

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

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Anthony Campbell  
Vice President, ECM Construction  
Versar, Inc.  
6850 Versar Center  
Springfield, VA 22151

JUL 26 2018

Re: **In the Matter of: Versar, Inc.**  
**Docket No. CWA-03-2018-0073**


Dear Mr. Campbell:

Enclosed please find a time-stamped Consent Agreement and Final Order (CAFO), the original and one copy of which were filed with Regional Hearing Clerk on JUL 26 2018.

Versar, Inc. must timely pay the agreed civil penalty within 30 days of the effective date. This CAFO becomes effective 30 days after the issuance date of JUL 26 2018. Thus, the civil penalty is due on 9/24/2018. The case name and case docket number should be noted on the payment and a copy of the associated check or electronic transfer instrument or receipt should be sent simultaneously to the EPA attorney and the Regional Hearing Clerk.

Please do not hesitate to contact Bonnie Pugh at (215) 814-2680 if you have any questions regarding this matter.

Sincerely,



Regional Hearing Clerk, Region III

Enclosure

cc: Bonnie Pugh

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

**U.S. EPA-REGION 3-RHC**  
FILED-26JUL2018pm2:40

IN THE MATTER OF:

Versar, Inc.  
6850 Versar Center  
Springfield, VA 22151

Respondent

Proceeding to Assess Class I  
Administrative Penalty Under  
**Section 309(g) of the Clean Water Act**

**Docket No. CWA-03-2018-0073**

**CONSENT AGREEMENT  
AND FINAL ORDER**

**CONSENT AGREEMENT AND FINAL ORDER**

**I. PRELIMINARY STATEMENT, JURISDICTIONAL AND STATUTORY  
AUTHORITY**

1. This Consent Agreement and Final Order (“CAFO”) is entered into by the Director, Water Protection Division, United States Environmental Protection Agency (“EPA”), Region III (“Complainant”) and Versar, Inc. (“Versar” or “Respondent”) pursuant to Section 309(g) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(g), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Permits (“Consolidated Rules”)*, 40 C.F.R. Part 22. The parties having agreed to settlement of violations of the CWA by Respondent, this CAFO simultaneously commences and concludes this action pursuant to 40 C.F.R. §22.13(b) and 22.18(b)(2) & (3).

2. Respondent is an owner and operator of a management construction company located at 6850 Versar Center, Springfield, VA 22151.

3. The location of the alleged violation is 436 Airlift Wing, 201 Eagle Way, Dover Air Force Base, Delaware.

4. The EPA is authorized to issue NPDES permits for activities occurring at federal facilities in Delaware.

5. Respondent’s facility is subject to the 2012 CWA National Pollutant Discharge Elimination System (“NPDES”), General Construction Permit (the “Facility Permit”).

15. Section 502(7) of the Act, 33 U.S.C. §1362(7) defines the term “navigable waters” as “the waters of the United States, including the territorial seas.” *See also* 40 C.F.R. § 122.2.
16. An NPDES Permit is required for construction activity, including clearing, grading and excavation related to the Facility. *See* 33 U.S.C. § 1342, 40 C.F.R. § 122.26(b)(14)(x)
17. The Respondent is a “person” as defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
18. The Permit was for an estimated disturbed area of 343 acres.
19. On or about November 18-19, 2015, EPA inspected the Facility. EPA provided a copy of EPA’s inspection report to Respondent on or about July 2017.
20. In response to an EPA Letter, on or about December 19, 2017, EPA and Respondent met to discuss the alleged violations.
21. During the December 19, 2017 meeting, EPA and Respondent had discussions and Respondent provided additional information to EPA concerning its operations and CWA compliance at the Facility.
22. Discharge of pollutants in violation of any effluent standard, prohibition or standard, including any standard contained in an NPDES permit issued under the CWA is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a), which prohibits, among other things, the discharge of any pollutant in violation of a NPDES permit issued under Section 402 of the Act, 33 U.S.C. § 1342, and 40 C.F.R. Part 122.
23. Respondent’s violation of the NPDES Permits constitutes violations of Section 301 of the CWA, 33 U.S.C. § 1311, and subject Respondent to penalties not to exceed \$20,628 per day for each violation, up to a total penalty amount of \$257,848.

### **III. FINDINGS OF VIOLATION**

#### **Count 1: Failure to Stabilize an Undesignated Construction Entrance**

24. The Permit requires that the Permittee must minimize track-out of sediment onto off-site streets, other paved areas, and sidewalks from vehicles exiting your construction site. Part 2.1.2.3.
25. To comply with this requirement referenced above, the Permittee must:
  - a. Restrict vehicle use to properly designated exit points;
  - b. Use appropriate stabilization techniques at all points that exit onto paved roads so that sediment removal occurs prior to vehicle exit.
26. At the time of Inspection, the Inspector observed an unstabilized construction entrance.

36. Each party to this action shall pay its own costs and attorney fees.

37. The provisions of this CAFO shall be binding upon the Respondent, and its officers, principals, directors, successors and assigns.

38. The parties agree that settlement of this matter prior to the initiation of litigation is in the public interest and that entry of this CAFO is the most appropriate means of resolving this matter.

