

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

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In the Matter of :
 :
 :
 St. Elizabeths Hospital :
 1100 Alabama Ave., S.E. : **Docket No. CAA-03-2011-0304**
 Washington, DC 20032 :

CONSENT AGREEMENT

I. Preliminary Statement

1. This Consent Agreement is entered into by the Complainant, the Director of the Air Protection Division, U.S. Environmental Protection Agency ("EPA"), Region III, and St. Elizabeths Hospital ("St. Elizabeths" or "Respondent"), and is filed with the accompanying Final Order pursuant to Section 113 of the Clean Air Act ("CAA" or the "Act"), as amended, 42 U.S.C. § 7413, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22 (the "Consolidated Rules of Practice"). The Consolidated Rules of Practice, at 40 C.F.R. § 22.13, provide in pertinent part that when parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding simultaneously may be commenced and concluded by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).
2. This Consent Agreement and the accompanying Final Order address the specifically alleged violations by Respondent of Title 20 of the District of Columbia Municipal Regulations ("DCMR") Sections 200-399 (permits); 40 C.F.R. Part 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units; and 40 C.F.R. Part 60, Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

II. General Provisions

3. Section 113(a)(3) and (d) of the Act, 42 U.S.C. § 7413(a)(3) and (d), authorizes the Administrator of EPA to issue an administrative order assessing a civil administrative penalty whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement, rule, plan, order, waiver, or permit promulgated, issued, or approved under Subchapters I, IV, V and VI [also referred to as Titles I, IV, V and VI] of the Act. The authority to issue the accompanying Final Order has been duly delegated to the Regional Judicial Officer, EPA Region III.

4. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order and agrees not to contest EPA's jurisdiction with respect to the issuance, execution and enforcement of this Consent Agreement and the accompanying Final Order.
5. Respondent consents to the issuance of this Consent Agreement and the accompanying Final Order and agrees to comply with the terms and conditions set forth therein.
6. Respondent neither admits nor denies the specific findings of fact and conclusions of law set forth in this Consent Agreement and the accompanying Final Order except as otherwise stated in Paragraph 4.
7. Respondent agrees that this Consent Agreement and the accompanying Final Order shall apply to, and be binding upon, Respondent, its officers, directors, servants, employees, agents, successors and assigns.
8. For the purposes of this proceeding, Respondent hereby expressly waives its right to a hearing with respect to any issue of law or fact set forth in this Consent Agreement and the accompanying Final Order, including the finality and/or validity thereof. Respondent hereby expressly waives its right to contest the factual allegations and legal conclusions set forth in Section III, "Findings of Fact and Conclusions of Law," of this Consent Agreement and any right to appeal the accompanying Final Order.

III. Findings of Fact and Conclusions of Law

9. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), EPA alleges the following findings of fact and conclusions of law:
10. St. Elizabeths is the District of Columbia's ("District") psychiatric facility and is organizationally a part of the District's Department of Mental Health.
11. St. Elizabeths owns and operates a hospital campus located at 1100 Alabama Ave., S.E., Washington, D.C. Among other buildings on that campus are a new hospital that opened in 2010 and another structure referred to as Building #124.
12. In its move to the new hospital, St. Elizabeths has, since November 2010, installed and operated (a) two boilers, two generators, and an auxiliary fire pump generator at the new hospital and (b) three boilers and a generator in Building 124.
13. St. Elizabeths is a "person" within the meaning of Section 113(a) and of the Act, 42 U.S.C. § 7413(a), and as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).
14. Section 113(a) of the CAA, 42 U.S.C. Section 7413 authorizes EPA to enforce violations of the CAA, including violations of a federally approved state implementation plan. The

State Implementation Plan for the District (the "DC SIP"), approved by EPA at 40 C.F.R. Section 52.472, includes 20 DCMR Sections 200–399, which provide for the issuance of general, [non-attainment], and Title V permits for stationary sources of air pollution.

