



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

SEP 27 2018

VIA EMAIL

REPLY TO THE ATTENTION OF:

Ms. Heather L. Baladi
NSWC Crane Environmental Protection Manager
Naval Surface Warfare Center, Crane Division
Code 1023, Bldg. 3260
300 Highway 361
Crane, Indiana 47522-5001
heather.baladi@navy.mil

Re: Consent Agreement and Final Order
U.S. Department of the Navy, Naval Surface Warfare Center, Crane Division
Docket No: **RCRA-05-2018-0021**

Dear Ms. Baladi:

Attached please find a copy of the signed, fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The original was filed with the Regional Hearing Clerk on

September 27, 2018.

Please pay the civil penalty in the amount of \$2,072 in the manner prescribed in paragraph 38 of the CAFO, and have the payment referenced with the name, "In the Matter of United States Department of the Navy," and the docket number **RCRA-05-2018-0021**. Your payment is due within sixty (60) calendar days of the effective date of the CAFO.

Thank you for your cooperation in resolving this matter.

If you have any questions or concerns regarding this matter, please contact Jamie L. Paulin, of my staff, at 312-886-1771.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Morris".

Julie Morris, Acting Chief
RCRA Branch

Attachment

cc: Nancy Johnson, Indiana Department of Environmental Management, (njohnsto@idem.IN.gov)
(w/CAFO)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

SEP 27 2018

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7009 1680 0000 7642 2734
RETURN RECEIPT REQUESTED

M.H. Oesterreich
Captain, U.S. Navy
Commanding Officer
Naval Surface Warfare Center, Crane Division
Code 1023, Bldg. 3260
300 Highway 361
Crane, Indiana 47522-5001

Re: Consent Agreement and Final Order
U.S. Department of the Navy, Naval Surface Warfare Center, Crane Division
Docket No: **RCRA-05-2018-0021**

Dear Captain Oesterreich,

Enclosed please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The original was filed on September 27, 2018, with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$2072 in the manner prescribed in paragraph 38 of the CAFO, and have the payment referenced with the name, "In the Matter of United States Department of the Navy," and the docket number RCRA 05 2018 0021. Your payment is due within sixty (60) calendar days of the effective date of the CAFO. Thank you for your cooperation in resolving this matter.

If you have any questions or concerns regarding this matter, please contact Jamie L. Paulin, of my staff, at 312-886-1771.

Sincerely,

Julie Morris, Acting Chief
RCRA Branch

Enclosure

cc: Nancy Johnston, Indiana Department of Environmental Management
(njohnsto@idem.in.gov)(w/CAFO)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
United States Department of the Navy)
)
 Respondent.)
)
Naval Surface Warfare Center, Crane)
 Division)
300 U.S. Highway 361)
Building 3260, Code 1023)
Crane, Indiana 47522-5001)
)
U.S. EPA ID #: IN5 170 023 498)
)
 Facility.)
)
_____)

Docket No. RCRA-05-2018-0021



**Proceeding to Commence and Conclude
an Action to Assess a Civil Penalty
Under Section 3008(a) of the Resource
Conservation and Recovery Act,
42 U.S.C. § 6928(a)**

CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules") as codified at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
2. The Complainant is, by lawful delegation, the Director of the Land and Chemicals Division, United States Environmental Protection Agency ("U.S. EPA"), Region 5.
3. U.S. EPA provided notice of commencement of this action to the State of Indiana pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

4. Pursuant to Section 6001(b) of RCRA, 42 U.S.C. § 6961(b), EPA may take enforcement action against departments, agencies, and instrumentalities of the Federal government in the same manner and under the same circumstances as against any other person.

5. Respondent is the United States Department of the Navy (“Respondent” or “United States Navy”).

6. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (“CAFO”). 40 C.F.R. § 22.13(b).

7. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

8. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Rights

9. Jurisdiction for this action is conferred upon U.S. EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 and 6928.

10. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations or the conclusions of law in this CAFO.

11. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

12. Respondent expressly waives any right to contest the allegations contained in this CAFO and to appeal the Final Order set forth in this CAFO, including any right to confer with the U.S. EPA Administrator under 40 C.F.R. § 22.31(e) with regard to this case. Respondent expressly waives any right to confer with the U.S. EPA Administrator under Section 6001(b)(2) of RCRA, 42 U.S.C. § 6961(b)(2), on any issue of fact or law set forth in this CAFO.

Statutory and Regulatory Background

13. U.S. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store, or dispose of hazardous waste, pursuant to Sections 3001-3007, and 3013, among others, of RCRA, 42 U.S.C. §§ 6921-6927, and 6934.

14. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of U.S. EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e), or any state provision authorized pursuant to Section 3006 of RCRA, constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

15. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Indiana final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective January 31, 1986. 51 Fed. Reg. 3,953 (January 31, 1986).

16. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time, or both. The Administrator of U.S. EPA may issue a civil penalty of up to \$97,229 per day for each violation of Subtitle C of RCRA that occurred after November 2, 2015 pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

17. Respondent was and is a department, agency, and/or other instrumentality of the United States.

18. Respondent was and is a "person" as defined by 329 IAC §§ 3.1-4-1 and 3.1-4-1(b) [40 C.F.R. § 260.10], and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

19. Respondent was and is the "owner" or "operator," as those terms are defined under 329 IAC §§ 3.1-4-1 and 3.1-4-1(b) [40 C.F.R. § 260.10], of a facility located at 300 U.S. Highway 361, Building 3260, Code 1023, Crane, Martin County, Indiana ("Facility"). The Naval Surface Warfare Center, Crane Division ("NSWCCD"), a component of the Navy, is a tenant and an operator of the Facility.

20. Respondent's Facility consisted and consists of land and structures, other appurtenances, and improvements on the land, used for the "treatment," "storage," or "disposal" of hazardous waste, as those terms are defined under 329 IAC §§ 3.1-4-1 and 3.1-4-1(b) [40 C.F.R. § 260.10].

21. Respondent's Facility was and is a "facility," as that term is defined under 329 IAC §§ 3.1-4-1 and 3.1-4-1(b) [40 C.F.R. § 260.10].

22. Respondent's Facility is a United States Navy installation that provides engineering and technical support to the United States Military branches.

23. Respondent's Facility was and is a treatment, storage, and/or disposal facility ("TSDF") for hazardous wastes within the meaning of 329 IAC §§ 3.1-4-1 and 3.1-4-1(b) [40 C.F.R. § 264.1].

24. As a TSDF, Respondent is subject to a Treatment, Storage, and Disposal Hazardous Waste Permit ("Permit" or "Facility Permit") issued by the Indiana Department of

Environmental Management (“IDEM”), with assigned U.S. EPA Identification Number IN5170023498.

25. Respondent generated and currently generates more than 1,000 kilograms of hazardous waste per month. Respondent was and is a “large quantity generator” of hazardous wastes within the meaning of 329 IAC §§ 3.1-4-1, 3.1-4-1(b), 3.1-7-1, and 3.1-7-2 [40 C.F.R. § 260.10], and 40 C.F.R. § 262.34 (2016).

26. Among other wastes, Respondent generated and generates hazardous waste carbon and hazardous waste carbon filter bags (both carrying waste codes D006 and D007) as part of the carbon filtration and pH adjustment process conducted within Building 3064 at the Facility, which houses a wastewater treatment unit for Respondent’s plating operation.

27. Respondent’s hazardous wastes referred to in paragraph 26 above were a “solid waste” as that term is defined under 329 IAC §§ 3.1-6-1 and 3.1-6-2(2) [40 C.F.R. § 261.2].

28. Respondent’s hazardous wastes referred to in paragraph 26 above were a “hazardous waste” as that term is defined under 329 IAC § 3.1-6-1 [40 C.F.R. § 261.3].

