



Federal Facilities Enforcement & Compliance Accomplishments Report FY 1999



This document was prepared by EPA's Federal Facilities Enforcement Office (FFEO) in the Office of Enforcement and Compliance Assurance (OECA).

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Introduction

Federal facilities, like all regulated facilities, are responsible for complying with environmental requirements. OECA's Federal Facilities Enforcement Office (FFEO) works with Federal agencies to help them comply with environmental requirements and take all necessary actions to prevent, control, and abate environmental pollution. FFEO assists Federal facilities in complying with environmental requirements and preventing pollution and takes enforcement actions against Federal facilities to remedy and deter their noncompliance. It is EPA's goal that all Federal agencies reach a level of compliance with environmental requirements that equals or surpasses the rest of the regulated community. To accomplish this goal, the Federal Facility Enforcement Program has a sector orientation, using multi-media enforcement and emphasizing compliance assistance and pollution prevention.

FFEO participates in enforcement negotiations, oversees compliance assistance and enforcement activities undertaken by Regions, and is responsible for resolving enforcement disputes between EPA and other agencies. Each EPA Region has a designated Federal Facilities Coordinator (a.k.a. Federal Facilities Program Manager or FFC), who, in conjunction with other EPA Regional staff, is responsible for coordinating the implementation of EPA's Federal facilities policies and programs at the Regional level. They serve as the primary Regional point of contact for facility environmental managers. FFEO works closely with Regional FFCs. Their responsibilities include giving program assistance and training for Federal facilities; informing Federal facilities on current environmental issues and developments; managing, tracking, oversight, and compliance planning activities; encouraging pollution prevention; and coordinating with the Region's media program staff to implement Federal facilities enforcement programs.

FY99 was a successful year for the Federal Facilities Enforcement Program, during which the office focused on compliance assistance and compliance assurance efforts with Federal facilities. In particular, FFEO revised and published *The Yellow Book: Guide to Environmental Enforcement and Compliance at Federal Facilities*, which provides comprehensive information on environmental requirements and the compliance and enforcement processes used by EPA, States, Tribes, and citizens. In addition, FFEO developed the RCRA Section 6002 Inspection Guidance, as directed by Executive Order 13101, to assist Federal agencies in meeting the buy-recycled program requirements of RCRA Section 6002. FFEO also continued the initiative with the Department of the Interior to increase compliance with environmental requirements among all of DOI's major program organizations.

During FY99, FFEO also focused heavily on compliance assurance efforts, using both single- and multi-media inspections and environmental management reviews to determine environmental compliance at Federal facilities. FFEO and the Regions, in conjunction with the States, conducted 1,516 single-media inspections and 27 multi-media inspections and issued and/or finalized 59 enforcement actions. In addition, Federal facilities were identified as media-specific priorities in

FY99 under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Emergency Planning and Community Right-to-Know Act (EPCRA). Underground storage tanks (USTs) at Federal facilities not meeting the December 1998 upgrade deadline were also targeted as a high enforcement priority in FY99.

1. Regulation and Policy

In FY99, FFEO prepared two key guidance documents representing both statute-specific and general enforcement policies. These documents, which focus on the RCRA Section 6002 buy-recycled program and the economic benefit of noncompliance, address specific compliance issues at Federal facilities.

Executive Order 13101 - RCRA Section 6002 Inspection Guidance

On September 14, 1998, President Clinton signed Executive Order (EO) 13101, *Greening the Government Through Waste Prevention, Recycling and Federal Acquisition*. While the EO renewed a number of innovative waste prevention and recycling programs initiated within the Federal community under EO 12873, the Order also provided new incentives to comply with existing Federal acquisition programs. In particular, Section 403 of the Order directed EPA to develop guidance for use by EPA and State inspectors in determining Federal facility compliance with the buy-recycled program established under Section 6002 of the Resource Conservation and Recovery Act (RCRA).

In coordination with the Office of the Federal Environmental Executive and EPA's Office of Solid Waste and Emergency Response, FFEO prepared the inspection guidance, titled *Guidance on Conducting Inspections of Federal Facilities for Compliance with Section 6002 of the Resource Conservation and Recovery Act*. As directed by the Order, EPA is to use the guidance whenever the Agency conducts RCRA compliance inspections or multi-media regulatory compliance inspections where RCRA compliance is a component of the inspection. In addition to EPA's regulatory inspections, the guidance also may be used by States authorized to conduct inspections under RCRA.

FFEO issued the RCRA Section 6002 inspection guidance to EPA Regional offices in May 1998 and requested that the guidance be included in inspections as soon as possible, but no later than the beginning of the fourth quarter of FY99. As of October 1999, judging by the number of questionnaires returned to FFEO, approximately 15 inspections had been conducted where the guidance had been included as part of the inspection. In the future, EPA will reevaluate the guidance in light of the experience gained during the first months of its use.

Guidance on Calculating the Economic Benefit of Noncompliance for Federal Agencies

FFEO issued the *Guidance on Calculating the Economic Benefit of Noncompliance for Federal Agencies*. This guidance reinforces existing Agency policy on including the cost savings associated with noncompliance in calculating penalties against Federal violators. The guidance explains the importance of including the cost savings in the penalty calculation and provides several examples. Cost savings, better known as the Economic Benefit of Noncompliance or BEN, are savings associated with delayed compliance with environmental requirements. These savings can be

substantial. It has long been EPA policy to include these savings as a component of all penalty calculations. FFEO issued this guidance to ensure that the cost savings of noncompliance is included when calculating penalties against Federal violators.

2. Compliance Assurance

EPA monitors activities at Federal facilities to determine whether Federal facilities are in compliance with environmental laws and regulations. EPA relies on facility inspections as the primary tool for determining compliance. Each fiscal year, EPA, in coordination with the States, plans and conducts single- and multi-media inspections at Federal facilities.

In addition, FFEO conducted additional compliance assurance activities in FY99, including UST, targeting, and inspection initiatives; monitoring near USDA grain storage areas; and negotiating a MOA between EPA, BIA, and the Yankton Sioux Tribe.

FY99 Multi-Media Inspections at Federal Facilities

A nationwide total of 27 multi-media inspections were performed at Federal facilities during FY99. State/local government inspectors participated in 16 of these inspections. A minimum of two environmental statutes, one of which was either RCRA, the Clean Water Act (CWA), or Clean Air Act (CAA), were inspected at each facility. Overall, inspections covered RCRA, CAA, CWA, Toxic Substances Control Act (TSCA), Emergency Planning and Community Right-to-Know Act (EPCRA), Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and Safe Drinking Water Act (SDWA) program requirements. Four of the 27 multi-media inspections took place at Civilian Federal Agency (CFA) facilities – at Department of Veterans Affairs, U.S. Coast Guard, and U.S. Geological Survey facilities. Twenty-one took place at Department of Defense (DoD) facilities and two took place at Department of Energy (DOE) facilities.

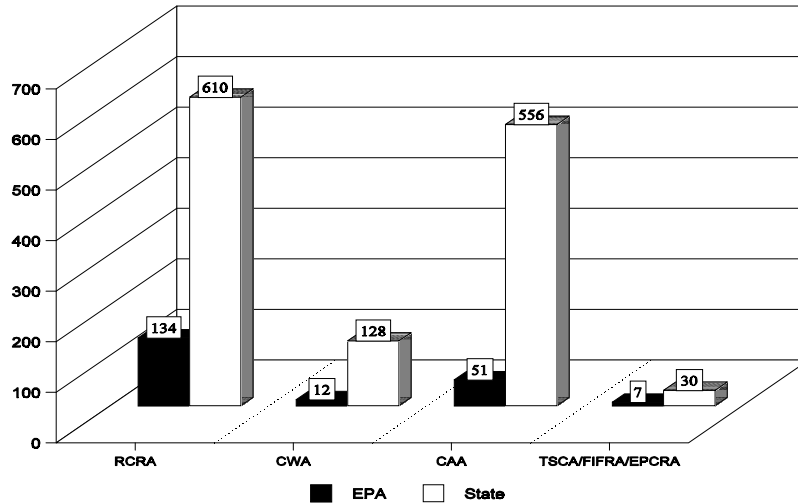
Multi-media inspections are part of EPA's Federal Facilities Multi-Media Enforcement/Compliance Program that was initiated in FY93. In FY95, multi-media inspections were incorporated into Regional base inspection programs. Between FY93 and FY99, EPA Regions have conducted a total of 226 multi-media inspections at Federal facilities.

FY99 Single-Media Inspections at Federal Facilities

In FY99, a total of 1,516 single-media inspections were conducted by EPA Regions and the States under RCRA, CWA, and TSCA/FIFRA/EPCRA (Exhibit 1). Of the total number of inspections, 992 occurred at DoD facilities, 377 at CFA facilities, and 147 at DOE facilities (Exhibit 2).