15. EPA inspected the new hospital and Building #124 on February 22, 2011.

Permitting Violations

16. 20 DCMR § 200.1 states that "A permit from the Mayor shall be obtained before any person shall cause, suffer, or allow the construction of a new stationary source, or the modification of an existing stationary source, or the installation or modification of any air pollution control device on a stationary source."
17. 20 DCMR § 200.2 sets forth the requirement that any person obtain an operating permit to operate a stationary source governed by 20 DCMR § 200.1.
18. "Stationary source" is defined in 20 DCMR § 199 as "the building, structure, facility, installation, or group of buildings, structures, facilities or installations that emits or may emit any air pollutant subject to regulation under the Clean Air Act or this title."
19. The boilers, generators, and auxiliary fire pump identified in Paragraph 12, above, are stationary sources and require permits before their construction, installation and operation.
20. While St. Elizabeths submitted initial permit applications to operate some of the equipment identified in Paragraph 19, above, in November 2010, the applications were inadequate, no permits were issued for any of the sources, and St. Elizabeths continued to operate such sources without a permit.
21. Since November 2010, St. Elizabeths has failed to obtain permits to construct, install, or operate the equipment identified in Paragraph 19, above, and to comply with the federally enforceable DC SIP, including, but not limited to, 20 DCMR §§ 200.1 and 200.2.
22. Therefore, since November 2010, St. Elizabeths has violated the Act and the DC SIP. Pursuant to Section 113(e)(2) of the Act, 42 U.S.C. § 7413(e)(2), St. Elizabeths will be presumed to remain in violation of these requirements until it establishes continuous compliance with the above requirements.

Violations of NSPS for Small Industrial-Commercial-Institutional Steam Generating Units

23. Section 111(b) of the Act, 42 U.S.C. § 7411(b), requires the Administrator of EPA to publish a list of categories of sources of air pollution which, in the Administrator's judgment, cause or contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare, and to promulgate standards of performance for new sources within the categories. These standards of performance,

known as the New Source Performance Standards (“NSPS”), are codified at 40 C.F.R. Part 60.

24. Section 111(a)(2) of the Act, 42 U.S.C. 7411(a)(2), defines “new source” as any stationary source of air pollution, the construction or modification of which is commenced after the publication of regulations prescribing a standard of performance applicable to such source.
25. Section 111(a)(5) of the Act, 42 U.S.C. § 7411(a)(5), defines “owner or operator” as any person who owns, leases, operates, controls, or supervises a stationary source.
26. St. Elizabeths is the owner or operator of the new hospital and Building #124 as defined in Section 111(a)(5), 42 U.S.C. § 7411(a)(5).
27. Section 111(e) of the Act, 42 U.S.C. § 7411(e), prohibits any owner or operator of a new source from operating that source in violation of a NSPS after the effective date of that standard.
28. Pursuant to 40 C.F.R. § 60.1, the NSPS regulations apply to any stationary source of air pollution which contains an “affected facility” if construction or modification of the facility commenced after the publication of any performance standard applicable to that facility.
29. Under 40 C.F.R. § 60.2, an “affected facility” is defined as any apparatus to which a NSPS standard is applicable.
30. Pursuant to Section 111 of the Act, 42 U.S.C. § 7411, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, 40 C.F.R. §§ 60.40c-60.48c, applies to any steam generating unit that has a maximum design heat input capacity of 29 megawatts (MW)(100 million Btu per hour (Btu/hr)) or less, but greater than or equal to 2.9 MW (10 million Btu/hr), which commences construction, modification, or reconstruction after June 9, 1989.
31. St. Elizabeths has installed and operates three steam generating units subject to 40 C.F.R. §§ 60.40c-60.48c. Boiler B1-BW07, Boiler B2-BW07, and Boiler B3-BW07 are in Building #124. All three boilers mentioned in this paragraph are steam generating units with maximum design heat input capacity of 29 megawatts (MW)(100 million Btu per hour (Btu/hr)) or less, but greater than or equal to 2.9 MW (10 million Btu/hr). All three boilers commenced construction, modification, or reconstruction after June 9, 1989.
32. The three boilers all combust natural gas and fuel oil, are new sources, and are “an affected facility.”
33. 40 C.F.R. § 60.48c(a) states that “The owner or operator of each affected facility shall submit notification of the date of construction or reconstruction and actual startup, as

provided by § 60.7 of this part.” This notification shall include (a)(1) to (a)(4) of this section.

