



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

REGULAR MAIL

January 31, 2008

Lori Weidner
U.S. Environmental Protection Agency
Cincinnati Finance Center
26 W. MLK Drive
Cincinnati, OH 45268

Re: Accounts Receivable
In the Matter of U.S. Postal Service
Docket No. RCRA-03-2008-0051

Dear Ms. Weidner:

Enclosed please find a true and correct copy of the Consent Agreement and Final Order, and the Enforcement Accounts Receivable Control Number Form (EARCNF) filed with the Regional Hearing Clerk on January 31, 2008 in settlement of the above referenced subject matter.

Should you have any question or require further information, please feel free to call me at (215) 814-2681.

Sincerely


Louis F. Ramalho
Sr. Asst. Regional Counsel

Enclosures

cc: Lydia Guy
Regional Hearing Clerk
U.S. EPA, Region III



EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE FILLED OUT BY ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Law Ramacho 1-22-08
Name of Contact person Date

in the ORC at X2601
Office Phone number

Non-SF Jud. Order/Consent Decree. DOJ COLLECTS
 Administrative Order/ Consent Agreement FMD COLLECTS PAYMENT

SF Jud. Order/Consent Decree. FMD COLLECTS

This is an original debt This is a modification

Name of Person and/or Company/Municipality making the payment
U.S. Postal Service

The Total Dollar Amount of Receivable \$16,785.00
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number RCR-03-2009-0057

The Site-Specific Superfund Acct. Number _____

The Designated Regional/HQ Program Office _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
Name of Contact Date

in the Financial Management Office, phone number: _____

JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:

1. U.S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-002)
Cincinnati, OH 45268
Attn: Lori Weidner
2. Originating Office (ORC)
3. Designated Program Office

ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:

1. Originating Office
2. Designated Program Office
3. Regional Hearing Clerk
3. Regional Counsel



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

FED EX

January 31, 2008

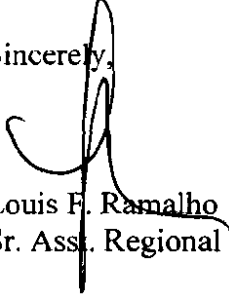
Casey Huron
Environmental Specialist, Capital Metro Area
900 Brentwood Road, NE, Room 2232
Washington, DC 20066-9998

**Re: Consent Agreement and Final Order
Silver Springs Delivery Annex
RCRA-03-2008-0051**

Dear Ms. Huron:

Enclosed please find a fully executed copy of the Consent Agreement and Final Order in settlement of the above referenced matter. Thank you for assistance in resolving this matter!

Sincerely,


Louis F. Ramalho
Sr. Ass. Regional Counsel

Enclosure

cc: Marie Owens (3WC31)

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

In the Matter of:)	
)	
United States Postal Service)	
475 L'Enfant Plaza, SW	)	U.S. EPA Docket Number
Washington, DC 20260	)	RCRA-03-2008-0051
)	
RESPONDENT.	)	Proceeding Under Section 9006 of the
	)	Resource Conservation and Recovery Act,
United States Postal Service	)	as amended, 42 U.S.C. Section 6991c
Delivery Annex)	
12010 Plum Orchard Drive)	
Silver Springs, MD 20904)	
)	
FACILITY.)	
)	
)	
)	

RECEIVED
 2008 JUN 31 PM 1:46
 REGION III
 PHILADELPHIA

CONSENT AGREEMENT

This Consent Agreement ("CA") is entered into by the Director, Waste and Chemicals Management Division, U.S. Environmental Protection Agency, Region III ("EPA" or "Complainant") and the United States Postal Service ("USPS" or "Respondent"), pursuant to Section 9006 and 9007 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6991c and § 6991f, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. Part 22, including, specifically 40 C.F.R. §§ 22.13(b) and .18(b)(2) and (3).

This CA and the accompanying Final Order (collectively "CAFO") resolve violations of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, and the State of Maryland's federally authorized underground storage tank program by Respondent in connection with its underground storage tanks at Respondent's facility located at 12010 Plum Orchard Drive, Silver Springs, Maryland (the "Facility").