Exhibit 1

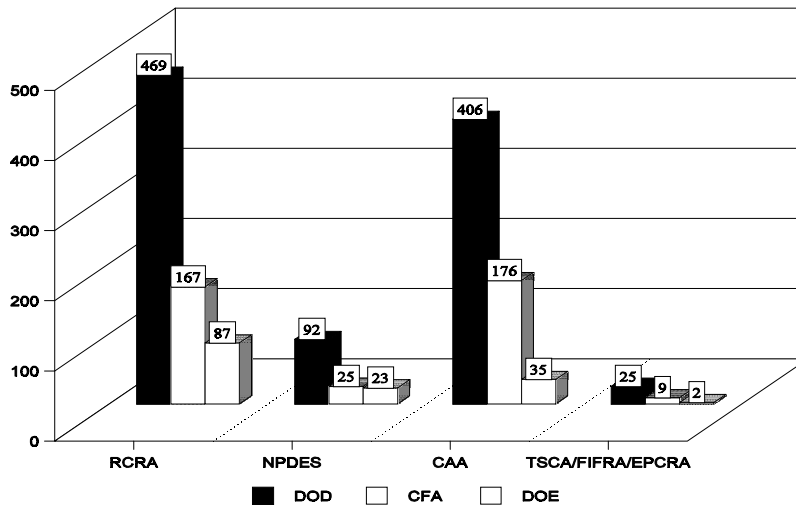
Inspections by EPA and States at Federal Facilities



Note: RCRA data pertains to all RCRA facilities, NPDES data pertains to active major facilities, and CAA data pertains to major facilities.

Exhibit 2

Inspections by EPA and States at Federal Facilities by Agency Category in FY 1999



Note: RCRA data pertains to all RCRA facilities, NPDES data pertains to active major facilities, and CAA data pertains to major facilities.

Underground Storage Tank Initiative

In accordance with a December 9, 1998, memorandum from OECA and the Office of Solid Waste and Emergency Response regarding the high enforcement priority of Federal agencies not meeting the December 22, 1998, underground storage tanks (USTs) “upgrade” deadline, EPA inspectors inspected eleven Federal facilities in FY99. These inspections were conducted to confirm compliance with upgrade, leak detection, and general operational maintenance and other UST requirements. These facilities were chosen in cooperation with the Regions and States and represent a wide spectrum of Federal facilities including DoD, DOE, and CFAs.

Preliminary findings indicate operation/maintenance, upgrade, and widespread record-keeping problems at these facilities. Inspection reports for these inspections are being finalized, after which OECA, in consultation with the Regions, will consider appropriate actions to address these problems.

To prepare for the UST Inspection Initiative, OECA provided a two-day UST media-specific inspector training course for EPA Headquarters personnel. FFEO acquired the services of a nationally recognized expert to provide the instruction and assist with field training.

Targeting Initiative

In early FY99, FFEO announced that it will begin providing EPA Regions with Federal facility inspection targeting assistance. FFEO developed an approach for targeting Federal facilities for inspectors that is based on the method used to target private facilities. A variety of analyses have been performed in air, water, clean water, and waste media to identify specific Federal facilities that appear to have evaded permit requirements, continue to be out of compliance, or are substantially under-inspected. This facility-specific information was provided to all EPA Regions to assist with their targeting plans. As a consequence of this effort, several Federal facilities have now been identified for inspections.

Inspection Initiative

In FY99, FFEO provided the Regions extra contractor assistance for inspections at Federal facilities in various media including air, drinking water, waste, and clean water. Seventeen inspections were tentatively approved to be conducted during FY 2000. The contractor resources will be used to assist the Regions with conducting pre-filing reviews and inspections, and drafting inspection reports.

United States Department of Agriculture Grain Bin Project

In FY99, all four States in Region VII (Missouri, Kansas, Nebraska, and Iowa) were engaged in private well water sampling programs to identify residents that were unknowingly being exposed to

carbon tetrachloride contaminated water. Region VII continues to take ground water, well water, and soil samples near former U.S. Department of Agriculture (USDA) grain storage sites in Nebraska, Kansas, Missouri, and Iowa. The purpose of the ground water sampling is to look for carbon tetrachloride contamination resulting from a grain fumigant used to control insects in grain bins owned and/or operated by USDA in the 1950s and 1960s. Carbon tetrachloride was banned in December of 1985. The fumigant contained 80% carbon tetrachloride. Efforts to clean up the contaminated groundwater have focused on developing innovative cleanup technologies. So far, EPA has taken samples at 739 locations in Region VII. Carbon tetrachloride has been found at 135 of these locations. Sixty-four of these locations exceeded the EPA SDWA maximum contaminant level (MCL) of 5 micrograms per liter, which could pose an increased risk of cancer over a lifetime if the water continues to be used for drinking, cooking, and showering. Steps have been taken at each site where contamination has been discovered, either by Federal, State, or local authorities, to provide alternate water for affected well users.

Community Based Environmental Protection: EPA-BIA-Yankton Sioux Tribe MOA for Marty Indian School

In 1996, a Marty Indian School Community Based Environmental Protection (CBEP) Project Stakeholder Group was formed to address various environmental issues at the Marty Indian School in South Dakota. The group was comprised of representatives from the school, the Yankton Sioux Tribe, the Bureau of Indian Affairs (BIA), the Indian Health Service, and EPA. Based partially on recommendations from the CBEP Project Stakeholder Group, the EPA Region VIII enforcement team initiated the negotiation of a memorandum of agreement (MOA) rather than issuing a unilateral order to the Yankton Sioux Tribe as the legally responsible entity.

Region VIII chose to first address the environmental problems at the Marty Indian School using a collective approach to continue the community involvement initiated by the stakeholder group and utilize technical and financial assistance from Federal agencies who, although not legally responsible for the violations, have a fiduciary responsibility to the Yankton Sioux Tribe. In October 1998, EPA, BIA, the Yankton Sioux Tribe, and the Marty Indian School Board finalized the MOA addressing short- and long-term environmental cleanup at Marty Indian School. The MOA implements, and is consistent with, the goals and priorities set forth in the CBEP summary.

The MOA represents the parties' collective concerns and individual commitments pertaining to the multi-media environmental problems at the Marty Indian School. EPA identified possible violations under several statutes including, but not limited to, the Oil Pollution Act, RCRA, CWA, and CAA. A project summary was included in the MOA that directs both short- and long-term cleanup projects. An EPA site visit in June 1999 confirmed that all of the short-term action items had been completed. Performance by the Tribe of the long-term action items is presently underway with BIA assistance and EPA oversight.

3. Compliance Assistance

Various compliance assistance activities were targeted to the Federal facilities sector in FY99, ranging from phone and e-mail correspondence with Federal agencies to on-site visits (including EMRs), workshops, trainings, and presentations to production and distribution of articles, compliance checklists, and guides. These activities reached more than 7,000 Federal personnel in all Federal agency categories – DoD, DOE, and CFA.

Federal Facility Environmental Management Reviews

An environmental management review (EMR) is an EPA compliance assistance tool for Federal facilities to improve management of their environmental activities. EMRs also encourage Federal facilities to use environmental management systems (EMSs) to improve compliance, prevent pollution, and improve their environmental performance. Both EMRs and EMSs help facilities incorporate environmental issues into all their business operations.

EMRs are conducted by EPA Regional Federal Facility Coordinators with assistance from contractors with expertise in EMSs. The review is not an audit or inspection; instead, the review is conducted on a voluntary basis, usually over two or more days, with the environmental manager of the facility choosing the issues to be reviewed. The manager most often selects two or three of the following disciplines for review:

- organizational structure;
- environmental commitment;
- internal and external communications;
- formality of environmental programs;
- staff resources, training, and development;
- program evaluation and reporting; and
- environmental planning and risk management.

These disciplines connote underlying environmental performance objectives based on various guidelines and standards (e.g., *The Code of Environmental Management Principles (CEMP) for Federal Agencies*, developed by EPA, and the International Organization for Standardization (ISO) 14001 Environmental Management System specifications). These disciplines are explored by the reviewers using interviews and document reviews as the primary means of gathering information.

At the conclusion of the EMR, a list of findings and recommendations is left with the facility manager. Six months after the EMR, the facility's environmental manager reports back to EPA about the impact of the review.

Pilot EMRs were conducted at twenty-nine Federal facilities from May 1996 to September 1998.

The pilot program resulted in the publication of a Final EMR Policy in December 1998. Subsequently, a National Report is scheduled for publication in FY00 that markets the benefits of EMRs to Federal facilities.

In FY99, twenty-two EMRs were conducted in seven EPA Regions. As a result of the EMR compliance assistance tool, many actions have been taken to improve environmental results. Environmental managers at Federal facilities have reported some environmental benefits and many behavioral changes.

EPA/DOI Compliance Assistance Initiative

During FY99, FFEO completed the formal stages of a joint effort with the Department of the Interior (DOI) to enhance compliance assistance across DOI bureaus and facilities with the overall goal of raising the level of regulatory awareness and compliance at all DOI facilities. Initiated in 1998, this effort was the first time that EPA pledged to provide compliance assistance across an entire Federal agency. With an estimated 1,000 EPA-regulated facilities ranging from immense lands such as Grand Canyon National Park to modest urban facilities such as the Anacostia Marina in Washington, D.C., DOI had a significant opportunity to benefit from this effort by improving compliance throughout the various DOI bureaus.

In FY99, EPA Regional Federal Facilities Coordinators conducted facility visits at approximately 25 facilities representative of DOI activities, including facilities such as fish hatcheries, national monuments, and wildlife refuges. Depending on Regional priorities and discussions with the specific facilities, these visits included formal environmental management reviews, compliance activities assessments, and/or pollution prevention opportunity assessments. In addition, EPA Region VIII and Headquarters participated in formal, extensive management reviews of several large National Park Service facilities. EPA Regions also conducted a number of training seminars and workshops for DOI facility personnel covering a variety of regulatory compliance issues. Finally, EPA Headquarters conducted an agency-wide management system review of the National Park Service; the final report for that effort is due during FY 2000.

