
Federal Facilities Enforcement & Compliance Accomplishments Report FY 2001



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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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This document, as well as additional information on EPA's compliance and enforcement programs, can be found at www.epa.gov/compliance/.

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Introduction

Federal facilities, like all other regulated facilities, are responsible for complying with environmental requirements. The Federal Facilities Enforcement Office (FFEO) of the Office of Enforcement and Compliance Assurance (OECA) in the U.S. Environmental Protection Agency and the 10 EPA Regional offices work with federal agencies to help them comply with environmental requirements and take all necessary actions to prevent, control, and abate environmental pollution. EPA assists federal facilities in complying with environmental requirements and preventing pollution, and takes enforcement actions against those that do not comply. 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, EPA's Federal Facility Enforcement and Compliance Program focuses on federal facilities and develops multi-media enforcement and assistance programs to improve compliance and prevent pollution.

FFEO participates in enforcement negotiations, oversees compliance assistance and enforcement activities undertaken by EPA regional offices, and is responsible for resolving enforcement disputes between EPA and other agencies. Each EPA region has a designated Federal Facilities Program Manager (FFPM), 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 FFPMs. Their responsibilities include giving program assistance and training for federal facilities; informing federal facilities about current environmental issues and developments; managing, tracking, overseeing, and planning compliance activities; encouraging pollution prevention; and coordinating with the region's media program staff to implement federal facilities enforcement programs.

In FY 2001, several federal facilities were admitted as charter members to EPA's Performance Track program and the Sector Facility Indexing Project expanded beyond its five original sectors to include federal facilities. A free environmental information service for federal facilities –FedEnviroNews– was launched and EPA took 53 enforcement actions against federal facilities. These efforts, when combined with compliance assistance, regulation and policy, and regulatory reinvention activities, strengthened the Federal Facilities Enforcement and Compliance Program and provided a strong foundation for achieving EPA's mission.

Sources and Suitability of Environmental Information. Information on compliance assistance activities conducted by the EPA regions outlined in Chapter 3 was obtained from the Reporting Compliance Assistance Tracking System (RCATS) – EPA's database for tracking and reporting compliance assistance activities. The database was developed to make reporting of compliance assistance activities easier and consistent across EPA offices and was developed for EPA staff who provide assistance or who are responsible for reporting assistance activities. FFEO also consulted with EPA regional FFPMs about the information in RCATS to ensure the regional compliance assistance activities in this report is accurate.

The information about FY 2001 enforcement actions taken against federal facilities in Chapter 5 was obtained from EPA's Enforcement Docket database (Enforcement Docket) – the database that supports EPA's judicial and administrative enforcement program. The database is accessible to registered users in EPA offices. FFEO consulted with both headquarters and regional staff about the enforcement information obtained from the Enforcement Docket to ensure it is accurate.

Other data in this report is qualitative in nature and was provided by both FFEO staff and Regional FFPMs who are responsible for monitoring compliance by federal facilities with environmental requirements and for coordinating and implementing EPA's federal facilities compliance and enforcement programs.

1. Regulation and Policy

Revised Environmental Management Review Policy

On April 30, 2001, OECA issued a *Revised Environmental Management Review Policy and Guidance for Federal Facilities*. The previous 1998 version of the policy specified that if a violation was discovered during the conduct of an environmental management review (EMR), the facility should notify EPA of the violation within 10 days. This 10-day period mirrored the 10-day notification period in the then-applicable EPA Self-Disclosure Policy (formally entitled *Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations*, 60 Fed. Reg. 66706 (Dec. 22, 1995), also commonly known as the “Audit Policy”). In May 2000, the Audit Policy was revised which expanded the 10-day period to 21 days (the revised Audit Policy can be found at 65 Fed. Reg. 19618 (Apr. 11, 2000)). This made it necessary to change the EMR policy to avoid any conflicts between application of the two policies. The revised EMR policy says the time periods to disclose and correct violations be handled according to the Audit Policy and any subsequent revisions to it.

EPA’s revised EMR Policy can be found at www.epa.gov/compliance/resources/policies/incentives/ems. EPA’s Audit Policy can be found at www.epa.gov/compliance/incentives/auditing/index.html.

2. Compliance Assurance

Multi-Media Inspections at Federal Facilities

One of the principal ways EPA and our state and tribal partners determine that regulated entities comply with environmental requirements is through on-site inspections. For several years, EPA’s federal facilities compliance programs have advocated multi-statute inspections (commonly referred to as multi-media inspections). Such inspections go beyond one media (such as air, water or hazardous waste) and look more broadly into a facility’s operation and its regulatory compliance. In FY 2001, FFEO augmented regional inspections with contract support for multi-media inspections of federal facilities.

A nationwide total of 20 multi-media inspections were performed at federal facilities during FY 2001. State inspectors participated in 12 inspections. To qualify as a multi-media inspection, each facility investigation required a focus on at least two of the three major EPA environmental statutes which are the Resource Conservation and Recovery Act (RCRA), the Clean Water Act (CWA), or the Clean Air Act (CAA). Many of the 20 multimedia inspections also investigated other statutory program areas including the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Emergency Planning and Community Right-to-Know Act (EPCRA), the Toxic Substance Control Act (TSCA), and the Safe Drinking Water Act (SDWA). Nine of the 20 multi-media inspections

took place at civilian federal agency (CFA) facilities including those of the U.S. Coast Guard, the Department of Veterans Affairs, the Department of Transportation, and the National Park Service. Eight inspections occurred at Department of Defense (DOD) installations and three inspections occurred at Department of Energy (DOE) facilities. Between FY 1993 and FY 2001, EPA regions conducted 279 multi-media inspections. See Table 1 for a list of federal facility multi-media inspections conducted by EPA during FY 2001.

Hazardous Waste Compliance Docket Update

The fourteenth update of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Section 120(c) Federal Agency Hazardous Waste Compliance Docket was released in the *Federal Register* on October 2, 2001, and contains additions, deletions, and corrections to the previous Docket update. The current number of facilities on the Docket is 2,214. In accordance with Section 120 (c) of CERCLA, EPA is required to take steps to ensure that it receives information from federal facilities necessary to assess the threat to human health and the environment. Furthermore, Executive Order 12580 delegates the responsibility for the preparation of this information to federal agencies. The Federal Agency Hazardous Waste Compliance Docket contains information about federal facilities engaged in hazardous waste activity or facilities from which hazardous substances may have been or may be released.

Table 1: FY 2001 Multi-Media Inspections at Federal Facilities

Facility	Dates	Media or Statutory Program Investigated	State Participation?	Lead Agency
U.S. Veterans Administration Medical Center, Bedford, MA	5/9/01 through 5/10/01	CAA, CWA, RCRA	No	EPA
U.S. Veterans Administration Medical Center, Brockton, MA	5/23/01 through 5/24/01	CAA, CWA, RCRA	No	EPA
U.S. DOI National Park Service, Acadia National Park, Bar Harbor, ME	8/7/01 through 8/9/01	EPCRA, CAA, CWA, TSCA	No	EPA
Region 2 (NJ, NY, PR, VI)				
U.S. Department of Transportation, U.S. Merchant Marine Academy, Kings Port, NY	3/19/01 through 3/23/01 and 3/30/01	CAA, EPCRA, FIFRA, RCRA, CWA	No	EPA
U.S. Department of Veterans Affairs, San Juan VA Medical Center, San Juan, PR	7/16/01 through 7/20/01	CAA, EPCRA, FIFRA, CWA, RCRA, TSCA	Yes	EPA
Region 3 (DE, DC, MD, PA, VA, WV)				
U.S. Veterans Administration, VA Medical Center, Coatsville, PA	7/31/01 through 8/1/01	RCRA, CWA, CAA, EPCRA, TSCA	Yes	EPA
U.S. Navy, U.S. Naval Academy, Annapolis, MD	4/17/01 through 4/18/01	RCRA, CWA, CAA, EPCRA,	Yes	EPA

U.S. Department of Energy, Paducah Gaseous Diffusion Plant, Paducah, KY	3/12/01 and 4/6/01	TSCA, CAA, CWA, EPCRA, RCRA, SDWA	Yes	EPA
U.S. Air Force, Arnold Air Force Base, Coffee, TN	4/30/01 through 5/3/01	TSCA, CAA, CWA, EPCRA, RCRA, SDWA	Yes	EPA
U.S. Department of Veterans Affairs, VA Medical Center, Augusta, GA (Location 1)	4/16/01 through 4/20/01	CAA, RCRA, TSCA	Yes	EPA
U.S. Department of Veterans Affairs, VA Medical Center, Augusta, GA (Location 2)	4/16/01 through 4/20/01	CAA, RCRA, TSCA	Yes	EPA
U.S. Army, Fort Gordon, GA	4/16/01 through 4/20/01	TSCA, CAA, CWA, EPCRA, RCRA, SDWA,	Yes	EPA
Region 5 (IL, IN, MI, MN, OH, WI)				
No Multi-Media Inspections Conducted				
U.S. Air Force, Kirtland Air Force Base, Albuquerque, NM	6/4/01	CAA, CWA, RCRA, TSCA	Yes	EPA
U.S. Department of Energy, Sandia National Laboratories, NM	6/4/01	CAA, CWA, RCRA	Yes	EPA