39. Pursuant to Section 309(g)(4) of the Act, 33 U.S.C. § 1319 (g)(4), and 40 C.F.R. § 22.45(b), EPA is providing public notice and an opportunity to comment on the CAFO before issuing the Final Order. In addition, EPA has consulted with the Delaware regarding this action, and will mail a copy of this document to the appropriate Delaware official.

40. Based on the foregoing FINDINGS, and having taken into account the factors listed in Section 309(d) of the CWA, 33 U.S.C. § 1319(d), including but not limited to, the nature, circumstances, extent and gravity of the violation, the Respondent's knowledge, culpability and history of violations, the economic benefit to Respondent, the ability of Respondent to pay the penalty, and other such matters as justice may require, the administrative record; and under the authority of Section 309(g)(2)(A) of the CWA, 33 U.S.C. § 1319(g)(2)(A), EPA.

**HEREBY ORDERS AND RESPONDENT HEREBY CONSENTS:**

41. Within thirty (30) days of the effective date of this ORDER, Respondent shall pay a civil penalty of eleven thousand dollars (\$11,000.00) for the violations cited herein. This does not constitute a demand as that term is defined in the Equal Access to Justice Act, 28 U.S.C. § 2412. Penalty payment shall be made according to the following specifications:

a. The payment shall reference Respondent's name, address and docket number, be made in U.S. dollars by money order, cashier's or certified check made payable to the "Treasurer, United States of America", wire transfer, ACH, or on line, and delivered as follows:

i. If by money order, cashier's or certified check sent by U.S. postal service mail:

U.S Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197 9000  
Contact: Bryson Lehman 513-487-2123

ii. If by money order, cashier's or certified check sent by private commercial overnight delivery service:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA, Fines & Penalties

b. A copy of the check or money order or other proof of payment submitted in fulfillment of the penalty payment requirements of this order shall be sent to the following:

U.S. Environmental Protection Agency  
Regional Hearing Clerk (3RC00)  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

and

Ms. Bonnie A. Pugh (3RC20)  
Senior Assistant Regional Counsel  
U.S. EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

c. A transmittal message identifying the case name and docket number identified about shall accompany the remittance and copies of the check or transfer instrument.

42. Failure to pay the penalty assessed by this ORDER after its effective date subjects the Respondent to a collection action under Section 309(g)(9) of the CWA, 33 U.S.C. § 1319(g)(9). The validity, amount and appropriateness of the penalty are not subject to review in a collection proceeding. *See* 15 U.S.C. § 2615(a)(4)(A). Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest on unpaid penalties, and a charge to cover the cost of processing and handling a delinquent claim. Interest will begin to accrue on this civil penalty if it is not paid within fifteen days of the date due. Interest will be assessed at the rate of the United States Treasury tax and loan rate. 40 C.F.R. § 13.11. In addition, a quarterly nonpayment penalty charge may be assessed on any delinquent debt pursuant to Section 309(g)(9) of the CWA, 33 U.S.C. § 1319(g)(9). In addition, EPA will assess a \$15.00 administrative handling charge for the administrative handling charge for administrative costs for the first 30-day period after the payment is due and an additional \$15.00 for each subsequent 30 days the penalty remains due.

## V. GENERAL PROVISIONS

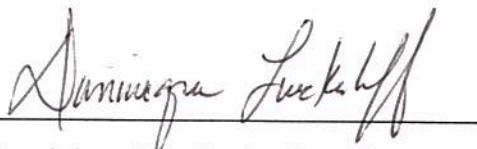
43. This CAFO shall not relieve Respondents of its obligation to comply with all applicable provisions of federal, state or local law and ordinance, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit. This CAFO does not constitute a waiver, suspension or modification of the requirements of the CWA.

49. This CAFO resolves only the civil claims for the specific violations alleged herein. 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 Clean Water

SO ORDERED

this 25<sup>th</sup> day of July, 2018.

U.S. EPA-REGION 3-RHC  
FILED-26JUL2018pm2:40

A handwritten signature in cursive script, reading "Dominique Lueckenhoff", written over a horizontal line.

Dominique Lueckenhoff, Acting  
Director Water Protection Division

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

In the Matter of: )  
)  
) Docket No. CWA-03-2018-0073  
Versar, Inc. )  
6850 Versar Center )  
Springfield, VA 22151 ) Proceeding under Section 309(g) of the  
) Clean Water Act  
RESPONDENT. )

CERTIFICATE OF SERVICE

I certify that on JUL 26 2018, the original and one (1) copy of foregoing *Consent Agreement and Final Order*, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I served a true and correct copy of the same to each of the following persons, in the manner specified below, at the following addresses:

Copy served via **Certified Mail, Return Receipt Requested, Postage Prepaid**, to:

Anthony Campbell  
Vice President, ECM Construction  
Versar, Inc.  
6850 Versar Center  
Springfield, VA 22151

Copy served via **Hand Delivery or Inter-Office Mail** to:

Bonnie A. Pugh  
Senior Assistant Regional Counsel  
Office of Regional Counsel (3RC20)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
(Attorney for Complainant)

Dated: JUL 26 2018

Berwin Espinoza  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region III

TRACKING NUMBER(S): 7002 2410 0005 1405 0021