Compliance Assistance Reviews at Bureau of Indian Affairs Facilities

EPA conducted compliance assistance reviews of two Bureau of Indian Affairs (BIA) facilities. The first occurred in Region X at the Wapato Irrigation Project in Yakima, Washington. The second took place in Region IV at the Cherokee Agency in Cherokee, North Carolina. The reviews, conducted under a 1998 MOA between EPA and BIA, included a diverse group of participants, including EPA Headquarters and Regional representatives, BIA area and agency/project staff, Tribal representatives, and USDA personnel.

The goal of the reviews is to identify site-specific regulatory compliance concerns and opportunities

for compliance assistance. In addition, EPA expects that many of the specific issues and solutions identified at these two BIA facilities will be applicable to other BIA locations and that lessons learned can be applied throughout BIA.

Federal Facilities Yellow Book Revised and Published

In FY99, FFEO published the revised version of *The Yellow Book: Guide to Environmental Enforcement and Compliance at Federal Facilities*. *The Yellow Book* is designed to help Federal facilities achieve and maintain compliance with Federal environmental requirements, and exceed those requirements to lead the way in minimizing environmental contamination. It provides field-level personnel having environmental responsibilities at Federal facilities with comprehensive information to help them comply with environmental requirements and to understand the compliance and enforcement processes used by EPA, States, Tribes, and citizens.

The 1999 *Yellow Book* revises and supersedes the 1988 version (titled *Federal Facilities Compliance Strategy*) and contains detailed discussions on:

- < new and revised Federal laws, regulations, Executive Orders, and EPA policies;
- < the applicability of Federal environmental requirements to Federal facilities;
- < enforcement responses that can be taken when a Federal facility is in violation of a Federal law or regulation; and
- < sources for more information for each subject.

EPA distributed hard copies of *The Yellow Book* to Federal departments and agencies and other organizations interested in Federal facility compliance. *The Yellow Book* is also available for viewing and downloading online at <http://es.epa.gov/oeca/fedfac/yellowbk/>. Given the changing nature of Federal environmental laws and regulations, Executive Orders, and EPA policy, *The Yellow Book* will be updated periodically online. Readers are encouraged to check the web site for notices of changes to *The Yellow Book*.

Workshops, Conferences, and Training

FFEO often provides assistance to Federal agencies through workshops, conferences, and training, held by either EPA Headquarters or the Regions. In FY99, compliance assistance was provided in several such forums. A few highlights of these compliance assistance activities directed to Federal agencies included:

- < Conducting a two-day workshop on pollution prevention at Federal facilities for Region III CFAs;

- < Sponsoring the annual Region IV Federal facilities conference with DoD, DOE, and CFAs in attendance; and
- < Holding Pollution Prevention training for BIA staff and Tribal representatives from the Phoenix area, which included an on-site visit to the BIA Pima Agency's Roads Facility in Sacaton, AZ (Region IX).

Other Regional Compliance Assistance Efforts

In FY99, several additional compliance assistance efforts were conducted on a Regional level to facilitate Federal agency compliance with environmental regulations. These efforts included:

- < Developing a protocol and questionnaire to evaluate the Postal Service's area-level implementation of environmental policies in Region II;
- < Assisting the National Park Service with pesticide/herbicide issues and excess chemical and cleaning agent disposal in Region VIII; and
- < Developing a waste determination process, a composite to-do list, and fact sheets addressing the top ten RCRA violations for DOI facilities by Region X.

4. Enforcement

In FY99, as tracked in EPA's Enforcement Docket database, EPA named 62 defendants in 59 enforcement actions that were either issued or finalized against Federal agencies and government contractors. The Department of Defense accounted for 26 of the actions, the Department of Energy accounted for five actions, and Civilian Federal Agencies accounted for 25 actions. Six government contractors were cited, either alone or along with the Federal agency for which it performed work. Regionally, EPA Regions III and IV issued/finalized the most actions with 15 and 14 actions, respectively.

Of the 59 actions, 22 were penalty orders. Penalties assessed in all final penalty orders for all statutes totaled \$544,922 in penalties and \$4.2 million in SEPs. Penalties assessed in all proposed penalty orders for all statutes totals just over \$1,128,700.

According to environmental statute, 18 RCRA actions, 18 SDWA actions, 10 CAA actions, and 13 actions under other environmental statutes were issued and/or finalized. Under RCRA, more than a total of \$404,000 in penalties and \$2.9 million in SEPs were assessed in 11 final penalty orders and more than \$646,900 were assessed in three proposed penalty orders. Under CAA, a total of \$60,200 in penalties and just over \$465,440 in SEPs were assessed in two final penalty orders and \$481,800 were assessed in four proposed penalty orders. Under SDWA, a total of \$80,000 in penalties and \$807,000 in SEPs were assessed in one final penalty order.

The following tables present FY99 EPA enforcement actions against Federal facilities by EPA Region (Table 1) and agency category and statute (Table 2). Details on selected FY99 enforcement actions are presented in Section 5, Case Summaries.

Table 1. FY99 EPA Enforcement Actions Against Federal Facilities by Region (all actions and penalties are final except where noted).

Region I	
CERCLA 120 Federal Facility Agreements	<ul style="list-style-type: none"> • Navy/South Weymouth Naval Air Station, MA • Navy/Portsmouth Naval Shipyard, ME
Region II	
RCRA 3008a	<ul style="list-style-type: none"> • USDA Plum Island, NY – \$32,500 penalty and \$194,700 SEP • DOE/ Brookhaven National Laboratory and Associated Universities, Inc., NY – &17,500 penalty and \$104,300 SEP
RCRA 9006 (UST)	<ul style="list-style-type: none"> • Army/ Garrison Ft. Drum, NY (Issued) – \$259,960 proposed penalty
CAA 113a Compliance Order	<ul style="list-style-type: none"> • SMAC Corporation, NJ (Veterans Affairs GOCO)
SDWA 1423 UIC Administrative Order	<ul style="list-style-type: none"> • DOE/Brookhaven National Lab, NY
Region III	
RCRA 3013 Order on Consent	<ul style="list-style-type: none"> • GSA/Southeast Federal Center, DC
RCRA 3008a	<ul style="list-style-type: none"> • Army/Walter Reed Army Medical Center – \$50,400 penalty and \$1.6 million SEP • Navy/Naval Research Lab, DC – \$2,500 penalty • Army/ Ft Belvoir, VA – \$6,372 penalty and \$45,260 SEP • Dept of Treasury/Bureau of Engraving and Printing, DC (issued) -- statutory maximum penalty cited
CAA 113a Compliance Order	<ul style="list-style-type: none"> • Navy/Port Deposit - Bainbridge Naval Facility, MD
CAA 113d	<ul style="list-style-type: none"> • Navy/Marine Corps Combat Development Command–Quantico, VA (Issued) – \$39,600 proposed penalty order • DLA/Defense Reutilization and Marketing Office–Quantico, VA (Issued) – \$140,800 proposed penalty order
SDWA 1414g Compliance Order	<ul style="list-style-type: none"> • Navy/Washington Navy Yard, DC • Navy/Anacostia Naval Station, DC • Navy/Naval Observatory, DC • Navy/Naval Security Station, DC
CERCLA 120 Federal Facility Agreements	<ul style="list-style-type: none"> • Navy/Marine Corps Base Quantico, VA • Navy/Norfolk Naval Base, VA • Navy/Washington Navy Yard, DC
Region IV	
RCRA 3008a	<ul style="list-style-type: none"> • Army/Ft. Campbell, KY – \$125,00 penalty and \$946,587 SEP
CAA 113a Compliance Order	<ul style="list-style-type: none"> • Air Force/Dobbins Air Reserve Base, GA

CAA 113d	<ul style="list-style-type: none"> • DOJ/Federal Bureau of Prisons/Federal Medical Center, Butner, NC – \$21,700 penalty and \$193,109 SEP • DOJ/Federal Bureau of Prisons/Federal Correctional Institution, Butner, NC – \$38,500 penalty and \$272,333 SEP
SDWA 1447	<ul style="list-style-type: none"> • Army Aviation and Missile Command - Redstone Arsenal – \$80,000 penalty and \$807,000 SEP
SDWA 1414g Compliance Orders	<ul style="list-style-type: none"> • Army/Ft. Bragg, NC • USDA/Forest Service/Cliffside Lake Recreation Area Water System, NC • USDA/Forest Service/Arrowhead Campground Water System, NC • USDA/Forest Service/Sunburst Campground Water System, NC • USDA/Forest Service/Cheoah Point Rec Area Water System, NC • Army Corps of Engineers/Wilkes Skyline Marina, NC • DOI/National Park Service/Gillespie Gap Maintenance Water System, NC • DOI/National Park Service/Price Park Campground Water System, NC
TSCA 16 Order	<ul style="list-style-type: none"> • Charleston Shipbuilders, Inc. and Navy/Charleston Naval Shipyard, SC
Region V	
No actions taken.	
Region VI	
RCRA 3008h	<ul style="list-style-type: none"> • Army/Camp Stanley Storage, TX
CAA 113d	<ul style="list-style-type: none"> • Dept of Treasury/Bureau of Engraving and Printing, TX (Issued) – \$289,800 proposed penalty
CWA 309a	<ul style="list-style-type: none"> • Mason and Hanger Corp. (DOE GOCO) - Pantex Plant, TX (2 orders)
CWA Federal Facility Compliance Agreement	<ul style="list-style-type: none"> • DOE/Pantex Plant, TX
EPCRA 313 Show-Cause Letter	<ul style="list-style-type: none"> • Army/McAlester Army Ammunition Plant, OK • Dept of Treasury/Bureau of Engraving and Printing, TX
Region VII	
No actions taken.	
Region VIII	
RCRA 9006 (UST)	<ul style="list-style-type: none"> • DOI/BIA Flandreau Indian School, SD
SDWA1414g Compliance Orders	<ul style="list-style-type: none"> • USDA/Forest Service/Targhee National Forest - Trail Creek Campground, WY • USDA/Forest Service//Targhee National Forest - Teton Canyon Campground, WY • USDA/Forest Service/Medicine Bow National Forest - Vedauwoo Campground, WY • USDA/Forest Service/Bighorn National Forest - Shell Falls Interpretive Site Water System, WY
Region IX	
RCRA 3008a	<ul style="list-style-type: none"> • DOI/BIA Hoopa Valley Reservation, CA – \$90,000 penalty • DOI/BIA Dilcon Boarding School/Navajo Reservation, AZ – \$5,000 penalty and \$25,000 SEP