Region 7 (IA, KS, NE, MO)				
U.S. Army, Organizational Maintenance Shop No. 8, Red Oak, IA	3/7/01	CAA, RCRA	No	EPA
U.S. Coast Guard, Coast Guard Cutter Wyaconda, Dubuque, IA	4/5/01 and 5/15/01	CAA, RCRA	No	EPA
U.S. Department of Defense, National Imagery and Mapping, Arnold, MO	12/7/00	CAA, RCRA	No	EPA
U.S. Department of Defense, National Imagery and Mapping, St. Louis, MO	12/6/00	CAA, RCRA	No	EPA
Region 8 (CO, MT, ND, SD, UT, WY)				
No Multi-Media Inspections Conducted				
Region 9 (AZ, CA, HI, NV, Pacific Islands)				
U.S. Army, Hawthorne Army Depot, Hawthorne, NV	8/21/01 through 8/24/01	RCRA, CAA, CWA	Yes	State
Region 10 (AK, ID, OR, WA)				
U.S. Department of Energy, Idaho National Engineering and Environmental Laboratory, Scoville, ID	7/16/01 through 7/18/01	CAA, CWA, RCRA, SDWA,	Yes	Both EPA/State

3. Compliance Assistance

Compliance Assistance Activities at Federal Facilities

EPA compliance assistance activities at federal facilities during FY 2001 included on-site visits, distribution of informational materials, presentations and meetings, responding to inquiries, and providing training and instructional workshops. According to EPA's Reporting Compliance Assistance Tracking System (RCATS) database, the 10 EPA regional offices and EPA Headquarters staff provided 71 on-site compliance assistance visits including 12 Environmental Management Reviews (EMRs), and 128 workshops and presentations. Compliance assistance activities targeted for the federal facility sector reached approximately 16,662 federal facility employees nationwide.

Highlights of the compliance assistance activities conducted by each EPA region and by FFEO

include:

- EPA Region 1 designed and pilot tested the first methodology to assist federal facilities to identify and reduce uses of mercury. A team from EPA Region 1, four New England federal facilities, the Massachusetts Department of Environmental Protection and the Northeast Waste Management Officials Association conducted two seminars on mercury use reduction, designed a federal facilities mercury management questionnaire and log sheet, pilot tested the methodology on-site and prepared case studies. A report –*Mercury: A Federal Facility Assessment*– is available on the EPA Region 1 federal facility web site at www.epa.gov/compliance/incentives/auditing/index.html. Region 1 also conducted 4 environmental management reviews and organized a full day training entitled *What is an Environmental Management System?*
- EPA Region 2 developed a brochure on environmentally beneficial landscaping to help federal facility personnel comply with Executive Order 13148. Regional staff also held several meetings with federal agency environmental coordinators to discuss compliance assistance needs and distributed environmental auditing and environmental management system (EMS) guidance.
- EPA Region 3 developed a compliance assistance guidebook and a CD for federal facility personnel. The guidebook provides guidance on compliance information for a variety of regulatory programs and EMSs. The CD provides reference materials for developing an EMS.
- Region 4 trained 45 representatives of the U.S. Fish and Wildlife Service and U.S. Army on the Safe Drinking Water Act. Regional staff also conducted an EMR at a U.S. Postal Service facility and provided compliance assistance information to other federal agency personnel during 42 on-site visits.
- Region 5 conducted a joint Federal Facilities Conference sponsored by both EPA and the Department of Defense. Approximately 150 federal facility representatives attended the three-day conference which covered a variety of topics, including Executive Order 13148 requirements, EMSs and EMRs.
- EPA Region 6 conducted four EMRs at the U.S. Army Corps of Engineers and National Park Service sites. The Park Service EMRs included training on using the EPA Region 6 Geographical Information Screening Tool. Region 6 staff also sponsored a federal facility pollution prevention (P2) conference and attended several Texas P2 Partnership meetings held at various federal installations throughout Texas.
- Region 7 conducted an EMR at a U.S. Department of Energy facility and during the EMR distributed information to facility personnel regarding EPA's *Code of Environmental Management Principles for Federal Facilities* (CEMP) and EPA's audit protocols for

various environmental statutes. EPA Region 7 staff also attended the DOD Central Regional Environmental Office Military Environmental Group meetings and provided information on EMRs and enforcement and compliance priorities for FY 2002.

- Region 8 conducted an EMR at Yellowstone and Grand Teton National Parks. The Region also wrote an article describing an initiative to encourage greater use of environmentally preferable cleaning products at the parks.
- Region 9 conducted three EMRs at General Service Administration and U.S. Navy facilities. Regional staff also sponsored a Federal Hospital P2 workshop.
- Region 10 conducted an EMR at a U.S. Fish and Wildlife Service facility in Anchorage, AK which included site visits to the Kenai Wildlife Refuge, Alaska Peninsula, and the Becharof National Wildlife Refuge. Regional staff also conducted a two-day environmental leadership workshop attended by over 92 federal facility employees. The workshop covered topics on EMSs and the federal Executive Orders.
- FFEO Headquarters provided a presentation at the U.S. Army's first Worldwide Environmental and Energy Conference on EPA's compliance assistance programs for federal facilities. FFEO also met with new environmental managers at the U.S. Department of Commerce to discuss various environmental laws, regulations and Executive Orders applicable to their facilities.

FedEnviroNews Debuts

In December 2000, the Federal Facilities Enforcement Office launched its first issue of FedEnviroNews, an e-mail, subscription-based environmental information service. Subscribers to this service received periodic e-mails with environmental news and information relevant to federal facilities. Issues of FedEnviroNews highlighted information on new policies, regulations, and protocols pertaining to federal facilities; national training, workshops, and conferences; and other information of interest to federal facility environmental practitioners. The format for FedEnviroNews is succinct, allowing subscribers to quickly get information on a variety of topics, and then follow the instructions or links within each news item for further information. Subscriptions to FedEnviroNews are free and can be obtained at www.epa.gov/compliance/incentives/auditing/index.html.

Environmental Management Systems Training

In March 2001, environmental managers of federal agencies completed another workshop in a series designed to explain environmental management systems (EMSs). The series of 2-hour workshops conducted since September 2000 has focused planning and implementing EMSs. At each session, 20 to 30 federal representatives from DOD, DOE, and civilian federal agencies participated in hands-on workshops at EPA headquarters. Sponsored by the Executive Order (E.O.) 13148 (*Greening the Government through Leadership in Environmental Management*) interagency workgroup and supported by EPA's Federal Facilities Enforcement Office, the workshops provided basic information about EMS requirements practical planning skills in the following areas:

- Auditing as a gap analysis and self-assessment tool
- Writing environmental policy statements
- Identifying environmental aspects and impacts
- Setting and maintaining environmental objectives and targets
- Establishing and maintaining emergency preparedness and response

To further assist federal agencies with their EMS obligations under E.O. 13148, in June 2001, the interagency workgroup put together agency-level self-assessment tools. These self-assessment instruments help agencies, facilities, and installations compare their existing management programs with EMS standards and guidance. The tools can be found at www.epa.gov/compliance/resources/publications/incentives/ems/index.html.

Sector Facility Indexing Project Expanded to Federal Facilities

In response to widespread stakeholder interest, in June 2001 EPA expanded the Sector Facility Indexing Project (SFIP) to include a subset of federal facilities. The expansion means that communities can obtain important compliance and inspection information about federal facilities and the facilities will be encouraged to become more accountable.

As a community-right-to-know project, SFIP is an internet based source of environmental information that is intended to make facility-level compliance data readily available to the public in one location on the internet. SFIP includes such information as a facility's compliance and enforcement history, information on pollutant releases and spills, and demographics of the surrounding community. SFIP combines data from several existing EPA databases in order to allow easier access and review. SFIP was expanded to include over 300 federal facilities which were major facilities in at least two of the three following programs: the Clean Air Act, the Clean Water Act, or the Resource Conservation and Recovery Act. The federal facilities join the approximately 650 facilities in five industry sectors. The SFIP website address is www.epa.gov/sfipmtn1/.

4. Regulatory Reinvention

National Environmental Performance Track

In December 2000, EPA congratulated several federal facilities for their selection as charter members in the National Environmental Performance Track, including DOE's Strategic Petroleum Reserve facilities in both Louisiana and Texas, West Valley Demonstration Project in New York, Waste Isolation Pilot Plant in New Mexico, and Kansas City Plant in Missouri; the U.S. Coast Guard Air Station in Massachusetts; NASA's White Sands Test Facility in New Mexico; and the U.S. Postal Service's Portland Processing and Distribution Center in Maine and Hartford Processing and Distribution Center and Hartford Vehicle Maintenance Facility in Connecticut. The National Environmental Performance Track program recognizes and rewards both public and private sector facilities for exceeding environmental protection requirements.

The National Environmental Performance Track program was established by EPA to recognize and encourage top environmental performers — those organizations that go beyond compliance with regulatory requirements. Each federal facility in the program has made voluntary commitments for specific environmental improvements in four areas over the next three years. Performance Track facilities have strong records in environmental management with more waste recycling and greater reductions in air and water pollution than are legally required. They have reduced their cumulative energy consumption by millions of kilowatts per year and are committing to an average of 22% improved energy efficiency. Commitments for future water use reductions average 31%. Some facilities have virtually eliminated discharges to surface water, while others are significantly reducing discharges to groundwater to protect underground drinking water supplies. Waste reduction at these facilities is projected to average 44% per year, representing millions of pounds of saved resources as process and packaging materials are recycled or reused. Others are significantly reducing emissions of greenhouse gases to help protect the ozone layer, and some will cut their output of toxic air pollutants in half. The expectation is that the program will motivate other facilities to achieve similar improvements, and complement existing regulatory activities.

