



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 25 2011

**CERTIFIED MAIL #7001 0320 0006 1559 1459**  
**RETURN RECEIPT REQUESTED**

REPLY TO THE ATTENTION OF:  
LR-8J

Mr. Craig S. Poettker  
Illinois Department of Transportation  
1102 Eastport Plaza Drive  
Collinsville, Illinois 62234

**Re: Notice of Violation and Compliance Order/Settlement Agreement for  
the Bowman Maintenance Yard facility, 728 Exchange Avenue, East St.  
Louis, Illinois**

**RUST-05-2011-0018**

**2751106M019**

Dear Mr. Poettker:

On March 9, 2011 the U.S. Environmental Protection Agency, Underground Storage Tank (UST) Section issued a Notice of Violation and a Compliance Order/Settlement Agreement concerning UST violation (i.e., inadequate closure), found at the Bowman Maintenance Yard facility, 728 Exchange Avenue, East St. Louis, Illinois. This letter is to inform you that we have received your signed copy of the Settlement Agreement, dated June 1, 2011. We also received your supporting documentation stating that the UST violation was addressed. In addition, we received your check transaction (#AA4515888) 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,

Mary S. Setnicar  
Acting Chief, RCRA Branch  
Land and Chemicals Division

Enclosure

cc: Shelly Bradley, OSFM

UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. R5-UST-11-006-AC

PART I: INSPECTION SUMMARY

On: 03/09/2011 Time: 08:00 AM

At: Bowman Maintenance Yard  
Address: 728 Exchange Avenue  
East St. Louis, IL 62201

Mr. Richard Millar / Joe Monroe Jr  
(Name of Site Representative if not the Owner or Operator)  
3-9-11

Name and address of the UST Owner

Name: Illinois Department of Transportation  
Address: 2300 South Dirksen  
Springfield, IL 62764

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 remove closed tank from the ground or fill tank with an inert solid for tank closure  
Cite: 40 CFR 280.71(b) 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]  
(Signature of EPA Inspector) 3-9-11  
(Date)

RUST-05-2011-0018

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): Joseph Monroe  
X Title (Print): DB IDOT Operations Engineer  
V Signature: [Signature] Date: 6/1/11

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): MARY S. SEMICAR  
Title (Print): acting chief, RCRA Branch  
Signature: [Signature] Date: 7/21/11

Notes:

BA# 2751106M019

RECEIVED RECEIVING CLERK  
U.S. EPA REGION 5  
2011 JUL 25 PM 4:19

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U.S. EPA REGION 5  
2011 JUL 25 PM 4:19

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

# COLLECTION INFORMATION

DEPOSIT (SCHEDULE) NUMBER 27-361-11 SUSPENSE  LIABILITY   
 CR NUMBER ILLINOIS DOT REMOVED BY \_\_\_\_\_  
 BILL NUMBER (IF DIFFERENT FROM CR NUMBER) \_\_\_\_\_ 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

RUST-05-2011-0018

*BA# 2751106M019*

QUALITY MEANS MEETING THE REQUIREMENTS BOX 979077  
 SEQ# 005 \$ 000042000 BA# 163 07-01-11 20 3



AA4515888 DRAWN BY JUDY-BAAR TOPINKA COMPTROLLER TO-STATE  
 REFER TO THIS NUMBER ON THE TREASURER OF THE STATE OF ILLINOIS  
 PAY THIS AMOUNT: Four Hundred Twenty \*\*\*\*\*00/100 \*\*\*\*\*420.00  
 DATE ISSUED 06-27-2011  
 TO THE ORDER OF US ENVIRONMENTAL PROTECTION FINES & PENALTIES PO BOX 979077 ST LOUIS MO 63197  
 COUNTERSIGNED AND REGISTERED Dan Bentley Treasurer  
 GRANTED, DRAWN AND RECORDED Judy Baar Topinka  
 #011#071121866# #4515888# #000042000#

JUN 28 2011  
 U.S. EPA REGION 5  
 ACCOUNTING CLERK