EPCRA 311/312 NOV	<ul style="list-style-type: none"> • Air Force/Luke Air Force Base, AZ • Navy/Fallon Naval Air Station, NV
Region X	
RCRA 3008a	<ul style="list-style-type: none"> • DOE/Hanford Hazardous Waste Disposal Site, WA (Issued) – \$367,078 proposed penalty • Dept of Transportation/USCG/Kodiak, AK – \$74,250 penalty
RCRA 9006 (UST)	<ul style="list-style-type: none"> • DOI/BIA Wapato Irrigation, WA (Issued) – \$19,875 proposed penalty
RCRA 9006 (UST) Field Citation	<ul style="list-style-type: none"> • DOE/Bonneville Power Administration John Day Dam, OR – \$600 • Army Corps of Engineers/The Dalles Dam, OR – \$600
CAA 113a	<ul style="list-style-type: none"> • Army/Ft. Wainwright, AK
CAA 113d	<ul style="list-style-type: none"> • Dept of Transportation/USCG/Alaska Abatement Corporation and Chugach Development Corporation, AK (Issued) – \$11,600 proposed penalty

Source: EPA Enforcement Docket

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Table 2. FY99 EPA Enforcement Actions at Federal Facilities by Statute and Agency Category (all actions are final except where noted).

	RCRA	CAA	SDWA	Other
Department of Defense	<p>3008a</p> <ul style="list-style-type: none"> Navy/Naval Research Lab, DC <i>\$2,500 penalty</i> Army/Walter Reed Army Medical Center, DC <i>\$50,400 penalty and \$1.6 million SEP</i> Army/Ft. Belvoir, VA <i>\$6,372 penalty and \$45,260 SEP</i> Army/Ft. Campbell, KY <i>\$125,000 penalty and \$946,587 SEP</i> <p>3008h)</p> <ul style="list-style-type: none"> Army/Camp Stanley Storage, TX <p>9006 (UST)</p> <ul style="list-style-type: none"> Army/Garrison Ft. Drum, NY <i>\$259,960 proposed penalty</i> 	<p>113a</p> <ul style="list-style-type: none"> Navy/Port Deposit- Bainbridge Naval Facility, MD Air Force/Dobbins Air Reserve Base, GA Army/Ft. Wainwright, AK <p>113d</p> <ul style="list-style-type: none"> Navy/Marine Corps Combat Development Command - Quantico, VA <i>\$39,600 proposed penalty</i> DLA/Defense Reutilization and Marketing Office - Quantico, VA <i>\$140,800 proposed penalty</i> 	<p>1414g</p> <ul style="list-style-type: none"> Navy/Washington Navy Yard, DC Navy/Anacostia Naval Station, DC Navy/Naval Observatory, DC Navy/Naval Security Station, DC Army/Ft. Bragg, NC <p>1447</p> <ul style="list-style-type: none"> Army/Aviation and Missile Command Redstone Arsenal, AL <i>\$80,000 penalty and \$807,000 SEP</i> 	<p>CERCLA 120 Federal Facility Agreements</p> <ul style="list-style-type: none"> Navy/South Weymouth Naval Air Station, MA Navy/Portsmouth Naval Shipyard, ME Navy/Marine Corps Base, Quantico, VA Navy/Norfolk Naval Base, VA Navy/Washington Navy Yard, DC <p>EPCRA 311/312 NOV</p> <ul style="list-style-type: none"> Navy/Fallon Naval Air Station, NV Air Force/Luke Air Force Base, AZ <p>EPCRA 313 Show-Cause Letter</p> <ul style="list-style-type: none"> Army/McAlester Army Ammunition Plant, OK <p>TSCA 16 Order</p> <ul style="list-style-type: none"> Navy/Charleston Naval Shipyard, SC³
Department of Energy	<p>3008a</p> <ul style="list-style-type: none"> Brookhaven National Lab, NY¹ <i>\$17,500 penalty and \$104,300 SEP</i> Hanford Hazardous Waste Disposal Site, WA <i>\$367,078 proposed penalty</i> <p>9006 UST Field Citation</p> <ul style="list-style-type: none"> Bonneville Power Administration John Day Dam, OR <i>\$600</i> 	-----	<p>1423 UIC</p> <ul style="list-style-type: none"> Brookhaven National Lab, NY 	<p>CWA Federal Facility Compliance Agreement</p> <ul style="list-style-type: none"> Pantex Plant, TX

	RCRA	CAA	SDWA	Other
Civilian Federal Agency	<p>3008a</p> <ul style="list-style-type: none"> • USDA/Plum Island, NY <i>\$32,500 penalty and \$194,700 SEP</i> • DOI/BIA Hoopa Valley Reservation, CA <i>\$90,000 penalty</i> • DOI/BIA Dilcon Boarding School/ Navajo Reservation, AZ <i>\$5,000 penalty and \$25,000 SEP</i> • Dept of Treasury/Bureau of Engraving and Printing, DC <i>statutory maximum penalty cited</i> • U.S. Coast Guard/Kodiak <i>\$74,250 penalty</i> • Dept of Transportation/USCG/Kodiak, AK <i>\$74,250 penalty</i> <p>3013 Order on Consent</p> <ul style="list-style-type: none"> • GSA/Southeast Federal Center, DC <p>9006 (UST)</p> <ul style="list-style-type: none"> • DOI/BIA Flandreau Indian School, SD • DOI/BIA Wapato Irrigation, WA <i>\$19,875 proposed penalty</i> <p>9006 UST Field Citation</p> <ul style="list-style-type: none"> • Army Corps of Engineers/The Dalles Dam, OR <i>\$600</i> 	<p>113d</p> <ul style="list-style-type: none"> • DOJ/Federal Bureau of Prisons/ Federal Medical Center, NC <i>\$21,700 penalty and \$193,109 SEP</i> • DOJ/Federal Bureau of Prisons/ Federal Correctional Institution, NC <i>\$38,500 penalty and \$272,333 SEP</i> • Dept of Treasury/Bureau of Engraving and Printing, TX <i>\$289,800 proposed penalty</i> • Dept of Transportation/Coast Guard, AK² <i>\$11,600 proposed penalty</i> 	<p>1414g</p> <ul style="list-style-type: none"> • USDA Forest Service/ Cliffside Lake Rec. Area Water System, NC • USDA Forest Service/Sunburst Campground Water System, NC • USDA Forest Service/Cheoah Point Rec Area Water System, NC • USDA Forest Service/Arrowhead Campground Water System, NC • USDA Forest Service/Targhee Natl Forest-Trail Creek Campground, WY • USDA Forest Service/Targhee Natl Forest-Teton Canyon Campground, WY • USDA Forest Service/Medicine Bow National Forest/Vedauwo Campground, WY • USDA Forest Service/Bighorn National Forest/Shell Falls Interpretive Site Water System, WY • DOI/National Park Service/Gillespie Gap Maintenance Water System, NC • DOI/National Park Service/Price Park Campground Water System, NC • Army Corps of Engineers/ Wilkes Skyline Marina, NC 	<p>EPCRA 313 Show-Cause Letter</p> <ul style="list-style-type: none"> • Dept of Treasury/Bureau of Engraving and Printing, TX
GOCO	<ul style="list-style-type: none"> • Associated Universities, Inc., NY¹ (DOE GOCO) <i>\$17,500 penalty and \$104,300 SEP</i> 	<p>113a</p> <ul style="list-style-type: none"> • SMAC Corporation, NJ (Veterans Affairs GOCO) <p>113d</p> <ul style="list-style-type: none"> • Alaska Abatement Corporation and Chugach Development Corporation, AK² (USCG GOCO) <i>\$11,600 proposed penalty</i> 	<p>-----</p>	<p>TSCA 16 Order</p> <ul style="list-style-type: none"> • Charleston Shipbuilders, Inc.³ Navy GOCO <p>CWA 309a</p> <ul style="list-style-type: none"> • Mason and Hanger Corporation, TX (2 orders) (DOE GOCO)

¹ same action with two defendants

² same action with three defendants

³ same action with two defendants

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5. Case Summaries

In FY99, EPA took 59 formal enforcement actions against Federal facilities under CAA, CERCLA, CWA, RCRA, SDWA, EPCRA, and TSCA. Some of these actions, as well as other actions that are not tracked in EPA's Enforcement Docket database, are summarized below.

CAA Cases

U.S. Navy, Bainbridge Navy Facility, Bainbridge, MD

On July 23, 1999, EPA Region III issued a Clean Air Act Section 113(a) Compliance Order to the U.S. Navy for asbestos violations at Bainbridge in Maryland. The Navy discovered the presence of friable asbestos-containing air cell insulation at a 10-acre area of the site. The Order requires the Navy to sample for friable asbestos material, remove it, and then properly dispose of it.

