

September 11, 2003. *See 68 Fed. Reg. 53520* (September 11, 2003) and 40 C.F.R. § 282.88. Through this final authorization, the provisions of the Pennsylvania Authorized UST Management Program became requirements of RCRA Subtitle I and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. As of the date of EPA's authorization of Pennsylvania's Authorized UST Management Program, these provisions were codified in Chapter 245 of Title 25 of the Pennsylvania Code, and will be cited herein as 25 PA Code §§ 245.1 *et seq.*

RCRA Section 9006(a)-(e), 42 U.S.C. § 6991e(a)-(e), authorizes the U.S. Environmental Protection Agency ("EPA" or the "Agency") to take an enforcement action whenever it is determined that a person is in violation of any requirement of RCRA Subtitle I, EPA's regulations thereunder, or any regulation of a federally-authorized state UST program. Under RCRA Section 9006(d), 42 U.S.C. § 6991e(d), EPA may assess a civil penalty against any person who, among other things, violates any requirement of an applicable federal or federally-authorized state UST program.

In accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2), EPA has notified the Commonwealth of Pennsylvania of EPA's intent to commence this administrative action in response to the violations set forth herein.

II. GENERAL PROVISIONS

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, immediately above.
3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order, or the enforcement of the CAFO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing on any issue of law or fact set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
5. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
6. Respondent shall bear its own costs and attorney's fees.
7. Respondent certifies to EPA by its signature herein that it is presently in compliance with all relevant provisions of the Pennsylvania Authorized UST Management Program which are the subject of the allegations set forth in Section III ("EPA's Findings of Fact and Conclusions of Law"), below.

8. The provisions of this CAFO shall be binding upon Complainant and Respondent, its officers, directors, employees, successors and assigns.
9. Nothing in this CAFO shall relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor does this CAFO constitute a waiver, suspension or modification of the requirements of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991*m*, or any regulations promulgated or authorized thereunder.

III. EPA'S FINDINGS OF FACT AND CONCLUSIONS OF LAW

10. In accordance with the *Consolidated Rules of Practice* at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the following findings of fact and conclusions of law:
 - a. Respondent is a Pennsylvania municipality and is a "person" as defined by Section 9001 of RCRA, 42 U.S.C. § 6991.
 - b. At all times relevant to the violations set forth in this CA, Respondent has been an "owner," of two 10,000 gallon "underground storage tanks" ("USTs"), as defined in Section 9001 of RCRA, 42 U.S.C. § 6991, 40 C.F.R. § 280.12, and 25 PA Code § 245.1, and associated "underground storage tank systems" ("UST systems"), as defined in 40 C.F.R. § 280.12 and 25 PA Code § 245.1, at its facility known as the Grove City Airport, which is located at 40 Oakley Kelly Drive, Mercer, Pennsylvania, 16137 (the "Facility").
 - c. One 10,000 gallon UST at the Facility identified as UST 003 ("UST 003") is a single wall tank of fiberglass construction that at all times relevant to the violations alleged herein has been used to store petroleum used for jets, known as "Jet A Fuel".
 - d. UST 003 was installed in 1991.
 - e. One 10,000 gallon UST at the Facility identified as UST 004 ("UST 004") is a single wall tank of fiberglass construction that at all times relevant to this CAFO has been used to store petroleum used as aviation fuel, known as "AVGAS (100 LL)".
 - f. UST 004 was installed in 1991.
 - g. Each UST identified in Paragraph 10.c and e, above, routinely contained petroleum, a "regulated substance" as defined by 40 C.F.R. § 280.12, 25 PA Code § 245.1 and Section 9001 of RCRA, 42 U.S.C. § 6991, at all times relevant to the violations alleged herein.
 - h. Each UST owned by the Respondent and identified in Paragraph 10.c and e,

above, together with associated piping, ancillary equipment and containment system, was at all times relevant hereto, an “underground storage tank system” and a “petroleum system” and, as defined in 40 C.F.R. § 280.12 and 25 PA Code § 245.1 and was a petroleum “UST system” within the meaning of 25 PA Code § 245.442.

