



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

OCT 28 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jon Leach
Chief Operating Officer
City of Chicago Department of Aviation
Chicago O'Hare International Airport
10000 West O'Hare Avenue
Chicago, IL 60666

RE: City of Chicago Department of Aviation at Midway International Airport
Expedited Settlement Agreement
ESA Docket No. R5-CWA-ESA-2014-04-001
Docket No. **CWA-05-2015-0002**

Dear Mr. Leach:

Enclosed please find a copy of the fully executed Expedited SPCC Settlement Agreement (ESA) in resolution of the above case. The ESA is binding on U.S. EPA and the City of Chicago Department of Aviation at Midway International Airport. U.S. EPA will take no further action against the City of Chicago Department of Aviation at Midway Airport for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact Ellen Riley at (312) 886-9497 if you have any questions regarding the enclosed ESA. Thank you for your assistance in resolving this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael E. Hans", with a long horizontal line extending to the right.

Michael E. Hans, Chief
Chemical Emergency Preparedness & Prevention Section

Enclosure(s)



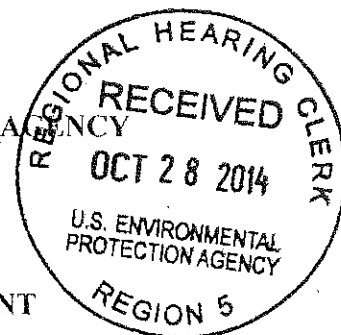
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 5

77 West Jackson Boulevard

Chicago, IL 60604

CWA-05-2015-0002



SPCC EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. R5-CWA-ESA-2014-04-001

On April 19, 2011, an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection at the facility located at the Midway International Airport, owned and/or operated by the City of Chicago Department of Aviation (Respondent) to determine compliance with the Oil Pollution Prevention (SPCC) regulations codified at 40 C.F.R. Part 112 under the Clean Water Act (CWA) § 311(j), 33 U.S.C. § 1321(j). Based on that inspection, EPA finds that Respondent has failed to comply with the SPCC regulations for the 4,000 gallons of oil stored at the City of Chicago Facilities at Midway International Airport operated by the Chicago Department of Aviation as described on the attached "SPCC Inspection Findings, Alleged Violations and Proposed Penalty Form" (Form), which is incorporated by reference.

EPA is authorized to enter into this Expedited Settlement Agreement under the authority vested in the Administrator of EPA by CWA § 311(b)(6)(B)(i) 33 U.S.C. § 1321(b)(6)(B)(i), and by 40 C.F.R. § 22.13(b) and § 22.18(b)(2)-(3). EPA finds that Respondent is subject to the SPCC regulations and has violated the SPCC regulations as described in the Form. Respondent admits that EPA has jurisdiction over Respondent and that Respondent is subject to 40 C.F.R. Part 112. Respondent does not contest the factual findings in the Form, waives any objections it may have to EPA's jurisdiction, and consents to the terms of this Expedited Settlement Agreement.

Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$1,500 for the SPCC violations identified in the Form by sending a cashier's or certified check to the "Environmental Protection Agency," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

Respondent has noted on the penalty payment check "OSLTF-311" and the docket number of this case, "R5-CWA-ESA-2014-04-001". Respondent must also send a notice of payment that states Respondent's name, address, docket number, and a photocopy of the check to EPA Region 5 to the attention of: Ellen Riley, SC-5J, 77 W. Jackson Blvd., Chicago, IL 60604.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations have been corrected and that Respondent is in compliance with CWA § 311 and 40 C.F.R. Part 112.

After the parties sign this Agreement and Respondent pays the civil penalty, EPA will take no further action against Respondent for the violations of the SPCC regulations described in the Form. However, EPA does not waive any

rights to take enforcement action for any other violations by Respondent of the SPCC regulations or of any other federal statute or regulation.

Upon signing and returning this Expedited Settlement Agreement to EPA, Respondent waives any right to judicial review under CWA § 311(b)(6)(G), 33 U.S.C. § 1321(b)(6)(G), and Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706, any right to appeal or request a hearing to contest any fact or allegation, and consents to EPA's approval of the Expedited Settlement Agreement without further notice. Failure by Respondent to pay the penalty assessed by this Agreement in full by its due date may subject Respondent to a civil action to collect the assessed penalty plus interest, attorney's fees, costs and an additional quarterly nonpayment penalty pursuant to CWA § 311(b)(6)(H), 33 U.S.C. § 1321(b)(6)(H). In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review. The penalty is not deductible for federal income tax purposes.