The program is designed so that criteria for participation are proportional to the benefits and that small, medium, and large facilities will participate. Emphasis is being placed on continued environmental improvement, effective state/EPA partnerships, and the need to inform and involve citizens and communities. Among the 228 charter members in the program are municipalities and several branches of the federal government. The Performance Track website address is www.epa.gov/performance-track.

5. Enforcement

Federal Facilities Enforcement Actions

In FY 2001, as tracked in EPA's Enforcement Docket database, EPA issued or completed 53 enforcement actions against federal agencies and government contractors. DOD was named in 26 actions, DOE in three actions, and civilian federal agencies in 19 actions. A federal government contractor was cited as the sole defendant in five actions. Two actions cited both the government contractor and the federal agency for which it performed work. One action cited two government contractors and the federal agency as three co-defendants.

EPA Region 6 issued or completed 11 actions—the most of any region. On a statute basis, 28 RCRA actions, eight CAA actions, eight CWA actions, four SDWA actions, two CERCLA actions and three EPCRA actions were issued or finalized.

Of the 53 actions, 37 were penalty orders. The total amount of penalties in all final penalty orders for all statutes was \$1,356,840 in penalties and \$3,459,611 in supplemental environmental projects (SEPs). SEPs are a component of a settlement contained in an enforcement action. The alleged violator voluntarily agrees to undertake an environmentally beneficial project in exchange for a reduction in the penalty. Under RCRA, \$1,705,388 in penalties were proposed and \$607,449 in penalties were collected in final penalty orders along with \$1,004,967 in SEPs. Under CAA, \$368,219 were collected in final penalty orders along with \$1,550,000 in SEPs. The total amount for all proposed penalty orders for all statutes was \$2,246,605. Additionally, over \$2,164,000 of work to correct violations and come back into compliance is to be done as a result of EPA's enforcement actions for FY 2001.

Tables 2 and 3 which follow present FY 2001 EPA enforcement actions against federal facilities by EPA Region and by agency category and statute. Some of these actions presented in the tables are described in more detail in the Case Summaries section of this report.

Table 2: FY 2001 EPA Enforcement Actions at Federal Facilities by Region

(as tracked in EPA's Enforcement Docket Database with Docket Database Case Numbers)

(penalties are "final penalties" except where noted)

Region 1 (VT, NH, ME)	
RCRA 7003 (Imminent and Substantial Endangerment Order)	<ul style="list-style-type: none"> 01-2001-0008, U.S. Army and Massachusetts National Guard, Massachusetts Military Reservation, MA
Region 2 (NJ, NY, CT, RI, MA)	
CAA 113A (Compliance Order)	<ul style="list-style-type: none"> 02-2001-1027, DMG Construction, Inc., (GOCO) at U.S. Department of Veterans Affairs - Franklin Delano Roosevelt Hospital Montrose, NY
RCRA 9006 (UST Consent Agreements and Final Orders)	<ul style="list-style-type: none"> 02-1999-7509, U.S. Army - Fort Drum, NY (\$135,000 penalty) 02-2001-7502, U.S. Department of Transportation - U.S. Merchant Marine Academy, Kings Point, NY (\$8,291 penalty and \$70,774 SEP) 02-2001-7503, U.S. Army Seneca Depot, Romulus, NY, (\$51,812 proposed penalty)
RCRA 9006 (UST Field Citations)	<ul style="list-style-type: none"> 02-2001-7909, U.S. Department of Interior - Fish and Wildlife Service, Great Swamp National Wildlife Refuge, NJ (\$300 penalty) 02-2001-7915, U.S. Department of Transportation - Federal Aviation Administration, Air Traffic Control Tower, Gibbsboro, NJ (\$300 penalty) 02-2001-7917, U.S. Department of Veterans Affairs, Beverly National Cemetery, Beverly, NJ (\$3,500 penalty)
Region 3 (DE, DC, VA, MD, PA, WV, OH)	
RCRA 3008A (Penalty Order)	<ul style="list-style-type: none"> 03-2000-0685, U.S. Army - Letterkenny Army Depot, Chambersburg, PA, (\$4,921 penalty and \$80,000 SEP)
RCRA 3008H (Corrective Action Order)	<ul style="list-style-type: none"> 03-2001-0144, U.S. Department of Energy - Bettis Atomic Power Laboratory, West Mifflin, PA

RCRA 9006 (UST Consent Agreements and Final Orders)	<ul style="list-style-type: none"> • 03-1998-0403, U.S. Navy - Oceana Naval Air Station, Virginia Beach, VA (\$1,261 penalty) • RCRA-III-9006-052, U.S. Army - Walter Reed Army Medical Center, Washington, DC (\$86,715 penalty) • RCRA-III-9006-054, U.S. Army - Walter Reed Army Medical Center, Silver Spring, MD¹ • 03-2001-0275, U.S. EPA - Virginia Testing Center, Alexandria, VA (\$2,833 penalty)
RCRA 9006 (UST Field Citation)	<ul style="list-style-type: none"> • 03-2001-0398, U.S. Government Printing Office, Washington, DC (\$600 penalty)
CERCLA 120E (Federal Facility Agreements)	<ul style="list-style-type: none"> • 03-2000-0280, U.S. Navy - Patuxent River Naval Air Station, MD • 03-2000-0668, U.S. Navy - U.S. Naval Surface Warfare Center, Indian Head, MD
CWA 311C (Administrative Order for Removal)	<ul style="list-style-type: none"> • 03-2001-0081, U.S. Geological Survey, Reston, VA
Region 4 (AL, FL, GA,	
CAA 113A (Compliance Order)	<ul style="list-style-type: none"> • 04-2001-1755, U.S. Air Force - Keesler AFB, MS
CAA 113D1 (Penalty Order)	<ul style="list-style-type: none"> • 04-2001-1503, NASA - George C. Marshall Space Flight Center, Huntsville, AL (\$77,500 penalty and \$1,400,000 SEP)
SDWA 1447B (Penalty Order)	<ul style="list-style-type: none"> • 04-2000-0157, U.S. Army - Fort Bragg, NC (\$312,500 penalty and \$821,994 SEP)
RCRA 3008A (Penalty Orders)	<ul style="list-style-type: none"> • 04-2000-0503, Department of Defense - Defense Logistics Agency, Ft. Campbell, KY (\$10,334 penalty) • 04-2001-0093, U.S. Coast Guard Station, Charleston, SC (\$1,540 penalty) • 04-2001-9040, U.S. Air Force - Eglin Air Force Base, FL (\$72,481 penalty)
RCRA 3008H (Corrective Action Order)	<ul style="list-style-type: none"> • 04-2001-0117, U.S. Army - Volunteer Army Ammunition Plant, Chattanooga, TN

¹ Note: The Army agreed to pay a single penalty amount of \$86,715 in settlement of both administrative cases (Walter Reed Army Medical Facilities in DC and MD). The penalty covered violations at both facilities although they were assigned separate case numbers.

RCRA 9006 (UST Consent Agreement and Final Order)	<ul style="list-style-type: none"> 04-2000-0931, U.S. Department of Veterans Affairs - W.G. (Bill) Hefner Medical Center, Salisbury, NC (\$5,000 penalty and \$18,800 SEP)
Region 5 (IL, IN, I	
RCRA 9006 (UST Consent Agreement and Final Order)	<ul style="list-style-type: none"> 05-2001-0272, U.S. Postal Service, Chicago, IL (\$450 penalty)
Region 6 (AR, L	
CAA 113D1 (Penalty Order)	<ul style="list-style-type: none"> 06-2001-0162, U.S. Army - Pine Bluff Arsenal, AR (\$21,000 penalty)
SDWA 1447B (Penalty Orders)	<ul style="list-style-type: none"> 06-2000-1040, U.S. Department of Agriculture - U.S. Forest Service , Guadalupe Administrative Site, NM (\$1,800 penalty) 06-2000-1041, U.S. Department of Agriculture - U.S. Forest Service, Canjilon Lakes Campground, NM (\$4,500 penalty) 06-2000-1042, U.S. Department of Agriculture - U.S. Forest Service, Duran Campground, NM (\$15,200 penalty and \$82,650 SEP)
RCRA 3008A (Penalty Order)	<ul style="list-style-type: none"> 06-1999-0170, U.S. Air Force - Tinker AFB, OK (\$0 penalty)
CWA 309A (Compliance Order)	<ul style="list-style-type: none"> 06-2001-5124, U.S. Navy - Naval Weapons Industries Reservation, McGregor, TX
CWA 309G1 (Class 1 Penalty Order)	<ul style="list-style-type: none"> 06-2001-5169, Northrup Grumman Corporation (GOCO) at U.S. Navy - Naval Air Station, Dallas, TX (\$16,000 penalty)
EPCRA (325) Administrative Orders for Compliance and/or Penalties	<ul style="list-style-type: none"> 06-2001-0101, Northrup Grumman Corporation (GOCO) at U.S. Navy - Naval Air Station, Dallas, TX (\$5,000 penalty) 06-2001-0182, U.S. Air Force - Cannon AFB, NM 06-2001-5122, Lockheed Martin Corporation (GOCO) at U.S. Air Force -Plant No. 4, Fort Worth, TX (\$26,180 penalty)
RCRA 9006 (UST Consent Agreements and Final Orders)	<ul style="list-style-type: none"> 06-1998-0145, U.S. Air Force - Barksdale AFB, LA (\$38,340 penalty) 06-1998-0146, U.S. Air Force - Tinker AFB, OK, (\$51,500 penalty)

