



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

REPLY TO THE ATTENTION OF:  
LR-8J

**CERTIFIED MAIL # 7001 0320 0005 8915 5442**  
**RETURN RECEIPT REQUESTED**

Mr. Brian Keller  
Suffield Carry-Out  
1435 State Route 43  
Mogadore, Ohio 44260

BD# 2751206M002  
RUST-05-2012-0002

Re: Compliance Order/Settlement Agreement for Suffield Carry-Out in Mogadore, Ohio

Dear Mr. Keller:

On November 16, 2011 the U.S. Environmental Protection Agency Underground Storage Tank Section issued a Notice of Violation and Compliance Order/Settlement Agreement concerning violations found during a compliance inspection conducted at Suffield Carry-Out, 1435 State Route 43 in Mogadore, Ohio.

We have received your signed original copy of the Settlement Agreement, dated December 25, 2011 and the check for \$420 in penalties. We have reviewed the original copy of the Settlement Agreement where you have indicated that the violations of the underground storage tanks regulations for which you were cited have been corrected.

The Settlement Agreement states that it is effective upon the 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 EPA 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 Erin Galbraith, of my staff, at 312-886-6879.

Sincerely,

Gary Victorine, Chief  
RCRA Branch

Enclosure

cc: William Vedra, Chief, Ohio Bureau of Underground Storage Tank Regulations

## COLLECTION INFORMATION

DEPOSIT (SCHEDULE) NUMBER 2710312

SUSPENSE  LIABILITY

COLLECTION TYPE: CNR CFR CDV

CINTI NON-FED, CINTI FED,  
CINTI DEBIT VOUCHER (BAD CHECK)

COLLECTION NUMBER UST05120006

NONSF-FED,  
NON-SF-NON-FED, SF-FED, SF-  
NONFED,

BILL TYPE: NF NN SF SN RJ JV IG

RJ=REFUND, JV= JOURNAL VOUCHER,  
IG = IPAC

BILL NUMBER \_\_\_\_\_

COLLECTION DONE BY ens

ENTERED DATE 1-19-12

IPAC to HQ LV RTP

### ACCOUNTING

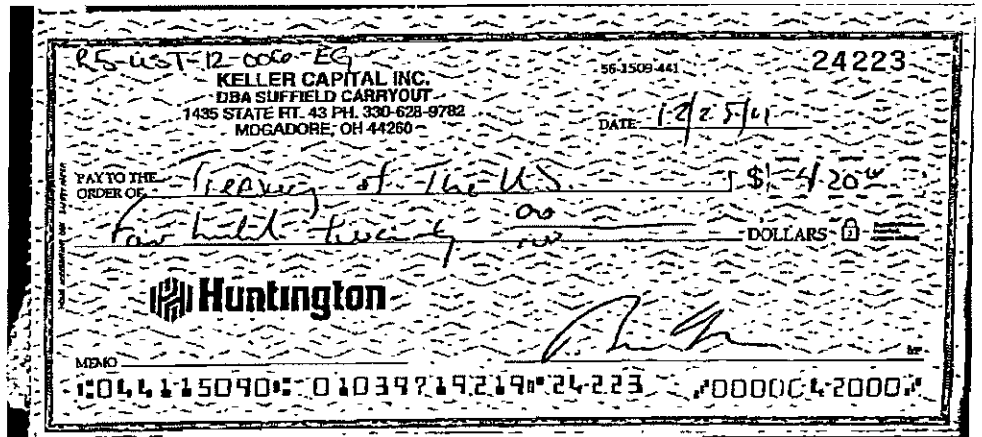
CR	BFY	APPR	REP CAT	BOC	PRC	Site/Proj	AMOUNT	REF LINE
001	12	1099	80				420.00	
						<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> <p style="font-size: 2em; margin: 0;">RECEIVED</p> <p style="margin: 0;">FEB 07 2012</p> <p style="margin: 0;">REGIONAL HEARING CLERK USEPA REGION 5</p> </div>		

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

RUST-05-2012-0002

*BD# 2751206M002 12*

**QUALITY MEANS MEETING THE REQUIREMENTS BOX 979077  
 SEQ# 016 \$ 000042000 BA# 16 01-17-12 20 4**



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-12-006-EG

BDF# 2751206M002

**PART I: INSPECTION SUMMARY**

On: 11/16/2011 Time: 09:51 AM

At: Suffield Carry-Out  
 Address: 1435 State Rt 43  
Mogadore, OH 44260

Brian Keller  
 (Name of Site Representative if not the Owner or Operator)

Name and address of the UST Owner

Name: Suffield Investments LLC  
 Address: 1435 State Rt 43  
Mogadore, OH 44260

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:

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

Eric Gallant 11/16/11  
 (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 AURHORIZED REPRESENTATIVE :**

Name (Print): Brian Keller

Title (Print): Owner

Signature: Brian Keller Date: 12/25/11

**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): GARY J. VICTORINE

Title (Print): CHIEF, RCRA BRANCH

Signature: Gary Victorine Date: 1/20/2012

Notes:

**RECEIVED**

FEB 01 2012

REGIONAL HEARING CLERK  
 USEPA  
 REGION 5