34. Pursuant to 40 C.F.R. § 60.42c(d): “... no owner or operator of an affected facility that combusts oil shall cause to be discharged into the atmosphere from that affected facility any gases that contain SO₂ in excess of 215 ng/J (0.50 lb/ million Btu) heat input; or as an alternative, no owner or operator of an affected facility that combusts oil shall combust oil in the affected facility that contains greater than 0.5 weight percent sulfur.”
35. 40 C.F.R. § 60.42c(h) provides that “...compliance with the emission limits or fuel oil sulfur limits under this section may be determined based on a certification from the fuel supplier, as described under § 60.48c(f), as applicable.”
36. 40 C.F.R. § 60.44c(h) provides that performance tests for owners or operators who seek to demonstrate compliance with SO₂ standards through the certifications in 40 C.F.R. § 60.48c(f) shall consist of the fuel certifications.
37. In addition, 40 C.F.R. § 60.48c(e)(11) requires that “If fuel supplier certification is used to demonstrate compliance, . . . the report [submitted to the Administrator] shall include a certified statement signed by the owner or operator of the affected facility that the records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period.”
38. 40 C.F.R. § 60.48c(g)(1) states “Except as provided under paragraphs (g)(2) and (g)(3) of this section, the owner or operator of each affected facility shall record and maintain records of the amount of each fuel combusted during each operating day.”
39. In addition, 40 C.F.R. § 60.48c(g)(2) states that “As an alternative to meeting the requirements of paragraph (g)(1) of this section . . . the owner or operator of an affected facility that combusts only natural gas, wood, fuels using fuel certification in § 60.48c(f) to demonstrate compliance with the SO₂ standard, . . . or a mixture of these fuels may elect to record and maintain records of the amount of each fuel combusted during each calendar month.”
40. 40 C.F.R. § 60.48c(g)(3) states that “As an alternative to meeting the requirements of paragraph (g)(1) of this section . . . the owner or operator of an affected facility or multiple affected facilities located on a contiguous property unit where the only fuels combusted in any steam generating unit (including steam generating units not subject to this subpart) at that property are natural gas, wood, distillate oil meeting the most current requirements in § 60.42[c] to use fuel certification to demonstrate compliance with the SO₂ standard, and/or fuels excluding coal and residual oil, not subject to an emissions standard (excluding opacity) may elect to record and maintain records of the total amount of each steam generating unit fuel delivered to that property during each calendar month.

41. 40 C.F.R. § 60.48c(j) states that “The reporting period for the reports required under this subpart is each six-month period. All reports shall be submitted to the Administrator . . .”
42. Since November 2010, Respondent has operated its three boilers in violation of the Sections 111 and 113 of the Act, 42 U.S.C. §§ 7411 and 7413, and Subpart Dc of the NSPS, including, but not limited to, 40 C.F.R. §§60.48c(a), 60.42c(d) and (h), 60.44c(h), 60.48c(e)(11), 60.48c(g)(1) or c(g)(2) or c(g)(3) and 60.48c(j) by failing to give notifications of constructions and actual start-ups of the three (3) new boilers, to obtain certifications of fuel shipments for each shipment or other evidence of compliance with fuel sulfur content requirement, failing to have certifications of all fuels combusted, and failing to submit semi-annual fuel reports. Since at least November 2010, St. Elizabeths has been in violation of Section 113 of the Act, 42 U.S.C. §7413. Pursuant to Section 113(e)(2) of the Act, 42 U.S.C. § 7413(e)(2), St. Elizabeths will be presumed to remain in violation of these requirements until it establishes continuous compliance with the above requirements.

Violations of NSPS for Performance for Stationary Compression Ignition Internal Combustion Engines

43. Pursuant to Section 111 of the Act, 42 U.S.C. § 7411, Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, 40 C.F.R. § 60.4200(a)(2), applies to owners and operators of stationary compression ignition (CI) internal combustion engines (ICE) that commence construction after July 11, 2005 where the stationary CI ICE are manufactured after April 1, 2006 and are not fire pump engines, or are manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006.
44. 40 C.F.R. § 60.4200(a) states “...For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.”
45. St. Elizabeths installed and operates the following emergency generators and fire pump at the new hospital and Building #124 (Kohler-125 generator that had a manufacture date of 9/2010 on it and a start-up date of November 15, 2010; two generators each rated at 2000 KW/2500 KVA with a Mitsubishi engine manufacture date of October 2007; and an auxiliary fire pump generator that St. Elizabeths stated was installed approximately 2009 or 2010) that are subject to 40 C.F.R. §§ 60.4200-60.4219.
46. The three emergency generators and the fire pump generator combust diesel fuel, are new sources, and are an “affected facility.”
47. 40 C.F.R. § 60.4205(b) states that “Owners and operators of 2007 model year and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new nonroad CI

engines in § 60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE.”

