



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:  
LR-8J

Mr. Bill Purvis  
275 E. Wall Street  
Benton Harbor, Michigan 49022

AUG 21 2013

Dear Mr. Purvis:

**RUST-05-2013-0010**

On April 8, 2013, the Underground Storage Tank Section issued a Notice of Violation (NOV) and Compliance Order/Settlement Agreement concerning violations found at your Twin Cities Area Transit Authority, Benton Harbor, Michigan 49022.

This is to inform you that we received your signed original copy of the Settlement Agreement, dated July 29, 2013, and the check for \$840.00 in penalties. We have reviewed the original copy of the Settlement Agreement where you have indicated that the violations of the underground storage tank regulations for which you were cited have been corrected.

The Settlement Agreement states that it is effective upon EPA's final approval. This is to inform you that I have enclosed a signed and dated copy of the approved Settlement Agreement. The original Settlement Agreement will remain in U.S. EPA files. We also have accepted and processed your check as part of the settlement process. If you have any further questions, please feel free to contact Sandra Siler, Enforcement Officer, of my staff, at 312-886-0429.

Sincerely,

A handwritten signature in cursive script that reads "Gary Victorine".

Gary Victorine, Chief  
RCRA Branch

Enclosure

RECEIVED  
DIVISION FIELD OFFICE  
AUG 01 2013  
LAND AND CHEMICALS DIVISION  
U.S. EPA - REGION 5

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) REGION 5  
77 West Jackson Boulevard (LR-8J), Chicago, Illinois 60604-3590  
UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT (NO. R5-UST-13-001-SS)

PART I: INSPECTION SUMMARY

On: 04/08/2013 Time: 10:45 AM

At: Twin Cities Area Transit Authority  
Address: 275 E. Wall Street  
Benton Harbor, MI 49022

Thomas Cheers  
(Name of Site Representative (if not the Owner or Operator))

Name and address of the UST Owner

Name: Twin Cities Area Transit Authority  
Address: 275 E. Wall Street  
Benton Harbor, MI 49022

A duly designated officer, employee, or representative of the EPA or a duly designated officer or employee of the State or Tribe inspected this facility. EPA has reviewed the inspection report and other relevant materials and has identified the following violation(s) of the UST regulations promulgated or approved by EPA under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991 et seq).

1. Violation: Failure to have annual line tightness test or perform monthly monitoring on pressurized piping  
Cite: 40 CFR 280.41(b)(1)(ii) Proposed Penalty: \$420

2. Violation: Failure to provide spill or overfill prevention system for an existing tank  
Cite: 40 CFR 280.21(d) Proposed Penalty: \$420

3. Violation:  
Cite: 40 CFR Proposed Penalty:

4. Violation:  
Cite: 40 CFR Proposed Penalty:

TOTAL PROPOSED PENALTY: **\$840**

EPA finds the Owner or Operator in violation of the above referenced UST regulations.

[Signature]  
(Signature of EPA Inspector) (Date)

Part II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

A. Settlement Agreement: The Owner or Operator by signing this Settlement Agreement (or by having an authorized representative sign it) agrees to settle the violations identified in Part I, subject to the following terms and conditions:

The Owner or Operator certifies, subject to civil and criminal penalties for making a false submission to the U. S. Government, that he or she has corrected the violations, submitted true and accurate documentation of their correction, and submitted payment to the U.S. Treasury for the amount of **\$840** in payment of the full proposed penalty amount, as described in Part I of this Form.

The Owner or Operator agrees to comply with the terms of the Compliance Order in Part II.B. Without admitting liability for the violations cited in Part I, the Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to EPA's final approval of this Settlement Agreement without further notice. The Owner or Operator waives the opportunity for a public hearing pursuant to RCRA section 9006.

Once EPA signs the Settlement Agreement, EPA will take no further enforcement action against the Owner or Operator for the civil violations described in Part I, provided the violations have been timely corrected and the penalty has been paid. EPA does not waive its right to enforce against the Owner or Operator for any other violations not described in Part I and violations of the UST requirements or other requirements listed in Part I that were not corrected in a timely manner.

This Settlement Agreement and Compliance Order will become effective once signed by EPA and is binding on EPA and the Owner or Operator upon signature by both parties. Final approval of the Settlement Agreement and Compliance Order is in the sole discretion of the Regional Administrator, Region 5, EPA, or his or her authorized delegate. Upon final approval, EPA shall mail a copy of this document to the Owner or Operator signing below.

SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:

Name (Print): Bill Purvis  
Title (Print): Executive Director  
Signature: [Signature] Date: 7/29/13

B. Compliance Order: This Compliance Order is issued under the authority of RCRA section 9006 to resolve the civil violations identified in Part I. The Owner or Operator is ordered to correct the violations, submit true and accurate documentation that the violations were corrected, and pay the total penalty amount listed in Part I of this Form. This Compliance Order shall become final and enforceable only upon signature by an EPA official with the authority to sign this document.

Name (Print): Gary J. Victorine  
Title (Print): Chief, RCRA Branch  
Signature: [Signature] Date: 8/21/13

Notes:

RECEIVED

AUG 21 2013

REGIONAL HEARING CLERK  
USEPA  
REGION 5

RUST-05-2013-0010

CopyPlus  
(No Carbon Paper Required)  
Tear Along Perforation

**TWIN CITY AREA TRANSPORTATION AUTHORITY**

275 E. WALL ST.  
P.O. BOX 837  
BENTON HARBOR, MICHIGAN 49023

24187

DATE July 29, 2013

74-1001-724

PAY TO THE ORDER OF US Environmental Protection Agency, Fines and Penalties \$840.00

840 DOLS 00 CTS

DOLLARS



**CHEMICAL BANK.**  
ChemicalBankMI.com

*Bush*  
*Herbert H. Longfellow*

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vb

TWIN CITY AREA TRANSPORTATION AUTHORITY

DETACH AND RETAIN THIS STATEMENT  
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.  
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

PRODUCT 55202N

24187

DATE	DESCRIPTION	AMOUNT
7/29/13	Fine  Field Citation No. B5-UST-13001-SS	\$840.00

RECEIVED

AUG 21 2013

RUST-05-2013-0010

REGIONAL HEARING CLERK  
USEPA  
REGION 5