Effective July 30, 1992, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the State of Maryland was granted final authorization to administer a state underground storage tank management program *in lieu* of the Federal underground storage

tank management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m. The provisions of the Maryland underground storage tank management program, through this final authorization, have become requirements of Subtitle I of RCRA and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. Maryland's authorized underground storage tank program regulations are administered by the Maryland Department of the Environment ("MDE"), and are set forth in the Code of Maryland Regulations and will be cited as "COMAR" followed by the applicable section of the regulations.

EPA has given the State of Maryland notice of the issuance of this CAFO in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

GENERAL PROVISIONS

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, above.
3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order ("FO"), or the enforcement of the CAFO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing on any issue of law or fact set forth in this CA and any right to appeal the accompanying FO. In addition, Respondent waives its right to confer with the Administrator pursuant to RCRA § 6001(b)(2), 42 U.S.C. § 6961(b)(2).
5. Respondent consents to the issuance of this CAFO and agrees to comply with their terms and conditions.
6. Respondent shall bear its own costs and attorney's fees.
7. The person signing this CA on behalf of the Respondent certifies to EPA by his signature herein that Respondent's Facility, as of the date of this CA, is in compliance with the provisions of RCRA, Subtitle I, 42 U.S.C. §§ 6991-6991m, and the State of Maryland's federally authorized underground storage tank program COMAR § 26.10.02 *et. seq.*
8. The provisions of this CAFO shall be binding upon Complainant and Respondent, its officers, directors, employees, successors and assigns.

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 the CAFO are false or, in any material respect, inaccurate. Respondent is aware that the submission of false or misleading information to the United States government may subject Respondent to separate civil and/or criminal liability.

FACTUAL ALLEGATIONS AND CONCLUSIONS OF LAW

11. The United States Environmental Protection Agency - Region III ("EPA" or the "Region") and EPA's Office of Administrative Law Judges have jurisdiction over this matter pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, 40 C.F.R. Part 280 and 40 C.F.R. § 22.1(a)(4) and .4(c).
12. Respondent is a department, agency, and/or instrumentality of the United States as referred to in Section 9007 of RCRA, 42 U.S.C. § 6991f, and is a "person" as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and COMAR § 26.10.02.04B(40).
13. At all times relevant to this CA, Respondent has been the "owner" and/or "operator," as those terms are defined in Section 9001(3) and (4) of RCRA, 42 U.S.C. § 6991(3) and (4), and COMAR § 26.10.02.04B(37) and (39), of the "underground storage tanks" ("USTs") and "UST systems" as those terms are defined in Section 9001(1) of RCRA, 42 U.S.C. § 6991(1), and COMAR § 26.10.02.04B(64) and (66), located at 12010 Plum Orchard Drive, Silver Springs, Maryland.
14. On March 1, 2007, an EPA representative conducted a Compliance Evaluation Inspection ("CEI") of the Facility pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.
15. At the time of the March 1, 2007 CEI, and at all times relevant to the applicable violations alleged herein, an UST, as described in the following subparagraph, was located at the Facility:
 - A. A ten thousand (10,000) gallon fiberglass-reinforced-plastic tank that was installed in or about 1997 and that, at all times relevant hereto, routinely contained gasoline fuel, a "regulated substance" as that term is defined in

Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48) (hereinafter "UST No. 1");

16. At all times relevant to the applicable violations alleged herein, UST No. 1 has been "petroleum UST system" and "new tank system" as these terms are defined in COMAR § 26.10.02.04B(43) and (31), respectively.
17. UST No. 1 is and was, at all times relevant to applicable violations alleged in this CAFO, used to store "regulated substance(s)" at Respondent's Facility, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48), and has not been "empty" as that term is defined at COMAR § 26.10.10.01.
18. Pursuant to RCRA Section 9005, 42 U.S.C. § 6991d, on July 2, 2007, EPA issued an information request letter to Respondent concerning its petroleum UST system and hazardous substance UST system located at the Facility.
19. On October 10, 2007, Respondent placed UST No. 1 in "temporary closure" as that term is defined at COMAR § 26.10.10.01.

