

DISTRICT DEPARTMENT OF THE ENVIRONMENT
NOTICE OF LODGING OF CONSENT DECREE IN
DISTRICT OF COLUMBIA v. PROVIDENCEHOSPITAL

Notice is hereby given that a Consent Decree in the case of District of Columbia v. Providence Hospital will be lodged with the Superior Court for the District of Columbia and is available for public comment. A copy of the Consent Decree may be viewed online at www.ddoe.dc.gov. The Consent Decree was executed by the parties on or about March 14, 2012. The Consent Decree will resolve those claims brought by the District of Columbia (“the District”) against Providence Hospital (“Providence”) that are contained in a Complaint that the District will file simultaneously with the Consent Decree in D.C. Superior Court. The District brings these claims through the District Department of the Environment (“DDOE”).

The Complaint alleges violations of District regulations that are part of DDOE’s program to control and prevent air pollution in the District of Columbia (“Air Program”). DDOE’s Air Program is codified in Chapters One through Twenty of Title 20 of the D.C. Municipal Regulations (20 DCMR §§ 100–2099) and implements the Federal Clean Air Act, 42 U.S.C. §§ 7401–7671q (2006), and the District of Columbia Air Pollution Control Act, D.C. Official Code § 8-101.05. DDOE specifically alleges that Providence violated 20 DCMR § 301.1(a)(4) by not filing an application for renewal of a major source operating permit (“Permit”) until one-hundred-eighty-one (181) days after the permit application deadline. Plaintiff further alleges that Providence violated 20 DCMR § 303.2 by operating without a Permit for thirty-nine (39) days.

The Consent Decree obligates Providence to pay the District of Columbia a civil penalty of \$32,500 in compensation for all violations alleged in the Complaint. The Parties agree in the Consent Decree that Providence will comply with its major source operating Permit #008, which expired on September 28, 2009, until DDOE issues a new Permit to Providence. In consideration for receiving a reduced fine, Providence retained an environmental consultant to perform several tasks intended to ensure future compliance. These tasks included conducting a Major Source Operating Permit Compliance Assessment for the facility located at 1150 Varnum Street, NE Washington, DC 20017 (the “Site”), providing expert assistance to ensure Providence’s compliance with Permit requirements, developing and conducting an on-site Major Source Operating Permit Compliance Training Program at the Site for on-site management and supervisory maintenance personnel, and developing a compliance tracking program that will monitor compliance obligations for the Site.

For thirty (30) days after this publication, DDOE will receive comments relating to this Consent Decree. All comments must be submitted in writing via mail to the District Department of the Environment, Air Quality Division, 1200 First Street, NE, 5th Floor, Washington, DC, 20002, Attention: Stephen Ours, or by e-mail to Stephen.ours@dc.gov. In either case, the comments must be filed by COB April 23, 2012, and should refer to District of Columbia v. Providence Hospital.

The District's determination to seek public comment on this settlement does not constitute a determination by the District that it is required to solicit public input in its settlement decisions in this case or in any other environmental or non-environmental action.