

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: L. Romano 6/25/09
Name of Contact person Date

in the ORC at 2681
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 GSA

The Total Dollar Amount of Receivable \$ 15,085.00
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number RCRA-09-209-0166
The Site-Specific Superfund Acct. Number _____
The Designated Regional/HQ Program Office _____

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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

REGULAR MAIL

June 25, 2009

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

Re: Accounts Receivable
In the Matter GSA
RCRA-03-2009-0166
Consent Agreement and Final Order

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 Forms (EARCNF) filed with the Regional Hearing Clerk today in settlement of the above referenced subject matters.

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

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**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

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| | | |
|--------------------------------------|---|---|
| In the Matter of: |) | |
| |) | |
| U.S. General Services Administration |) | |
| 301 7 th Street, S.W. |) | U.S. EPA Docket Number |
| Washington, D.C. 20407 |) | RCRA-03-2009-0166 |
| |) | |
| RESPONDENT, |) | |
| |) | |
| Supply Distribution Facility |) | |
| 6801 Loisdale Road |) | |
| Springfield, VA 22150 |) | |
| |) | Proceeding Under Section 9006 of the |
| FACILITY. |) | Resource Conservation and Recovery Act, |
| |) | as amended, 42 U.S.C. Section 6991e |
| |) | |
| |) | |

CONSENT AGREEMENT

This Consent Agreement ("CA") is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("Complainant") and the United States General Services Administration ("Respondent"), pursuant to Section 9006 and 9007 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. §§ 6991e 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 Final Order (collectively "CAFO"), resolve alleged violations of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, and the Commonwealth of Virginia's federally authorized underground storage tank ("UST") program by Respondent in connection with its underground storage tanks at Respondent's facility located at 6801 Loisdale Road, Springfield, Virginia, 22150 (the "Facility").

Effective October 28, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the Commonwealth of Virginia was granted final authorization to administer a state UST management program *in lieu* of the Federal underground storage tank management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991i. The provisions of the Virginia UST management program, through these final authorizations, 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. Virginia's authorized UST program regulations are set forth in the Virginia Administrative Code as Underground Storage Tanks: Technical Standards and Corrective Action Requirements ("VA UST Regulations"), 9 VAC § 25-580-10 *et seq.*

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 Consent Agreement ("CA"), the issuance of the attached Final Order ("FO"), or the enforcement thereof, and Respondent admits the jurisdictional allegations set forth in this 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 its terms and conditions.
6. Respondent shall bear its own costs and attorney's fees.
7. As to RCRA, Subtitle I, 42 U.S.C. §§ 6991-6991m, and the Commonwealth of Virginia's federally authorized underground storage tank program set forth at 9 VAC § 25-580-10 *et seq.* allegedly violated as set forth in the Factual Allegations and Conclusions of Law, Respondent certifies to EPA that, upon appropriate investigation, to the best of Respondent's knowledge and belief, Respondent is presently in compliance with all such relevant provisions and regulations.
8. 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.
9. 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.

10. 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

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).

11. 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.
12. Respondent, General Services Administration (GSA), 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 9 VAC § 25-580-10.
13. On April 21, 2008, EPA performed a Compliance Evaluation Inspection ("CEI") at the Facility. At the time of the April 21, 2008 CEI, and at all times relevant to the violations alleged herein, two (2) USTs were located at the Facility as described in the following subparagraph:
 - A. A ten thousand (10,000) gallon double-walled fiberglass reinforced plastic tank that was installed in or about 1995 (aka UST No. 6), and that, at all times relevant hereto, routinely contained and was used to store diesel fuel, 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. 1"); and
 - B. A six thousand (6,000) gallon double-walled fiberglass reinforced plastic tank that was installed in or about 1995, and that, at all times relevant hereto, routinely contained and was used to store gasoline, 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. 2").

14. At all times relevant to the applicable violations alleged in this CAFO, USTs Nos. 1 and 2 have been "petroleum UST systems" and "new tank systems" as these terms are defined in 9 VAC § 25-580-10.
15. USTs Nos. 1 and 2 are and were, at all times relevant to the 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 9 VAC § 25-580-10, and have not been "empty" as that term is defined at 9 VAC § 25-580-310.1.

COUNT 1

(Failure to provide spill protection on UST No. 2)

16. The allegations of Paragraphs 1 through 15 of this CAFO are incorporated herein by reference.
17. 9 VAC § 25-580-50 provides, in pertinent part, that all owners and operators of new UST systems shall meet certain requirements in order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances.
18. 9 VAC § 25-580-50.3.a. provides that owners and operators of new UST systems shall use certain spill and overfill prevention equipment to prevent spilling and overfilling associated with product transfer to the UST system as follows:
 - (1) Spill prevention equipment that will prevent release of product into the environment when the transfer hose is detached from the fill pipe - for example a spill catchment basin; and
 - (2) Overfill prevention equipment that will do one or more of the following:
 - (a) Automatically shut off flow into the tank when the tank is more than 95 percent full, or
 - (b) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high level alarm.
19. The requirements set forth at 9 VAC § 25-580-50.3.a., above, have been incorporated by reference into 9 VAC § 25-580-60.4., and are therefore applicable to existing UST systems as well as new UST systems.

