



Fed. Reg. 47391 (December 4, 1984)), by EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, and subsequently were re-authorized effective: August 13, 1993 (58 Fed. Reg. 32,885 (June 14, 1993)); September 29, 2000 (65 Fed. Reg. 46,607 (July 31, 2000)); June 20, 2003 (68 Fed. Reg. 36,925 (June 20, 2003)); July 10, 2006 (71 Fed. Reg. 27,216 (May 10, 2006)); and July 30, 2008 (73 Fed. Reg. 44,168 (July 30, 2008)). The provisions of the authorized VaHWMR, 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 VaHWMR incorporate, with certain exceptions, specific provisions of Title 40 of the 2015 Code of Federal Regulations by reference. *See* 9 VAC 20-60-18. The provisions of the revised federally-authorized VaHWMR are enforceable by EPA pursuant to Section 3008(a) of the RCRA, 42 U.S.C. § 6928(a). The factual allegations and legal conclusions in this CA are based on provisions of the federally-authorized VaHWMR in effect at the time of the violations alleged herein.

3. Section 112 in Title I of the CAA, 42 U.S.C. § 7412, governs the federal control program for hazardous air pollutants (“HAPs”) and directs EPA to define the categories of sources that are required to control emissions of HAPs. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), directs EPA to establish national emissions standards for hazardous air pollutants (“NESHAPs”) for sources in each category to limit the release of specified HAPs from specific industrial sectors.
4. EPA promulgated the National Emissions Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers, 40 C.F.R. Part 63, Subpart JJJJJ (“Subpart JJJJJ”) pursuant to Section 112 of the CAA, 42 U.S.C. § 7412.
5. Pursuant to Section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B), the Administrator is authorized to issue an administrative order against any person assessing a civil administrative penalty of up to \$25,000, per day of violation, whenever, on the basis of any available information, the Administrator finds that such person has violated or is violating any other requirement or prohibition of title I, III, IV, V, or VI of the CAA, including, but not limited to, a requirement or prohibition of any rule, order, waiver, permit, or plan promulgated, issued, or approved under [the CAA].
6. Consistent with Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), the requisite joint determination has been made by EPA and the United States Department of Justice that this matter is appropriate for an administrative penalty action.
7. On February 8, 2017, EPA sent a letter via email to the Commonwealth of Virginia, through the Virginia Department of Environmental Quality (“VADEQ”), giving Virginia prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). EPA has notified the Commonwealth of Virginia of EPA’s intent to enter into a CAFO with Respondent to resolve the CAA violations set forth herein.
8. Upon issuance of this CAFO, a copy will be sent to VADEQ, in accordance with Section 113(a)(4) of the CAA, 42 U.S.C. § 7413(a)(4)



### **III. GENERAL PROVISIONS**

9. This CA is entered into by Complainant and Respondent to address the violations alleged herein.
10. For the purposes of this proceeding only, Respondent admits the jurisdictional allegations of this CA.
11. For the purposes of this proceeding only, Respondent neither admits nor denies the Allegations of Fact contained in this CA, except as provided in Paragraph 10, above.
12. For the purposes of this proceeding only, Respondent neither admits nor denies the Conclusions of Law contained in this CA, except as provided in Paragraph 10, above.
13. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations contained in this CA or to appeal the FO attached hereto, including any right to confer with the EPA Administrator under 40 C.F.R. § 22.31(e) with regard to this CAFO.
14. Respondent expressly waives any right to confer with the EPA Administrator under Section 6001(b)(2) of RCRA, 42 U.S.C. § 6961(b)(2), with regard to this CAFO.
15. The settlement agreed to by the parties in this CA reflects the desire of the parties to resolve this matter without litigation.
16. Respondent consents to the issuance of this CA and to the attached FO and agrees to comply with their terms. Respondent agrees not to contest Complainant's jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement thereof.
17. Each party shall bear its own costs and attorney's fees in connection with this proceeding.
18. Respondent certifies to EPA by its signature herein that it is presently in compliance with the provisions of the RCRA and the CAA referenced herein.
19. 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 the RCRA, the CAA, or any regulations promulgated thereunder.