CWA 309A (Compliance Order)	<ul style="list-style-type: none"> 07-2001-0018, U.S. Army - Iowa Army Ammunition Plant, Middletown, IA
Region 8 (CO, MT)	
CWA (Federal Facility Compliance Agreement)	<ul style="list-style-type: none"> 08-2001-0029, General Services Administration - Denver Federal Center, CO
CWA 309A (Compliance Order)	<ul style="list-style-type: none"> 08-1998-0194, U.S. Department of Interior - Bureau of Indian Affairs, Billings, MT
RCRA 9006 (UST Consent Agreement and Final Order)	<ul style="list-style-type: none"> 08-2001-0021, U.S. Department of Interior - Bureau of Indian Affairs, Aberdeen, SD (\$93,383 penalty and \$425,410 SEP)
Region 9 (AZ, CA, HI)	
CWA (Federal Facility Compliance Agreement)	<ul style="list-style-type: none"> 09-2001-0135, U.S. Navy - Pearl Harbor Naval Base Public Works Center, HI
CAA 113D1 (Penalty Order)	<ul style="list-style-type: none"> 09-1997-0122, LVI Environmental Services (GOCO) at Davis-Monthan Air Force Base (Building 15), Tucson, AZ (\$9,160 penalty)
RCRA 9006 (UST Field Citation)	<ul style="list-style-type: none"> 09-2001-0012, Touch-N-Go Mini-Mart (GOCO) and Barbers Point Naval Air Station, Pearl Harbor, HI (\$900 penalty)
Region 10 (AK)	
CWA (Federal Facility Compliance Agreement)	<ul style="list-style-type: none"> 10-2001-0191, U.S. Department of Agriculture - U.S. Forest Service, Tongass National Forest, AK
CAA 113D1 (Penalty Orders)	<ul style="list-style-type: none"> 10-2000-0079, Bechtel Company (GOCO), Lockheed Martin Idaho Technologies Company (GOCO) and U.S. Department of Energy - Idaho National Engineering and Environmental Laboratory, Scoville, ID (\$160,559 penalty) 10-2001-0100, U.S. Air Force - Eielson AFB, AK (\$100,000 penalty and \$150,000 SEP)
CAA 113A (Federal Facility Agreement)	<ul style="list-style-type: none"> 10-2001-0100, U.S. Air Force - Eielson AFB, AK
RCRA 3008A (Penalty Order)	<ul style="list-style-type: none"> 10-1999-0106, U.S. Department of Energy - Hanford Hazardous Waste Disposal Site, Richland, WA (\$25,000 penalty and \$89,893 SEP)

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RCRA 9006 (UST Consent Agreements and Final Orders)	<ul style="list-style-type: none">• 10-1999-0178, U.S. Department of Interior - Bureau of Indian Affairs (Wapato Irrigation Project), Wapato, WA (\$4,800 penalty and \$120,000 SEP)• 10-2000-0216, U.S. Army - Fort. Lewis, WA (\$60,000 penalty and \$200,000 SEP)
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Table 3: FY 2001 EPA Enforcement Actions against Federal Facilities by Agency Category and Statute as tracked in EPA's Enforcement DOCKET

	RCRA	CAA	SDWA	Other
DOD	<p>3008A Penalty Order</p> <p>T U.S. Army, Letterkenny Army Depot, Chambersburg, PA, (\$4,921 penalty and \$80,000 SEP)</p> <p>T Defense Logistics Agency, Ft. Campbell, KY (\$10,334 penalty)</p> <p>T U.S. Air Force, Eglin Air Force Base, FL (\$72,481 penalty)</p> <p>T U.S. Air Force, Tinker AFB, OK (\$0 penalty)</p> <p>3008H Corrective Action</p> <p>T U.S. Army, Volunteer Army Ammunition Plant, Chattanooga, TN</p> <p>9006 UST</p> <p>T U.S. Army, Fort Drum, NY (\$135,000 penalty)</p> <p>T U.S. Army, Seneca Depot, Romulus, NY, (\$51,812 proposed penalty)</p> <p>T U.S. Navy, Oceana Naval Air Station, Virginia Beach, VA (\$1,261 penalty)</p> <p>T U.S. Army, Walter Reed Army Medical Center, Washington, DC (\$86,715 penalty)</p> <p>T U.S. Army, Walter Reed Army Medical Center, Silver Spring, MD¹</p> <p>T U.S. Air Force, Barksdale AFB, LA (\$38,340 penalty)</p> <p>T U.S. Air Force, Tinker AFB, OK, (\$51,500 penalty)</p> <p>T U.S. Army, Fort Lewis, WA (\$60,000 penalty and \$200,000 SEP)</p> <p>9006 UST Field Citation</p> <p>T U.S. Navy, Barbers Point Naval Air Station, Pearl Harbor, HI</p> <p>7003 Imminent and Substantial Endangerment Order</p> <p>T U.S. Army and MA National Guard, Massachusetts Military Reservation, MA</p>	<p>113A Compliance Order</p> <p>T U.S. Air Force, Keesler AFB, MS</p> <p>T U.S. Air Force - Eielson AFB, AK</p> <p>113D Penalty Order</p> <p>T U.S. Army, Pine Bluff Arsenal, AR (\$21,000 penalty)</p> <p>T U.S. Air Force, Eielson AFB, AK (\$100,000 penalty and \$150,000 SEP)</p>	<p>1447B Penalty Order</p> <p>T U.S. Army, Fort Bragg, NC (\$312,500 penalty and \$821,994 SEP)</p>	<p>CERCLA</p> <p>T U.S. Navy, Patuxent River Naval Air Station, MD</p> <p>T U.S. Navy, Naval Surface Warfare Center, Indian Head, MD</p> <p>CWA Federal Facility Compliance Agreements</p> <p>T U.S. Navy, Pearl Harbor Naval Base Public Works Center, HI</p> <p>CWA 309A Compliance Order</p> <p>T U.S. Navy, Naval Weapons Industries Reservation, McGregor, TX</p> <p>T U.S. Army, Iowa Army Ammunition Plant, Middletown, IA</p> <p>EPCRA 325 Administrative Orders for Compliance and/or Penalties</p> <p>T U.S. Air Force, Cannon AFB, NM</p>

¹ The Army agreed to pay a single penalty amount of \$86,715 in settlement of both administrative cases (Walter Reed Army Medical Facilities in DC and MD). The penalty covered violations at both facilities even though they have different case numbers.

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	RCRA	CAA	SDWA	Other
DOE	<p>3008A Penalty Order T U.S. Department of Energy, Hanford Hazardous Waste Disposal Site, Richland, WA (\$25,000 penalty and \$89,893 SEP)</p> <p>3008H Corrective Action T U.S. Department of Energy, Bettis Atomic Power Laboratory, West Mifflin, PA</p>	<p>113D Penalty Order T U.S. Department of Energy, Idaho National Engineering and Environmental Laboratory, Scoville, ID</p>	-----	-----
CFA	<p>3008A Penalty Order T U.S. Coast Guard Station, Charleston, SC (\$1,540 penalty)</p> <p>9006 UST T U.S. Department of Transportation, U.S. Merchant Marine Academy, Kings Point, NY (\$8,291 penalty and \$70,774 SEP) T U.S. EPA, Virginia Testing Center, Alexandria, VA (\$2,833 penalty) T U.S. Department of Veterans Affairs - W.G. (Bill) Hefner Medical Center, Salisbury, NC (\$5,000 penalty and \$18,800 SEP) T U.S. Postal Service, Chicago, IL (\$450 penalty) T U.S. Department of Interior, Bureau of Indian Affairs, Aberdeen, SD (\$93,383 penalty and \$425,410 SEP) T U.S. Department of Interior, Bureau of Indian Affairs, Wapato, WA (\$4,800 penalty and \$120,000 SEP)</p> <p>9006 UST Field Citation T U.S. Department of Interior, Great Swamp National Wildlife Refuge, NJ (\$300 penalty) T Federal Aviation Administration, Air Traffic Control Tower, Gibbsboro, NJ (\$300 penalty) T U.S. Department of Veterans Affairs, Beverly National Cemetery, Beverly, NJ (\$3,500 penalty) T U.S. Government Printing Office, Washington, DC (\$600 penalty)</p>	<p>113D Penalty Order T NASA, George C. Marshall Space Flight Center, Huntsville, AL (\$77,500 penalty and \$1,400,000 SEP)</p>	<p>1147B Penalty Order T USDA, Forest Service, Guadalupe Administrative Site, NM (\$1,800 penalty) T USDA, Forest Service, Canjilon Lakes Campground, NM (\$4,500 penalty) T USDA, Forrest Service, Duran Campground, NM (\$15,200 penalty and \$82,650 SEP)</p>	<p>CWA Federal Facility Compliance Agreements T General Services Administration, Denver Federal Center, CO T USDA, Forest Service, Tongass National Forest, AK</p> <p>CWA 311C Administrative Order for Removal T U.S. Geological Survey, Reston, VA</p> <p>CWA 309A Compliance Order T U.S. Department of Interior, Bureau of Indian Affairs, Billings, MT</p>

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	RCRA	CAA	SDWA	Other
GOCO	9006 Field Citation T Touch-N-Go Mini-Mart, GOCO at Barbers Point Naval Air Station, Pearl Harbor, HI (\$900 penalty)	113A Compliance Order T DMG Construction, Inc., GOCO at U.S. Department of Veterans Affairs, Franklin Delano Roosevelt Hospital Montrose, NY 113D Penalty Order T LVI Environmental Services, GOCO at Davis-Monthan Air Force Base (Building 15), Tucson, AZ (\$9,160 penalty) T Bechtel Company (GOCO), Lockheed Martin Idaho Technologies Company (GOCO) and U.S. Department of Energy, INEEL, Scoville, ID (\$160,559 penalty)	-----	CWA 309G1 Class 1 Penalty Order T Northrup Grumman Corporation, GOCO at U.S. Navy, Naval Air Station, Dallas, TX (\$16,000 penalty) EPCRA 325 Administrative Orders for Compliance and/or Penalties T Northrup Grumman Corporation, GOCO at U.S. Navy, Naval Air Station, Dallas, TX (\$5,000 penalty) T Lockheed Martin Corporation, GOCO at U.S. Air Force Plant No. 4, Fort Worth, TX (\$26,180 penalty)

NOTE:

All actions and penalties are final except where noted .