COUNT I
Release Detection Monitoring Violations - UST 003

11. With exceptions not herein applicable, 25 PA Code § 245.442(1) requires that owners and operators of USTs shall provide release detection for underground storage tanks by monitoring such tanks at least every 30 days for releases in accordance with any of the methods set forth at 25 PA Code § 245.444(4) - (9), which methods include: Automatic Tank Gauging; Vapor Monitoring; Groundwater Monitoring; Interstitial Monitoring; Statistical Inventory Reconciliation (SIR); and Other Methods (if an owner or operator has demonstrated to the Pennsylvania Department of Environmental Protection that such other type or types of release detection method or methods: (i) can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05; or (ii) can detect a release as effectively as any of the methods allowed in 25 PA Code § 245.444(3) - (8)).
12. From at least September 11, 2003 through the present, Respondent has attempted to meet its release detection obligations for USTs 003 and 004 with an EBW Auto Stik Jr.-2 automatic tank gauge (“ATG”) system which is programmed to conduct such tests once per month.
13. For UST 003, Respondent either failed to conduct an ATG test or conducted an inconclusive ATG test for UST 003 for the following months:
 - a. November 2003 - February 2004 (4 months);
 - b. November 2004 - April 2005 (6 months);
 - c. September 2005 (1 month);
 - d. November 2005 - December 2005 (2 months);
 - e. February 2006 - April 2006 (3 months);
 - f. July 2006 - October 2006 (4 months); and
 - g. January 2007 - February 2007 (2 months).
14. During the months specified in Paragraph 13, above, Respondent did not provide any

other method of tank release detection for UST 003 at the Grove City Airport Facility which complied with the requirements of 25 PA Code § 245.444(4) through (9).

15. During the months specified in Paragraph 13, Respondent failed to comply with the performance requirements of 25 PA Code § 245.444(4) - (9) by failing to monitor UST 003 at the Grove City Airport Facility at least every thirty (30) days for releases in a manner that complied fully with any one or more of the "Methods of release detection for tanks" set forth therein.
16. Respondent violated 25 PA Code § 245.442(1) with respect to the UST 003 at the Grove City Airport Facility for a collective twenty-two (22) month period as specified above in Paragraph 13, which occurred during various months from November 1, 2003 to February 28, 2007, by failing, during such months, to provide a method, or combination of methods, of release detection for each of those USTs that met any one or more of the applicable performance requirements set forth at 25 PA Code § 245.444(4) - (9).

COUNT II
Release Detection Monitoring Violations - UST 004

17. For UST 004, Respondent either failed to conduct an ATG test or conducted an inconclusive ATG test for UST 004 for the following months:
 - a. December 2003 - February 2004 (3 months);
 - b. May 2004 (1 month);
 - c. July 2004 (1 month);
 - d. November 2004 - February 2005 (4 months);
 - e. April 2005 (1 month);
 - f. September 2005 (1 month);
 - g. November 2005 - April 2006 (6 months); and
 - h. August 2006 - September 2006 (2 months).
18. During the months specified in Paragraph 17, above, Respondent did not provide any other method of tank release detection for UST 004 at the Grove City Airport Facility which complied with the requirements of 25 PA Code § 245.444(4) through (9).
19. During the months specified in Paragraph 17, above, Respondent did not provide a method of tank release detection for UST 004 at the Grove City Airport Facility which

complied with the requirements of 25 PA Code § 245.444(4) through (9).

20. During the months specified in Paragraph 17, Respondent failed to comply with the performance requirements of 25 PA Code § 245.444(4) - (9) by failing to monitor UST 004 at the Grove City Airport Facility at least every thirty (30) days for releases in a manner that complied fully with any one or more of the “Methods of release detection for tanks” set forth therein.
21. Respondent violated 25 PA Code § 245.442(1) with respect to the UST 004 at the Grove City Airport Facility for a collective nineteen (19) month period as specified above in Paragraph 17, which occurred during various months from December 1, 2003 to September 30, 2006, by failing, during such months, to provide a method, or combination of methods, of release detection for each of those USTs that met any one or more of the applicable performance requirements set forth at 25 PA Code § 245.444(4) - (9).

COUNT III

Failure to Investigate a Suspected Release - UST 003

22. 25 PA Code § 245.304(a) requires, in pertinent part, that UST owners or operators initiate and complete an investigation of an indication of a release of a regulated substance from an UST as soon as practicable but no later than seven days after the indication of the release. An “indicator of a release” includes monitoring results from a release detection method which indicates a release.
23. 25 PA Code § 245.304(b) requires UST owners or operators to investigate and confirm whether a release has occurred at an UST by conducting one or more of the leak detection procedures set forth in this subsection.
24. On or about June 14, 2006, the ATG for UST 003 reported a release detection monitoring result of “Fail”, indicating a possible release of regulated substances from this UST system. Neither Respondent nor the UST operator conducted any of the procedures set forth in 25 PA Code § 245.304(b) to investigate and confirm this suspected release within at least seven days after the UST 003 ATG reported a “Fail” release detection result for this UST.
25. Respondent violated 25 PA Code § 245.304(a) by failing to conduct any of the procedures set forth in 25 PA Code § 245.304(b) to investigate and confirm the suspected release for UST 003 within at least seven days after the UST 003 ATG reported a “Fail” release detection result for this UST at the Grove City Airport Facility on or about June 14, 2006.