**IV. ALLEGATIONS OF FACT AND CONCLUSIONS OF LAW**

20. In accordance with the Consolidated Rules at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the findings of fact and conclusions of law that follow.
21. Respondent 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), and in 9 VAC 20-60-260, which, with exceptions not relevant to this term, incorporates by reference 40 C.F.R. § 260.10, and also as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
22. Respondent is, and was at the time of the violations alleged herein, the “owner” and “operator” of the Facility, as those terms are defined in 9 VAC 20-60-260, which, with exceptions not relevant to these terms, incorporates 40 C.F.R. §260.10, and also as defined in Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9), and 40 C.F.R. § 63.2.
23. EPA conducted an inspection at the Facility on August 11-14, 2014 (“EPA Inspection”).

**COUNT 1**

**(Owning and/or Operating a Hazardous Waste Storage Facility  
Without a Permit or Interim Status)**

24. The preceding paragraphs are incorporated by reference.
25. At the time of the EPA Inspection, and at all times relevant to the violations alleged in this CA, Respondent was a “generator,” and was engaged in the “storage” of materials described herein that are “solid wastes” and “hazardous wastes” in “containers” and “tanks” at the Facility, as those terms are defined in 9 VAC 20-60-260, which, with exceptions not relevant herein, incorporates by reference 40 C.F.R. § 260.10.
26. Pursuant to 9 VAC 20-60-270, which, with exceptions not relevant herein, incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), a person may not own or operate a hazardous waste storage, treatment or disposal facility unless such person has first obtained a permit for the facility or has qualified for interim status for the facility, or is otherwise exempt from the requirement to obtain such a permit.
27. Respondent has never been issued a permit, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. Part 270, 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 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), at any time.
28. 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(a), provides, in pertinent part, that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status provided that, among other things:



- a. The waste is placed in containers and the generator complies with the applicable requirements of 40 C.F.R. Part 265, Subpart I, AA, BB, and CC (relating to use and management of containers);
  - b. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
  - c. While being accumulated on-site, each container of hazardous waste is labeled or marked clearly with the words "Hazardous Waste;" and,
  - d. The generator complies with the requirements for owners or operators in Subparts C and D in 40 C.F.R. Part 265, with § 265.16, and with 40 C.F.R. § 268.7(a)(5).
29. 40 C.F.R. Part 265, Subpart I, is incorporated by reference into 9 VAC 20-60-265, with exceptions not relevant to this proceeding.
30. 40 C.F.R. § 265.173(a), which is part of 40 C.F.R. Part 265, Subpart I, provides that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
31. At the time of the EPA Inspection, Respondent was storing auto-sample vials in a partially-opened zip-lock bag in building #33, room 4270, at the L55 hood. At the time of this observation, waste was not being added to or removed from the zip-lock bag.
32. At the time of the EPA Inspection, Respondent violated 9 VAC 20-60-265, which incorporates the requirements of 40 C.F.R. § 265.173(a) by reference, by failing to ensure a container holding hazardous waste be closed during storage, except when it is necessary to add or remove waste.
33. Because Respondent did not comply with the container requirements, as described in Paragraph 3131, above, Respondent failed to satisfy the conditions set forth at 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34, for a generator to qualify for an exemption from the permit and/or interim status requirements of RCRA Section 3005(a) and (e), 42 U.S.C. § 6925(a) and (e), and 9 VAC 20-60-270.
34. Respondent does not have, and at the time of the violations alleged herein, did not have, a permit or interim status to store the hazardous waste described in Paragraph 31 at the Facility as required by 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e).
35. Because of the activities alleged in Paragraph 31, above, at the time of the EPA Inspection Respondent violated 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), by operating a hazardous waste storage facility without a permit or interim status.

**COUNT 2**  
**(Failure to Keep Container Holding Hazardous Waste Closed)**

36. The preceding paragraphs are incorporated by reference.
37. At the time of the EPA Inspection, Respondent violated 9 VAC 20-60-264, which incorporates the requirements of 40 C.F.R. § 264.173(a) by reference, by failing to ensure a container holding hazardous waste be closed during storage, except when it is necessary to add or remove waste.

