



9. 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.
10. Complainant shall have the right to institute further actions to recover appropriate relief if Complainant obtains evidence that the information provided and/or representations made by Respondent to EPA regarding matters at issue in this 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.
11. EPA has given the Commonwealth of Virginia 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**

12. 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).
13. Respondent is a “person” as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 9 VAC § 25-580-10.
14. 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 9 VAC § 25-580-10, 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 9 VAC § 25-580-10 located at the Facility.
15. On October 2-3, 2012, an EPA representative conducted a Compliance Evaluation Inspection (“CEI”) at the Facility pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.
16. At the time of the October 2-3, 2012 CEI, and at all times relevant to the applicable violations alleged herein, the following USTs were located at the Facility:
  - A. A fifteen thousand (15,000) gallon double walled fiberglass reinforced plastic tank located at Station 1 – Building 2474 that was installed in or about May 1995 and

- H. A thirty thousand (30,000) gallon double walled fiberglass reinforced plastic tank located at Station 1 – Building 2474 that was installed in or about May 1995 and that, at all time relevant hereto, routinely contained JP8, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10 (hereinafter “UST No. 8”).
  - I. A twenty thousand (20,000) gallon double walled fiberglass reinforced plastic tank located at Station 2 – Building 1800 that was installed in or about November 1992 and that, at all time relevant hereto, routinely contained diesel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10 (hereinafter “UST No. 9”).
  - J. A twenty thousand (20,000) gallon double walled fiberglass reinforced plastic tank located at Station 2 – Building 1800 that was installed in or about November 1992 and that, at all time relevant hereto, routinely contained JP8, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10 (hereinafter “UST No. 10”).
  - K. Two fifteen thousand (15,000) gallon double walled fiberglass reinforced plastic tanks located at Station 3 – Building 2870 that were installed in or about November 1992 and that, at all time relevant hereto, routinely contained JP8, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10 (hereinafter “UST No. 11/12”).
  - L. An eight thousand (8,000) gallon single walled fiberglass reinforced plastic tank located at MATES – Building 134 that were installed in or about August 1986 and that, at all time relevant hereto, routinely contained diesel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10 (hereinafter “UST No. 13”).
  - M. An eight thousand (8,000) gallon single walled fiberglass reinforced plastic tank located at MATES – Building 134 that were installed in or about August 1986 and that, at all time relevant hereto, routinely contained diesel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10 (hereinafter “UST No. 14”).
17. At all times relevant to the applicable violations alleged herein, UST Nos. 1-12 have been a “petroleum UST system” and “new tank system” and UST Nos. 13 and 14 have been a “petroleum UST system” and “existing tank system” as those terms are defined in 9 VAC § 25-580-10.

**CIVIL PENALTY**

27. 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 **Forty-One Thousand Four Hundred Twenty-Seven Dollars (\$41,427.00)**. The civil penalty amount is due and payable immediately upon Respondent's receipt of a true and correct copy of this CA and attached FO.
28. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs 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.
29. 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), 42 U.S.C. § 6991e(c), and with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.
30. Respondent shall pay the amount described in Paragraph 27 above, by sending a certified or cashier's check payable as follows:
  - a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, **RCRA-03-2013-0170**;
  - 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. EPA - 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

CTX Format Transaction Code 22 - checking

Physical location of U.S. Treasury facility:  
5700 Rivertech Court  
Riverdale, MD 20737

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

c. On-Line Payment Option:

[WWW.PAY.GOV/PAYGOV](http://WWW.PAY.GOV/PAYGOV)

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

d. 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

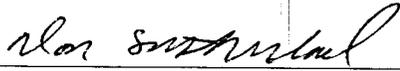
Donzetta Thomas (3RC50)  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

**FULL AND FINAL SATISFACTION**

32. 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.

**For Respondent:**

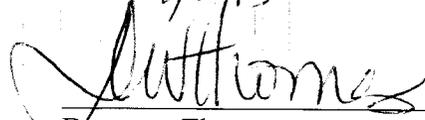
Date: 9 July 2013



COL Donald R. Sutherland  
United States and Property and Fiscal Officer  
US Army - Fort Pickett  
Building 316, Fort Pickett  
Blackstone, VA 23824  
434-298-6161

**For Complainant:**

Date: 7/11/13

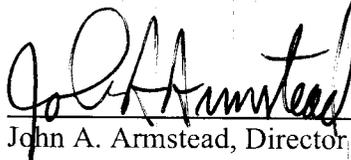


Donzetta Thomas  
Senior Assistant Regional Counsel  
US EPA, Region III  
1650 Arch Street (3RC50)  
Philadelphia, PA 19103  
215-814-2474

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.

JUL 22 2013

By:



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

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

In the Matter of:	)	
US Army - Fort Pickett	)	
Building 316, Fort Pickett	)	Docket Number: RCRA-03-2013-0170
Blackstone, VA 23824	)	
	)	Proceeding Under Section 9006 and 9007
RESPONDENT,	)	of the Resource Conservation and
	)	Recovery Act, as amended, 42 U.S.C.
United States Army	)	§ 6991e and f.
MTC-Fort Pickett	)	
VAFP-FE, Building T234,	)	
Blackstone, VA 23824	)	
	)	
	)	
FACILITY.	)	

**FINAL ORDER**

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, the US Army - Fort Pickett, have executed a document entitled "Consent Agreement" which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

**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 of **Forty-One Thousand Four Hundred**

---

CERTIFICATE OF SERVICE

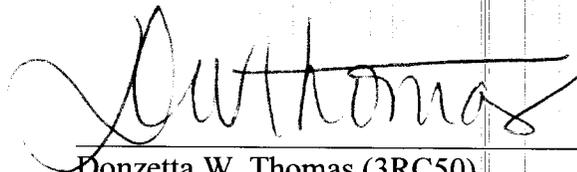
---

I hereby certify that, on the date listed below, the original and one copy of the foregoing Consent Agreement and Final Order, Docket No. RCRA-03-2013-0170, was filed with the EPA Region III Regional Hearing Clerk, and that a correct copy of the same was sent in the following manner to the person listed below:

Via United Parcel Service to:

COL Donald R. Sutherland  
United States and Property and Fiscal Officer  
Building 316, Fort Pickett  
Blackstone, VA 23824

7/30/13  
Date



---

Donzetta W. Thomas (3RC50)  
Counsel for Complainant  
U.S. Environmental Protection Agency, Region III  
(215) 814-2474