



VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Regional Director

**VIRGINIA WASTE MANAGEMENT BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
HQ., Joint Base Myer, Henderson Hall
FOR
Joint Base Myer-Henderson Hall
EPA ID No. VA8210020626**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board, and HQ., Joint Base Myer, Henderson Hall, regarding the Joint Base Myer-Henderson Hall facility, for the purpose of resolving certain violations of the Virginia Waste Management Act and the applicable regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Army" means the United States Department of the Army, the land warfare service branch of the United States Department of Defense. The Army is a "person" within the meaning of Va. Code § 10.1-1400.
2. "Board" means the Virginia Waste Management Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1401.
3. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

5. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
6. "Facility" or "Site" means the Joint Base Myer-Henderson Hall full-service military base located at 111 Steward Street, Building 321, in Fort Myer, Arlington County, Virginia.
7. "Generator" means person who is a hazardous waste generator, as defined by 40 CFR § 260.10.
8. "Hazardous Waste" means any solid waste meeting the definition and criteria provided in 40 CFR § 261.3.
9. "JBMHH" means the United States Department of the Army – HQ., Joint Base Myer, Henderson Hall, or the "Army" as defined above.
10. "LQG" means large quantity generator, a hazardous waste generator that generates 1000 kilograms (2200 pounds) or greater of hazardous waste in a calendar month and meets other restrictions. *See* 40 CFR § 262.34(a)-(b) and (g)-(l).
11. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
12. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
13. "Order" means this document, also known as a "Consent Order" or "Order by Consent."
14. "Regulations" or "VHWMR" means the Virginia Hazardous Waste Management Regulations, 9 VAC 20-60-12 *et seq.* Sections 20-60-14, -124, -260 through -266, -268, -270, -273, and -279 of the VHWMR incorporate by reference corresponding parts and sections of the federal Code of Federal Regulations (CFR), with the effective date as stated in 9 VAC 20-60-18, and with independent requirements, changes, and exceptions as noted. In this Order, when reference is made to a part or section of the CFR, unless otherwise specified, it means that part or section of the CFR as incorporated by the corresponding section of the VHWMR. Citations to independent Virginia requirements are made directly to the VHWMR.
15. "Solid Waste" means any discarded material meeting the definition provided in 40 CFR § 261.2.
16. "SQG" means a small quantity generator, a hazardous waste generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and meets other restrictions. *See* 40 CFR § 262.34(d)-(f).
17. "Va. Code" means the Code of Virginia (1950), as amended.

18. "VAC" means the Virginia Administrative Code.
19. "Virginia Waste Management Act" means Chapter 14 (§ 10.1-1400 *et seq.*) of Title 10.1 of the Va. Code. Article 4 (Va. Code §§ 10.1-1426 through 10.1-1429) of the Virginia Waste Management Act addresses Hazardous Waste Management.
20. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.

SECTION C: Findings of Fact and Conclusions of Law

1. JBMHH owns and operates the Facility in Fort Myer, Arlington County, Virginia. The Joint Base Myer-Henderson Hall Facility is a full-service military base with services that include housing, medical and dental clinics, a veterinary treatment facility, educational facilities and more. Operations at the Facility are subject to the Virginia Waste Management Act and the Regulations.
2. JBMHH submitted EPA Form 8700-12 (received April 2, 1985) that gave notice of hazardous waste activity at the Facility. JBMHH was issued EPA ID No. VA8210020626 for the Facility. In a subsequent form (received October 28, 1991), JBMHH gave notice as a SQG of hazardous waste. In another subsequent form (received April 13, 1998), JBMHH gave notice as an LQG of hazardous waste.
3. On July 19, 2018, DEQ staff conducted an announced hazardous waste compliance evaluation inspection (CEI) of the Facility to evaluate compliance with the applicable Virginia Hazardous Waste Management Regulations (VHWMR).
4. During the July 2018 CEI, no information/documentation concerning the management of hazardous pharmaceutical wastes was available for review. This included a lack of available information/documentation concerning: (a) manifests; (b) the frequency of waste disposal; and (c) the management of satellite accumulation areas to ensure accumulation limits were not being exceeded. In addition, no hazardous waste determination had been made for the wastes generated in the onsite pharmacy.
5. 40 CFR §262.11 as incorporated by reference into 9 VAC 20-60- 262, states: "Hazardous waste determination and recordkeeping. A person who generates a solid waste, as defined in 40 CFR 261.2, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations."