48. In addition, 40 C.F.R. § 60.4205(c) states that “Owners and operators of fire pump engines with a displacement of less than 30 liters per cylinder must comply with the emission standards in table 4 to this subpart, for all pollutants.”
49. Pursuant to 40 C.F.R. § 60.4207(a) states that “Beginning October 1, 2007, owners and operators of stationary CI ICE subject to this subpart that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(a).”
50. The requirement of 40 CFR 80.510(a) for nonroad diesel fuel requires that diesel fuel have a maximum sulfur content of 500 parts per million (ppm) and either a minimum cetane index of 40 or a maximum aromatic content of 35 volume percent.
51. 40 C.F.R. § 60.4207(b) states that “Beginning October 1, 2010, owners and operators of stationary CI ICE subject to this subpart with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel.”
52. The requirements of 40 CFR 80.510(b) for nonroad diesel fuel requires that diesel fuel have a maximum sulfur content of 15 ppm and either a minimum cetane index of 40 or a maximum aromatic content of 35 volume percent.
53. Pursuant to 40 C.F.R. § 60.4211(a) “If you are an owner or operator and must comply with the emission standards specified in this subpart, you must operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer’s written instruction or procedures developed by the owner or operator that are approved by the engine manufacturer. ... You must also meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you.”
54. In addition, 40 C.F.R. § 60.4211(c) states that “[i]f you are an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in § 60.4204(b) or § 60.4205(b), or if you are an owner or operator of a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in table 3 to this subpart and must comply with the emission standards specified in § 60.4205(c), you must comply by purchasing an engine certified to the emission standards in § 60.4204(b), or § 60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer’s specifications.”
55. Since November 2010, St. Elizabeths has installed and/or operated three emergency generators and an auxiliary fire pump generator in violation of the Sections 111 and 113 of the Act, 42 U.S.C. §§ 7411 and 7413, and Subpart IIII of the NSPS. At the time of the

inspection, no records were available to verify compliance including, but not limited to, 40 C.F.R. §§ 60.4205(b) and (c), 60.4207(a) and (b), and 60.4211(a) and (c). Pursuant to Section 113(e)(2) of the Act, 42 U.S.C. § 7413(e)(2), St. Elizabeths will be presumed to remain in violation of these requirements until it establishes continuous compliance with the above requirements.

IV. Settlement Recitation, Settlement Conditions and Civil Penalty

56. Complainant and Respondent enter into this Consent Agreement and the accompanying Final Order in order to settle fully and resolve all violations set forth in Section III (Paragraphs 9 through 55) of this Consent Agreement.
57. In full and final settlement of the allegations in Section III, Findings of Fact and Conclusions of Law, of this Consent Agreement and in consideration of each provision of this Consent Agreement and the accompanying Final Order, Respondent consents to the assessment and payment of a civil penalty in the amount of Fifteen Thousand Dollars (\$15,000.00) within the time and manner specified herein.
58. The settlement amount of Fifteen Thousand Dollars (\$15,000.00) is based upon Complainant's consideration and application of the statutory penalty factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e) (which include the size of the business, economic impact of the penalty, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, the economic benefit of noncompliance, the payment of penalties previously assessed for same violation, the seriousness of violation and such other matters as justice may require), and EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as indexed for inflation in keeping with 40 C.F.R. Part 19 (Adjustment to Civil Monetary Penalties for Inflation). Complainant has determined that Respondent's payment of this civil penalty shall constitute full and final satisfaction of the violations set forth in Section III of this Consent Agreement.
59. Respondent shall pay the civil penalty of Fifteen Thousand Dollars (\$15,000.00) no later than thirty (30) days after the effective date of this Consent Agreement and accompanying Final Order in order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this Consent Agreement and accompanying Final Order.
60. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this Consent Agreement and Final Order shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

61. Interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of this executed Consent Agreement and Final Order is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
62. The cost of EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
63. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent for more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
64. Thus, in accordance with the above provisions, to avoid the assessment of interest, late payment penalties, and handling charges on the penalty set forth herein, Respondent must pay the full amount of the civil penalty, in the manner directed, within thirty (30) days of the effective date of this Consent Agreement and accompanying Final Order.
65. Payment of the penalty in Paragraph 57 shall be made by cashier's check, certified check, or electronic wire transfer, Automated Clearing House ("ACH"), or an on line, internet payment as specified below. All payments are payable to Treasurer, United States of America and shall reference the above case caption and docket number.

All checks shall be made payable to Treasurer, United States of America and shall be mailed to the attention of:

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 or
Craig Steffen (513) 487-2091

Overnight deliveries shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. Environmental Protection Agency

Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: (314) 418-1028.