COUNT IV

Failure to do Annual Line Leak Detection Tests - UST 004 (2002)

26. 40 C.F.R. § 280.41 requires that owners and operators of petroleum UST systems shall provide for release detection for USTs and UST piping as set forth in that section.
27. 40 C.F.R. § 280.41(b)(1)(i) requires that underground piping that routinely contains a regulated substance and conveys a regulated substance under pressure must be equipped with an automatic line leak detector in accordance with 40 C.F.R. § 280.44(a) (relating to methods of release detection for piping).
28. 40 C.F.R. § 280.44(a) pertains to automatic line leak detectors and requires, in relevant part, that “[a]n annual test of the operation of the leak detector shall be conducted in accordance with the manufacturer’s requirements.”
29. The underground piping associated with UST 004 at the Grove City Airport Facility identified in Paragraph 10.e, above, has, at all times relevant to the violations alleged in this Count, routinely contained regulated substances and conveyed such regulated substances under pressure.
30. The piping that conveys regulated substances under pressure from UST 004 at the Grove City Airport Facility identified in Paragraph 10.e, above, is, and at all times relevant to the violations alleged in this Count, has been equipped with an automatic line leak detector, as required pursuant to 40 C.F.R. § 280.41 and 40 C.F.R. § 280.44(a).
31. From at least January 1, 2002 through at least December 31, 2002, neither Respondent nor the Facility operator performed annual testing of the operation of the line leak detectors for the pressurized underground piping associated with UST 004 at the Grove City Airport Facility identified in Paragraph 10.e, above, as required by 40 C.F.R. § 280.44(a).
32. Respondent violated 40 C.F.R. § 280.41 and 40 C.F.R. § 280.44(a) by failing to conduct annual testing of the operation of the line leak detectors for the pressurized underground piping associated with UST 004 at the Grove City Airport Facility identified in Paragraph 10.e, above, for the 2002 calendar year.

COUNT V

Failure to do Annual Line Leak Detection Tests - UST 004 (2005-06)

33. 25 PA Code § 245.442 requires that owners and operators of petroleum UST systems shall provide for release detection for USTs and UST piping as set forth in that section.
34. 25 PA Code § 245.442(2)(i)(A) requires that underground piping that routinely contains a regulated substance and conveys a regulated substance under pressure must be equipped

with an automatic line leak detector in accordance with 25 PA Code § 245.445(1) (relating to methods of release detection for piping).

35. 25 PA Code § 245.445(1) pertains to automatic line leak detectors and requires, in relevant part, that “[a]n annual test of the operation of the leak detector shall be conducted in accordance with the manufacturer’s requirements.”
36. The underground piping associated with UST 004 at the Grove City Airport Facility identified in Paragraph 10.e, above, has, at all times relevant to the violations alleged in this Count, routinely contained regulated substances and conveyed such regulated substances under pressure.
37. The piping that conveys regulated substances under pressure from UST 004 at the Grove City Airport Facility identified in Paragraph 10.e, above, is, and at all times relevant to the violations alleged in this Count, has been equipped with an automatic line leak detector, as required pursuant to 25 PA Code §§ 245.442(2)(i)(A) and 245.445(1).
38. From at least January 1, 2005 through at least March 1, 2007, neither Respondent nor the Facility operator performed annual testing of the operation of the line leak detectors for the pressurized underground piping associated with UST 004 at the Grove City Airport Facility identified in Paragraph 10.e, above, as required by 25 PA Code § 245.445(1).
39. Respondent violated 25 PA Code §§ 245.445(1) and 245.442(2)(i)(A) by failing to conduct annual testing of the operation of the line leak detectors for the pressurized underground piping associated with UST 004 at the Grove City Airport Facility identified in Paragraph 10.e, above, for the 2005 and 2006 calendar years.

COUNT VI

Failure to do Periodic (Annual or Monthly) Line Leak Detection Tests - UST 004 (2002)

40. 40 C.F.R. § 280.41(b)(1)(ii) requires owners and operators of UST systems with underground piping that routinely contains a regulated substance and conveys a regulated substance under pressure to perform an annual line tightness test conducted for such piping in accordance with 40 C.F.R. § 280.44(b) or have monthly monitoring conducted in accordance with 40 C.F.R. § 280.44(c).
41. 40 C.F.R. § 280.44(b) and (c) set forth the following requirements with respect to the periodic (annual or monthly) monitoring provisions identified at 40 C.F.R. § 280.41(b)(1)(ii):
 - (b) *Line tightness testing.* A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure.

- (c) *Applicable tank methods.* The methods in [40 C.F.R.] § 280.43(e) - (h) (relating to methods of release detection for tanks) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.
42. From at least January 1, 2002 through at least December 31, 2002, neither Respondent nor the Facility operator conducted line tightness testing on the pressurized underground piping associated with UST 004 at the Grove City Airport Facility identified in Paragraph 10.e, above, which complied with the requirements of 40 C.F.R. § 280.44(b).
43. From at least January 1, 2002 through at least December 31, 2002, neither Respondent nor the Facility operator provided a method of line release detection for the pressurized underground piping associated with UST 004 at the Grove City Airport Facility identified in Paragraph 10.e, above, which complied with the requirements of 40 C.F.R. § 280.43(e)- (h)
44. Respondent violated 40 C.F.R. § 280.41(b)(1)(ii) by failing to provide a method, or combination of methods, of release detection for the pressurized underground piping that routinely contained regulated substances and was associated with UST 004 at the Grove City Airport Facility identified in Paragraph 10.e, above, for the 2002 calendar year.

COUNT VII

Failure to do Periodic (Annual or Monthly) Line Leak Detection Tests - UST 004 (2005-06)

45. 25 PA Code § 245.442(2)(i)(B) requires owners and operators of UST systems with underground piping that routinely contains a regulated substance and conveys a regulated substance under pressure to perform an annual line tightness test conducted for such piping in accordance with 25 PA Code § 245.445(2) or have monthly monitoring conducted in accordance with 25 PA Code § 245.445(3).
46. 25 PA Code §§ 245.445(2) and (3) set forth the following requirements with respect to the periodic (annual or monthly) monitoring provisions identified at 25 PA Code § 245.442(2)(i)(B):
- (2) *Line tightness testing.* A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at 1 ½ times the operating pressure.
- (3) *Applicable tank methods.* The methods in [25 PA Code] § 245.444(5) - (9) (relating to methods of release detection for tanks) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.
47. From at least January 1, 2005 through at least March 1, 2007, neither Respondent nor the Facility operator conducted line tightness testing on the pressurized underground piping

associated with UST 004 at the Grove City Airport Facility identified in Paragraph 10.e, above, which complied with the requirements of 25 PA Code § 245.445(2).

48. From at least January 1, 2005 through at least March 1, 2007, neither Respondent nor the Facility operator provided a method of line release detection for the pressurized underground piping associated with UST 004 at the Grove City Airport Facility identified in Paragraph 10.e, above, which complied with the requirements of 25 PA Code § 245.444(5) through (9).
49. Respondent violated 25 PA Code § 245.442(2)(i)(B) by failing to provide a method, or combination of methods, of release detection for the pressurized underground piping that routinely contained regulated substances and was associated with UST 004 at the Grove City Airport Facility identified in Paragraph 10.e, above, for the 2005 and 2006 calendar years.

IV. CIVIL PENALTIES

50. Respondent agrees to pay a civil penalty in the amount of TWENTY-TWO THOUSAND DOLLARS (\$22,000.00), in accordance with the provisions and the schedule set forth in this Section IV (“Civil Penalties”), in full satisfaction of all civil claims for penalties which Complainant for the specific violations of RCRA set forth in Section III (“EPA’s Findings of Fact and Conclusions of Law”) of this CA.
51. The Parties agree that the aforesaid settlement amount is reasonable and is based upon Complainant’s consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of the Respondent’s violations and any good faith efforts by Respondent to comply with all applicable requirements, as provided in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), and in accordance with EPA’s Penalty Guidance for Violations of UST Regulations (“UST Guidance”) dated November 4, 1990. EPA has also considered the *Adjustment of Civil Monetary Penalties for Inflation*, as set forth in 40 C.F.R. Part 19, and the September 21, 2004 memorandum by Acting EPA Assistant Administrator Thomas V. Skinner entitled, *Modifications to EPA Penalty Policies to Implement the Civil Monetary Penalty Inflation Adjustment Rule* (“2004 Skinner Memorandum”). 40 C.F.R. Part 19 and the 2004 Skinner Memorandum specify that, for violations occurring after January 30, 1997, statutory penalties and penalties under the UST Guidance for RCRA Subtitle I violations, were increased 10% above the maximum amount to account for inflation, and while the statutory maximum penalties for RCRA Subtitle I violations occurring after March 15, 2004, remained at \$11,000, penalties for violations after this date as calculated under the UST Guidance for RCRA Subtitle I violations were increased by an additional 17.23% above the amount set forth in the Guidance to account for inflation, not to exceed the aforementioned \$11,000 limitation.
52. Payment of the civil penalty amount required under the terms of Paragraph 50, above,

shall be made via one of the following methods:

- a. Via U.S. Postal Service regular mail of a certified or cashier's check, made payable to the "United States Treasury", sent to the following address:

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

- b. Via Private Commercial Overnight Delivery of a certified or cashier's check, made payable to the "United States Treasury", sent to the following address:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Natalie Pearson
314-418-4087;

- c. Via electronic funds transfer ("EFT") in one of the following manners, to the specified account:

Wire Transfers shall be made to:
Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT Address = FRNYUS33
33 Liberty Street
New York, NY 10045

(Field Tag 4200 of the wire transfer message should read:
"D 68010727 Environmental Protection Agency");

Automated Clearing House (ACH) Transfers shall be made to:
Automated Clearinghouse (ACH) for receiving U.S. currency
PNC Bank
808 17th Street, NW
Washington, D.C. 20074

ABA = 05136706
Transaction Code 22 - checking

Contact: Jesse White
(301) 887-6548

53. All payments by Respondent shall reference its names and addresses and the Docket Number of this action (Docket No. RCRA-03-2008-0061);
54. At the same time of payment, Respondent shall send a notice of such payment, including a copy of the check or EFT authorization, as applicable, to:

Ms. Lydia Guy
Regional Hearing Clerk (3RC00)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

and to

James Heenehan
Senior Assistant Regional Counsel
Office of Regional Counsel (3RC30)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029.

55. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below.
56. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a Consent Agreement and Final Order begins to accrue on the date that a copy of the Consent Agreement and Final Order is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
57. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the

payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

58. A late payment penalty of six percent per year will be assessed monthly on any portion of a civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
59. Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this CAFO.

V. CERTIFICATIONS

60. As to the relevant provisions of RCRA and the Pennsylvania Authorized UST Management Program violated as set forth in the Findings of Fact and Conclusions of Law, above, Respondent certifies to EPA that, upon investigation, to the best of Respondent's knowledge and belief, Respondent is presently in compliance with all relevant provisions of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, and with all relevant regulations in the Pennsylvania Authorized UST Management Program for which violations are alleged in this CA at the Grove City Airport Facility.

VI. RESERVATION OF RIGHTS

61. This CAFO resolves only EPA's claims for civil penalties for the specific violations which are alleged in this CA. Nothing in this CAFO shall be construed as limiting the authority of EPA to undertake action against any person, including the Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the *Consolidated Rules of Practice*. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO following its filing with the Regional Hearing Clerk.

VII. FULL AND FINAL SATISFACTION

62. Payment of the civil penalty as specified in Section IV ("Civil Penalties"), above, shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have under Section 9006(a) of RCRA, 42 U.S.C. § 6991e(a) for the violations alleged in this CA.

VIII. PARTIES BOUND

63. This CAFO shall apply to and be binding upon the EPA and Respondent. By the signature below, Respondent acknowledges its intent to be bound by the terms and conditions of this CAFO. By his signature below, the person signing this CA on behalf of Respondent acknowledges that he is fully authorized to enter into this CA and to bind the Respondent to the terms and conditions of this CAFO.

IX. EFFECTIVE DATE

64. The effective date of this CAFO is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his designee, the Regional Judicial Officer, is filed with the Regional Hearing Clerk, pursuant to the *Consolidated Rules of Practice*.

X. ENTIRE AGREEMENT

65. This CAFO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CAFO.

For the Respondent, Borough of Grove City:

Date: 12-21-07

By: 

For the Complainant:

Date: 12/27/07

By: 
James Heenehan
Sr. Assistant Regional Counsel

After reviewing the foregoing Findings of Fact, Conclusions of Law and other pertinent matters, the Waste and Chemicals Management Division of the United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

Date: 12/27/07

By: 
Abraham Ferdas, Director
Waste and Chemicals Management Division

The effective date of the Consent Agreement and this Final Order is the date on which the Final Order is filed with the Regional Hearing Clerk.

Date: 12/27/07



Renée Sarajian
Regional Judicial Officer
U.S. EPA, Region III