20. From August 9, 2007 through April 1, 2008, Respondent failed to provide spill prevention equipment for UST No. 2 as described in 9 VAC § 25-580-50.3.a., and such UST did not fall within the exception in 9 VAC § 25-580-50.3.b. and such UST was not in compliance with the closure requirements of 9 VAC § 25-580-320.
21. Respondent's acts and/or omissions as alleged in Paragraph 20, above, constitute a violation by Respondent of 9 VAC § 25-580-50.3.a.

COUNTS 2 – 3

(Failure to provide corrosion protection on the metal/steel piping for USTs Nos. 1 and 2)

22. The allegations of Paragraphs 1 through 21 of the CA are incorporated herein by reference.
23. 9 VAC § 25-580-50 provides, in pertinent part, that all owners and operators of new UST systems shall meet certain requirements in order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances.
24. 9 VAC § 25-580-50.2. provides, *inter alia*, that piping that routinely contains regulated substance and is in contact with the ground must be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified in 9 VAC § 25-580-50.2.a-c.
25. The requirements set forth at 9 VAC § 25-580-50.2., above, have been incorporated by reference into 9 VAC § 25-580-60.3., and are therefore applicable to existing UST systems as well as new UST systems.
26. The piping components for the USTs Nos. 1 and 2 are, and at all times relevant to the violations alleged herein, were made of metal/steel in contact with ground and used to store regulated substances.
27. From August 16, 2007 through September 1, 2008, Respondent failed to provide corrosion protection for the metal/steel piping components associated with USTs Nos. 1 and 2 as required by 9 VAC § 25-580-50.2.a-c.
28. Respondent's act and/or omission as alleged in Paragraph 27, above, constitute violations by Respondent of 9 VAC § 25-580-50.2.

CIVIL PENALTY

29. In settlement of Complainant's claims for civil penalties for the facts and violations alleged in this CA, Respondent agrees to pay a civil penalty in the amount of Fifteen

Thousand Twenty-Five Dollars (\$15,025.00). The civil penalty amount is due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO.

30. 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) - (e), 42 U.S.C. § 6991e(c) - (e), and with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.

31. Respondent may pay the amount described in Paragraph 29, above, by sending a certified or cashier's check payable to the "United States Treasury," as follows:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2009-0166;
- 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. Environmental Protection Agency-Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Contact: Eric Volck, 513-487-2105

- d. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

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

Contact: Natalie Pearson, 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:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

32. Respondent may also pay the amount described in Paragraph 29, above, electronically or on-line as follows:

a. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
Tax Id. No. = 52-0852695
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency"

b. 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
Tax Id. No. = 52-0852695
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737
Contact: Jesse White 301-887-6548 or REX, 1-866-234-5681

c. On-Line Payment Option:

WWW.PAY.GOV

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_cin.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

Louis F. Ramalho
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

FULL AND FINAL SATISFACTION

33. 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 facts and violations alleged in this Consent Agreement.

RESERVATION OF RIGHTS

34. 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.

OTHER APPLICABLE LAWS

35. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed on it by applicable federal, state or local law and/or regulations. Nothing in this CA shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341, or other applicable law.

AUTHORITY TO BIND THE PARTIES

36. 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

37. 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.

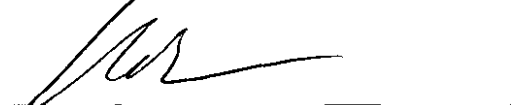
EFFECTIVE DATE

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

For Respondent:

6/24/09
Date

U.S. General Services Administration




Bart Bush
Assistant Regional Administrator
Public Buildings Service
U.S. General Services Administration
National Capital Region

For Complainant:

6/25/09
Date

U.S. Environmental Protection Agency,
Region III



Louis F. Ramalho
Senior Assistant Regional Counsel

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.

6/25/09
Date

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

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

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|--------------------------------------|---|---|
| In the Matter of: |) | |
| |) | |
| U.S. General Services Administration |) | U.S. EPA Docket Number |
| 301 7 th Street, S.W. |) | Docket No. RCRA-03-2009-0166 |
| Washington, D.C. 20407 |) | |
| |) | |
| RESPONDENT, |) | Proceeding Under Section 9006(a) of the |
| |) | Resource Conservation and Recovery |
| Supply Distribution Facility |) | Act, as amended, 42 U.S.C. § 6991e(a). |
| 6801 Loisdale Road |) | |
| Springfield, VA 22150 |) | |
| |) | |
| FACILITY. |) | FINAL ORDER |
| |) | |
| |) | |

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FINAL ORDER


Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, U.S. General Services Administration, 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) – (e) of RCRA, 42 U.S.C. § 6991e(c) – (e), **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of Fifteen Thousand Twenty-Five Dollars (\$15,025.00) 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: 10/25/09

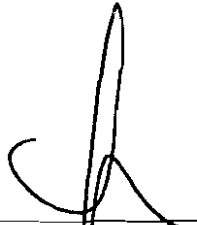

Renée Sarajian
Regional Judicial Officer
U.S. EPA, Region III

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-03-2009-0166** 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 party:

Christian A. Guzzano
Assistant Regional Counsel, WL
General Services Administration
301 7th Street, S.W.; Room 7048
Washington, D.C. 20407

6/25/09
Date



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

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GENERAL COUNSEL