

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
EXPEDITED ENFORCEMENT  
COMPLIANCE ORDER AND SETTLEMENT AGREEMENT

PART I: ENFORCEMENT COMPLIANCE ORDER

ENFORCEMENT COMPLIANCE ORDER NO. RCRA-03-2008-0343

On April 25, 2008  
(Violation date) (a.m./p.m.)

Catholic University of America  
(Name of Facility)  
620 Michigan Avenue, NE  
Washington, D.C. 20064  
(Address of Facility)

Facility Identification # 4000164  
Name of Owner, Operator or  
On Site Representative: Catholic University of America

(Address of Owner, Operator, or On-Site Representative)  
Catholic University of America  
620 Michigan Avenue, NE  
Washington, D.C. 20064

An authorized representative of the United States Environmental Protection Agency (EPA) inspected this facility to determine compliance with underground storage tank (UST) regulations promulgated under Subtitle I of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. § 6991 et seq.), and codified at 40 C.F.R. Part 280, a copy of which is enclosed. During this inspection, the following civil violation(s) of underground storage tank regulations were found, with corresponding penalty amounts:

District of Columbia Underground Storage Tank Regulations ("DCUSTR") 5901.4 and 40 CFR 280.31(b)(1)

Penalty \$150.00

Nature of Violation: Failure to test cathodic protection every three years.

Civil Penalty Total \$150.00

The Owner or Operator of the above facility may resolve the above-cited violation(s) without further civil enforcement action by EPA for said violation(s) by complying with the terms and conditions specified in the Settlement Agreement.

This Enforcement Compliance Order is not an adjudicatory proceeding under 40 C.F.R. Part 22, the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, but is issued solely with reference to the Settlement Agreement in Part II of this form. If the Settlement Agreement in Part II is not returned in correct form by the Owner or Operator within 30 calendar days of receipt, this Enforcement Compliance Order is hereby withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the above or any other violation(s).

I find Catholic University of America, in violation of the above-referenced UST regulation.

Abraham Ferdas Date 6/25/08  
(Signature of Authorized Representative of EPA)

I hereby acknowledge receipt of this Enforcement Compliance Order and Settlement Agreement.

Louis P. Alar Date 7/15/08  
(Signature of Owner, Operator, or On-Site Representative)

Part II: SETTLEMENT AGREEMENT

The United States Environmental Protection Agency (EPA) offers this Settlement Agreement in order to settle expeditiously the violations found in the Enforcement Compliance Order in Part I of this form subject to the following terms and conditions:

The Owner or Operator signing below certifies, under civil and criminal penalties for making a false submission to the United States Government, that Owner or Operator has corrected the violation(s) and enclosed a certified check for \$150.00 in payment of the full civil penalty amount, as described in the Enforcement Compliance Order.

Upon EPA final approval of this Settlement Agreement, EPA will take no further civil action against the Owner or Operator for the violations described in the Enforcement Compliance Order. EPA does not waive the authority to pursue any enforcement action by EPA, the State, or Indian tribe or authorized tribal organization where the facility is located or any local agencies for any other past, present or future violation(s) of the underground storage tank requirements or any other violation(s) under any other statute not described in the Enforcement Compliance Order.

Also, upon final approval by EPA of this Settlement Agreement, the Owner or Operator waives its right to a public hearing provided by Section 9006 of the Resource Conservation and Recovery Act, as amended.

This Settlement Agreement is binding on the EPA and the Owner or Operator signing below. The Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to the Enforcement Compliance Order and this Settlement Agreement, and consents to EPA's final approval of this Settlement Agreement without further notice. This Settlement Agreement is effective upon EPA's final approval below. Upon final approval, EPA shall mail a copy of the approved Settlement Agreement to the Owner or Operator signing below. The original fully-executed Settlement Agreement will be filed with the Compliance & Enforcement Branch (3WC31), EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029.

Final approval of the Settlement Agreement is in the sole discretion of the Regional Administrator, Region III, EPA or his or her authorized delegate.