**COUNT 3**  
**(Failure to Make Hazardous Waste Determinations)**

38. The preceding paragraphs are incorporated by reference.
39. 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.11, provides that a person who generates a solid waste as defined in 9 VAC 20-60-260, and 9 VAC 20-60-261, which incorporate by reference 40 C.F.R. § 260.10, and § 261.2, respectively, shall determine if that waste is a hazardous waste, using the methods set forth in 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.11, with exceptions not relevant herein.
40. At the time of the EPA Inspection, numerous waste oil filters had been discarded in a dumpster located outside the Facility's Maintenance Garage.
41. At the time of the EPA Inspection, the Facility was disposing of waste lead solder in its regular trash.
42. At the time of the EPA Inspection, waste from the Zamboni machine that cleans the indoor shooting range in Range-Dome C, which the Facility normally manages as hazardous waste, was located inside a sink.
43. The waste oil filters, the waste lead solder, and the Zamboni waste are "solid wastes," within the meaning of 9 VAC 20-60-260 and 9 VAC 20-60-261, which incorporates by reference 40 C.F.R. § 260.10, and 40 C.F.R. § 261.2.
44. At the time of the EPA Inspection, Respondent failed to make a hazardous waste determination for the waste oil filters, the waste lead solder, and the Zamboni waste at the Facility, in violation of 9 VAC 20-60-262 which incorporates by reference 40 C.F.R. § 262.11.

**COUNT 4a**  
**(Failure to Timely Submit Notification of Compliance Status)**

45. The preceding paragraphs are incorporated by reference.
46. 40 C.F.R. Part 63, Subpart JJJJJ, applies to owners and operators of industrial, commercial, or



institutional boilers that are located at, or are a part of, an area source of hazardous air pollutants except in circumstances not here applicable. 40 C.F.R. § 63.11193.

47. Pursuant to 40 C.F.R. § 63.11237, the term *institutional boiler* “means a boiler used in institutional establishments such as, but not limited to, medical centers, nursing homes, research centers, institutions of higher education, elementary and secondary schools, libraries, religious establishments, and governmental buildings to provide electricity, steam, and/or hot water.”
48. Pursuant to 40 C.F.R. § 63.2, the term *area source* “means any stationary source of hazardous air pollutants that is not a major source as defined in this part.”
49. Pursuant to 40 C.F.R. § 63.2, the term *major source* “means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants.”
50. Pursuant to Section 111(a)(3) of the CAA, 42 U.S.C. § 7411(a)(3), and 40 C.F.R. § 63.2, the term *stationary source* “means any building, structure, facility, or installation which emits or may emit any air pollutant.”
51. A “*hazardous air pollutant*” (“HAP”) is defined in 40 C.F.R. § 63.2 as “any air pollutant listed in or pursuant to Section 112(b) of the Act.”
52. At the time of the EPA Inspection, the Facility operated two Cleaver Brooks model FLX-100-250 oil-fired boilers, each rated at 8.36 million British Thermal Units per hour (“MMBtu/hr”).
53. The two oil-fired boilers at the Facility are “institutional boilers” as that term is defined at 40 C.F.R. § 63.11237.
54. The two oil-fired boilers emit formaldehyde, polycyclic organic matter, and other HAPs.
55. The two oil-fired boilers emit, or have the potential to emit, less than 10 tons per year of any HAP or less than 25 tons per year of any combination of HAPs.
56. The two oil-fired boilers are institutional boilers that are located at, or are a part of, an area source of hazardous air pollutants and, therefore, are subject to the requirements of 40 C.F.R. Part 63, Subpart JJJJJ.
57. In accordance with 40 C.F.R. § 63.11194(b), each oil-fired boiler at the Facility is an “existing source” because each boiler was constructed before June 4, 2010.
58. As a result, the two oil-fired boilers are an “affected source” pursuant to 40 C.F.R. § 63.11194(a)(1), because they are a collection of existing industrial, commercial, or institutional

boilers within a subcategory listed in 40 C.F.R. § 63.11200 (oil), and defined at 40 C.F.R. § 63.11237, that is located at an area source.

59. Pursuant to 40 C.F.R. § 63.11225(a)(4), owners of boilers subject to 40 C.F.R. Part 63, Subpart JJJJJ, must submit a Notification of Compliance Status no later than 120 days after the applicable compliance date specified in 40 C.F.R. § 63.11196(a)(1), or by July 21, 2014.
60. At the time of the EPA Inspection, the Facility had not submitted a Notification of Compliance Status for the two oil-fired boilers.
61. Respondent failed to submit a Notification of Compliance Status by July 21, 2014, in violation of 40 C.F.R. § 63.11225(a)(4).