DLA/DRMO, Quantico Facility, Quantico, VA

On September 30, 1999, Region III issued an Administrative Complaint for violations of the Stratospheric Ozone Protection provisions of the CAA which occurred at the Defense Logistics Agency (DLA) Defense Reutilization and Marketing Office (DRMO) Quantico Facility. The Complaint proposes a penalty of \$140,800. The facility maintains and disposes of appliances that contain regulated refrigerants. The facility did not require parties delivering appliances to remove refrigerant prior to delivery, did not immediately inspect the appliances to see if they contained refrigerants, and handled the appliances in a manner that would likely result in the release of refrigerant.

U.S. Navy, Marine Corps Base, Quantico, VA

On September 30, 1999, Region III issued an Administrative Complaint for violations of the Stratospheric Ozone Protection provisions of the CAA that occurred at the Marine Corps Base in Quantico, Virginia. The Complaint proposes a penalty of \$39,600. The Quantico Marine Corps Base uses appliances containing more than 50 pounds of refrigerant. Numerous times in the last four years the facility found leaks that required repairs within 30 days after discovery, and did not make the repairs.

DOJ, Bureau of Prisons, Butner, NC

Region IV has settled enforcement actions over CAA violations with the Federal Bureau of Prisons, Federal Correctional Institution and Federal Medical Center, both located in Butner, North Carolina.

The Consent Agreements and Consent Orders settled complaints over violations of New Source Performance Standards and the North Carolina State Implementation Plan. The Respondent agreed to pay \$38,500 (for the Butner Correctional Institution) and \$21,200 (for the Federal Medical Center at the prison) in civil penalties. In addition, supplemental environmental projects (SEPs) will be performed.

The SEPs involve installation of a compressed natural gas (CNG) pumping station and replacement of thirty-five gasoline-powered vehicles with the thirty-five using CNG. In addition to reducing emissions which impact air quality, this SEP will serve as a pilot for other Bureau of Prisons institutions to encourage use of CNG-fueled vehicles. The approximate cost of the SEPs is \$275,000 for the CNG pumping station and \$195,000 for the CNG powered vehicles.

BEP, Western Currency Facility, Fort Worth, TX

On March 31, 1999, EPA Region VI filed an Administrative Penalty Action against the U.S. Treasury for violations of the CAA at the Bureau of Engraving and Printing (BEP), Western Currency Facility in Fort Worth, Texas. This is the largest CAA penalty filed in Region VI against a Federal facility using the CAA Section 113(d) penalty authority clarified by the Department of Justice, Office of Legal Counsel in July 1997. An EPA inspection revealed that BEP had failed to comply with regulations that reduce pollution from volatile organic compounds, sulfur dioxide, and chromium compounds. In the administrative complaint, EPA charged that BEP violated regulations of the Texas Administrative Code, which have been incorporated into the Texas Air Pollution Control Implementation Plan, and Federal regulations concerning two boilers at the plant and chromium compounds. EPA is seeking over \$200,000 in penalties for these violations.

U.S. Coast Guard, Kodiak and Contractors, Kodiak, AK

On August 5, 1999, EPA Region X filed a Complaint for asbestos National Emission Standards for Hazardous Air Pollutants (NESHAPs) violations at the U.S. Coast Guard's Kodiak facility in Alaska. The Complaint was issued to the Coast Guard and two of its contractors. EPA is seeking a total of \$11,600 in civil penalties. At the U.S. Coast Guard's Tank Farm in Kodiak, the Chugach Development Corporation and the Alaska Abatement Corporation (AAC) were contracted to remove asbestos from underground vaults which supplied steam to heat fuel oil in the tanks. The EPA Complaint alleges that the on-site supervisor for AAC was reminded in August 1998 by a Federal inspector to post the required warning signs and keep the asbestos laden debris wet until disposed of. Two days later, the same Federal inspector observed AAC employees at the Kodiak landfill removing bags of the still-dry debris from a truck with no signs warning of the cancer-causing hazard. Exposure to asbestos can lead to numerous diseases, including asbestosis and lung cancer.

U.S. Army, Fort Wainwright, Fairbanks, AK

On March 5, 1999, EPA Region X issued a Notice of Violation (NOV) and Compliance Order for Clean Air Act (CAA) violations at the U.S. Army's Fort Wainwright facility in Alaska for repeated violations of the applicable emission standards. These violations are resulting in significant emissions of particulates and carbon monoxide. Fort Wainwright operates the largest coal-fired power plant operated by the U.S. military in the world, burning up to 1,200 tons of coal per day in the winter months. Violations alleged in the NOV include the failure to operate in compliance with emission standards, maintain and operate emission control devices and monitoring equipment, and control fugitive dust.

These violations threaten human health and the environment since they are leading to significant particulate and carbon monoxide air emission that aggravate human respiratory and cardiovascular health problems.

CERCLA Cases

U.S. Navy, South Weymouth Naval Air Station, MA

EPA Region I and the Navy signed an Interagency Agreement (IAG) for the 1,428.5-acre South Weymouth Naval Air Station (SOWEY NAS) National Priorities List (NPL) site in Weymouth, Abington, and Rockland, Massachusetts. Commissioned in 1942, the site has served several purposes, including: a naval aviation and aircraft storage facility; an anti-submarine and air defense equipment development and testing facility; the home base for the blimps of Airship Early Warning Squadron One, which were used for anti-submarine warfare and as air observation posts along the New England coast until 1961; and a Naval Air Reserve facility. Pursuant to the Defense Base Closure and Realignment Act of 1990, SOWEY NAS was closed on September 30, 1997.

SOWEY NAS was placed on the NPL on May 31, 1994 (59 *Federal Register* 27989). There are currently eight Areas of Concern at the Site. The agreement requires the Navy to determine the nature and extent of contamination at SOWEY NAS. In addition, should any remedial action be necessary, the Navy will perform it.

U.S. Navy, Portsmouth Naval Shipyard, Kittery, ME

This case involves Region I and the Navy regarding the Portsmouth Naval Shipyard (PNS), Kittery, Maine. PNS is a 278-acre active installation located on an island in the Piscataqua River in Kittery, Maine. The Piscataqua River is a tidal estuary that forms the southern boundary between Maine and New Hampshire. PNS is located at the mouth of the Great Bay Estuary (commonly referred to as Portsmouth Harbor). The United States is the current owner and operator of the Site. PNS was listed on the NPL May 31, 1994 update (59 *Federal Register* 27989).

An IAG between Region I and the Navy requires the Navy to determine the nature and extent of contamination at the Portsmouth Naval Shipyard. In addition, the Navy will perform any necessary remedial action.

U.S. Navy, Quantico Facility and Norfolk Navy Base, VA

In February 2000, Region III signed two CERCLA IAGs requiring the cleanup of two Navy facilities in Virginia – the Quantico facility and the Norfolk Navy Base. The Quantico facility is a training and educational center whose mission is to develop education and training policies and programs for the Marine Corps. The site is comprised of approximately 56,000 acres located 30 miles south of Washington, D.C. The other site, the Norfolk Navy Base, is the largest naval base in the United States and located in the northwest portion of the City of Norfolk, Virginia on 4,631 acres of land. The Base currently operates in various capacities to provide support to vessels, aircraft, and other activities of the U.S. Atlantic Fleet. These agreements require the Navy/Marine Corps to characterize the nature and extent of contamination and to address whatever contamination is identified as requiring cleanup.

U.S. Navy, Washington Navy Yard, Washington, D.C.

In July 1999, Region III signed a CERCLA IAG for the Washington Navy Yard in Washington, DC. The Navy Yard is located on the Anacostia River in Washington D.C., and is the first IAG for a Federal facility in the District of Columbia. This agreement requires the Navy to characterize the nature and extent of contamination and to address whatever contamination is identified as requiring cleanup.

DOE, Oak Ridge National Laboratory, Oak Ridge, TN

Region IV and the Tennessee Department of Environment (TDEC) have each assessed DOE a \$50,000 penalty for failing to meet its Federal Facility Agreement (FFA) milestone deadline for submitting the Action Memorandum relating to remediation of contaminated tanks at Oak Ridge National Laboratory. DOE unilaterally canceled this project in the Fall of 1998, in violation of FFA requirements, and did not reinstate it until March 1999, after the matter had been elevated to the FFA Senior Executive Committee for dispute resolution. Under the FFA's stipulated penalty provisions, a maximum total penalty of \$295,000 could have been assessed for an FFA violation of this duration -- from September 30, 1998 (the original milestone date) until April 28, 1999 (when DOE finally submitted the Action Memorandum). The Region and TDEC concurred on final assessments totaling \$100,000.

DOE, Rocky Flats Environmental Technology Site, Golden, CO

In the first enforcement action under CERCLA Section 109, on July 13, 1999, EPA Region VIII filed a motion *in limine*, with supporting memorandum, seeking to preclude DOE from offering into evidence the testimony of the attorneys who negotiated the Federal Facility Agreement (FFA) for the Rocky Flats Environmental Technology Site. EPA commenced this action by filing a penalty action pursuant to CERCLA Section 109, seeking a penalty of \$45,000 for violation of a term or condition of an FFA (violation of surface water standards for plutonium and americium).