This Expedited Settlement Agreement is binding on the parties signing below. Each person signing this Expedited Settlement Agreement certifies that he or she has the authority to sign for the party for whom he or she represents and to bind that party and any successors and assigns to its terms. If Respondent does not sign and return this Expedited Settlement Agreement as presented within thirty (30) days of the date of its receipt, the proposed Expedited Settlement Agreement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the noncompliance identified in the Form. Each party to this action shall bear its own costs and fees, if any.

APPROVED BY RESPONDENT:

Name (print): Jon Leitz

Title (print): Chief Operating Officer

Signature: [Handwritten Signature]

Date: 10/3/14

APPROVED BY EPA AND SO ORDERED.

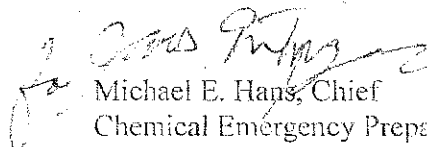
[Handwritten Signature] Date: 10/15/14

Richard C. Karl, Director
Superfund Division
U.S. Environmental Protection Agency
Region 5

proposed Expedited Settlement Agreement, other than acceptance of the settlement offer, as a rejection of the offer.

If you have any questions, please contact Ellen Riley at 312-886-9497.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Hans", is written over the typed name.

Michael E. Hans, Chief
Chemical Emergency Preparedness and Prevention Section

Enclosures (3)



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

SEP 24 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Receipt No.

Erin O'Donnell
Managing Deputy Commissioner
City of Chicago Department of Aviation
Chicago Midway International Airport
5700 South Cicero Avenue
Chicago, Illinois 60638

Re: Spill Prevention Control and Countermeasure Expedited Settlement Agreement
Docket No. R5-CWA-ESA-2014-04-001

Dear Ms. O'Donnell:

The Environmental Protection Agency has authority under the Clean Water Act to pursue civil penalties for violations of the oil pollution prevention regulations, which require certain facilities to prepare and implement Spill Prevention Control and Countermeasure Plans and comply with prevention and containment procedures (SPCC regulations). As described in the enclosed "Spill Prevention Control and Countermeasure Inspection Findings, Alleged Violations, and Proposed Penalty Form" (Form), you have failed to comply with the SPCC regulations at 40 C.F.R. Part 112, which implement Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j) for the 4,000 gallons of oil stored at the City of Chicago Facilities at Midway International Airport operated by the Chicago Department of Aviation.

EPA encourages the expedited settlement of certain SPCC violations, such as the violations cited in the enclosed SPCC Expedited Settlement Agreement (Expedited Settlement Agreement or ESA). You may resolve the cited violations quickly by correcting the violations, returning the signed original Expedited Settlement Agreement within 30 days of your receipt of this letter, and mailing a check for the assessed penalty amount of \$1,500 within 30 days of the effective date of the ESA, as described below. EPA, at its discretion, may grant one 30-day extension for cause upon request. A request for a 30-day extension should be sent to Ellen Riley at the address given below. The enclosed Expedited Settlement Agreement complies with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties at 40 C.F.R. Part 22 (copy enclosed).

The Expedited Settlement Agreement, when executed by both parties, is binding on both you and EPA. As a condition of the settlement, you must certify that you have corrected the violations

and that you are in compliance with the requirements of 40 C.F.R. Part 112. Upon receipt of the signed document and a check for the amount of the penalty, EPA will take no further action against you for the civil violations cited in the ESA and Form. EPA will neither accept nor approve the ESA if returned more than 30 days after the date of your receipt of this letter (unless an extension has been granted by EPA). Please be advised that the Expedited Settlement Agreement contains a discounted, non-negotiable penalty amount, which is significantly lower than the amount that would apply under EPA's Civil Penalty Policy for SPCC violations.

If you do not return the Expedited Settlement Agreement within 30 days of your receipt of this letter, the ESA will be automatically withdrawn, without prejudice to EPA's ability to file an enforcement action for the cited violations and seek greater penalties. Failure to sign and return the Expedited Settlement Agreement and pay the penalty within the approved time does not relieve you of the responsibility to comply fully with the law, including correcting the violations that are identified in the Form.

