



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

01 05 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Steven R. Penrod, Vice President
United States Enrichment Corporation
5600 Hobbs Road
Paducah, Kentucky 42002

SUBJ: Consent Agreement and Final Order:
Docket No. CWA-04-2011-7001

Dear Mr. Penrod:

Enclosed is a copy of the Consent Agreement and Final Order for the above referenced matter. This CAFO became effective on the date of filing with the Regional Hearing Clerk as required by 40 C.F.R. §§ 22.6 and 22.31, and as indicated on the Certificate of Service.

The United States Environmental Protection Agency hereby notifies you that the Expedited Settlement Agreement has been executed by both parties and is binding on the EPA and you. Upon receipt of your assessed penalty of \$200.00, the EPA will take no further action against you for the violations cited in the ESA. Your copy of the executed agreement is enclosed.

You must submit your payment within seven (7) days of your receipt of this letter by either electronic funds transfer, certified or cashiers check made payable to "Environmental Protection Agency." The check and a letter accompanying the check shall reference the name of the responsible party (Oil Spill Liability Trust Fund-311, United States Enrichment Corporation) and the EPA docket number CWA-04-2011-7001, and shall be sent depending upon your preferred method of payment identified in Enclosure A.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

61 FORSYTH ST S.W. ATLANTA, GEORGIA 30303

EXPEDITED SETTLEMENT AGREEMENT

MAY 10 2011

DOCKET NO. CWA-04-2011-7001

On: December 17, 2010

At: 5600 Hobbs Road, Paducah, McCracken County, Kentucky, the facility owned or operated by United States Enrichment Corporation (Respondent), an authorized representative of the United States Environmental Protection Agency (EPA) reported failure to comply with the Spill Prevention, Control and Countermeasures (SPCC) regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j), (the Act), and found that Respondent had failed to comply with the SPCC regulations as noted on the attached (SPCC) Alleged Violations, which is hereby incorporated by reference.

EPA finds the Respondent is subject to the SPCC regulations and has violated the SPCC regulations as further described in the SPCC Alleged Violations. The Respondent admits being subject to 40 CFR § 112 and that EPA has jurisdiction over the Respondent and the Respondent's conduct as described in the SPCC Alleged Violations. Respondent neither admits nor denies the Alleged Violations.

EPA is authorized to enter into this Proposed Settlement Agreement under the authority vested in the Administrator of EPA by Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 CFR § 22.13(b). The parties enter into this Proposed Settlement Agreement in order to settle the civil violations described in the Alleged Violations for a penalty of \$200.00. The Respondent consents to the assessment of this penalty.

This Proposed Settlement Agreement is also subject to the following terms and conditions: Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violation has been corrected, and Respondent agrees to payment of the penalty upon written notice that the Proposed Settlement agreement has been executed and is effective. Do not enclose payment. EPA will provide instructions in writing on the procedures for making penalty payments to the "Oil Spill Liability Trust Fund".

After this Proposed Settlement Agreement becomes effective and the assessed penalty is paid, EPA will take no further action against the Respondent for the violations of the SPCC regulations described in the Alleged Violations. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by the Respondent of the SPCC regulations or of any other federal statute or regulations.

Upon signing and returning this Proposed Settlement Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Proposed Settlement Agreement without further notice.

This Proposed Settlement Agreement is binding on the parties signing below, and is effective upon the filing by the Regional Hearing Clerk. If Respondent does not sign and return this Proposed Settlement Agreement as presented within 30 days of the date of its receipt, this Proposed Settlement Agreement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the noncompliance identified in the Letter of Deficiencies.

APPROVED BY RESPONDENT:

Name (print) Steven R. Penrod

Title (print) Vice President, United States Enrichment Corporation General Manager, Paducah Gaseous Diffusion Plant

Signature Date 5/5/11

APPROVED BY EPA:

Signature Date 6/24/11 Larry Lamberth, Acting Branch Chief RCRA and OPA Enforcement & Compliance Branch RCRA Division

IT IS SO ORDERED:

Signature Date 7/5/11 Susan B. Schub, Regional Judicial Officer

HEARING CLERK CWA-04-2011-7001



SPILL Prevention Control and Countermeasure Inspection Alleged Violations, and proposed Penalty Form

Mr. Steven R. Penrod, Vice President
United States Enrichment Corporation
5600 Hobbs Road
Paducah, Kentucky 42002

USEC Paducah, Kentucky Facility
Docket No. CWA-04-2011-7001

Summary of Alleged Violations

Facility Drainage from Diked Areas 112.8(b) and (c)

Valves used for drainage from diked storage areas to drainage system, watercourse, or effluent treatment system, not controlled to prevent discharge- <i>112.8(b)(2)</i>	\$200.00
<u>Total Proposed Penalty</u>	<u>\$200.00</u>

Docket No. CWA-04-2011-7001

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the attached Consent Agreement and Final Order, in the Matter of United States Enrichment Corporation, Docket No. CWA-04-2011-7001 (filed with the Regional Hearing Clerk on 7/5, 2011) was served on 7/5/11, 2011 in the manner specified to each of the person set forth below:

Mr. Steven R. Penrod, Vice President
United States Enrichment Corporation
5600 Hobbs Road
Paducah, Kentucky 42002

CERTIFIED MAIL
Return Receipt Requested

Mel Rechtman
RCRA and OPA Enforcement and Compliance Branch
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Via EPA's Internal Mail

Quantindra Smith
RCRA & OPA Enforcement & Compliance Branch
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, Georgia 30303

Via EPA's Internal Mail and PDF

Date: 7/5/11

Patricia A. Bullock
for Patricia A. Bullock, Regional Hearing Clerk
United States Environmental
Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-9511

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

PAYMENT DUE DATE: _____

TO BE COMPLETED BY THE ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Mel Rechtman on 5/11/11
(Name) (Date)

in the ROECB at 404/562-8745
(Office) (Phone Number)

- | | |
|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Non-SF Judicial Order/Consent Decree
USAO COLLECTS | <input checked="" type="checkbox"/> Administrative Order/Consent Agreement
FMO COLLECTS PAYMENT |
| <input type="checkbox"/> SF Judicial Order/Consent Decree
DOJ COLLECTS | <input type="checkbox"/> Oversight Billing - Cost Package required:
Sent with bill |
| <input type="checkbox"/> Other Receivable | <input type="checkbox"/> Not sent with bill |
| <input type="checkbox"/> This is an original debt | <input type="checkbox"/> Oversight Billing - Cost Package not required |
| | <input type="checkbox"/> This is a modification |

PAYEE: United States Enrichment Corporation

The Total Dollar Amount of the Receivable: \$200.00
(If installments, attach schedule of amounts and respective due dates. See other side of this form.)

The Case Docket Number: CWA-04-2011-7001

The Site Specific Superfund Account Number:

The Designated Regional/Headquarters Program Office: RCRA Division

To Be Completed By Cincinnati Finance Center

The IFMS Accounts Receivable Control Number is: _____ Date: /2010

DISTRIBUTION:

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| 1. Debt Tracking Officer
Environmental Enforcement Section
Department of Justice RM 1647
P.O. Box 7611, Benjamin Franklin Station
Washington, D.C. 20044 | 2. Originating Office (EAD)
3. Designated Program Office |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order Should be to:

- | | |
|----------------------------------------------------|-----------------------------------------------------------|
| 1. Originating Office
2. Regional Hearing Clerk | 3. Designated Program Office
4. Regional Counsel (EAD) |
|----------------------------------------------------|-----------------------------------------------------------|