DOE seeks to enter testimony of its negotiating attorneys that during negotiations, EPA agreed not to seek penalties where a violation of the standards could not be traced to a point source of contamination. The basis of the motion *in limine* is that such testimony is excluded by the parol evidence rule, which holds that clear and unambiguous terms of an integrated agreement may not be varied or contradicted by extrinsic evidence.

On September 21, 1999, a hearing was held on the motion *in limine* and the substantive issues. At the hearing, the Administrative Law Judge ruled that the Rocky Flats Cleanup Agreement and the work plan were an integrated document, and DOE's contention that there was a contemporaneous oral agreement was rejected. The hearing then turned to the substantive issues and evidence was provided by both parties. The basic issue is that the water monitoring plan provided that samples of less than 4 liters could be discarded, not analyzed, and not used in computing the compliance average. Instead of discarding a small sample, DOE analyzed it, passed QA/QC, and reported it. EPA's position is that it is valid data and can be used. DOE's position is that the 4-liter guideline means the sample cannot be used. Post-hearing briefs were submitted in November 1999, and reply briefs in December 1999. A decision is expected during FY 2000.

CWA Cases

U.S. Navy, Puget Sound Naval Shipyard, Bremerton, WA

On May 19, 1999, Region X issued a Notice of Violation (NOV) to the Puget Sound Naval Shipyard in Bremerton, Washington, for CWA violations. The Shipyard exceeded its effluent limitations in its NPDES permit. If EPA had penalty authority under the CWA, the proposed penalties would have been approximately \$250,000.

RCRA Cases

DOE, Brookhaven National Lab and Associated Universities, Inc., Upton, NY

On August 6, 1999, EPA Region II settled an Administrative Complaint which alleged that the DOE Brookhaven National Laboratory (BNL) and its contractor, Associated Universities, Inc., violated

several provisions of RCRA, including: failure to determine whether solid waste generated at the facility constituted hazardous waste, various storage area requirements, and hazardous waste disposal without a permit. Respondents agreed to pay a \$17,500 civil penalty. In addition, DOE is to perform a supplementary environmental project. The SEP involves the installation of equipment which will reduce the generation of radioactive waste water and oily waste water, and to replace mercury-containing equipment with mercury-free equipment. The total value of the SEP is \$104,000.

USDA, Plum Island Disease Center, Greenport, NY

On February 18, 1999, EPA Region II settled an Administrative Complaint which alleged that the USDA violated several provisions of RCRA, including its failure to notify EPA of all of its hazardous waste management activities at the facility, obtain a permit for the storage and treatment of hazardous waste, and determine whether solid waste generated at the facility constituted hazardous waste. The USDA agreed to pay a civil penalty of \$32,500. In addition, the USDA agreed to perform a SEP that converts old wastewater treatment plant lagoons into wetlands. The wetlands are to be designed and constructed in a manner to maximize the land area and value of the habitat to native and migratory flora and fauna species. At four years from the construction completion date, the wetlands are to achieve at least an 85% survival rate for the planted vegetation. The total value of the wetlands project is \$194,700.

U.S. Army Garrison, Ft. Drum, NY

On June 30, 1999, Region II issued a Complaint and Compliance Order to the U.S. Army Garrison for allegedly violating the underground storage tank requirements of RCRA. The Respondent failed to perform monthly leak detection monitoring for 76 petroleum USTs and 24 hazardous waste USTs during an approximately one-year period from July 1996 through June 1997. The complaint proposes a penalty of \$259,960.

GSA, Southeast Federal Center, Washington, D.C.

On July 28, 1999, Region III and the General Services Administration (GSA) entered into a RCRA 3013 Order requiring investigation of and some interim measures on the Southeast Federal Center (SEFC) located in Washington, D.C. This is the first Section 3013 Order on Consent that EPA has entered into with a Federal agency. The SEFC occupies 55.3 acres along the Anacostia River. Several studies of the area revealed the presence of contamination at or near the facility. The contaminants detected, including benzene and lead, have detrimental effects on human health and the environment.

U.S. Army, Walter Reed Medical Center and Forest Glen Complex, Washington, D.C. and Silver Spring, MD

During FY99, Region III amended the Complaint and Compliance Order issued to the Army on September 30, 1998, for alleged violations of Federal UST regulations at the Army's Walter Reed Medical Center in Washington D.C., and Forest Glen Annex in Silver Spring, MD. EPA is seeking a total penalty of \$94,101 for UST violations involving five diesel fuel tanks at Walter Reed's main hospital facility in D.C., and four diesel fuel tanks at the Forest Glen Annex. The chief Administrative Law Judge has found the Army liable for the violations through the granting of a motion for accelerated decision. The penalty aspect of the case is outstanding, pending a Department of Justice, Office of Legal Counsel determination on whether EPA can collect penalties for UST violations at Federal facilities. District of Columbia regulations require UST owners to permanently close or remove their tanks within 12 months after the tanks are taken out of service. EPA alleges that the five USTs at Walter Reed were last used around December 1993, but were removed between August 1995 and January 1997. At the Forest Glen Annex, the Army allegedly failed to use corrosion-protected steel piping in one 2,000 gallon tank and to comply with proper leak detection procedures in two 10,000 gallon tanks.

U.S. Army, Walter Reed Medical Center, Washington, D.C.

On August 18, 1999, Region III signed a Consent Agreement and Order (CAO) to settle a September 30, 1998, Complaint for violations of RCRA hazardous waste storage regulations at the Walter Reed Medical Center in Washington, D.C. The Complaint proposed a penalty of \$201,600. The CAO contained a final civil penalty of \$50,400 and a pollution prevention SEP valued at \$1.6 million. The SEP requires the Army to purchase and implement a Hazardous Substance Management System (HSMS). The HSMS is used to facilitate centralized hazardous material control and management and to assist with environmental reporting.

Bureau of Engraving and Printing Facility, Washington, D.C.

On September 30, 1999, Region III issued a Complaint and Compliance Order to the Department of Treasury's Bureau of Engraving and Printing facility in Washington, D.C. The Complaint states that the Bureau of Engraving and Printing: (1) owns/operates a hazardous waste storage facility without a permit, interim status, or a valid permit exemption; (2) stores hazardous waste in open drums; (3) fails to list the name and telephone number of each emergency coordinator in the facility's contingency plan; and (4) has failed to conduct required waste determination. The complaint does not contain a specific proposed penalty, but cites the statutory maximum. Per the revised 40 CFR Part 22 procedures, Region III has indicated that it will propose a specific penalty at a later date after an exchange of further information.

U.S. Navy, Naval Research Laboratory, Washington, D.C.

On March 31, 1999, Region III signed a CAO for violations of the hazardous waste storage permit of the Naval Research Laboratory in Washington, D.C. The Navy agreed to pay a final civil penalty of \$2,500. The Complaint and Compliance Order issued on September 30, 1998, proposed a penalty of \$27,500.

U.S. Army, Fort Belvoir, VA

On August 10, 1999, Region III settled a RCRA hazardous waste action against the Army at Fort Belvoir in Virginia. The Army, in resolving the case, agreed to pay a penalty of \$6,372 and perform a pollution prevention SEP worth \$45,260 to reduce emissions of halon. The SEP requires the Army to remove two halon-based fire suppression sprinkler systems from a paint spray booth and a paint storage area and replace them with a water-based system.

Department of Defense, Fort Campbell, KY/TN

On September 29, 1999, Region IV filed a Consent Agreement and Final Order (CAFO) settling a RCRA Section 3008(a) Compliant filed in the matter of U.S. Department of Defense/Defense Reutilization and Marketing Office, Fort Campbell, KY/TN. The settlement consisted of a cash penalty of \$125,000, and a SEP that includes an initial cost of \$366,000 and annual costs of \$165,700 for three years. Under the SEP, Fort Campbell will replace a RCRA hazardous solvent used in 300 parts washers at the base with a new system using a non-hazardous solvent. This will eliminate a hazardous waste stream of approximately 557,500 pounds per year.

The CAFO also requires that the respondent certify that the security violations alleged in the Complaint have been corrected; that the respondent certify that the open burning/open detonation (OB/OD) unit is no longer in operation; that the respondent submit a plan which describes how compliance with training requirements is being achieved; and that the respondent submit a plan which sets out policies for assuring modifications to solid waste management units are not made without prior notification to EPA or the State.

This settlement resolves a 1998 compliant against Fort Campbell (the Respondent) for violations of several significant requirements of interim status for its OB/OD Unit and RCRA permit conditions. Specifically, Fort Campbell exceeded its Part A Permit Application limits, violated inspection requirements, violated security requirements, failed to provide personnel training, and failed to provide notification of planned alterations to a permitted facility.

USAF, Tinker Air Force Base, Oklahoma City, OK

In January 1998, EPA Region VI filed an Administrative Enforcement Action against Tinker Air Force Base Station, alleging violations of the Underground Storage Tank (UST) requirements promulgated under RCRA. The Administrative Compliant seeks a penalty of \$96,703, and is part of EPA's first set of UST cases against Federal facilities.

After a series of motions filed by both Tinker and EPA Region VI, on May 19, 1999, the Administrative Law Judge (ALJ) issued an order granting Tinker's Motions to Dismiss and for Accelerated Decision. The ALJ found that EPA lacked the statutory authority to assess civil administrative penalties against another Federal agency under the UST provisions of RCRA Section 9006. EPA filed its Notice of Appeal with EPA's Environmental Appeals Board (EAB) in June 1999, and filed its Appellate Brief in August 1999. Tinker filed its Appellate Brief in October 1999, and both parties requested oral argument. In the appeal, EPA challenged the ALJ's determination that the Agency lacks the statutory authority to assess civil administrative penalties against another Federal agency for UST violations.