29. Respondent was and is a “generator” of hazardous waste as defined in 329 IAC §§ 3.1-4-1 and 3.1-4-1(b) [40 C.F.R. § 260.10].

30. Respondent is subject to the regulations promulgated pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921 - 6939e, or the analogous Indiana regulations as part of the applicable state hazardous waste management program for the state of Indiana, or both.

31. On July 12, 2016, U.S. EPA conducted a Compliance Evaluation Inspection (the Inspection) of the Facility.

32. On August 7, 2017, U.S. EPA issued a Notice of Intent to File Civil Administrative Complaint to Respondent alleging a certain violation of RCRA discovered during the Inspection.

Count 1: Storage of Hazardous Waste

33. Complainant incorporates paragraphs 1 through 32 of this CAFO as though set forth in this paragraph.

34. Under 329 IAC § 3.1-7-1 [40 C.F.R. § 262.34(a)(1) (2016)], a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the waste is placed in containers, in tanks, on drip pads, or in containment buildings.

35. During the Inspection, Respondent was storing hazardous waste carbon filter material and hazardous waste carbon filter bags on the floor of Building 3064, the Waste Water Treatment Unit Area. Respondent did not have or obtain coverage under a permit or interim status for such storage. The hazardous wastes were in wet condition and placed on the floor of Building 3064, a wastewater pre-treatment facility, to dewater prior to disposal. The water was discharged to a National Pollutant Discharge Elimination System permitted pre-treatment unit.

36. Respondent failed to place hazardous waste in a container, in a tank, on a drip pad, or in a containment building. Therefore, Respondent violated 329 IAC § 3.1-7-1 [40 C.F.R. § 262.34(a)(1) (2016)].

Civil Penalty

37. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is Two Thousand, Seventy-Two Dollars (\$2,072). In determining the penalty amount, Complainant took into account the seriousness of the violation and Respondent's agreement to perform a supplemental environmental project ("SEP") (described at paragraphs 41 to 60, below). Complainant also considered U.S. EPA's RCRA Civil Penalty Policy (June 23, 2003).

38. Within 60 days after the effective date of this CAFO, Respondent must pay a \$2,072 civil penalty for the RCRA violations by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

For checks sent by regular U.S. Postal Service mail:

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

Or, for checks sent by express mail:

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

The check must state the case title and the docket number of this CAFO.

39. A transmittal letter stating Respondent's name, the case title and the case docket number must accompany the payment if payment is made by check. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Jamie Paulin (LR-17J)
RCRA Branch
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604
paulin.jamie@epa.gov

Kevin Chow (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604
chow.kevin@epa.gov

40. 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.

Supplemental Environmental Project

41. Respondent must complete a SEP designed to protect the environment and public health by purchasing, installing and operating pH meters in the waste water collection system that will be connected to the existing Supervisory Control and Data Acquisition control and monitoring system.

42. Respondent will install three remote reading pH meters in the waste water collection system at the following locations in such a manner as to be designed and operated to provide continuous monitoring and early indication of chemical contamination of the waste water stream: (1) Lift Station 20; (2) East Influent Manhole; and, (3) West Influent Manhole. The SEP would provide expanded monitoring coverage, continuous monitoring, and automatic visual and audible alarms for earlier indication of pH exceedances and excessive corrosivity in the waste water stream, allowing Respondent to take action to protect the treatment process at the wastewater treatment plant, and to prevent or reduce the frequency or severity of any effluent discharges caused by the chemical contamination.

43. At its Naval Surface Warfare Center, Crane Division Facility, Respondent must complete the SEP as follows: Award contracts; order and receive all equipment necessary to install and operate the SEP; and install the three remote reading pH meters at the specified locations. Respondent shall complete installation of the equipment, and the equipment must be in operation, within one hundred twenty (120) days of the effective date of this CAFO.

44. Respondent must spend at least \$28,400 to purchase and install the equipment.

45. Respondent must continuously use or operate the meters and monitoring system, except for the temporary shut-down of the system to conduct repairs or routine maintenance, for a minimum of three years from the date Respondent begins operating the system.

46. Respondent certifies that it is not required to perform or develop the SEP by any law, regulation, grant, order, or agreement, or as injunctive relief as of the date it signs this CAFO. Respondent further certifies that it has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

47. U.S. EPA may inspect the Facility during business hours to monitor Respondent's compliance with this CAFO's SEP requirements.

48. Respondent must submit Periodic Reports on the first, second, and, third anniversary of the effective date of this CAFO. Each Periodic Report must contain the following information:

- a. all SEP activities that have been undertaken and completed during the reporting year;
- b. a schedule of all activities for the next year of SEP implementation; and,
- c. an evaluation of the SEP and any SEP improvements or revisions, and how any findings or action plans were communicated to affected employees, on-site service providers, and contractors.

49. Respondent must submit a SEP Completion Report within thirty calendar days after completion of the SEP. The SEP will be considered completed after all phases are finished and the meters and monitoring system are operational for at least three years from the date of operation. The SEP Completion Report must contain the following information:

- a. detailed description of the SEP as completed;
- b. description of any operating problems and the actions taken to correct the problems;

- c. itemized costs of goods and services used to complete the SEP, documented by copies of invoices, purchase orders, or canceled checks that specifically identify and itemize the individual costs of the goods and services;
- d. certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

50. In determining the costs associated with the implementation of this SEP and reported in the SEP Completion Report, Respondent must exclude all costs necessary to assure compliance with statutory, regulatory, or permit requirements.

51. Respondent must submit all notices and reports required by this CAFO by first class mail to Jamie Paulin at the address in paragraph 39 above or via email to paulin.jamie@epa.gov.

52. In each report that Respondent submits as provided by this CAFO, Respondent must certify that the report is true and complete by including the following statement signed by the Commanding Officer of NSWCCD or his delegate:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

53. Following receipt of the SEP Completion Report described in paragraph 49, above, U.S. EPA must notify Respondent in writing that:

- a. Respondent has satisfactorily completed the SEP and the SEP report.
- b. There are deficiencies in the SEP as completed, or in a SEP report, and U.S. EPA will give Respondent thirty days to correct the deficiencies; or
- c. Respondent has not satisfactorily completed the SEP or a SEP report and U.S. EPA will seek stipulated penalties under paragraph 55.

54. IF U.S. EPA exercises option b, above, Respondent may object in writing to the deficiency notice within ten days of its receipt. The parties will have thirty days from U.S. EPA's

receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements to complete the SEP that U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 55 below.

55. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to the requirements of this CAFO including the schedule in paragraph 43, Respondent must pay a penalty of \$6,217.
- b. If Respondent did not complete the SEP satisfactorily, but U.S. EPA determines that Respondent (i) made good faith and timely efforts to complete the SEP and (ii) certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 44, Respondent will not be liable for a stipulated penalty under subparagraph a, above.
- c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 44, Respondent must pay a penalty of \$1,554.
- d. If Respondent did not timely submit the SEP Completion Report, or did not timely submit any other report required by paragraph 48, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty per violation per day</u>	<u>Period of violation</u>
\$100.00	1 st through 14 th day
\$250.00	15 through 30 th day
\$500.00	31 st day and beyond

56. U.S. EPA's determinations of whether Respondent satisfactorily completed the SEP and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

57. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraph 38, above.

58. Any public statement that Respondent makes referring to the SEP must include the following language, "The United States Navy undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against the United States Navy for violations of hazardous waste management regulations under the Resource Conservation and Recovery Act (RCRA)."

59. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

- a. Respondent must notify U.S. EPA in writing within ten days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past, current and proposed actions to prevent or minimize the delay, and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify U.S. EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.
- b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.
- c. If U.S. EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, U.S. EPA will notify Respondent in writing of its decision and any delay in completing the SEP will not be excused.
- d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

60. Nothing in this CAFO is intended to, nor will be construed to, constitute U.S. EPA approval of the equipment or technology installed by the Respondent in connection with the SEP under this CAFO.