6. Cleanup Agreements and Cases

Interagency Agreements Completed for Two Navy Facilities in Maryland

In December 2000, the Navy signed two agreements under Section 120 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) for the Patuxent River Naval Air Station and the Indian Head Naval Surface Warfare Center in Indian Head, Maryland. The agreements require the Navy to determine the nature and extent of contamination at the facilities. In addition, the Navy will perform any necessary remedial action.

Navy Signs Agreements for Former Alameda Naval Air Station and Concord NPL Sites

On January 19, 2001, EPA Region 9 signed two CERCLA Section 120 interagency agreements with the Navy for the former Alameda Naval Air Station, now known as Alameda Point, located in Alameda, California, and also for the Naval Weapons Station Seal Beach (NWSSB) Detachment Concord National Priorities List (NPL) site in Concord, California.

Alameda is a closed Navy installation located on Alameda Island, adjacent to the City of Alameda. Historically, the site was occupied by a borax processing plant, an oil refinery, and an airport for the City of Alameda. It was acquired by the Navy in 1936 and was closed in 1977. Wastes generated at the site included industrial solvents, acids, paint strippers, degreasers, caustic cleaners, pesticides, chromium and cyanide wastes, waste oils containing PCBs, radium associated with dial painting and stripping, medical debris, and inert and unexploded ordnance.

NWSSB Detachment Concord encompasses nearly 13,000 acres and is located in the north-central portion of Contra Costa County. The most significant contamination at Concord consists of extremely high levels of several heavy metals (arsenic, cadmium, copper, lead, zinc, selenium, and mercury) which have negatively impacted a valuable wetland habitat for several threatened and endangered species.

EPA Demands Stipulated Penalties for Hunter's Point Shipyard Landfill Fire

On June 7, 2001 EPA Region 9 sent the Navy a letter demanding \$25,000 in stipulated penalties for the Navy's two week delay in notifying EPA, the State of California, and the community about an August 2000 landfill fire at Hunter's Point Naval Shipyard in San Francisco, California. Notification was required by a Federal Facilities Agreement between EPA, the Navy, and the State, dated January 22, 1992, under CERCLA Section 120. Although the Navy learned of the landfill fire on the southern edge of the property on Aug. 16, 2000, neither the EPA nor people living in nearby neighborhoods were notified until Aug. 31, 2000. After being notified, the EPA immediately directed the Navy to install air monitors around the landfill to monitor potential emissions from the fire. Sampling results showed low levels of benzene emitting into the air. The fire broke out in an old landfill called Parcel E, which is believed to be contaminated with metals, solvents and other

industrial debris. The Navy is still characterizing the nature and extent of contamination in the landfill.

7. Case Summaries

In FY 2001, EPA took 53 formal enforcement actions against federal facilities under the Clean Air Act (CAA), Clean Water Act (CWA), Resource Conservation and Recovery Act (RCRA), Safe Drinking Water Act (SDWA), and Toxic Substances Control Act (TSCA). Some of these actions, as well as other actions that are not in EPA's Enforcement Docket database, are summarized below.

CAA Cases

Settlement Reached with U.S. Army for Violations at Pine Bluff Arsenal

In February 2001, EPA Region 6 filed a simultaneous Complaint and Consent Agreement/Final Order settling CAA violations found at the U.S. Army's Pine Bluff Arsenal in Pine Bluff, Arkansas. The alleged violations were found during a February 2000 multi-media inspection. Pine Bluff Arsenal uses and maintains refrigeration equipment to control humidity in numerous buildings. Thirteen pieces of refrigeration equipment which contained greater than 50 pounds of refrigerant were identified during the inspection. It was alleged that the U.S. Army violated 40 CFR Part 82, Subpart F, for: 1) failure to maintain service records documenting the date and quantity of refrigerant added to the thirteen individual pieces of refrigeration equipment and: 2) failure to certify acquisition of recovery or recycling equipment. The U.S. Army will pay a cash penalty of \$21,000.

Settlement Reached to Address Violations at Eielson Air Force Base

In April 2001, EPA Region 10 and the Air Force entered into a Consent Agreement and Final Order (CAFO) and Federal Facility Compliance Agreement (FFCA) to address violations of the Alaska State Implementation Plan and the CAA at Eielson Air Force Base. The State of Alaska concurred on the CAFO and signed the FFCA.

A joint inspection conducted September 8-10, 1999, by EPA and the State of Alaska revealed that Eielson Air Force Base, located outside of Fairbanks, Alaska, had been operating three of its six coal-fired boilers at its central heating and power plant without emission control devices to provide optimum control of air contaminant emissions in violation of its operating permit, the Alaska State Implementation Plan and the CAA. This omission resulted in numerous violations of the State's 20% opacity standard. The Air Force also failed to control fugitive dust emissions from the facility.

Under the CAFO, the Air Force agreed to pay a \$100,000 penalty and to implement Supplemental Environmental Projects (SEPs) that will cost the Air Force at least \$150,000. The SEPs consisted of numerous projects designed to reduce fugitive dust emissions, such as requiring that the Air Force

prepare an Installation Fugitive Emissions Plan, and requiring that the Air Force purchase a new state-of-the-art street sweeper in addition to retrofitting their older street sweepers.

In addition, EPA, Alaska, and the Air Force signed a FFCA setting forth a plan for the base to bring the power plant into compliance with the 20% opacity limit. The FFCA includes specific dates by which the Air Force must request funding for certain military construction projects (including pollution control equipment), as well as a specific time frame by which pollution control equipment must be installed. The FFCA also includes a stipulated penalties provision.

EPA, DOE and DOE Contractors Reach Settlement for Idaho National Engineering and Environmental Laboratory

On September 25, 2001, EPA Region 10 signed a CAFO with DOE and two of DOE's contractors, Bechtel BWXT Idaho and Lockheed Martin Idaho Technologies Company, to address violations at the Department of Energy's Idaho National Engineering and Environmental Laboratory located in Scoville, Idaho. Violations included excursions against the asbestos NESHAP provisions and regulations for ozone depleting substances. Respondents agreed to pay a penalty of \$160,559 for the violations.

EPA alleged that during a demolition project conducted at the Idaho National Engineering and Environmental Laboratory (INEEL) in September 1999, the respondents failed to: 1) properly notify EPA prior to the demolition, 2) remove all asbestos-containing material prior to demolition, 3) strip regulated asbestos-containing material from large facility components, 4) keep asbestos-containing adequately wet material until collected, and 5) prevent visible emissions to the outside air during the collection of asbestos-containing waste material. With respect to chlorofluorocarbon provisions, EPA also alleged that the respondents failed to adequately repair leaks to INEEL's refrigeration or cooling system within 30 days of discovery on two separate occasions and failed to record the amount of refrigerant added when the cooling systems were ultimately serviced.

Economic Benefit and Size of Business Issues Still Pending in Appeal of CAA Enforcement Action Against the U.S. Army, Ft. Wainwright, Alaska

The U.S. Army Alaska Garrison operates the Fort Wainwright Central Heating and Power Plant ("CHPP"). The CHPP is the largest coal-fired power plant in the world owned by the United States military. It can burn up to 450 tons of coal a day in the summer and up to 800 tons of coal a day in the winter. The facility has been inspected seven times since 1989 and issued three Notices of Violation (NOVs). Despite these efforts by the State of Alaska and EPA to bring the facility into compliance without a formal enforcement action or assessment of a penalty, the majority of the violations identified in the inspections and NOVs were not corrected up through 1999 and some of the violations remain uncorrected today.

EPA filed an administrative complaint in December 1999 against the U.S. Army Alaska Garrison - Ft. Wainwright Alaska, seeking a \$16 million penalty for alleged CAA violations. The penalty total is based on over 10 years of almost continuous noncompliance at the facility, thousands of opacity violations resulting in almost daily exceedances, failure to operate emission control devices and monitoring equipment, failure to report excess emissions, and failure to submit timely test results. The violations involve significant particulate and carbon monoxide emissions.

After alternative dispute resolution failed to result in a settlement, EPA and the Army exchanged prehearing materials and filed substantive motions. In July 2001, the Chief Administrative Law Judge (ALJ) presiding over the case issued an order wherein she found the Army liable for eight of the nine counts of CAA violations alleged in EPA's complaint and found that the facility has been in violation since at least 1994. EPA submitted evidence showing that the violations extend back to at least 1991. Thus, while issues remain regarding the appropriate penalty amount in the case, only one count will be litigated in terms of liability. The order also dismissed six of the Army's defenses as they pertain to liability, but left open the possibility that some of the Army's defenses may bear on the amount of the appropriate penalty.