40 CFR §262.15 as incorporated by reference into 9 VAC 20-60- 262, states: "Satellite accumulation area regulations for small and large quantity generators. (a) A generator may accumulate as much as 55 gallons of non-acute hazardous waste and/or either one quart of liquid acute hazardous waste listed in §261.31 or §261.33(e) of this chapter or 1 kg (2. 2 lbs) of solid acute hazardous waste listed in §261.31 or §261.33(e) of this chapter

in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of parts 124, 264 through 267, and 270 of this chapter, provided that all of the conditions for exemption in this section are met. A generator may comply with the conditions for exemption in this section instead of complying with the conditions for exemption in §262.16(b) or §262.17(a), except as required in §262.15(a)(7) and (8).”

40 CFR §262.17(a) as incorporated by reference into 9 VAC 20-60- 262, states:
“Conditions for exemption for a large quantity generator that accumulates hazardous waste. A large quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of parts 124, 264 through 267, and 270 of this chapter, or the notification requirements of section 3010 of RCRA, provided that all of the following conditions for exemption are met: (a) Accumulation. A large quantity generator accumulates hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in paragraphs (b) through (e) of this section.”

40 CFR §262.20(a)(1) as incorporated by reference into 9 VAC 20-60- 262, states:
“General requirements. (a)(1) A generator that transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, or disposal facility that offers for transport a rejected hazardous waste load, must prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A.”

40 CFR §262.23(a) as incorporated by reference into 9 VAC 20-60- 262, states: “Use of the manifest. (a) The generator must: (1) Sign the manifest certification by hand; and (2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and (3) Retain one copy, in accordance with §262.40(a).”

40 CFR §262.40(a) as incorporated by reference into 9 VAC 20-60- 262, states:
“Recordkeeping. (a) A generator must keep a copy of each manifest signed in accordance with §262.23(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.”

6. During the July 2018 CEI, DEQ staff observed several containers with printed labels indicating “chemo hazardous waste,” “U-listed hazardous waste,” and “P-listed Coumadin hazardous waste” in the pharmacy area of the Facility. There were no labels on the containers indicating the hazards of the waste.
7. 40 CFR §262.17(a)(5)(i) as incorporated by reference into 9 VAC 20-60- 262, states: “(5) *Labeling and marking of containers and tanks*—(i) *Containers*. A large quantity generator must mark or label its containers with the following: (A) The words “Hazardous Waste”; (B) An indication of the hazards of the contents...; hazard communication consistent with

the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704); and (C) The date upon which each period of accumulation begins clearly visible for inspection on each container.”

8. During the July 2018 CEI, no information/documentation was available for review concerning the training of pharmacy personnel, or documentation showing that the necessary training or job experience had been received by pharmacy personnel.

Additionally, for the whole Facility as well as the pharmacy, there was insufficient documentation available to show that the Facility was meeting regulatory requirements for a training plan. The Facility provided training logs to DEQ staff for review; however, there was no comprehensive, written plan present, as required per the VHWMR, that included job titles, a description of positions requiring hazardous waste training, or a listing of the current occupants of those job positions.

9. 40 CFR §262.17(a)(7) as incorporated by reference into 9 VAC 20-60-262, states:
“Personnel training. (i)(A) Facility personnel must successfully complete a program of classroom instruction, online training (e. g., computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv) of this section. (B) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. (C) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including where applicable: (1) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; (2) Key parameters for automatic waste feed cut-off systems; (3) Communications or alarm systems; (4) Response to fires or explosions; (5) Response to ground-water contamination incidents; and (6) Shutdown of operations. (D) For facility employees that receive emergency response training pursuant to Occupational Safety and Health Administration regulations 29 CFR 1910.120(p)(8) and 1910.120(q), the large quantity generator is not required to provide separate emergency response training pursuant to this section, provided that the overall facility training meets all the conditions of exemption in this section. (ii) Facility personnel must successfully complete the program required in paragraph (a)(7)(i) of this section within six months after the date of their employment or assignment to the facility, or to a new position at the facility, whichever is later. Employees must not work in unsupervised positions until they have completed the training standards of paragraph (a)(7)(i) of this section. (iii) Facility personnel must take part in an annual review of the initial training required in paragraph (a)(7)(i) of this section. (iv) The large quantity generator must maintain the following documents and

records at the facility: (A) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; (B) A written job description for each position listed under paragraph (a)(7)(iv)(A) of this section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position; (C) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (a)(7)(iv)(A) of this section; (D) Records that document that the training or job experience, required under paragraphs (a)(7)(i), (ii), and (iii) of this section, has been given to, and completed by, facility personnel.”