General Provisions

61. Respondent certifies that it is currently in compliance with RCRA, 42 U.S.C. §§ 6901 – 6992k, and the regulations at 40 C.F.R. Parts 260 - 279.

62. Pursuant to 40 C.F.R. § 22.5, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: chow.kevin@epa.gov (for Complainant), and heather.baladi@navy.mil (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

63. This CAFO resolves only Respondent's liability for federal civil penalties under RCRA § 3008(a) for the violations and facts alleged in the CAFO and the August 7, 2017 Notice of Intent to File Civil Administrative Complaint.

64. In accordance with 40 C.F.R. § 22.31(a), this CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any other violations of law.

65. Nothing herein shall be construed to limit the power of the U.S. EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

66. This CAFO does not waive, extinguish, or otherwise affect Respondent's responsibility to comply with RCRA and regulations promulgated or permits issued thereunder, and other applicable federal, state, local laws or permits.

67. This CAFO is a “final order” for purposes of 40 C.F.R. § 22.31, U.S. EPA’s RCRA Civil Penalty Policy, and U.S. EPA’s Hazardous Waste Civil Enforcement Response Policy (December 2003).

68. The terms of this CAFO bind Respondent, its successors, and assigns.

69. Each person signing this CAFO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

70. Each party agrees to bear its own costs and attorney’s fees in this action.

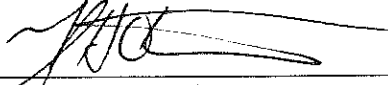
71. This CAFO constitutes the entire agreement between the parties.

In the Matter of:
United States Department of the Navy,
Naval Surface Warfare Center, Crane Division
Docket No. RCRA-05-2018-0021

United States Department of the Navy, Respondent

Date

21 SEP 18



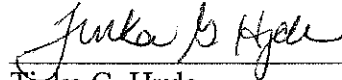
M.H. Oesterreich
Captain, U.S. Navy
Commanding Officer
NSWC, Crane

In the Matter of:
United States Department of the Navy,
Naval Surface Warfare Center, Crane Division
Docket No. RCRA-05-2018-0021

United States Environmental Protection Agency, Complainant

9-26-18

Date



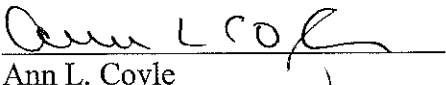
Tinka G. Hyde
Division Director
Land and Chemicals Division

**In the Matter of:
United States Department of the Navy,
Naval Surface Warfare Center, Crane Division
Docket No. RCRA-05-2018-0021**

FINAL ORDER

The Regional Judicial Officer has been delegated the authority to issue this Final Order. 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. The foregoing Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

September 26, 2018
Date


Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

**Consent Agreement and Final Order
In the Matter of:
United States Department of the Navy,
Naval Surface Warfare Center, Crane Division
Docket No. RCRA-05-2018-0021**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, Docket No. RCRA-05-2018-0021, which was filed on September 27, 2018, in the following manner to the following addresses:

Copy by mail to Respondent: M.H. Oesterreich
Captain, U.S. Navy
Commanding Officer
Naval Surface Warfare Center, Crane Division
Code 1023, Bldg. 3260
300 Highway 361
Crane, IN 47522-5001

Copy by e-mail to
Environmental Protection
Manager for Respondent: Heather L. Baladi
heather.baladi@navy.mil

Copy by e-mail to
Attorney for Respondent: Susan Luther
susan.luther@navy.mil

Copy by e-mail to
Attorney for Complainant: Kevin Chow
chow.kevin@epa.gov

Copy by e-mail to EPA
Enforcement Staff Contact: Jamie Paulin
paulin.jamie@epa.gov

Copy by e-mail to
Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: September 27, 2018



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5

Certified Mail Receipt Number: 7009 1680 0000 7642 2734