



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 5**  
**77 WEST JACKSON BOULEVARD**  
**CHICAGO, IL 60604-3590**  
**May 23, 2022**

**ELECTRONIC MAIL**  
**DELIVERY RECEIPT REQUESTED**

Sarah Walters  
FAA Cleveland PVY ALS  
5300 Riverside Drive  
Cleveland, Ohio 44135  
Sarah.A.Walters@FAA.gov

Re: Notice of Violation and Compliance Order/Settlement Agreement for the FAA Cleveland PVY ALS (North) and LIS ALS (South) ICIS #3601368754 **RUST-05-2022-0010**

Dear Ms: Walters:

On December 13, 2021, the U.S. Environmental Protection Agency, Underground Storage Tank (UST) Section issued a Notice of Violation and a Compliance Order/Settlement Agreement (Field Citation) concerning UST violations (i.e., failure to test/inspect spill and overfill every 3 years; calibration of leak detection equipment; release detection documents) found at the FAA Cleveland facilities located at 326 East Lorain Street, Oberlin, Ohio 44074.

On April 6, 2022, EPA received your signed copy of the Settlement Agreement and supporting documentation. Also on May 16, 2022, the EPA finance office confirmed receipt of your payment (check #1222) for a total of \$2,480.00 in penalties.

The Settlement Agreement states that it is effective upon EPA's final approval. 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 second check as part of the settlement process.

If you have any questions, please feel free to contact Sandy Karner, of my staff, at (312) 886-0429.

Sincerely,

**Julie Morris** Digitally signed by Julie  
Morris  
Date: 2022.05.20  
11:53:51 -05'00'

Julie Morris, Manager  
Land Enforcement and Compliance Assurance Branch

cc: Tom Kenney, ORC, [kenney.thomas@epa.gov](mailto:kenney.thomas@epa.gov)

**U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 5**  
**77 West Jackson Boulevard (LR-17J), Chicago, Illinois 60604-3590**

**UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. R5-UST-22-001-SK**

**Part I: INSPECTION SUMMARY**

On 12/13/2021 Time 12:45 pm  
 (Date of Violation) (a.m. or p.m.)

At FAA Cleveland PVY ALS (North) and LIS ALS (South)  
 (Name of Facility)

Address: 5300 Riverside Drive  
Cleveland, OH 44135  
Sarah Walters  
 (Name of On site Representative if not the Owner or Operator)

Name and address of the UST  Owner or  Operator  
 Name: FAA Cleveland ARTCC District  
 Address: 326 East Lorain Street  
Oberlin, OH 44074

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 meet the requirements for periodic testing and monitoring of spill prevention equipment.  
 Cite: 40 CFR §280.35(a)(1) Proposed Penalty: \$ 670  
 x Tanks Multiplier: \_\_\_\_\_  
 Subtotal: \$ 670

2. Violation: Failure to properly and periodically inspect overflow prevention equipment.  
 Cite: 40 CFR §280.35(a)(2) Proposed Penalty: \$ 670  
 x Tanks Multiplier: \_\_\_\_\_  
 Subtotal: \$ 670

3. Violation: Failure to maintain any record of any calibration, maintenance, and repair of release detection equipment.  
 Cite: 40 CFR §280.45(c) Proposed Penalty: \$ 670  
 x Tanks Multiplier: \_\_\_\_\_  
 Subtotal: \$ 670

4. Violation: Failure to maintain any documentation of compliance with release detection requirements (i.e., §280.45).  
 Cite: 40 CFR §280.34(b)(7) Proposed Penalty: \$ 470  
 x Tanks Multiplier: \_\_\_\_\_  
 Subtotal: \$ 470

**TOTAL PROPOSED PENALTY: \$ 2,480**

**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 \$ 2,480 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): John A Van Gorder  
 Title (Print): CLE ENV SSC Manager  
 Signature: [Signature] Date: 04/06/2022

**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): Julie Morris  
 Title (Print): Branch Manager I ECAB  
 Signature: Julie Morris Digitally signed by Julie Morris  
 Date: 2022.05.20 11:53:05 -05'00'  
 Date: \_\_\_\_\_

Notes:

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

**SANDRA KARNER**

(Signature of EPA Inspector)

Digitally signed by SANDRA KARNER  
 Date: 2022.01.19 10:56:12 -06'00'

Date: \_\_\_\_\_