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"

Payments through ACH (also known as REX or remittance express) shall be directed to:

U.S Treasury REX/Cashlink ACH Receiver
ABA = 051036706
Account 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - checking
33 Liberty Street
New York, N.Y. 10045

An on-line, internet payment option, is also available through the United States Department of Treasury. This payment option can be accessed from www.pay.gov. Enter sfo 1.1 in the search field. Open form and complete required fields.

66. All payments made by check also shall reference the above case caption and docket number, CAA-03-2011-0304. At the same time that any payment is made, copies of any corresponding check or written notification confirming any electronic transfer through wire transfer, ACH, or internet payment shall be mailed to Lydia A. Guy, Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, to J. Robert Stoltzfus, Esq., Senior Assistant Regional Counsel (3RC10), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and to Theresa Horgan (3AP20), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029.
67. Respondent agrees not to deduct for federal tax purposes the civil penalty specified in, and any civil penalty amount paid pursuant to, this Consent Agreement and accompanying Final Order.
68. Each party to this action agrees to pay its own costs and attorney fees.

69. Payment of the penalty specified in Paragraph 57 in the manner set forth in this Consent Agreement and payment of any applicable interest, handling costs and/or late payment charges as set forth above shall constitute full and final satisfaction of all civil claims for penalties for the specific violations alleged in Section III of this Consent Agreement. Compliance with this Consent Agreement and accompanying Final Order shall not be a defense to any action commenced at any time for any other violation of any federal laws and regulations administered by EPA.
70. Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in referral of this matter to the United States Attorney for enforcement of this Consent Agreement and the accompanying Final Order in the appropriate United States District Court. Additionally, Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in the assessment of additional interest, penalties and/or late payment penalty charges.

V. Reservation of Rights

71. This Consent Agreement and the accompanying Final Order resolve only the civil claims for the specific violations alleged in Section III of this Consent Agreement. 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. Nor shall anything in this Consent Agreement and Final Order be construed to limit the United States' authority to pursue criminal sanctions. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, Complainant reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this Consent Agreement and accompanying Final Order following its filing with the Regional Hearing Clerk.

VI. Effective Date

72. The effective date of this Consent Agreement and the accompanying Final Order is the date on which the Consent Agreement and Final Order is filed with the Regional Hearing Clerk of EPA Region III.

VII. Entire Agreement

73. This Consent Agreement and the accompanying 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

accompanying Final Order. Nothing in this Consent Agreement or the accompanying Final Order shall be construed to affect or limit in any way the obligation of Respondent to comply with all federal, state and local laws and regulations governing any activity required by this Consent Agreement and the accompanying Final Order.

VIII. Execution

74. The person signing this Consent Agreement on behalf of Respondent acknowledges and certifies by his/her signature that he/she is fully authorized to enter into this Consent Agreement and to legally bind Respondent, to the terms and conditions of this Consent Agreement and the accompanying Final Order.

For Respondent St. Elizabeths Hospital:

9-20-11
Date

Dean C. Merone
Dean C. Merone
Deputy General Counsel
Department of Mental Health
Saint Elizabeths Hospital

For Complainant:

9/28/11
Date

J. Robert Stoltzfus
J. Robert Stoltzfus
Senior Assistant Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Accordingly, the Air Protection Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator or his designee, the Regional Judicial Officer, issue the accompanying Final Order and thereby ratify this Consent Agreement and the terms and provisions herein.

9/26/11
Date

Christopher B. Cella for
Diana Esher, Director
Air Protection Division
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103

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

In the Matter of

St. Elizabeths Hospital
1100 Alabama Ave., S.E.
Washington, DC 20032

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Docket No. CAA-03-2010-0304

FINAL ORDER

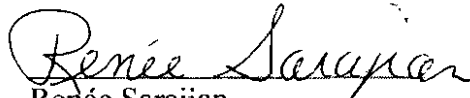
The Preliminary Statement, General Provisions, Findings of Fact and Conclusions of Law, and other sections and terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW THEREFORE, pursuant to Section 113 of the Clean Air Act ("CAA"), as amended, 42 U.S.C. § 7413, and 40 C.F.R. Part 22, St. Elizabeths Hospital is hereby ordered to pay a civil penalty in the amount Fifteen Thousand Dollars (\$15,000.00). Payment of the aforesaid civil penalty shall be made within thirty (30) days of the effective date of this Final Order.

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. EPA Region III.

Date:

9/28/11


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