At the same time the case was pending before the ALJ, and before the initial decision was issued in May 1999, DoD referred the issue of whether or not EPA has statutory authority to assess civil administrative penalties against another Federal agency for UST violations to the Office of Legal Counsel (OLC) of the Department of Justice. Both EPA and DoD agreed to be bound by OLC's determination, which is anticipated during FY 2000.

EPA has found that most Federal facilities have proper UST equipment for release detection, spill and overflow prevention, and corrosion protection. Generally, the facilities in violation had deficiencies in properly managing the equipment for release detection requirements. Federal agencies should ensure that their personnel are familiar with proper UST management methods and are thoroughly trained to operate UST release detection equipment to prevent pollution.

U.S. Army, Camp Stanley Storage Activity Facility, Boerne, TX

On May 5, 1999, EPA Region IV issued a final Administrative Order on Consent, also referred to as an AOC, under Section 3008(h) of RCRA to the Camp Stanley Storage Activity (CSSA) facility in Boerne, Texas. The Order concerns the identification, investigation, and prevention of further contamination due to the release of hazardous wastes to the environment at the hazardous waste management facility that CCSA has been operating since November 1980.

There are twelve wells at the CSSA facility that are used for potable drinking water sources, monitoring wells, and agricultural water supplies. During a routine pesticide screening site visit, the Texas Department of Health sampled water supplies from well #16 and found traces of several chemicals. The contaminants included 1,2 dichloroethane, trichloroethylene, and tetrachloroethylene.

The RCRA Order requires CSSA to perform interim stabilization measures to prevent or minimize the further migration of contaminants due to the release of hazardous constituents to the environment; mitigate current or potential threats to human health and the environment; and perform corrective action studies to identify and evaluate alternatives for corrective actions to prevent or mitigate any migration of pollutants from the facility. Failure by CSSA to comply with terms of the Order will result in penalties ranging from \$500 to \$5,000 per day, depending on the extent of the noncompliance period.

Bureau of Indian Affairs, Hoopa Valley and Navajo Reservations, CA and AZ

In early 1999, EPA Region IX concluded settlements with the Bureau of Indian Affairs (BIA) for RCRA violations at facilities on the Hoopa Valley (California) and Navajo (Arizona) Reservations. BIA agreed to pay a \$90,000 penalty and perform compliance activities for the violations on the Hoopa Valley Indian Reservation. BIA agreed to pay a \$5,000 penalty and to hire an environmental issues teacher for the schools in the Fort Defiance Agency to resolve the violations on the Navajo Reservation.

The violations on the Hoopa Valley Indian Reservation were for storage of hazardous waste on the reservation. In 1989, the BIA abandoned 640 kilograms of hazardous waste in two storage sheds located on the Hoopa Valley Indian Reservation. Since 1989, BIA has stored hazardous waste in these storage sheds without a permit. Region IX filed an administrative complaint against BIA in October 1997, alleging numerous violations related to the facility, including storage without a permit.

On January 8, 1999, Region IX entered into a Consent Agreement and Consent Order with the BIA under which the BIA agreed to pay EPA a civil penalty of \$90,000 to resolve the alleged RCRA violations on the Hoopa Valley Reservation. In addition to paying this penalty amount, BIA has agreed to perform compliance activities which include submitting a closure plan and performing all necessary cleanup measures.

The violations on the Navajo Reservation occurred in connection with maintenance operations at the Dilcon School, a school operated by BIA for Navajo children in the Navajo Nation. A BIA employee removed batteries and waste paints from a maintenance facility at the Dilcon School and placed the wastes in a nearby arroyo (water-carved channel). This event occurred on July 10, 1997, immediately prior to a facility audit. A Navajo Nation police officer discovered the wastes the following day and traced them back to the Dilcon School. The case was referred to EPA by the Navajo Nation Environmental Protection Agency, which participated in review of the settlement.

The settlement between EPA and BIA, approved on April 14, 1999, provides for payment of a \$5,000 penalty and performance of a SEP at a cost of approximately \$25,000. The SEP is an environmental compliance promotion project which will provide training to the Navajo Nation on how to comply with solid waste and hazardous waste requirements. To perform the SEP, the BIA

will hire a qualified teacher to develop and deliver the curriculum. The teacher will be hired for the 1999-2000 school year and will teach subjects including solid waste disposal in grades 3 through 9 at nine different schools, and conduct two to three community outreach meetings on these environmental issues. BIA will consult with the Executive Director of the Navajo Nation Environmental Protection Agency in development of the curriculum. The community outreach presentations will provide for presentation or translation in the Navajo language.

DOE, Hanford Nuclear Reservation, Richland, WA

EPA Region X issued a Complaint and Compliance Order (CACO) on February 11, 1999, to DOE for violations of RCRA at the Hanford Nuclear Reservation in Richland, Washington. A penalty of \$367,078 is being assessed. Three counts are included in the CACO: 1) storage of hazardous/dangerous waste without a permit; 2) failure to make hazardous/dangerous waste determination; and 3) failure to have a contingency plan. This CACO is the result of a multi-media inspection conducted at Hanford in May of 1998.

U.S. Coast Guard, Kodiak Island, AK

On March 23, 1999, EPA Region X issued a Complaint and Compliance Order to the USCG for RCRA violations at the Kodiak Island, Alaska facility. The Complaint sought \$74,250 in penalties to address Federal hazardous waste violations observed by EPA inspectors at the Coast Guard's Kodiak facility in August 1998, and violations that were self-disclosed by the Coast Guard. EPA inspectors found that the Coast Guard failed to adequately track and manage containers that held hazardous waste. In a separate incident, for which the Coast Guard made a self-disclosure under EPA's Audit Policy, the Coast Guard also illegally treated hazardous wastes by detonating excess ordnance in a remote bunker. Since the Coast Guard self-reported the illegal disposal of several drums of emergency flares and small arms ammunition in a remote bunker at the facility and met other Audit Policy criteria, they qualified for penalty relief under the EPA Audit Policy which encourages facilities to disclose violations. A CACO was signed on June 3, 1999 to settle the complaint and to address the self-disclosure. The Coast Guard agreed to pay the penalty of \$74,250 for the violations found by EPA during the August 1998 inspection. The Coast Guard paid no penalty for the self-disclosed violations..

Bureau of Indian Affairs, Wapato Irrigation District, WA

On August 30, 1999, EPA Region X filed a complaint for UST violations at BIA's Wapato Irrigation District facility in Washington State. Region X has proposed \$19,875 in penalties against BIA for alleged repeated violations of several regulations that ensure that leak detection alarm systems are working properly. EPA inspectors noted a silenced alarm and sump sensors that had been raised three inches above the bottom of a sump during a March inspection of two tanks at the Wapato

Irrigation Project on the Yakama Indian Reservation. BIA also was unable to produce evidence of annual system tests or performance claims for leak detection systems. Similar violations were found at a 1996 inspection.

SDWA Cases

U.S. Navy, Navy Facilities, Washington, D.C.

On May 18, 1999, Region III issued four SDWA Section 1414 (g) Compliance Orders to the Navy for violations of the public water supply regulations at facilities in Washington, D.C. The four facilities were the U.S. Naval Observatory, the U.S. Naval Security Station, the Washington Navy Yard, and the Anacostia Naval Station. The Navy failed to submit sanitary surveys every 5 years, monitoring plans, and monitoring reports for the system.

U.S. Army, Redstone Arsenal, Huntsville, AL

In settlement of the first SDWA penalty case against a Federal facility, the Army's Redstone Arsenal, in Huntsville, Alabama, agreed to pay a cash penalty of \$80,000 and spend \$807,000 on SEPs.

The settlement resolved an enforcement action initiated in April 1998, when EPA Region IV filed an Administrative Penalty Order against the U.S. Army Aviation and Missile Command, Redstone Arsenal, for violations of the SDWA. The base was found to have violated requirements of the law that ensure the safety of the drinking water for the 22,000 people at the Redstone Arsenal. Improper management of a drinking water system can allow bacteria to flourish in the water.

This was the first time the Agency has imposed a SDWA penalty against any Federal agency. SDWA was amended in 1996, giving EPA penalty authority against Federal facilities for the first time. The Redstone settlement was the largest drinking water penalty in Region IV history.

This settlement resolved violations uncovered during a 1997 multi-media inspection at the Redstone Arsenal. The inspection and subsequent investigation revealed that Redstone violated the Surface Water Treatment Rule, Total Coliform Rule, and Public Notification Rule, including a MCL violation for total coliform (bacteria). Redstone failed to properly operate and maintain its storage tanks and reservoirs and a water main flushing program, and maintain adequate disinfectant residual in the distribution system to meet MCLs for total coliform. The \$807,000 in SEPs developed as part of the settlement includes improvements to Redstone's water system.

The SEPs developed for Redstone include the installation of a chlorine monitoring system to enhance water quality by allowing the facility to measure residual chlorine on a continuous basis. In addition, operating computer software for one of Redstone's water treatment plants will be upgraded and construction projects will address water stagnation problems in some of the supply

lines. These SEPs will improve Redstone's water system to help ensure the Base's water supply is safe while putting less water purification disinfectant into the environment.