EPA will forward you a copy of the fully executed Expedited Settlement Agreement, which becomes effective on the date of filing. The penalty is due within 30 days of the ESA's effective date. To pay the settlement penalty, please send a certified check payable to the "Environmental Protection Agency," with the docket number of the ESA and "OSLTF-311" noted on the check. The docket number is located at the top of the left column of the ESA.

An original, signed Expedited Settlement Agreement, and a copy of the penalty payment must be sent via CERTIFIED MAIL to:

Ellen Riley
U. S. Environmental Protection Agency
Region 5 (SC-5J)
77 W. Jackson Blvd.
Chicago, IL 60604

Within 30 days of the effective date of the Expedited Settlement Agreement, the payment of the penalty amount \$1,500 must be sent via CERTIFIED MAIL to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

You should retain a copy of the ESA and of the penalty payment, and documentation of the actions taken to correct the violations identified on the Form.

By the terms of the Expedited Settlement Agreement, and upon EPA's receipt of the signed ESA, you waive your opportunity for a hearing and judicial review under Section 311 of the Clean Water Act, 33 U.S.C. § 1321, and 40 C.F.R. Part 22. EPA will treat any response to the

Spill Prevention Control and Countermeasure Inspection Findings, Alleged Violations, and Proposed Penalty Form

(Note: Do not use this form if there is no secondary containment) CWA-05-2015-0002

These Findings, Alleged Violations and Penalties are issued by EPA Region 5 under the authority vested in the Administrator of EPA by Section 311(b)(6)(B)(i) of the Clean Water Act, 33 U.S.C. § 1321(b)(6)(B)(i).

<p>Company Name City of Chicago Department of Aviation</p> <p>Facility Name Facilities at Midway International Airport</p> <p>Address West 55th Street and South Cicero Avenue</p> <p>City Chicago</p> <p>State IL</p> <p>Zip Code 60638</p> <p>Contact Erin O'Donnell</p>	<p>Docket Number R5-CWA-ESA-2014-4-001</p> <p>Date 3/4/2014</p> <p>Inspection Number 11-3-042</p> <p>Inspector's Name Ellen Riley</p> <p>EPA Approving Official Richard Karl</p> <p>Enforcement Contacts Ellen Riley</p>
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Summary of Findings (Bulk Storage Facilities) GENERAL TOPICS: 112.3; 112.5; 112.7

- | | | |
|-------------------------------------|---|---------|
| <input checked="" type="checkbox"/> | No Spill Prevention Control and Countermeasure Plan (excluding facilities over 1,000 barrels)-112.3 (\$1,500) | \$1,500 |
| <input type="checkbox"/> | Plan not certified by a professional engineer- 112.3(d) (\$450) | |
| <input type="checkbox"/> | Certification lacks one or more required elements - 112.3(d)(1) (\$100) | |
| <input type="checkbox"/> | No management approval of plan- 112.7 (\$450) | |
| <input type="checkbox"/> | Plan not maintained on site (if manned at least four (4) hrs/day) or not available for review - 112.3(e)(1) (\$300) | |
| <input type="checkbox"/> | No evidence of five-year review of plan by owner/operator- 112.5(b) (\$75) | |
| <input type="checkbox"/> | No plan amendment(s) if the facility has had a change in: design, construction, operation, or maintenance which affects the facility's discharge potential- 112.5(a) (\$75) | |
| <input type="checkbox"/> | Amendment(s) not certified by a professional engineer- 112.5(c) (\$150) | |
| <input type="checkbox"/> | Plan does not follow sequence of the rule and/or cross-reference not provided- 112.7 (\$150) | |
| <input type="checkbox"/> | Plan does not discuss additional procedures/methods/equipment not yet fully operational- 112.7 (\$75) | |

- Plan does not discuss alternative environmental protection to SPCC requirements- 112.7(a)(2) (\$200)
- Plan has inadequate or no facility diagram- 112.7(a)(5) (\$75)
- Inadequate or no listing of type of oil and storage capacity layout of containers- 112.7(a)(3)(i) (\$50)
- Inadequate or no description of discharge prevention measures- 112.7(a)(3)(ii) (\$50)
- Inadequate or no description of drainage controls- 112.7(a)(3)(iii) (\$50)
- Inadequate or no description of countermeasures for discharge discovery, response and cleanup- 112.7(a)(3)(iv) (\$50)
- Inadequate or no description of methods of disposal for recovered materials in accordance with legal requirements- 112.7(a)(3)(v) (\$50)
- No contact list & phone numbers for response & reporting discharges- 112.7(a)(3)(vi) (\$50)
- Plan has inadequate or no information and procedures for reporting a discharge- 112.7(a)(4) (\$100)
- Plan has inadequate or no description and procedures to use when a discharge may occur- 112.7(a)(5) (\$150)
- Inadequate or no prediction of equipment failure which could result in discharges- 112.7(b) (\$150)
- Plan does not discuss and facility does not implement appropriate containment/diversionary structures/equipment- 112.7(c) (\$400)
- If claiming impracticability of appropriate containment/diversionary structures:
- Impracticability has not been clearly denoted and demonstrated in plan- 112.7(d) (\$100)
- No contingency plan- 112.7(d)(1) (\$150)
- No written commitment of manpower, equipment, and materials- 112.7(d)(2) (\$150)
- No periodic integrity and leak testing, if impracticability is claimed - 112.7(d) (\$150)
- Plan has no or inadequate discussion of general requirements not already specified- 112.7(f) (\$75)

QUALIFIED FACILITY REQUIREMENTS: 112.6

- Qualified Facility: No Self certification- 112.6(a) or (b) (\$450)
- Qualified Facility: Self certification lacks required elements- 112.6(a) or (b) (\$100)
- Qualified Facility: Technical amendments not certified- 112.6(a)(2) or (b)(2) (\$150)
- Qualified Facility: Un-allowed deviations from requirements- 112.6(a)(2) or (b)(2) (\$100)
- Qualified Facility: Environmental Equivalence or Impracticability not certified by PE- 112.6(a)(3) or (b)(3) (\$350)

WRITTEN PROCEDURES AND INSPECTION RECORDS 112.7(e)

- Plan does not include inspections and test procedures in accordance with 40 CFR Part 112 - 112.7(e) (\$75)

- Inspections and tests required are not in accordance with written procedures developed for the facility- 112.7(e) (\$75)
- No inspection records were available for review - 112.7(e) (\$200)
No written procedures and/or a record of inspections and/or customary business records
- Are not signed by appropriate supervisor or inspector- 112.7(c) (\$75)
- Are not maintained for three years- 112.7(e) (\$75)

PERSONNEL TRAINING AND DISCHARGE PREVENTION PROCEDURES 112.7(f)

- No training on the operation and maintenance of equipment to prevent discharges and or facility operations 112.7(f)(1) (\$75)
- No training on discharge procedure protocols- 112.7(f)(1) (\$75)
- No training on the applicable pollution control laws, rules, and regulations and/or SPCC plan- 112.7(f)(1) (\$75)
- Training records not maintained for 3 years- 112.7(f)(1) (\$75)
- No designated person accountable for spill prevention- 112.7(f)(2) (\$75)
- Spill prevention briefings are not scheduled and conducted at least annually- 112.7(f)(3) (\$75)
- Plan has inadequate or no discussion of personnel and spill prevention procedures-112.7(a)(1) (\$75)

SECURITY (excluding Production Facilities) 112.7(g)

- No description of how to secure and control access to the oil handling, processing and storage areas - 112.7(g) (\$150)
- No description of how master flow and drain valves that permit direct outward flow to the surface are secured 112.7(g) (\$300)
- No description of how unauthorized access to starter controls on oil pumps is prevented 112.7(g) (\$75)
- No description of how out-of-service and loading/unloading connections of oil pipelines are secured- 112.7(g) (\$150)
- Appropriateness of facility lighting to facilitate the discovery of spills during hours of darkness and to deter vandalism is not adequately addressed- 112.7(g) (\$150)

FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING RACK 112.7

- Inadequate containment for Loading Area (not consistent with 112.7(c)) - 112.7(c) (\$400)
- Inadequate secondary containment, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system- 112.7(h)(1) (\$750)
- Containment system does not hold at least the maximum capacity of the largest single compartment of any tank car or tank truck- 112.7(h)(1) (\$450)

- There are no interlocked warning lights, or physical barrier system, or warning signs, or vehicle brake interlock system to prevent vehicular departure before complete disconnect from transfer lines - 112.7(h)(2) (\$300)
- There is no inspection of lowermost drains and all outlets prior to filling and departure of any tank car or tank truck- 112.7(h)(3) (\$150)
- Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack-112.7(a)(1) (\$75)