COUNT 1

(Failure to perform release detection on UST No. 1)

20. The allegations of Paragraphs 1 through 19 of this CAFO are incorporated herein by reference.
21. Pursuant to COMAR § 26.10.05.01A and C, owners and operators of new and existing UST systems must provide a method or combination of methods of release detection monitoring that meets the requirements described therein.
22. COMAR § 26.10.05.02B provides, in pertinent part, that USTs shall be monitored at least every 30 days for releases using one of the methods listed in COMAR § 26.10.05.04E-1, except that:
 - (1) UST systems that meet the performance standards in COMAR §§ 26.10.03.01 (Performance Standards for New UST Systems) and .02 (Upgrading of Existing UST Systems), and the monthly inventory control requirements in COMAR § 26.10.05.04B or C (Inventory Control or Manual Tank Gauging) shall use tank tightness testing, conducted in accordance with COMAR § 26.10.05.04D (Tank Tightness Test), at least every 5 years until December 22, 1998, or until 10 years after the UST is installed or upgraded under COMAR § 26.10.03.02B (Tank Upgrading

Requirements); and

- (2) UST systems that do not meet the performance standards in COMAR §§ 26.10.03.01 (Performance Standards for New UST Systems) and .02 (Upgrading of Existing UST Systems), may use monthly inventory controls, conducted in accordance with COMAR § 26.10.05.04B or C (Inventory Control or Manual Tank Gauging) and annual tank tightness testing, conducted in accordance with COMAR § 26.10.05.04D (Tank Tightness Test) until December 22, 1998, when the tank must be upgraded under COMAR § 26.10.03.02 (Tank Upgrading Requirements) or permanently closed under COMAR § 26.10.10.02; and
 - (3) Tanks with a capacity of 550 gallons or less and not metered may use weekly tank gauging, conducted in accordance with COMAR § 26.10.05.04C.
23. From 1997 until October 10, 2007, the method of release detection selected by Respondent for the UST No. 1 was automatic tank gauging for the UST No. 1 in accordance with COMAR § 26.10.05.04E.
 24. From September 1, 2006 until October 10, 2007, Respondent failed to perform automatic tank gauging for the UST No. 1 in accordance with COMAR § 26.10.05.04E.
 25. During the periods of time indicated in Paragraph 24, above, Respondent did not use any of the other release detection methods specified in COMAR § 26.10.05.02B(1)-(3) and/or COMAR § 26.10.05.04E-I on USTs No. 1 located at the Facility.
 26. Respondent's acts and/or omissions as alleged in Paragraphs 24 and 25, above, constitute violations by Respondent of COMAR § 26.10.05.01A and .02B.

COUNT 2

(Failure to perform automatic line leak detector testing annually on piping for UST No. 1)

27. The allegations of Paragraphs 1 through 26 of this CAFO are incorporated herein by reference.
28. Pursuant to COMAR § 26.10.05.01A and C, owners and operators of new and existing UST systems must provide a method or combination of methods of release detection monitoring that meets the requirements described therein.

29. COMAR § 26.10.05.02C(2) provides, in pertinent part, that underground piping that conveys regulated substances under pressure shall:
- a. Be equipped with an automatic line leak detector conducted in accordance with COMAR § 26.10.05.05B; and
 - b. Have an annual line tightness test conducted in accordance with COMAR § 26.10.05.05C or have monthly monitoring conducted in accordance with COMAR § 26.10.05.05D.
30. COMAR § 26.10.05.05B provides, in pertinent part, that an annual test of the operation of the leak detector shall be conducted in accordance with the manufacturer's requirements.
31. From at least October 2002 until October 2007, the piping for UST No. 1 was underground and routinely conveyed regulated substances under pressure.
32. Respondent failed to perform an annual test of the automatic line leak detectors for the underground piping for UST No. 1 from at least October 2002 until October 2007.
33. Respondent's acts and/or omissions as alleged in Paragraph 32, above, constitute violations by Respondent of COMAR § 26.10.05.02C(2)(a) and COMAR § 26.10.05.05B.