U.S. Army, Fort Bragg, Fayetteville, NC

Region IV took enforcement action against Fort Bragg in North Carolina for violations uncovered during a multi-media inspection conducted in 1998. As a result of the investigation, serious violations of public water system requirements were discovered. EPA issued an Administrative Order under Section 1414(g) of SDWA. The violations of SDWA include: exceeding MCLs for total trihalomethanes (TTHM) fourteen times; a TTHM monitoring and reporting violation for the fourth quarter 1998; public education violations for failing to properly perform education required as a result of exceeding lead action levels; and failure to report violations to the State of North Carolina within 48 hours.

Federal Recreation Facilities, NC

SDWA 1414(g) Administrative Orders were taken against small "transient non-community water systems" (40 CFR Section 141.2) in Region IV located on property owned by the U.S. Forest Service, the National Park Service, and the U.S. Army Corp of Engineers for failure to conduct required monitoring for nitrites pursuant to 40 CFR 141.23 and failure to provide required notification of violations to the State and public. The orders required that proper testing be completed and notifications provided as required by SDWA. High levels of nitrites in drinking water can be dangerous, especially for babies.

U.S. Forest Service, National Forest Campgrounds, WY

SDWA 1414(g) Administrative Compliance Orders were issued to small "transient non-community water systems" (40 CFR Section 141.2) located at four campgrounds in the Targhee National Forest, the Medicine Bow National Forest, and the Bighorn National Forest. The orders address maximum contaminant level violations, and failure to monitor total coliform and nitrate. High levels of nitrites in drinking water can be dangerous, especially for infants.

EPCRA Cases

U.S. Army, McAlester Army Ammunition Plant, McAlester, OK

The U.S. Army McAlester Army Ammunition Plant in McAlester, Oklahoma, (Region VI) was issued a "show cause letter" on January 12, 1999, under Executive Order 12856, *Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements*. A multi-media

environmental compliance inspection revealed that the McAlester facility “otherwise used” chlorine at above threshold amounts for 1994, 1995, and 1996 in noncompliance with EPCRA Section 313. On March 11, 1999, information was received from the facility. Review of the information which indicated that the McAlester facility had met the terms of the “show cause letter” and was now in compliance with EPCRA Section 313. A confirmation letter acknowledging McAlester’s compliance with EPCRA Section 313 was sent to the facility on April 6, 1999.

BEP, Western Currency Facility, Fort Worth, TX

The BEP Western Currency Facility in Fort Worth, Texas (Region VI) was issued a “show cause letter” on January 12, 1999, under Executive Order 12856, *Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements*. A multi-media environmental compliance inspection revealed that the BEP facility “otherwise used” nickel at above threshold amounts for 1995 and 1996 in noncompliance with EPCRA Section 313. In addition, BEP failed to maintain records for nickel for the 1994 reporting year. On February 24, 1999, information was received from the facility, review of which indicated that the BEP facility had met the terms of the “show cause letter” and was now in compliance with EPCRA Section 313. A confirmation letter acknowledging BEP’s compliance with EPCRA Section 313 was sent to the facility on April 6, 1999.

USAF, Luke Air Force Base, AZ

Luke Air Force Base in Arizona submitted documents to Region XI on September 30, 1999, and November 19, 1999, demonstrating compliance with areas of noncompliance identified in an EPA NOV resulting from an EPCRA compliance evaluation. The base submitted a draft final Spill Prevention and Response Plan, Operations Plan, a revised list of hazardous chemicals, revised Tier II forms for 1996 and 1997, and hired additional staff to audit, track, and prepare Tier II reports. New instructions and contract language has been issued by the base requiring contractors to report all instances and quantities of hazardous materials used on the base.

TSCA Cases

U.S. Navy, Kingsville Naval Air Station, Kingsville, TX

In July 1998, EPA Region VI filed an Administrative Enforcement Action against the Kingsville Naval Air Station alleging violations of the Real Estate Notification and Disclosure Rule promulgated under the Toxic Substance Control Act. The Administrative Compliant seeks a penalty in excess of \$400,000, and is EPA’s first penalty order issued to a Federal facility for alleged violations of Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.

After a series of motions filed by both the Navy and EPA Region VI on February 18, 1999, the

Administrative Law Judge issued an order denying the Navy's motions for accelerated decision and granting EPA's motions for accelerated decision. The Navy then sought and was granted an interlocutory appeal of the ALJ's Order, and filed its Brief with EPA's Environmental Appeals Board (EAB) in June 1999. The Navy is challenging the ALJ's determination that the Navy's Residency Occupancy Agreements are "contracts to lease" under the rule, that the Navy is subject to civil administrative penalties for violations, and that EPA did not exceed its authority in defining "lessor" to include government agencies.

Oral argument before the EAB was held on October 28, 1999, and both parties filed supplemental briefs in November 1999. A decision by the EAB is expected during FY 2000. (On March 17, 2000, the EAB issued a final order. The EAB held that ALJ McGuire's "Order cannot be upheld based upon the Presiding Officer's analysis, which relied on Texas law." The EAB observed that there is no definition for "contract to lease" in the rule, and stated that "it is not clear that an ROA would necessarily be included or excluded from any so-called ordinary definition of the term lease.")

It is estimated that approximately one million children in the United States have lead poisoning and the most common source of exposure is from lead-based paint in older housing. Over time, even low-level exposure to lead from paint, dust, soil, and plumbing can cause a range of health problems including permanent damage to the brain, nervous system, and kidneys.

U.S. Army, Fort Wainwright, Fairbanks, AK

On April 11, 1999, EPA Region X issued a Notice of Noncompliance (NON) pursuant to TSCA to Fort Wainwright in Fairbanks, Alaska. This action is for leaks of polychlorinated biphenyls (PCBs) and other violations of Federal rules for the safe management of PCBs. If EPA had penalty authority for these violations the proposed penalties would have been \$443,300. Eight of the 23 PCB violations involve leaks of PCBs. The remaining violations involve improper storage, marking, labeling, and record-keeping, all of which are violations of TSCA. EPA's allegations about Fort Wainwright's improper management of PCBs stem from observations made at a June 1997 inspection.

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Attachment 1

Organizational Structure of the Federal Facilities Enforcement Office

<p>Federal Facilities Enforcement Office Phone: (202) 564-2510 Fax: (202) 501-0069 Director: Craig Hooks Associate Director: Elliott Gilberg Senior Enforcement Counsel: Joyce Olin</p>
<p>Theresa Branch: (202) 564-2466 Madeline Queen: (202) 564-2472</p>

<p>Planning, Prevention, and Compliance Staff Director: Gregory Snyder Ph: (202) 564-4271 Fax: (202) 501-0069</p>

<p>Site Remediation and Enforcement Staff Director: John Fogarty Ph: (202) 564-8865 Fax: (202) 501-0644</p>

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Dianne Lynne	202-564-2587
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Augusta Wills	202-564-2468

Melanie Barger-Garvey	202-564-2579
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William (Bill) Frank	202-564-2584
Sonja Johnson	202-564-2573
David Levenstein	202-564-2591

<p>Regional Federal Facilities Program Managers (see next page)</p>

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Attachment 2

U.S. EPA Federal Facilities Program Managers

Region/Name	Address	E-Mail	Telephone/Fax Number
HEADQUARTERS Greg Snyder, Director Planning, Prevention, & Compliance Staff	U.S. EPA Headquarters Federal Facilities Enforcement Office 1200 Pennsylvania Avenue, NW Washington, DC 20460	snyder.greg@epa.gov	202-564-4271 (t) 202-501-0069 (f)
REGION I Anne Fenn	U.S. EPA Region I Office of Environmental Stewardship 1 Congress Street, Suite 1100, Mail: SPP Boston, MA 02114-2023	fenn.anne@epa.gov	617-918-1805 (t) 617-918-1810 (f)
REGION II Kathleen Malone Alt: John Gorman	U.S. EPA Region II Compliance Assistance Section 290 Broadway, 21st Fl. New York, NY 10007-1866	malone.kathleen@epa.gov gorman.john@epa.gov	212-637-4083 (t) 212-637-4008 (t) 212-637-4086 (f)
REGION III Bill Arguto	U.S. EPA Region III Office of Environmental Programs 1650 Arch Street Philadelphia, PA 19103-2029	arguto.willam@epa.gov	215-814-3367 (t) 215-814-2783 (f)
REGION IV Stacy Gent-Howard	U.S. EPA Region IV Env. Accountability Division, Federal Facilities 61 Forsyth St., SW Atlanta, GA 30303-8960	howard.stacy@epa.gov	404-562-9633 (t) 404-562-9598 (f)
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REGION VI Joyce F. Stubblefield	U.S. EPA Region VI Compliance Assurance & Enforcement Division 1445 Ross Avenue Dallas, TX 75202	stubblefield.joyce@epa.gov	214-665-6430 (t) 214-665-7446 (f)
REGION VII Diana Jackson	U.S. EPA Region VII Enforcement Coordination Office 901 North 5 th Street Kansas City, KS 66101	jackson.diana@epa.gov	913-551-7744 (t) 913-551-9744 (f)
REGION VIII Dianne Thiel Connally Mears	U.S. EPA Region VIII Office of Partnerships and Reg. Assistance, 8P-P3T 999 18th Street Denver, CO 80202-2466	thiel.dianne@epa.gov mears.connally@epa.gov	303-312-6389 (t) 303-312-6044 (f) 303-312-6217 (t) 303-312-6409 (f)
REGION IX Sara Segal Larry Woods	U.S. EPA Region IX Cross-Media Division 75 Hawthorne St, CMD-2 San Francisco, CA 94105	segal.sara@epa.gov; woods.larry@epa.gov	415-744-1569 (t) 415-744-1580 (t) 415-744-1598 (f)
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