In October 2001, oral argument was held on the seminal issues in this case, namely whether the EPA Administrator (and the ALJ) has the authority to consider the CAA Section 113(e) penalty assessment criteria of "size of business" and "economic benefit of noncompliance" in determining an appropriate penalty for a federal facility. EPA's position is that the CAA provides the Administrator with the authority to consider these statutorily-mandated penalty factors, while the Army's position is that the Administrator has no such authority. Much of the Army's argument focused on the underlying assumptions of EPA's economic benefit model, and emphasized what it considers the unique attributes of federal agencies that make application of the "size of business" and "economic benefit of noncompliance" penalty factors inappropriate. EPA argued that the legal question before the Chief ALJ was the authority to consider the statutorily-mandated penalty factors in determining an appropriate penalty, and that the economic benefit model was not at issue in the case. EPA acknowledged that federal agencies have unique characteristics, but argued that these characteristics could be considered in determining the appropriate amount of any penalty and had no bearing on underlying legal authority issue before the court at oral argument.

In April, 2002, the Chief ALJ issued her opinion in which she held that as a matter of law the CAA Section 113(e) penalty assessment criteria of "economic benefit of noncompliance" and "size of business" apply to the Army and may be taken into account in adjusting the penalties for the Army's violations. In May 2002, the Army sought interlocutory review of the Chief ALJ's decision to the EPA Environmental Appeals Board (EAB). In May 2002, the Chief ALJ granted the Army's request and forwarded the matter to the EAB for interlocutory review. In June 2002, the EAB accepted the case for interlocutory review and also the EAB issued an order setting the briefing schedule. Oral argument before the EAB on the "economic benefit" and "size of business" issues is scheduled for November 2002 and a decision is expected in 2003.

Settlement with NASA Will Result in 23,000 Pound Reduction of Perchloroethylene at Alabama Facility

Region 4 settled a major CAA case against NASA's George C. Marshall Space Flight Center (MSFC), located near Huntsville, Alabama. Under this settlement, the facility will perform a SEP that replaces approximately 23,000 pounds of perchlorethylene (PCE) with a non-hazardous cleaning agent and eliminate disposal of approximately 1,050 pounds of hazardous PCE waste. In addition to the SEP, valued at \$1,400,000, MSFC will pay a civil penalty of \$77,500.

This settlement resolves an enforcement action taken to address violations of MSFC's Title V Major Source Operating Permit and its use of regulated solvents. Among the violations in the enforcement action:

- MSFC submitted its initial compliance notification eight months late;
- MSFC failed to submit semi-annual exceedance reports;
- MSFC exceeded its permitted emissions from solvent cleaning operations on multiple occasions; and
- MSFC failed to maintain complete records of solvent usage.

CWA Cases

EPA Enters Federal Facility Compliance Agreement With GSA To Resolve CWA Violations at the Denver Federal Center

On January 24, 2001, EPA Region 8 and the General Services Administration (GSA) entered into a Federal Facility Compliance Agreement to resolve violations of the CWA at the GSA Denver Federal Center located in Denver, Colorado. In January and May of 2000, two unpermitted sewage discharges occurred at the Denver Federal Center. The agreement will keep GSA's costs to a minimum in investigating and repairing the sewer collection system. GSA will perform a combination camera study and inflow/infiltration study to identify problem areas in the system. GSA will then propose a plan and schedule for correction. GSA will also implement a monthly operations and maintenance inspection schedule and report.

RCRA Cases

Navy Enters Consent Agreement and Final Order to Pay for Tank Violation at Oceana

In February 2000, Region 3's Regional Judicial Officer entered a Final Order ratifying a Consent Agreement in which the Department of the Navy agreed to pay \$1,261 for a single violation of Subtitle I of RCRA. The Complaint had charged the Navy with failing to provide spill and overflow protection on a second fill pipe on an underground storage tank (UST) at its Naval Air Station Oceana in Virginia. The ALJ had previously granted the Region's motion for accelerated decision as to the Navy's liability for the violation. Under the terms of the settlement agreement, the Navy must certify that it is presently in compliance with RCRA's UST requirements.

Penalty Issued Against U.S. Postal Service in Chicago for Tank Violations

EPA Region 5 performed an UST inspection at the US Postal Service Central Garage facility located in Chicago, Illinois on May 25, 2000. Inspectors found that the facility had failed to keep proper release detection monitoring records and failed to install vent piping correctly. A field citation was issued and the final penalty order was issued for \$450 on November 1, 2000.

Barksdale Air Force Base and Tinker Air Force Base Tank Settlements

In October and November 2000, settlements were reached with Barksdale AFB, Bossier Parish, Louisiana, and Tinker AFB, Oklahoma County, Oklahoma, respectively, resolving UST violations at the facilities. These cases, particularly the Tinker case, were instrumental in resolving issues regarding EPA authority to assess administrative penalties against federal facilities for violations of the UST requirements of RCRA Section 9006.

The cases were initiated in January 1998, when EPA Region 6 filed administrative complaints against Tinker and Barksdale alleging various UST violations. The administrative complaints were part of EPA's first set of UST cases against federal facilities. At the same time the Tinker case was pending before the ALJ, and before her order was issued in May 1999, DOD, pursuant to Executive Order 12146, referred the issue of whether or not EPA has statutory authority to assess administrative penalties against another federal agency for UST violations to the Office of Legal Counsel (OLC) in the U.S. Department of Justice. Shortly after the issue was referred to OLC, the ALJ in the Tinker case issued her May 1999 order which found that EPA lacked the statutory authority to assess administrative penalties against another federal agency for UST violations. EPA appealed the order to the EPA Environmental Appeals Board (EAB) in June 1999, and EPA, Tinker, and the EAB waited for OLC to resolve the penalty authority issue before moving the case along.

In June 2000, OLC issued its opinion which confirmed EPA's penalty authority against federal agencies for UST violations under RCRA Sections 6001(b) and 9006, and confirmed the validity of EPA's UST field citation procedures. In July 2000, the EAB deferred to the OLC Opinion, and reversed the May 1999 ALJ Order and remanded the case back to the ALJ. In light of the OLC Opinion, Tinker, Barksdale, and EPA recommenced settlement negotiations. Settlements were reached with both facilities, and in October 2000, Barksdale agreed to pay a penalty of \$38,340, while in November 2000, Tinker agreed to a pay a penalty of \$51,500.

EPA and DOE Reach Settlement on Hanford RCRA Case

On October 12, 2000, EPA Region 10 signed a Consent Agreement and Final Order (CAFO) that settled the administrative complaint filed by EPA in February 1998 alleging RCRA violations by DOE at the Hanford Facility located in Richland, Washington. Under the CAFO, DOE is required to complete compliance activities within a specified deadline, pay a \$25,000 penalty, and perform two SEPs at a cost of approximately \$90,000. The compliance activities refer to two counts in the

Complaint (storage without a permit and failure to determine a hazardous waste) and require DOE to close an illegal storage unit where 17 drums of listed waste were stored and to properly determine hazardous waste codes for mixed radioactive/RCRA hazardous waste (scintillation cocktails). A third count was withdrawn based on new information obtained during the course of the administrative process. The proposed penalty for the two counts was approximately \$340,000.

Under the first SEP, DOE will perform a 100% radiological survey on 2,500 lead bricks that were previously located near waste sites at Hanford. DOE intended to encapsulate and dispose of the bricks in a Hanford landfill, but is required under the agreement to pay for a complete and thorough survey that will indicate if the bricks contain no greater than background levels of radiation. Those bricks that pass the survey will be placed in DOE's excess inventory program and may be released to a community organization that is expected to sell the bricks for reuse and use the funds derived from the sale for community economic development activities.

Under the second SEP, DOE will perform a pollution prevention/reduction project to develop and implement new analytical procedures that would eliminate sodium interference for certain laboratory methods used at Hanford. The new procedures will be useful because many of the waste samples from Hanford tanks contain high concentrations of sodium that often interfere with laboratory analysis. The newly developed methods will reduce DOE's generation of mixed waste by using less chemical reagents and minimizing the sodium dilution process.

Army Settles Complaints for Tank Violations at Walter Reed Medical Center Facilities in Washington, DC and Silver Spring, Maryland

On October 20, 2000, EPA Region 3 signed a Final Order ratifying a Consent Agreement in which the Army agreed to pay \$86,715 in settlement of two administrative UST cases. Under the terms of the settlement agreement, the Army is required to develop and implement a revised Standard Operating Procedure to ensure compliance with the applicable UST requirements.

BIA Aberdeen Area Office Tank Settlement Reached

In November 2000, EPA Region 8 and the Bureau of Indian Affairs (BIA) executed a settlement agreement regarding an UST enforcement action involving the BIA Aberdeen Area Office. The enforcement action against BIA was initiated in December 1997 and settlement was reached in May 1999. Finalization of the consent agreement was temporarily stayed pending a decision by the Department of Justice's OLC regarding EPA's UST penalty authority against federal facilities. Following the issuance of OLC's opinion upholding EPA's penalty authority in June 2000, the parties agreed to sign and file the previously-negotiated consent agreement. The action addresses the BIA Aberdeen Area Office's non-compliance with several UST notices of violation issued over a five-year period. The action includes approximately 52 BIA-owned USTs located at BIA facilities and grant schools within the BIA Aberdeen Area on nine Indian reservations in North and South Dakota.

