FILED
Sep 23, 2026
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U.S. EPA REGION 3
HEARING CLERK

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

IN THE MATTER OF:	DOCKET NO.: RCRA-03-2026-0025
Naval Support Activity Bethesda 4655 Taylor Rd Bldg 27 Floor 3 Bethesda, MD 20889 Respondent, Naval Support Activity Bethesda 4655 Taylor Rd Bldg 27 Floor 3 Bethesda, MD 20889 Facility	EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER Proceeding under Section 3008(a) and (g) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6928(a) and (g)

EXPEDITED SETTLEMENT AGREEMENT

1. Naval Support Activity Bethesda ("Respondent"), and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C § 6928(a) and (g), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.

2. The U.S. Environmental Protection Agency, Region 3 ("EPA") has jurisdiction over this matter pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.

3. Pursuant to Section 6001(b) of RCRA, 42 U.S. C. § 6961(b), EPA may take enforcement action against departments, agencies, and instrumentalities of the Federal Government in the same manner and under the same circumstances as against any other person.

4. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA has authorized the State of Maryland to administer hazardous waste management program regulations ("MdHWMR") set forth at the Code of Maryland Regulations ("COMAR"), Title 10, Subtitle 51 et seq., in

lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. The provisions of the current authorized MdHWMR, codified at COMAR, Title 26, Subtitle 13, have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

5. On September 22, 2025, EPA sent a letter to the State of Maryland, through the Maryland Department of the Environment ("MDE"), giving prior notice of this enforcement action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

6. At its facility, located at 8901 Wisconsin Avenue Bethesda, MD ("Facility"), Respondent provides training to medical professionals for careers in the Department of Defense and the Public Health Service. The Facility generates and stores waste, including, but not limited to, ignitable solvents (Waste Code D001), waste acids and bases (D002), reactive wastes (D003), toxicity characteristic wastes (D004-D037), waste solvents (F003), acute hazardous wastes (P012, P042, P106), and toxic hazardous wastes (U010, U035, U052, U058, U122, U123, U150,U154, U162, U188, U206. On March 12, 2008, Respondent submitted a notification to MDE that the Facility was a large quantity generator ("LQG") of hazardous waste at the Facility, and MDE assigned RCRA ID No. MD4170024687 to the Facility. Respondent has a permit for storge of hazardous waste. On June 21, 2021, MDE issued Respondent Controlled Hazardous Substance Facility Permit Number A-221, which expires on June 20, 2031.

7. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent is a department, agency, or instrumentality of the United States and is therefore a "person," as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and COMAR, and at all times relevant to the allegations in this Agreement was the "operator" and the "owner" of a "facility," described in Paragraph 6, as the terms "facility", "owner" and "operator" are defined in 40 C.F.R. § 260.10, as incorporated by reference in COMAR.

8. At all times relevant to the allegations described in this Agreement, Respondent "stored" ignitable solvents (D001), waste acids and bases (D002), reactive wastes (D003), toxicity characteristic wastes (D004-D037), waste solvents (F003), acute hazardous wastes (P012, P042, P106), and toxic hazardous wastes (U010, U035, U052, U058, U122, U123, U150,U154, U162, U188, U206, which are "hazardous waste(s)" form the Facility, as the terms "stored" and "hazardous waste" are defined in 40 C.F.R. § 260.10, as incorporated by reference in COMAR.

9. May 19-20, 2025, EPA representatives conducted a Compliance Evaluation Inspection at the Facility to determine compliance with the applicable hazardous waste regulations.

10. Based on the observations during the Inspection, Complainant alleges and finds that Respondent failed to comply with specific requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921 et seq., its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and the

federally-authorized Maryland hazardous waste management regulations set forth in the COMAR Title 26, Subtitle 13 et seq.

11. Complainant has identified the following violations at the Facility:

a. On May 19-20, 2025, Respondent operated the Facility without a permit, in violation of COMAR 26.13.07.01A. The following acts or omissions prevented Respondent from meeting the regulatory permit exemption conditions set forth at COMAR 26.13.03.05E:

(1) Respondent failed to accumulate as much as 55 gallons of hazardous waste or 1 quart of acutely hazardous waste 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, as required by COMAR 26.13.03.05E.(3). On May 19-20, 2025, the EPA inspector observed the amalgam traps located in the dental chairs of the Prosthodontics Dentistry room and the Prosthodontics/Endodontics Room 1402. When removed, the amalgam is taken to a satellite accumulation area ("SAA") located in a separate room from the dental chairs.

(2) Respondent failed to keep closed a container holding hazardous waste during storage, except when adding or removing waste from the container, as required by COMAR 26.13.05.09D. On May 19-20, 2025, the EPA inspector observed an open container labeled "Hazardous Waste" warfarin bottles (acute toxic) located in the SAA of the Hospital-America Pharmacy. The EPA inspector observed in Building 15 CNIC Base Operations Support (BOS) Contractor used lamps that were in an open container.

(3) Respondent failed to mark satellite accumulation containers with the words "Hazardous Waste", as required by COMAR 26.13.03.05E(3)(b). expired containers being accumulated in the Comprehensive Dentistry SAA and were not labeled hazardous waste.
Some of the wastes included.
   a. 3M Avagard Surgical and Healthcare Personnel Hand Antiseptic
   b. Purell Hand Sanitizer
   c. Metrex Research CaviCide 1

b. Respondent failed to maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, as required by COMAR 26.13.06.03C. On May 19-20, 2025 the EPA inspector observed uncontainerized and broken waste florescent lamps in Building 15 CNIC.

