



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

JAN 12 2011

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL #7001 0320 0006 1452 3178
RETURN RECEIPT REQUESTED

LR-8J

Mr. Troy Williams
Maintenance Manager Material Handling
Dayton Power and Light Co., J.M. Stuart Station
745 U.S. 52
Aberdeen, Ohio 45101

RUST-05-2011-0007

BD#

2751106M007

Re: Notice of Violation and Compliance Order/Settlement Agreement for the Dayton Power and Light Co., J.M. Stuart Station facility, located at 745 U.S. 52, Aberdeen, Ohio

Dear Mr. Williams:

On October 27, 2010, the U.S. Environmental Protection Agency, Underground Storage Tank (UST) Section issued a Notice of Violation and a Compliance Order/Settlement Agreement concerning underground storage tank (UST) violations (i.e., release detection and overfill), found at the Dayton Power and Light Co., J.M. Stuart Station facility, 745 U.S. 52, Aberdeen, Ohio. This letter is to inform you that we have received your signed copy of the Settlement Agreement, dated November 19, 2010. We also received your supporting documentation stating that the UST violations were addressed. In addition, we received your check (#173641) for a total of \$840.00 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
Acting Chief, RCRA Branch
Land and Chemicals Division

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-10-001-AC

PART I: INSPECTION SUMMARY

On: 08/05/2009 Time: 08:30 AM

At: Dayton Power and Light Co., J.M. Stuart Station
Address: 745 U.S. Hwy 52
Aberdeen, OH 45101

Mr. Troy Williams
(Name of Site Representative if not the Owner or Operator)

Name and address of the UST Owner

Name: Dayton Power and Light Co., J.M. Stuart Station
Address: 745 U.S. Hwy 52
Aberdeen, OH 45101

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 take necessary precautions to prevent overfill/spillage during the transfer of product
Cite: 40 CFR 280.30(a) Proposed Penalty: \$420

2. Violation: Failure to provide adequate release detection method
Cite: 40 CFR 280.40(a) 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] 10-14-10
(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): Harry K McCann Troy Williams
 Title (Print): Environmental Engineer 11-19-2010
 Signature: [Signature] Date: 11-19-2010

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): Acting Chief, RCRA Branch
Signature: [Signature] Date: 1/11/2011

Notes:

RUST-05-2011-0007

BD # 2751106 M007

RECEIVED

JAN 12 2011

REGIONAL HEARING CLERK
USEPA
REGION 5

REGN 1 2 3 4 (5) 6 7 8 9 10 DC CIN TRVL JURYDTY CRDRFNDS SALE/PRPERTY TUITION IAG-RFNDS PARKN
 JENNIFER LORI DANA MICHELLE JOE DICK VAL PATTI ELIZBTH EVELYN CRAIG ERIC BLAKE (KIM) CAROL GOETZ

COLLECTION INFORMATION

DEPOSIT (SCHEDULE) NUMBER 2708311 SUSPENSE LIABILITY

CR NUMBER 85420510002 REMOVED BY _____

BILL NUMBER (IF DIFFERENT FROM CR NUMBER) UST05110002 REMOVED DATE _____

IFMS ENTERED DATE _____

DATE ITEM REC'D (IF NOT CIRCLED ON CHECK) _____

COLLECTION ENTRY DONE BY ERIC

NOT IN: ICIS, BRAINS, RHC DATABASE

IPAC TO: LV RTP HQ

ACCOUNTING

CR Line	BFY	APPR	Bud Org	PRC	BOC	Site/Proj	AMOUNT	Ref. Line	Rep Cat
								998	
								997	
								001	
								002	
								003	
								004	
								005	
								999	

KEY: REF LINE NO. 997=Interest LINE NO. 998=Handling LINE NO. 999=Penalty

RECEIVED
 JAN 12 2011

~~DAYTON~~ DAYTON POWER & LIGHT

REGIONAL HEARING CLERK
 USEPA

11-26-0001

Page 1 of 1

CHECK FACE HAS COLORED BACKGROUND WHICH MUST CHANGE IN TONE GRADUALLY AND EVENLY FROM DARK AT TOP TO LIGHTER AT BOTTOM IN A CUBE PATTERN.

DP&L The Dayton Power and Light Company
 1065 Woodman Drive
 DAYTON, OHIO 45432

MORGAN CHASE BANK NA
 Columbus, OH 43271
 56-1544
 441

No. 173641

NOT VALID AFTER 180 DAYS

CHECK DATE	CHECK NUMBER	CHECK AMOUNT
10-Nov-10	173641	\$840.00

PAY Eight Hundred Forty Dollars And Zero Cents

Field Citation Number: VI# R5-VST-11-001-RC

TO THE ORDER OF: U S ENVIRONMENTAL PROTECTION AGENCY
 FINES AND PENALTIES - CFC
 P O BOX 979077
 ST. LOUIS, MO 63197-9000 RUST-05-2011-0007

Frederick Boyle
 Authorized By

BD# 2751106M007

173641 044154431 6287048920 0000081000

THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENT. DO NOT CASH IF NOT PRESENT.