**COUNT 4b**  
**(Failure to Maintain On-Site Boiler Tune-Up Report)**

62. The preceding paragraphs are incorporated by reference.
63. With respect to the two oil-fired boilers, 40 C.F.R. § 63.11223(b)(6) requires the Facility to maintain on-site... a report containing:
  - (i) The concentrations of CO in the effluent stream in parts per million, by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler.
  - (ii) A description of any corrective actions taken as a part of the tune-up of the boiler.
  - (iii) The type and amount of fuel used over the 12 months prior to the tune-up of the boiler, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel use by each unit.
64. At the time of the EPA Inspection, Respondent failed to maintain on-site a report containing required information related to the tune-ups of the two oil-fired boilers, in violation of 40 C.F.R. § 63.11223(b)(6).

**V. CIVIL PENALTY**

65. In settlement of EPA's claims for civil monetary penalties assessable for the violations alleged in this CAFO, Respondent consents to the assessment of a civil penalty in the amount of **\$34,000.00**, which Respondent agrees to pay in accordance with the terms set forth below. This penalty consists of \$27,284.00 assessed as a result of the alleged violations of the CAA and \$6,716.00 assessed as a result of the alleged violations of the RCRA.



66. The Parties find and represent that the aforesaid settlement amount is reasonable and is based upon Complainant's consideration of a number of factors, including the penalty criteria set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's RCRA Civil Penalty Policy (June, 2003), which reflects the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(a)(3) and (g), and the 2013 *Civil Monetary Penalty Inflation Adjustment Rule*, pursuant to 40 C.F.R. Part 19. Complainant also considered the penalty criteria set forth in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), which, in addition to such other factors as justice may require, include the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation, and applied them to the particular facts and circumstances of this case with specific reference to EPA's Clean Air Act Stationary Source Penalty Policy (October 25, 1991).
67. The Civil Penalty shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO. Respondent shall pay the civil penalty of \$34,000.00 no later than sixty (60) days after the effective date of the Final Order, as set forth in the following paragraphs.
68. Respondent's Treasury Account Symbol is 015 2017 2017 0200 000.
69. Payment of the civil penalty shall be made in the following manner:
- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, **RCRA/CAA-03-2017-0183**;
  - 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. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000  
Contacts: Craig Steffen (513-487-2091);
  - d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. EPA  
Government Lockbox 979077  
1005 Convention Plaza  
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:

U.S. EPA  
Cincinnati Finance Center  
26 W. Martin Luther King Drive, MS-002  
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: Randolph Maxwell 202-874-3720  
or REX, 1-866-234-5681

- h. On-Line Payment Option:



WWW.PAY.GOV

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

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)

70. Respondent shall submit proof of the penalty payment, noting the title and docket numbers of this case, to the following persons:

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

and

Mark Bolender (3RC60)  
Assistant Regional Counsel  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

71. If Respondent fails to make full and complete payment of the CAA penalty (\$27,284) within 60 days of Respondent's receipt of a true and correct copy of this CAFO, the entire unpaid balance of the CAA penalty and accrued interest shall become immediately due. Pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. 7413(d)(5), any unpaid portion of the assessed penalty shall bear interest at the rate established pursuant to 26 U.S.C. § 6621(a)(2), from the effective date of the Final Order until the date of payment, provided, however, that no interest shall be payable on any portion of the assessed penalty that is paid within 60 days of the effective date of the Final Order. In any action taken to compel payment, the validity, amount, and appropriateness of the penalty shall not be subject to review.
72. Respondent shall seek all existing funds to meet the requirements of the CAFO. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligations to comply with the CAFO. Nothing in this CAFO shall be interpreted to require obligations or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341.

**VI. OTHER APPLICABLE LAWS**

73. Nothing in this CAFO shall relieve Respondent of any duties or obligations otherwise imposed upon it by applicable Federal, State or local laws or regulations.

**VII. RESERVATION OF RIGHTS**

74. 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 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 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.