10. At the time of the July 2018 CEI, no biennial report had been completed for the Facility for 2015 and 2017. No re-notification of generator status, as a separate submission from the biennial reports, was received from JBMHH throughout that time.
11. 40 CFR §262.18(d)(2) as incorporated by reference into 9 VAC 20-60- 262, states: “EPA identification numbers and re-notification for small quantity generators and large quantity generators...(d) *Re-notification...* (2) A large quantity generator must re-notify EPA by March 1 of each even-numbered year thereafter using EPA Form 8700-12. A large quantity generator may submit this re-notification as part of its Biennial Report required under §262.41.”

40 CFR §262.40(b) as incorporated by reference into 9 VAC 20-60- 262, states: “Recordkeeping... (b) A generator must keep a copy of each Biennial Report and Exception Report for a period of at least three years from the due date of the report.”

40 CFR §262.41(b) as incorporated by reference into 9 VAC 20-60- 262, states: “Biennial report for large quantity generators. (a) A generator who is a large quantity generator for at least one month of an odd-numbered year (reporting year) who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must complete and submit EPA Form 8700-13 A/B to the Regional Administrator by March 1 of the following even-numbered year and must cover generator activities during the previous year. (b) Any generator who is a large quantity generator for at least one month of an odd-numbered year (reporting year) who treats, stores, or disposes of hazardous waste on site must complete and submit EPA Form 8700-13 A/B to the Regional Administrator by March 1 of the following even-numbered year covering those wastes in accordance with the provisions of 40 CFR parts 264, 265, 266, 267 and 270. This requirement also applies to large quantity generators that receive hazardous waste from very small quantity generators pursuant to §262.17(f). (c) Exports of hazardous waste to foreign countries are not required to be reported on the Biennial Report form. A separate annual report requirement is set forth at §262.83(g) for hazardous waste exporters.”

12. At the time of the July 2018 CEI, the Facility’s contingency plan did not properly list and describe the capabilities of the emergency equipment located in the Andrew Radar Clinic

(and associated pharmacy). Additionally, the Facility's contingency plan did not specify that after the use of emergency equipment, the equipment must be cleaned and fit for reuse.

13. 40 CFR §262.261(e) as incorporated by reference into 9 VAC 20-60- 262, states: "Content of contingency plan...(e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities."

40 CFR §262.265(h) as incorporated by reference into 9 VAC 20-60- 262, states: "Emergency Procedures, (h) The emergency coordinator must ensure that, in the affected area(s) of the facility: (1) No hazardous waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and (2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed."

14. During the July 2018 CEI, DEQ staff observed the following in the motor pool area: (a) that a non-clasping funnel which did not completely seal closed, was attached to a paint/solvent waste drum; (b) two unlabeled containers, being used to store used oil prior to transfer to an aboveground storage tank (AST); and (c) that clear plastic bags, which do not meet regulatory requirements, were being used as secondary storage for solvent-contaminated wipes prior to the used rages being transferred into an appropriate drum.
15. 40 CFR §261.4(b)(18)(i) through (ii) as incorporated by reference into 9 VAC 20-60-262, states: "Exclusions...(b) *Solid wastes which are not hazardous wastes.* The following solid wastes are not hazardous wastes: (18) Solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation provided that (i) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes." The containers must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, or when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions; (ii) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for disposal; fill) At the point of being transported for disposal, the solvent-contaminated wipes must contain no free liquids as defined in §260.10 of this chapter."

40 CFR §262.15(a)(4) as incorporated by reference into 9 VAC 20-60- 262, states:
“Satellite accumulation area requirements for small and large quantity generators.
(a)...(4) A container holding hazardous waste must be closed at all times during accumulation, except: (i) When adding, removing, or consolidating waste; or (ii) When temporary venting of a containers is necessary (A) For the proper operations of equipment, or (B) To prevent dangerous situations, such as build-up of extreme pressure.”

40 CFR §279.22(c) as incorporated by reference into 9 VAC 20-60- 262, states: “Used oil storage. Used oil generators are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR part 112) in addition to the requirements of this Subpart. Used oil generators are also subject to the Underground Storage Tank (40 CFR part 280) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this subpart... (c) *Labels.* (1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.””