COUNT 3

(Failure to perform line tightness testing or monthly monitoring on piping for UST No. 1)

34. The allegations of Paragraphs 1 through 33 of this CAFO are incorporated herein by reference.
35. Respondent failed to perform an annual line tightness testing in accordance with COMAR § 26.10.05.05C or have monthly monitoring conducted in accordance with COMAR § 26.10.05.05D for the underground piping associated with USTs No. 1 from March 1, 2007 until September 30, 2007.
36. Respondent's acts and/or omissions as alleged in Paragraphs 35, above, constitute violations by Respondent of COMAR § 26.10.05.02C(2)(b).

COMPLIANCE ORDER

Pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, Respondent is hereby ordered to:

37. Immediately comply with the release detection requirements of COMAR § 26.10.05 for the UST system located at the Facility subject to this CAFO or close such UST system in accordance with COMAR § 26.10.10.
38. Within thirty (30) days of the effective date of this Compliance Order, comply with the line leak detector testing requirements of COMAR § 26.10.05.05B.
39. Within thirty (30) days of the effective date of this Compliance Order, comply with the line tightness testing requirements in accordance with COMAR § 26.10.05.05.C or complete monthly monitoring in accordance with COMAR § 26.10.05.05.D for UST No. 1.
40. No more than sixty (60) days after the effective date of this Consent Agreement, submit to EPA Region III a Certificate of Compliance with the above Compliance Tasks as well as copies of the completed tests.
41. All documents and reports to be submitted pursuant to this Compliance Order shall be sent to the following persons:

- A. Documents to be submitted to EPA shall be sent certified mail, return receipt requested to the attention of:

Marie Owens
RCRA Compliance and Enforcement Branch (3WC31)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

and

Louis F. Ramalho
Sr. Assistant Regional Counsel (3RC30)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

- B. One copy of all documents submitted to EPA shall also be sent by regular mail to the attention of:

Mr. Herb Meade
 Administrator, Oil Control Program
 Maryland Department of the Environment
 Montgomery Park Business Center
 1800 Washington Blvd., Suite 620
 Baltimore, MD 21230

42. If activities undertaken by the Respondent in connection with this Compliance Order or otherwise indicate that a release of a regulated substance from any UST at the Facility may have occurred, Respondent may be required to undertake corrective action pursuant to applicable regulations in COMAR § 26.10.09.
43. Respondent is hereby notified that failure to comply with any of the terms of this Compliance Order may subject it to imposition of a civil penalty of up to \$32,500 for each day of continued noncompliance, pursuant to Section 9006(a)(3) of RCRA, 42 U.S.C. § 6991e(a)(3), the Debt Collection Improvement Act of 1996 ("DCIA"), and the subsequent Civil Monetary Penalty Inflation Adjustment Rules, 61 *Fed. Reg.* 69360 (December 31, 1996) and 69 *Fed. Reg.* 7121, 7126 (February 13, 2004), codified at 40 C.F.R. Part 19.
44. The term "days" as used herein shall mean calendar days unless specified otherwise.

CIVIL PENALTY

45. 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 Sixteen Thousand Seven Hundred Eighty Five Dollars (\$16,785.00) and perform the tasks set forth in the Compliance Order. The civil penalty amount is due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO.
46. 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.

47. Respondent shall pay the amount described in Paragraph 45, above, by sending a certified or cashier's check payable to the "United States Treasury," as follows:

By Regular US Postal Service Mail:

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

By Private Commercial Overnight Delivery:

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

Contact: Natalie Pearson
(314) 418-4087

Payment of the penalty as required by this CAFO may also be made by electronic transfer to:

Wire Transfers

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 wire transfer message should read:
"D 68010727 Environmental Protection Agency")

Automated Clearing House (ACH) Transfers

PNC Bank
ABA = 051036706
Environmental Protection Agency
Account 310006
CTX Format
Transaction Code 22 - checking

808 17th Street, NW
Washington, DC 20074

Payment by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this CAFO. A copy of Respondent's check or a copy of Respondent's electronic wire transfer shall be sent simultaneously to:

Regional Hearing Clerk (3RC00)
EPA Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103 - 2029, and

Louis F. Ramalho, Esq. (3RC30)
Sr. Assistant Regional Counsel
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

FULL AND FINAL SATISFACTION

48. 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.