BIA will pay a penalty of \$93,383 and perform three SEPs valued at a minimum of \$425,410. The SEPs include establishing and implementing a multi-media environmental cleanup program at the Marty Indian School and removing three underground storage tanks at the school's tribally-owned store in Marty, South Dakota. These projects will improve environmental protection from UST leaks and enhance the quality of life in Indian country in that area.

Tank Settlement Reached for U.S. Army Garrison at Fort Drum

On November 15, 2000, EPA Region 2 and the U.S. Army Garrison entered into a CAFO to settle violations of the UST monitoring requirements of RCRA which occurred at the U.S. Army facility located in Watertown, New York. Under the settlement, the respondent paid a civil penalty of \$135,000 for its failure to perform monthly leak detection monitoring of 76 petroleum USTs and 24 hazardous waste USTs during an approximately one year period.

RCRA Consent Agreement and Final Order for Letterkenny Army Depot

On March 30, 2001, the Army entered into a CAFO with EPA for RCRA violations detected during an EPA inspection of the Letterkenny Army Depot in Pennsylvania. The Army had several violations including a failure to correct a cracked berm, failure to conduct weekly inspections at two hazardous waste storage areas, and a release of small quantities of cadmium and possibly chromium-contaminated waste paint dust particles at levels in excess of those that are characteristic for toxicity. On April 9, 2001, the Army paid the \$4,921 penalty.

DOE Enters Into a RCRA Section 3008(h) Corrective Action Order for Releases at Bettis Atomic Power Laboratory

On April 11, 2001, a RCRA corrective action order became effective for Bettis Atomic Power Laboratory in West Mifflin, Pennsylvania. The Order requires DOE to perform corrective measures that will address releases of hazardous wastes and hazardous constituents from the laboratory. Violations of the order are subject to stipulated penalties.

EPA and Army Settle Fort Lewis Tank Case

On May 17, 2001, EPA Region 10 reached a settlement with the U.S. Army to resolve alleged UST violations at the Fort Lewis location. Under the signed CAFO, the Army will pay \$60,000 in penalties and will perform at least \$200,000 in SEPs. EPA filed the complaint in September 2000 for violations of UST requirements discovered during an inspection in September 1999.

Under the SEPs, the Army remove a number of unregulated underground heating oil tanks from Fort Lewis and if contamination is found during the tank removals, the Army will clean it up. Since the inspection and complaint, EPA has noted significant improvement in Fort Lewis' underground storage tank management program. Fort Lewis has taken a number of steps to address deficiencies in its UST program and to reduce the number of regulated USTs on the base.

Settlement Reached for Tank Violations at Maritime Administration Facility

On August 10, 2001, EPA Region 2 signed a CAFO to settle UST violations at the U.S. Department of Transportation, Maritime Administration's Kings Point, NY facility. The Respondent had voluntarily self-disclosed to EPA that five USTs at the facility failed to comply with the December 22, 1998 deadline to upgrade or close USTs and that two had failed to provide leak detection, as required by RCRA. The Respondent self-disclosed these violations pursuant to EPA's Self-Disclosure Policy (aka the Audit Policy). EPA's analysis of the self-disclosure revealed that the Respondent did not qualify for 100% mitigation of the gravity component of the penalty (the self-disclosure was not prompted by an internal audit program). Since all of the other criteria of the Self-Disclosure Policy were met the gravity component of the penalty was reduced by 75%.

The settlement includes a \$8,291 civil penalty and the performance of a SEP at a cost of \$70,774. The SEP involves converting two USTs (that are in full compliance) to above-ground tanks, with a sophisticated leak monitoring system. The tank conversion is not required by state or federal law.

EPA Signs Tank CAFO for Virginia Testing Center

EPA agreed to pay a \$2,833 penalty for its violations of Federal and Virginia regulations designed to prevent leaks from underground petroleum storage tanks. EPA self-disclosed that it had missed a December 22, 1998, deadline for closing or upgrading one of five underground gasoline tanks at the laboratory in Alexandria, VA. EPA also failed to conduct several required monthly tests to detect leaks in 1998 and 1999.

Region 4 Settles Veterans Affairs Tank Case for \$5,000 Penalty and SEP to Improve Compliance at Other Veterans Hospitals

In August 2001, EPA Region 4 resolved an UST case with the Department of Veterans Affairs (VA) at the W.G. Hefner VA Medical Center in Salisbury, North Carolina for a \$5,000 penalty and an \$18,800 SEP, which ultimately cost \$40,000. Under the SEP, VA contractors trained VA hospital staff from other southeastern states to improve their environment compliance and reduce emissions.

This CAFO resolved UST violations discovered in February 2000 which could have resulted in the spilling of fuel or undetected leakage from the tanks. These violations included failure to install corrosion protection, failure to install spill and overflow protection, and failure to provide release protection.

EPA Issued Corrective Action Order to Volunteer Army Ammunition Plant

EPA Region 4, in consultation with the Tennessee Department of Environment and Conservation (TDEC), issued a RCRA administrative order the Volunteer Army Ammunition Plant (VAAP), requiring corrective action at the former U.S. Army TNT manufacturing facility in Chattanooga, TN. The order was issued in January 2001, under the authority of Section 3008(h) of RCRA.

The order directs the Army to fully evaluate the nature and extent of releases of hazardous waste and constituents into the environment and to take corrective action necessary to mitigate any migration of releases at or from the facility. Under the order, the Army is also responsible for addressing contamination that has migrated to property not currently owned by the Army.

The purpose of this order is to ensure and require a sustained and appropriate level of cleanup response from the Army. EPA and TDEC expect the issuance of the order to raise the priority the Army places on the response to contamination of the facility. Future property transfers will not relieve the Army of its obligations under the order.

VAAP began operations in July 1942 as a TNT production facility and operated intermittently until 1977. By 1945, the facility had produced more than 800,000,000 pounds of TNT. Production facilities were modernized in the 1970s. The facility generated hazardous waste associated with TNT production and operated an open burning hazardous waste treatment unit until 1994. The contaminated soil associated with this unit was removed in 1999 with TDEC's oversight and approval. Site investigations have revealed contamination in groundwater, surface water, soil, and sediments from multiple plant processes and waste management practices.

SDWA Cases

EPA Settles Action Against U.S. Army XIII Airborne Corps at Fort Bragg for Alleged SDWA Violations

In a June 2001 settlement with a total value at close to \$1 million, EPA Region 4 settled an administrative enforcement action against the U.S. Army XVIII Airborne Corps at Fort Bragg in North Carolina for alleged violations of the SDWA Public Water Supply requirements. Fort Bragg owns and operates a public water system that serves 65,000 people.

The administrative complaint alleged a range of violations including exceeding the maximum contaminant level for total trihalomethanes (TTHM) in the drinking water (16 times between March 1994 and December 1999), failing to notify the public of the TTHM exceedances, and failing to educate the public regarding exceeding the action level for lead in the distribution system from January 1993 through June 1998.

Under the terms of the CAFO, Fort Bragg agreed to pay a civil penalty of \$312,500 to the United States Treasury. In addition, Fort Bragg agreed to perform SEPs at a value of \$821,994 (SEP actual cost was \$956,000) that will help ensure good water quality exists at Fort Bragg and five other Army installations. The SEPs include:

- spending \$182,000 on a Pollution Prevention Assessment SEP at five Army installations in five different states to identify deficiencies and recommend improvements to the drinking water systems at these installations; and
- spending \$774,000 on an Environmental Quality Assessment SEP that will encompass seven watershed areas in and around Fort Bragg, approximately 18,213 acres. This SEP will recommend best management practices for reducing sediment contamination and erosion and controlling stormwater.

United States Forest Service SDWA Settlements

In August 2000, EPA Region 6 issued three administrative penalty orders (APOs) for violations of SDWA at the Duran Campground, the Canjilon Lakes Campground, and the Guadalupe Administrative Site. All three United States Forest Service (USFS) facilities are in New Mexico. The USFS failed to collect bacteriological samples at these systems, thus violating the Total Coliform Rule. Microbiological contaminants pose the most imminent risk in drinking water systems and have long been considered one of the drinking water program's highest enforcement priorities. Total coliform bacteria are used as an indicator in drinking water to assess the sanitary integrity of the treatment processes and distribution system. If total coliform are present in drinking water, conditions exist for harmful pathogens to also be present. Enforcement of the microbiological rules is a national enforcement priority with EPA, and the New Mexico Environment Department has identified USFS drinking water facilities as a problem area.

Negotiations with the USFS resulted in settlements and the issuance of a CAFO for each site. In June 2001, the action against the Canjilon Lakes Campground was settled for a penalty of \$4,500, while the action against the Guadalupe Administrative Site was settled for a penalty of \$1,800. In September 2001, the terms of the CAFO with the Duran Campground required a penalty payment of \$15,200, and the USFS agreed to perform a SEP with a value of \$80,578. The SEP consists of a training program for operators who manage drinking water systems in National Forests and National Grasslands in the Southwestern Region of the Forest Service and on other federal and state lands managed by other agencies who attend the program. The training program will improve operator knowledge of system maintenance, sampling requirements, and public health risks posed by drinking water.

Operators, line officers, and appropriate staff at the forest and district level and at other federal and state agencies will gain awareness and understanding of state and federal regulatory requirements as they apply to drinking water systems. Instructors will emphasize transient non-community water systems, an area not usually addressed in operator training.

TSCA Cases

Penalty Order Issued to Lockheed Martin-Idaho Technologies Company at Idaho National Engineering and Environmental Laboratory, Idaho Falls

In a March 13, 2001 settlement with a total value of \$30,535, EPA Region 10 settled an administrative enforcement action against the Lockheed Martin Idaho Technologies Company (LMITCO) for alleged violations of the TSCA Polychlorinated Bi-Phenyl requirements. LMITCO is a contractor under the United States Department of Energy at the Idaho National Environmental Engineering Laboratory located in Idaho Falls, Idaho. This was the first time a TSCA PCB Complaint had been issued to a U.S. Department of Energy contractor in EPA Region 10.

The EPA Region 10 issued the January 26, 2000 administrative complaint regarding the 1996 transfer of PCB material by LMITCO from the Comprehensive, Emergency Response, Compensation and Liability Act (CERCLA) activities of V-Tanks at the INEEL site. This waste was transferred to the Waste Experimental Reduction Facility (WERF) and incinerated in 1996. The waste contained a PCB concentration of up to 680 parts per million (ppm). The WERF incinerator was a non-TSCA permitted unit used to incinerate the high chloride waste from the V-Tanks.

The alleged a range of violations included failure to prepare an Annual Document Log as required by 40 CFR 761.180(a), Improper Disposal Incineration under 40 CFR 761.70(d), Failure to Obtain a TSCA Permit under 40 CFR 761.70(d)(1), Failure to Notify EPA under 40 CFR 761.205(a)(2), Failure to Conduct TSCA PCB inspections required under 40 CFR 761.60(a)(4) and 761.65, Failure to Mark the PCB Storage Area under 40 CFR 761.40(a)(10), Improper Storage of PCBs under 40 CFR 761.65, and Failure to Date the Containers under 40 CFR 761.40. The total assessed penalty in the January 26, 2000 TSCA Administrative Complaint

was \$ 188,375. This TSCA Complaint included an additional 25% increase for gravity component.

Under the terms of the CAFO, LMITCO agreed to pay a civil penalty of \$30,535 to the United States Treasury. The case was settled through negotiations which concluded in March 2001.

Other Cases

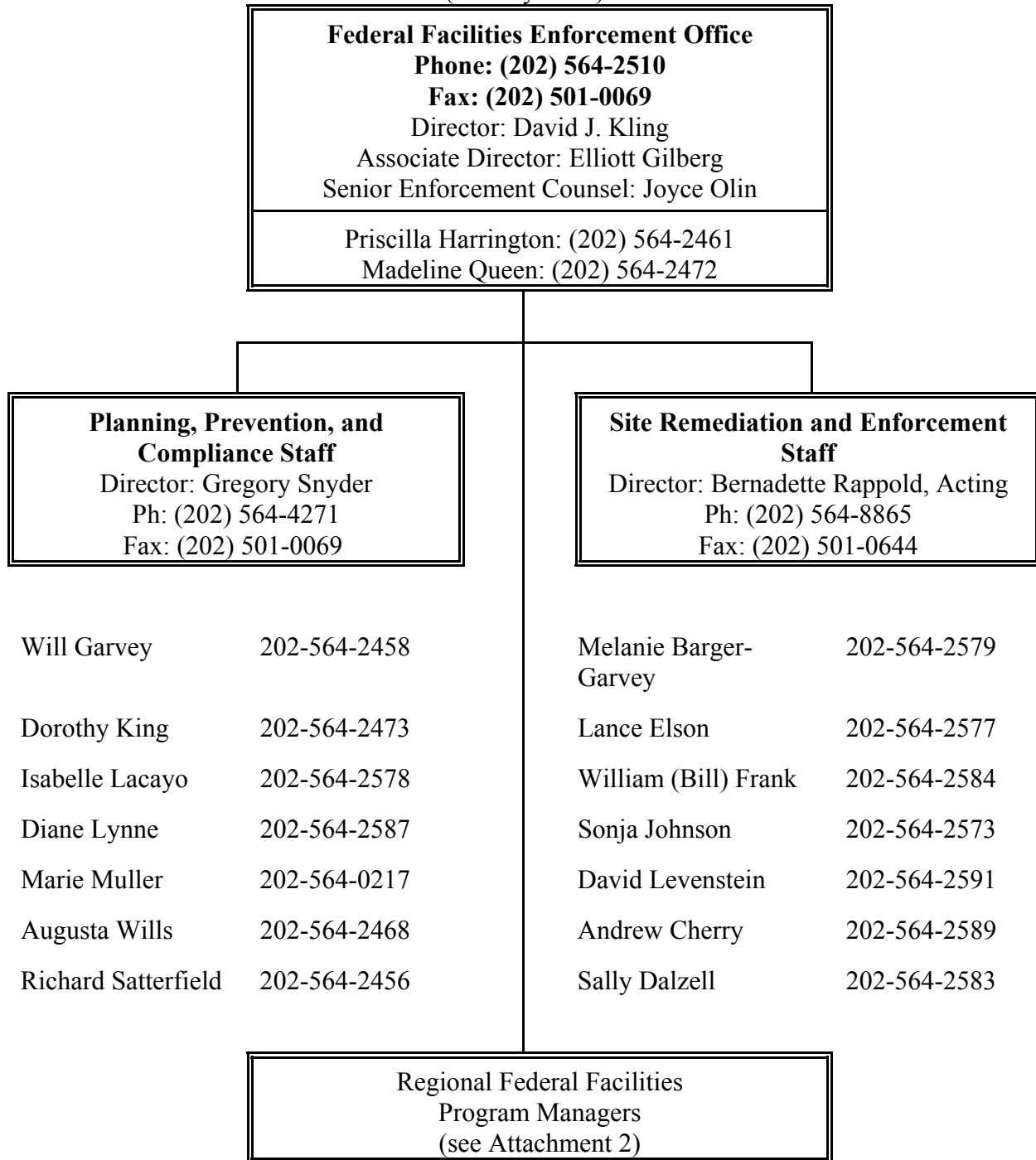
Historic Preservation Agreement Reached for the Former Nansemond Ordnance Depot

In April 2001, EPA Region 3 signed a three-party agreement pursuant to Section 106 of the National Historic Preservation Act for the former Nansemond Ordnance Depot in Suffolk, VA. The agreement ensures that as the investigation and cleanup continues, historic property such as American Indian artifacts and remains are preserved. The agreement establishes procedures designed to preserve the historic property. The Army Corps of Engineers, the Nansemond Indian Tribal Association, and the Virginia Department of Historic Resources are signatories to the agreement.

Attachment 1

Organizational Structure of the Federal Facilities Enforcement Office

(January 2003)



ATTACHMENT 2

FEDERAL FACILITIES PROGRAM MANAGERS ENVIRONMENTAL PROTECTION AGENCY

Updated 10-1-02

Region/Name	States	Address	E-Mail	Tel/Fax
HEADQUARTERS Greg Snyder, Director Planning, Prevention, & Compliance Staff		US EPA Federal Facilities Enforcement Office 1200 Pennsylvania Avenue, NW Washington, DC 20460	snyder.greg@epa.gov	202-564-4271 202-501-0069
REGION 1 Anne Fenn	CT, ME, MA, NH, RI, VT	US EPA Region 1 Office of Environmental Stewardship 1 Congress Street Suite 1100, Mail: SPP Boston, MA 02114-2023	fenn.anne@epa.gov	617-918-1805 617-918-1810
REGION 2 Kathleen Malone	NJ, NY, PR, VI	US EPA Region 2 Compliance Assistance Section 290 Broadway, 21st Fl. New York, NY 10007-1866	malone.kathleen @epa.gov	212-637-4083 212-637-4086
REGION 3 Bill Arguto	DE, DC, MD, PA, VA, WV	US EPA Region 3 Office of Environmental Programs 1650 Arch Street Philadelphia, PA 19103-2029	arguto.william@epa.gov	215-814-3367 215-814-2783
REGION 4 Anthony Shelton	AL, FL, GA, KY, MS, NC, SC, TN	US EPA Region 4 Environmental Accountability Division, Federal Facilities 61 Forsyth St., SW Atlanta, GA 30303-8960	shelton.anthony@epa.gov	404-562-9636 404-562-9598
REGION 5 Lee J. Regner	IL, IN, MI, MN, OH, WI	US EPA Region 5 Office of Enforcement & Compliance Assurance 77 West Jackson Blvd Chicago, IL 60604-3507	regner.lee@epa.gov	312-353-6478 312-353-5374
REGION 6 Joyce F. Stubblefield	AR, LA, NM, OK, TX	US EPA Region 6 Compliance Assurance & Enforcement Division 1445 Ross Avenue Dallas, TX 75202	stubblefield.joyce @epa.gov	214-665-6430 214-665-7446
REGION 7 Diana Jackson	IA, KS, MO, NE	US EPA Region 7 Enforcement Coordination Office 901 North 5 th Street Kansas City, KS 66101	jackson.diana@epa.gov	913-551-7744 913-551-9744
REGION 8 Dianne Thiel	CO, MT, ND, SD, UT, WY	US EPA Region 8 Office of Partnerships and Reg. Assistance, 8P-P3T 999 18th Street Denver, CO 80202-2466	thiel.dianne@epa.gov	303-312-6389 303-312-6044
REGION 9 Larry Woods	AZ, CA, HI, NV, Pacific Islands	US EPA Region 9 Cross-Media Division 75 Hawthorne St, CMD-2 San Francisco, CA 94105	woods.larry@epa.gov	415-972-3857 415-972-3562
REGION 10 Michele Wright	AK, ID, OR, WA	US EPA Region 10 Office of Enforcement & Compliance (OEC- 164) 1200 6th Avenue Seattle, WA 98101	wright.michele@epa.gov	206-553-1747 206-553-7176

