



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

FEB 28 2013

CERTIFIED MAIL #7009 1680 0000 7673 0426
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

LR-8J

Mr. Joshy Mathews
Cyto Three Real Estates Inc. (dba BP)
2758 North Harlem Avenue
Elmwood Park, Illinois 60635

RUST-05-2013-0007

Re: Notice of Violation and Compliance Order/Settlement Agreement for the
Cyto Three Real Estates Inc. facility, 2758 North Harlem Avenue, Elmwood Park,
Illinois

Dear Mr. Mathews:

On December 05, 2012, the U.S. Environmental Protection Agency, Underground Storage Tank (UST) Section issued a Notice of Violation and a Compliance Order/Settlement Agreement concerning UST violations (i.e., release detection monitoring) found at the Cyto Three Real Estates Inc. facility, 2758 North Harlem Avenue, Elmwood Park, Illinois. This letter is to inform you that we have received your signed copies of the Settlement Agreement, dated February 06, 2013. We also received your supporting documentation stating that the UST violation was addressed. In addition, we received the check for a total of \$420 in penalties.

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 the EPA's 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 Arturo Cisneros, of my staff, at 312/886-7447.

Sincerely,

Gary J. Victorine
Chief,
RCRA Branch

Enclosure

cc: Fred Schneller, OSFM

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-13-018-AC**

PART I: INSPECTION SUMMARY

On: 12/05/2012 Time: 11:56 AM

At: Cyto Three Real Estate, INc (dba BP)
Address: 2758 N. Harlem Ave.
Elmwood Park, IL 60635

Mr. Joshy Mathews
(Name of Site Representative if not the Owner or Operator)

Name and address of the UST Owner

Name: Cyto Three Real Estate, INc (dba BP)
Address: 2758 N. Harlem Ave.
Elmwood Park, IL 60635

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 monitor tanks at least every 30 days, if appropriate
Cite: 40 CFR 280.41(a) Proposed Penalty: \$420

2. Violation:
Cite: 40 CFR Proposed Penalty:

3. Violation:
Cite: 40 CFR Proposed Penalty:

4. Violation:
Cite: 40 CFR Proposed Penalty:

TOTAL PROPOSED PENALTY: \$420

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

[Signature] 12-5-12
(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 **\$420** 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:

X Name (Print): Joshy Mathew
X Title (Print): _____
X Signature: [Signature] Date: 2/6/2013

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: 2/28/13

Notes:

RUST-05-2013-0007

RECEIVED
FEB 28 2013
REGIONAL HEARING CLERK
USEPA
REGION 5

REGION: 1 2 3 4(5) 6 7 8 9 10 HQ·CIN TRAVEL JURYDUTY CARDFUNDS TUITION IAG PARKING
 HEATHER BLAKE KIM LORI DICK DANA JOE MICHELLE PATTI CRAIG KEN JESS

COLLECTION INFORMATION

DEPOSIT NUMBER: 2710412 SUSPENSE LIABILITY

COLLECTION TYPE: CNR CFR CDV

COLLECTION NUMBER: 25-VST-12-018-AC

BILL TYPE: NN NF SN SF RJ JV MN MF TO TD RQ

BILL NUMBER: _____

COLLECTION DONE BY: JESS ENTERED DATE: 02/12/12

IPACTO: HQ LV RTP

Accounting

CNR/CFR	BFY	FUND	ORG	PRC	FOC	PROJECT	AMOUNT	LINE
001		80					\$420.00	

RUST-05-2013-0007

U S ENVIRONMENTAL PROTECTION

Lockbox: GLX-979077

Ledger Date: 02/11/2013

usbank.
 St. Louis GA Lockbox
 (314) 425-1818



batch	item	TID	Batch Total	Amount
12	3	Y-4058364	\$201,522.74	\$420.00