QUALIFIED OIL OPERATIONAL EQUIPMENT 112.7(k)

- Failure to establish and document procedures for inspections or a monitoring program to detect equipment failure and/or a discharge- 112.7(k)(2)(i) (\$150)
- Failure to provide an oil spill contingency plan- 112.7(k)(2)(iii)(A) (\$150)
- No written commitment of manpower, equipment, and materials- 112.7(k)(2)(iii)(B) (\$150)

FACILITY DRAINAGE 112.8(b) & (c)

- Secondary Containment circumvented due to containment bypass valves left open and/or pumps and ejectors not manually activated to prevent a discharge- 112.8(b)(1)(2) and 112.8(c)(3)(ii) (\$650)
- Dike water is not inspected prior to discharge and/or valves not open & rescaled under responsible supervision- 112.8(c)(3)(ii)&(iii) (\$450)
- Adequate records (or NPDES permit records) of drainage from diked areas not maintained- 112.8(c)(3)(ii) (\$75)
- Drainage from undiked areas do not flow into catchment basins ponds, or lagoons, or no diversion systems to retain or return a discharge to the facility- 112.8(b)(3) (\$450)
- Two "lift" pumps are not provided for more that one treatment unit- 112.8(b)(5) (\$50)
- Plan has inadequate or no discussion of facility drainage-112.7(a)(1) (\$75)

BULK STORAGE CONTAINERS 112.8(e)

- Plan has inadequate or no risk analysis and/or evaluation of field-constructed aboveground tanks for brittle fracture- 112.7(i) (\$75)
- Failure to conduct evaluation of field-constructed aboveground tanks for brittle fracture- 112.7(i) (\$300)
- Material and construction of tanks not compatible to the oil stored and the conditions of storage such as pressure and temperature- 112.8(c)(1) (\$450)
- Secondary containment appears to be inadequate- 112.8(e)(2) (\$750)
- Containment systems, including walls and floors are not sufficiently impervious to contain oil- 112.8(c)(2) (\$375)
- Excessive vegetation which affects the integrity- 112.8(e)(2) (\$150)
- Walls of containment system slightly eroded or have low areas - 112.8(e)(2) (\$300)

- Completely buried tanks are not protected from corrosion or are not subjected to regular pressure testing- 112.8(c)(4) (\$150)
- Partially buried tanks do not have buried sections protected from corrosion- 112.8(c)(5) (\$150)
- Aboveground tanks are not subject to visual inspections- 112.8(c)(6) (\$450)
- Aboveground tanks are not subject to periodic integrity testing, such as hydrostatic, nondestructive methods, etc.- 112.8(c)(6) (\$450)
- Records of inspections (or customary business records) do not include inspections of tank (\$75) supports/foundation, deterioration, discharges and/or accumulations of oil inside diked areas- 112.8(c)(6)
- Steam return /exhaust of internal heating coils which discharge into an open water course are (\$150) not monitored, passed through a settling tank, skimmer, or other separation system- 112.8(c)(7)
- Tank battery installations are not in accordance with good engineering practices because none of the requirements specified in 112.7(c)(8)(i)-(v) are present- 112.8(c)(8) (\$450)
- No testing of liquid level sensing devices to ensure proper operation- 112.8(c)(8)(v) (\$75)
- Effluent treatment facilities which discharge directly to navigable waters are not observed frequently to detect oil spills- 112.8(c)(9) (\$150)
- Causes of leaks resulting in accumulations of oil in diked areas are not promptly corrected- 112.8(c)(10) (\$450)
- Mobile or portable storage containers are not positioned to prevent discharged oil from reaching navigable water- 112.8(c)(11) (\$150)
- Secondary containment inadequate for mobile or portable storage tanks- 112.8(c)(11) (\$500)
- Plan has inadequate or no discussion of bulk storage tanks-112.7(a)(1) (\$75)

FACILITY TRANSFER OPERATIONS, PUMPING, AND FACILITY PROCESS 112.8(d)

-
- Buried piping is not corrosion protected with protective wrapping, coating, or cathodic protection -112.8(d)(1) (\$150)
 - Corrective action is not taken on exposed sections of buried piping when deterioration is found- 112.8(d)(1) (\$450)
 - Not-in-service or standby piping are not capped or blank-flanged and marked as to origin- 112.8(d)(2) (\$75)
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TOTAL	\$1,500
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