SIGNATURE BY OWNER OR OPERATOR:

Name (print) Louis P. ALAR  
Title (print) Director, Env. Health & Safety  
Signature L.P. Alar Date 7/15/08

FINAL APPROVAL BY EPA:

Name (print) Abraham Ferdas  
Title (print) Director LCD, Region 3 EPA  
Signature Abraham Ferdas Date 7/28/08

80-1111 03117

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III, 1650 ARCH STREET, PHILA., PA 19103-2029  
EXPEDITED ENFORCEMENT  
COMPLIANCE ORDER AND SETTLEMENT AGREEMENT

INSTRUCTIONS

The United States Environmental Protection Agency has authority under Section 9006 of the Resource Conservation and Recovery Act to issue compliance orders and pursue civil penalties for violations of underground storage tank requirements. However, the EPA has the discretion to expedite settlement of violations of underground storage tank requirements, such as the violations cited in the Expedited Enforcement Compliance Order and Settlement Agreement for which these instructions are provided, by agreeing to these settlement terms that include prompt correction of the violation(s) and payment of civil penalties.

You may resolve the cited violation(s) quickly by signing and returning the Settlement Agreement and paying the civil penalty amount within 30 calendar days of the issuance of the Enforcement Compliance Order. You must correct the violations within 30 calendar days of the issuance of the Enforcement Compliance Order. EPA, at its discretion, may grant one 30 calendar day extension for the period to come into compliance where the Owner or Operator satisfactorily demonstrates that it is technically infeasible or impracticable to achieve compliance within 30 calendar days. The Settlement Agreement is binding on EPA and the Owner or Operator upon EPA final approval. Upon EPA final approval of the Settlement Agreement, a copy of which will be returned to you, EPA will take no further civil action against you for these violations. EPA will not accept or approve any Settlement Agreement returned more than 30 calendar days after the date of the Enforcement Compliance Order unless an extension has been granted by EPA. This Enforcement Compliance Order is not an adjudicatory proceeding under 40 C.F.R. Part 22, the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, but is issued solely with reference to the Settlement Agreement in Part II of this form.

If you do not return the Settlement Agreement with payment of the penalty amount 30 calendar days after issuance, unless an extension has been granted by EPA, the Enforcement Compliance Order will be automatically withdrawn, without prejudice to EPA's ability to pursue additional enforcement actions for the above or any other violation(s). Failure to return the Settlement Agreement within the approved time does not relieve you of the responsibility to otherwise comply fully with the underground storage tank requirements, including correcting the violation(s) that have been specifically identified by the inspector. If EPA pursues administrative enforcement measures in order to correct the violation(s) or to seek penalties, you will receive instructions describing your rights under the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits (40 C.F.R. Part 22), pursuant to which you would be entitled to dispute the allegations contained in an administrative complaint, the terms of any compliance order set forth therein, and the amount of any proposed civil penalty. Said dispute would take place in a full evidentiary hearing before an impartial factfinder.

You are required under the Settlement Agreement to certify that you have corrected the violation(s) found in the Enforcement Compliance Order and pay the penalty amount. The payment for the penalty amount must be in the form of a certified check payable to the "Treasurer, United States of America" with the number of the Enforcement Compliance Order written on the check.

The executed Settlement Agreement and copy of the check shall be sent to:

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

Payment of the penalty amount shall be sent to:

U.S. Environmental Protection Agency  
Region III Docket  
P. O. Box 360515  
Pittsburgh, PA 15251-6515

By the terms of the Settlement Agreement, and upon EPA's final approval of the Settlement Agreement, you waive the opportunity for a public hearing pursuant to Section 9006 of the Resource Conservation and Recovery Act. EPA will treat any response to the citation, other than acceptance of the Settlement Offer, as an indication that the recipient is not interested in pursuing this expedited settlement procedure.

Final approval of the Settlement Agreement is at the sole discretion of the Regional Administrator, Region III, EPA or his or her authorized delegate.

If you have any questions, you may contact the EPA Region III Compliance and Enforcement Branch at 215-814-5789.