA, Region 3, 1650 Arch St, Philadelphia, PA 19134, and sent one copy of the signed original document by overnight commercial mail delivery to:

Capt. R. Scott Adams  
60 Forsyth Street, SW  
Suite 8M80  
Atlanta, GA 30303

Dated: 2/5/2013

  
\_\_\_\_\_  
**Louis F. Ramalho**  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency

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EPA REGION III, PHILA. PA

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