



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

OCT 19 2009

REPLY TO THE ATTENTION OF:  
LR-8J

**CERTIFIED MAIL #7001 0320 0006 1452 3178**  
**RETURN RECEIPT REQUESTED**

Mr. Victor D. Considine  
Safety & Occupational Health Manager  
Federal Correctional Institution-Elkton, Ohio  
8730 Scroggs Road  
Elkton, Ohio 44515

Re: **Notice of Violation and Compliance Order/Settlement Agreement for the  
Federal Bureau of Prisons, Federal Correctional Institution – Elkton facility,  
located at 8730 Scroggs Road, Elkton, Ohio** **RUST-05-2010-0001**

Dear Mr. Considine:

On September 3, 2009, the U.S. Environmental Protection Agency, RCRA Programs Section issued (i.e., mailed) a Notice of Violation and a Compliance Order/Settlement Agreement concerning underground storage tank (UST) violations (i.e., release detection monitoring), found at the Federal Bureau of Prisons - Elkton facility, 8730 Scroggs Road, Elkton, Ohio. This letter is to inform you that we have received your signed copy of the Settlement Agreement, dated September 22, 2009, and your supporting documentation stating that the UST violation was addressed. In addition, we received your check/ intra-government transfers of credit for a total of \$600.00 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,

A handwritten signature in black ink that reads "Willie H. Harris".

Willie H. Harris, P.E.  
Chief, RCRA Branch  
Land and Chemicals Division

Enclosure

BD# EA#

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 5  
77 West Jackson Boulevard (LR-8J), Chicago, Illinois 60604-3590

2751006M001

UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO.  
RUST-05-2010-0001

UI# RS-UST-09-009-AC

Part I: INSPECTION SUMMARY

On June 18, 2009 Time 11:30  
(Date of Violation) (a.m. or p.m.)

At Federal Correctional Institution  
(Name of Facility)

Address: 8730 Scroggs Road, Elkton, Ohio 44515

(Name of On site Representative if not the Owner or Operator)

Name and address of the UST Owner or Operator (circle which applies)

Name: Mr. Paul Robinson

Address: (same as above)

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

Cite: 40 CFR 280.41(a) Proposed Penalty: \$ 300.00

2. Violation: Failure to provide any release detection for underground piping

Cite: 40 CFR 280.44 Proposed Penalty: \$ 300.00

3. Violation: \_\_\_\_\_

Cite: 40 CFR Proposed Penalty: \$ \_\_\_\_\_

4. Violation: \_\_\_\_\_

Cite: 40 CFR Proposed Penalty: \$ \_\_\_\_\_

5. Violation: \_\_\_\_\_

Cite: 40 CFR Proposed Penalty: \$ \_\_\_\_\_

TOTAL PROPOSED PENALTY: \$ 600.00

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

[Signature]  
(Signature of EPA Inspector)

Date: 8-25-09

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 \$ 600.00 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): John Fief

X Title (Print): Facility Manager

✓ Signature [Signature] Date: 9/22/09

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.

SIGNATURE BY EPA APPROVING THE SETTLEMENT AGREEMENT AND COMPLIANCE ORDER:

Name (Print): Willie H. Harris

Title (Print): Chief, RB

Signature [Signature] Date: 10/19/09

Notes:

OCT 19 2009

REGIONAL HEARING CLERK  
USEPA  
REGION 5

RECEIVED BY YOUR ALC  
 ALL TRANSACTIONS RECEIVED BY: 68010727  
 EXCLUDES THIRD PARTY SUBMITTER DATA

Start Date: 09/23/2009 End Date: 09/23/2009

BD# 2751006M001

107014

RUST-05-2010-0001

Originating ALC 15100466	Customer ALC 68010727	Submitter ALC	<b>PAYMENT</b>
Document Reference Number 99600528	Summary Amount \$600.00	<i>Credit</i>	
Accomplished Date 09/23/2009	Accounting Date 09/30/2009	Number of Detail(s) 1	Originator DO Symbol 10995
ALC Contact Michael Wolski	Contact Email mwolski@bop.gov	Contact Phone 3304247448	

**RECEIVED**  
 OCT 19 2009  
 REGIONAL HEARING CLERK  
 USEPA  
 REGION 5

Detail Number 1	Receiver Treasury Account Symbol Receiver BETC	Receiver DUNS+4 1591060	Sender Treasury Account Symbol Sender BETC	Sender DUNS+4 Sender DUNS
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Purchase Order Number	Invoice Number	
EPA Citation	FCI Elkton	
Obligating Document Number UI#R5-UST-09-009-CLIN	Requisition Number	Contract Number
Jas Number		

ACT(trace number)	Job (Project) Number	Pay Flag F	Receiver Dept Code 15
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Unit of Issue ea	Quantity 1.00	Unit Price \$600.00	Detail Amount \$600.00
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ACRN	Accounting Classification Code	FSN/AAA/ADSN 0	DOD Activity Address Code
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Transaction Contact Mike Wolski	Contact Phone 330-420-6490
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Transaction Description IPAC to pay fine for violation. FCI Elkton Citation Number UI#-UST-09-009-AC	Miscellaneous Information
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FCI ELKTON

LIABILITY ✓

REGION 5

BLAKI

CI UST 03009 AC

CI 80 600.00

9-28-09