RESERVATION OF RIGHTS

49. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.
50. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligation to comply with RCRA, the applicable regulations thereunder, or with this CAFO. Nothing in this CAFO shall be interpreted to require obligation or payment of funds in violation of the Antideficiency Act, 31 U.S.C. § 1341.

OTHER APPLICABLE LAWS

51. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed on it by applicable federal, state or local law and/or regulations.

AUTHORITY TO BIND THE PARTIES

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

ENTIRE AGREEMENT

53. This Consent Agreement and the attached Final Order constitute the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Agreement and the attached Final Order.

EFFECTIVE DATE

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

For Respondent:

United States Postal Service

1-17-2008

Date



by: Mr. Bill Miner
District Manager, Capital District

For Complainant:

U.S. Environmental Protection Agency,
Region III

Date

Louis F. Ramalho
Senior Assistant Regional Counsel

OTHER APPLICABLE LAWS

51. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed on it by applicable federal, state or local law and/or regulations.

AUTHORITY TO BIND THE PARTIES

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

ENTIRE AGREEMENT

53. This Consent Agreement and the attached Final Order constitute the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Agreement and the attached Final Order.

EFFECTIVE DATE

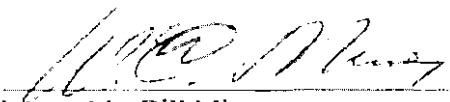
54. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

For Respondent:

United States Postal Service

1-11-08

Date

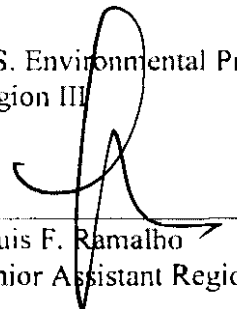

by: Mr. Bill Miner
District Manager, Capital District

For Complainant:

U.S. Environmental Protection Agency,
Region III

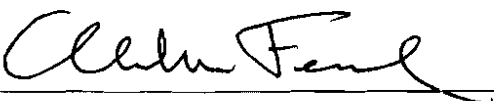
1-22-08

Date


Louis F. Ramalho
Senior Assistant Regional Counsel

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

1/24/08
Date

By: 
Abraham Ferdas, Director,
Waste and Chemicals Management
Division, EPA Region III

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

In the Matter of:)	
)	
United States Postal Service)	
475 L'Enfant Plaza, SW	)	U.S. EPA Docket Number
Washington, DC 20260	)	RCRA-03-2008-0051
)	
RESPONDENT,	)	Proceeding Under Section 9006(a) of the
	)	Resource Conservation and Recovery
United States Postal Service	)	Act, as amended, 42 U.S.C. § 6991e(a).
Delivery Annex)	
12010 Plum Orchard Drive)	
Silver Springs, MD 20904)	FINAL ORDER
)	
FACILITY.)	
)	

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 REGION III


FINAL ORDER

Complainant, the Director, Waste and Chemicals Management Division, U.S. Environmental Protection Agency - Region III, and Respondent, United States Postal Service, 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 agreed to therein was based upon a consideration of the factors set forth in Section 9006(c) and (d) of RCRA, 42 U.S.C. § 6991e(c) and (d), **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of Sixteen Thousand Seven Hundred Eighty Five Dollars (\$16,785.00) in accordance with the payment provisions set forth in the attached Consent Agreement, and comply with each of the additional terms and conditions as specified in the attached Consent Agreement. The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or the Regional Judicial Officer, is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

Date: 1/31/08


Renee Sarajian
Regional Judicial Officer
U.S. EPA, Region III

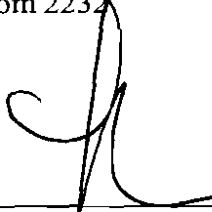
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date listed below, the original of the foregoing Consent Agreement and Final Order, Docket No. RCRA-03-2008-0051, was filed with the Regional Hearing Clerk, U.S. EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and that a true and correct copy was sent to the following parties:

Overnight mail:

Casey Huron
Environmental Specialist, Capital Metro Area
900 Brentwood Road, NE, Room 2232
Washington, DC 20066-9998

1/31/08
Date



Louis F. Ramalho
Sr. Assistant Regional Counsel
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RECEIVED
2008 JAN 31 PM 1:46
U.S. EPA - REGION III