**VIII. FULL AND FINAL SATISFACTION**

75. This settlement shall constitute full and final satisfaction of Complainant's claims for civil penalties for the specific violations set forth in the CAFO.

**IX. PARTIES BOUND**

76. This CAFO shall apply to and be binding upon EPA, Respondent, and Respondent's officers, employees, agents, successors and assigns. By his/her signature below, the person signing this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized to enter into this Agreement on behalf of Respondent and to bind Respondent to the terms and conditions of this CAFO.

**X. EFFECTIVE DATE**

77. The effective date of this CAFO is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or his designee, is filed with the Regional Hearing Clerk.

**XI. ENTIRE AGREEMENT**

78. This CAFO constitutes 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 CAFO.



FOR THE FEDERAL BUREAU OF INVESTIGATION:

Richard E. Hurley                      9/6/17  
Signature                                      Date

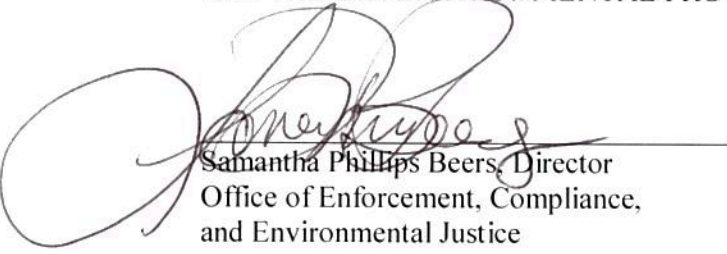
Richard E Hurley  
Print Name

CEO  
Title

*In re: FBI Academy*

EPA Docket No. RCRA/CAA-2017-03-0183

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:



Samantha Phillips Beers, Director  
Office of Enforcement, Compliance,  
and Environmental Justice

9/21/17  
Date



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

In the Matter of:	:	Proceeding under Section 3008(a)
	:	and (g) of the Resource
	:	Conservation and Recovery Act, 42
Federal Bureau of Investigation	:	U.S.C. § 6928(a) and (g), and
935 Pennsylvania Avenue, NW	:	Section 113(d) of the Clean Air Act,
Washington, DC 20535	:	42 U.S.C. § 7413(d)
	:	
Respondent	:	U.S. EPA Docket Number:
	:	
	:	RCRA/CAA-03-2017-0183
FBI Academy	:	
Quantico, Virginia 22135	:	<b>CONSENT AGREEMENT AND</b>
	:	<b>FINAL ORDER</b>
	:	
Facility	:	

**FINAL ORDER**

Complainant, the Director of the Office of Enforcement, Compliance, and Environmental Justice, U.S. Environmental Protection Agency, Region III, and Respondent, the Federal Bureau of Investigation, 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 upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's Clean Air Act Stationary Source Penalty Policy (October 25, 1991), EPA's Resource Conservation and Recovery Act Civil Penalty Policy (June 2003), and the statutory factors set forth in Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), and Section 3008(a)(3) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(3).

**NOW, THEREFORE, PURSUANT TO** Section 113(d) of the CAA, 42 U.S.C.

§ 7413(d), Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **THIRTY FOUR THOUSAND DOLLARS (\$34,000)**, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

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

Sept. 27, 2017  
Date

  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA, Region III

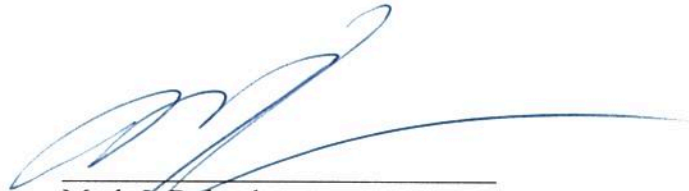
## CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused to be filed with the Regional Hearing Clerk, EPA Region III, the original Consent Agreement and Final Order, EPA Docket No. RCRA/CAA-03-2017-0183 and that copies of this document were sent to the following individual in the manner described below:

By UPS overnight delivery:

Jessica Lane Day, Esquire  
Assistant General Counsel  
Fiscal and Contract Law Unit  
Office of the General Counsel  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, DC 20535

Date: 9/27/17



Mark J. Bolender  
Senior Assistant Regional Counsel  
US EPA Region III