12. Complainant and Respondent agree that settlement of this matter for a total penalty of **FIVE THOUSAND DOLLARS ($5,000.00)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3).

13. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall submit to DFAS instructions to make a payment to EPA of **$5,000.00**.

14. Respondent's Treasury Account Symbol is **17 1804**. Inquiries concerning this payment may be made to Susan Paul, who may be contacted at **susan.f.paul.civ@us.navy.mil**, **202-345-5815**.

15. Payment of the civil penalty amount shall be made by either electronic wire transfer, in the following manner:

    a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2026-0025;

    b. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: https://www.epa.gov/financial/makepayment. For additional instructions see: https://www.epa.gov/financial/additional-instructions-making-payments-epa. *However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025 Executive Order on Modernizing Payments To and From America's Bank Account, Respondent shall pay using one of the electronic payments methods listed on EPA's How to Make a Payment website and will not pay with a paper check.*

Payment may be made using the Intra Governmental Payment and Collection application (IPAC), **Agency Location Code 68-01-0727**, and Respondent's Treasury Account Symbol 17 1804. Please include the Docket Number of this action (Docket No. **RCRA-03-2026-0025**) in the description field of the IPAC.

16. Within 24 hours of payment request, Respondent shall also send proof by electronic mail to:

Stephen Forostiak, Inspector/Compliance Officer, (3ED22)
U.S. EPA, Region 3
forostiak.stephen@epa.gov

and

Regional Hearing Clerk (3RC00)

U.S. EPA, Region 3
R3_Hearing_Clerk@epa.gov

17. In signing this Agreement, Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Agreement and Final Order.

18. Respondent also expressly waives any right to confer with the Administrator pursuant to RCRA Section 6001(b)(2), 42 U.S.C. § 6961(b)(2).

19. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) the alleged violations have been corrected, and (2) any documentation or information provided to EPA was true and accurate.

20. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement for all violations observed during the May 19-20 inspection.

21. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.

22. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.

23. This Agreement is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).

24. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Naval Support Activity Bethesda.

25. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: forostiak.stephen@epa.gov (for Complainant), and alan.b.christian.mil@us.navy.mil (for Respondent).

26. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent or information which may adversely affect national security.

27. Antideficiency Act. Respondent shall seek all existing funds to meet the requirements of this Agreement and Final Order. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligation to comply with RCRA, the applicable regulations thereunder, or with this Agreement and Final Order. Nothing in this Agreement and Final Order shall be interpreted to require obligation or payment of funds in violation of the Antideficiency Act, 31 U.S.C. § 1341.

For Respondent: Naval Support Activity Bethesda

Date: 15 SEP 2026

By: A. B. Christian

A. B. CHRISTIAN
Captain, Medical Service Corps, U.S. Navy
Commanding Officer

For Complainant: U.S. Environmental Protection Agency, Region 3

After reviewing the Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

ANDREA BAIN

Digitally signed by ANDREA BAIN
Date: 2026.09.22 08:09:54 -04'00'

[*Digital Signature and Date*]
Acting Director
Enforcement and Compliance Assurance Division

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IN THE MATTER OF: **Naval Support Activity Bethesda** **4655 Taylor Rd** **Bldg 27 Floor 3** **Bethesda, MD 20889** **Respondent,** **Naval Support Activity Bethesda** **4655 Taylor Rd** **Bldg 27 Floor 3** **Bethesda, MD 20889** **Facility**	**DOCKET NO.: RCRA-03-2026-0025** **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER** **Proceeding under Section 3008(a) and (g) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6928(a) and (g)**

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region 3, and Respondent, Naval Support Activity Bethesda, have executed a document entitled "Expedited Settlement Agreement," which I hereby ratify as a Consent Agreement in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO 3008(g) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Section 6991e, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **FIVE THOUSAND DOLLARS ($5,000.00)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and conditions of the Expedited Settlement Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921 et seq., and the regulations promulgated thereunder.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

JEFFREY NAST

Digitally signed by JEFFREY NAST
Date: 2026.09.23 10:26:40 -04'00'

[*Digital Signature and Date*]
Regional Judicial Officer
U.S. EPA - Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

IN THE MATTER OF: **Naval Support Activity Bethesda** **4655 Taylor Rd** **Bldg 27 Floor 3** **Bethesda, MD 20889** **Respondent,** **Naval Support Activity Bethesda** **4655 Taylor Rd** **Bldg 27 Floor 3** **Bethesda, MD 20889** **Facility**	**DOCKET NO.: RCRA-03-2026-0025** **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER** **Proceeding under Section 3008(a) and (g) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6928(a) and (g)**

CERTIFICATE OF SERVICE

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Naval Support Activity Bethesda
CAPTAIN Alan Christian
Commanding Officer
Alan.b.christian.mil@us.navy.mil
4655 Taylor Rd
Bldg 27 Floor 3
Bethesda, MD 20889

Stephen Forostiak
Inspector/Compliance Officer
U.S. EPA, Region 3
forostiak.stephen@epa.gov

Hilary Mountgordon
Associate Counsel
Naval District Washington
1343 Dahlgren Ave. SE
Washington, D.C., 20374
P: 202-696-9548
hilary.v.mountgordon.civ@us.navy.mil

BEVIN ESPOSITO
Digitally signed by BEVIN ESPOSITO
Date: 2026.09.23 11:50:46 -04'00'

[Digital Signature and Date]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3