16. On October 26, 2018, based on the inspection and follow-up information, DEQ issued a Notice of Violation to JBMHH for the violations described in paragraphs C(1) through C(15), above.
17. On December 6, 2018, JBMHH submitted a written response to the NOV.
18. On December 11, 2018, DEQ staff met with representatives of JBMHH to discuss the violations, JBMHH’s written response, and the Facility’s current progress and future plans to resolve the noncompliance. DEQ and representatives of JBMHH further corresponded via phone and email on December 19, 2018, December 21, 2018, January 4, 2019, and January 24, 2019.
19. Based on the results of the July 29, 2018 inspection, the December 6, 2018 NOV response, the December 11, 2018 meeting, and the follow-up correspondence and documentation submitted to DEQ on December 21, 2018 and January 24, 2019, the Board concludes that JBMHH has violated 40 CFR §262.11, 40 CFR §262.15, 40 CFR §262.17(a), 40 CFR §262.20(a)(1), 40 CFR §262.23(a), 40 CFR §262.40(a), 40 CFR §262.17(a)(5)(i), 40 CFR §262.17(a)(7)(i), 40 CFR §262.17(a)(7)(ii), 40 CFR §262.17(a)(7)(iii), 40 CFR §262.17(a)(7)(iv)(A) through (C), 40 CFR §262.17(a)(7)(iv)(D), 40 CFR §262.18(d)(2), 40 CFR §262.40(b), 40 CFR §262.41(b), 40 CFR §262.261(e), 40 CFR §262.265(h), 40 CFR §261.4(b)(18)(i), 40 CFR §261.4(b)(18)(ii), 40 CFR §262.15(a)(4), 40 CFR §279.22(c), and 9 VAC 20-60-262, as described in paragraphs C(1) through C(18), above.
20. JBMHH’s emails to DEQ in December 2018 and January 2019 included adequate documentation showing that the violations described above were corrected, with the exception of addressing the training plan described above in paragraphs C(8) and C(9) and the contingency plan described above in paragraphs C(11) and C(12). The deficiencies concerning the training and contingency plans were resolved via the

submission of updated/revised documents to DEQ on July 18, 2019. Therefore, no additional corrective actions are required.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders JBMHH, and JBMHH agrees to:

1. Pay a civil charge of **\$47,185** within 60 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

JBMHH shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, JBMHH shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of JBMHH for good cause shown by JBMHH, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in the NOV dated October 26, 2018. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, JBMHH admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. JBMHH acknowledges that any civil action taken by the Board to enforce the terms of this Order will be in the Circuit Court of the City of Richmond. JBMHH does not waive any

rights it may have to seek removal of such action to federal court pursuant to 28 U.S.C. § 1441 *et seq.*

5. JBMHH declares it has received fair and due process under the Administrative Process Act and the Virginia Waste Management Act and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by JBMHH to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. JBMHH shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. JBMHH shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. JBMHH shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.

10. This Order shall become effective upon execution by both the Director or his designee and JBMHH. Nevertheless, JBMHH agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after JBMHH has completed all of the requirements of the Order;
 - b. JBMHH petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to JBMHH.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve JBMHH from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. In accordance with the Federal Anti-Deficiency Act, the obligations of the JBMHH under this section are expressly conditioned on the availability of Congressional appropriations, which the JBMHH agrees to seek in amounts sufficient to timely accomplish these undertakings. If sufficient appropriations are not available and cannot be obtained, the JBMHH will promptly inform the DEQ Regional Director. In such case, the Director may terminate the Order and take other action, if so desired, or amend the Order with JBMHH's consent or in accordance with the Administrative Process Act.
13. Any plans, reports, schedules or specifications attached hereto or submitted by JBMHH and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
14. The undersigned representative of JBMHH certifies that he or she is a responsible official or officer authorized to enter into the terms and conditions of this Order and to execute and legally bind JBMHH to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of JBMHH.
15. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
16. By its signature below, JBMHH voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 16th day of September, 2019.



Thomas A. Faha, Regional Director
Department of Environmental Quality

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HQ., Joint Base Myer, Henderson Hall voluntarily agrees to the issuance of this Order.


Date: 2 August 2019 By: Col Kimberly A. Peoples Commander
(Person) (Title)
HQ., Joint Base Myer, Henderson Hall

Commonwealth of Virginia
City/County of Arlington

The foregoing document was signed and acknowledged before me this 2 day of August, 2019, by Kimberly A Peoples who is commander of HQ., Joint Base Myer, Henderson Hall, on behalf of HQ., Joint Base Myer, Henderson Hall.


Notary Public

7703060
Registration No.

My commission expires: 30 June 2020

Notary seal:

