



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

REPLY TO THE ATTENTION OF: DM-7J

CERTIFIED MAIL #7001 0320 0006 1559 0063
RETURN RECEIPT REQUESTED

Mr. Dennis Doyle, Asst. Supt.
City of Kankakee
Dept. of Public Works
401 W. Oak Street
Kankakee, Illinois 60901

**Re: Notice of Violation and Compliance Order/Settlement Agreement for the
UST facility located at City of Kankakee Public Works Facility, 401 W. Oak Street,
Kankakee, Illinois.**

RUST-05-2007-0005

Dear Mr. Doyle:

On September 21, 2006, the Underground Storage Tank Section issued a Notice of Violation (NOV) and a Compliance Order/Settlement Agreement concerning a release detection violation found at the City of Kankakee Public Works Facility, located at 401 W. Oak Street, Kankakee, Illinois. This letter is to inform you that we have received your signed copy of the Settlement Agreement, dated October 27, 2006, stating that the UST violation was addressed (i.e., automatic line leak detector annual test). We have also received your report from PEMCO Service which provided us with additional supporting documentation. In addition, we also received your check for \$150.00 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 U.S. 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 Arturo Cisneros, of my staff, at 312/886-7447.

Sincerely,

A handwritten signature in cursive script that reads "Willie H. Harris".

Willie H. Harris, P.E.
Chief, Program Management Branch
Waste, Pesticides and Toxics Division

Enclosure

cc: Case Officer Enforcement File
U.S. EPA Lock Box
Tom Kenney, ORC
Shelly Bradley, OSFM

United States Environmental Protection Agency
Region 5 - UNDERGROUND STORAGE TANK SECTION
77 West Jackson Boulevard, Chicago, Illinois 60604-3590

NOTICE OF VIOLATION AND
COMPLIANCE ORDER/SETTLEMENT AGREEMENT

BO#: 2750706M005

Part I: Notice of Violation

On 9-21-06 Time 10:00 a.m.
(Date of Violation) (a.m. or p.m.)

At City of Kankakee - Public Works
(Name of Facility)
401 W Oak, Kankakee, IL
(Address of Facility)

Facility Identification Number _____

Name of Owner, Operator or On-Site Representative Mr. Dennis Doyle
(Circle One) (Same as above)
(Address of Owner, Operator, or On-Site Representative)

An authorized representative of the United States Environmental Protection Agency (EPA) inspected this facility to determine compliance with underground storage tank regulations promulgated under Subtitle I of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.). During this inspection, the following violations of the underground storage tank regulations were identified:

40 CFR 280.44(a) Proposed Penalty: \$ 150⁰⁰

Nature of Violation: failure to provide adequate line leak detector (i.e. annual test)

40 CFR _____ Proposed Penalty: \$ _____

Nature of Violation: _____

40 CFR _____ Proposed Penalty: \$ _____

Nature of Violation: _____

40 CFR _____ Proposed Penalty: \$ _____

Nature of Violation: _____

TOTAL PROPOSED PENALTY: \$ 150⁰⁰

I have personally observed the above violations of the underground storage tank regulations.
[Signature] Date: 9-21-06
(Signature of EPA Inspector)

Receipt:
I hereby acknowledge receipt of this Notice of Violation and the accompanying Compliance Order/Settlement Agreement and Instructions.
[Signature] Date: 9/21/06
(Signature of Owner, Operator or On-Site Representative)

Part II: Compliance Order/Settlement Agreement

Compliance Order No. RUST-05-2007-0005

This Compliance Order/Settlement Agreement is not effective until signed both by the owner or operator and by EPA. By signing the Settlement Agreement included herein, the owner or operator agrees not to challenge the issuance of the Compliance Order included herein and accepts the Settlement Agreement by EPA. The owner or operator shall sign the Settlement Agreement first, and return it to EPA as provided in the instructions provided with this Compliance Order/Settlement Agreement. Subsequent signature by EPA constitutes issuance of the Compliance Order and acceptance on EPA's part of the Settlement Agreement. Approval and signature by EPA is in the sole discretion of the Regional Administrator, Region 5, or authorized delegate.

Compliance Order:
Under the authority of Subtitle I of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.), EPA finds that the owner or operator signing below is in violation of the underground storage tank regulations as described in the foregoing Notice of Violation, and **ORDERS** the owner or operator signing below to correct the violations and pay penalties in the amounts described in the Notice of Violation.

Settlement Agreement:
In order to expeditiously settle violations described in the Notice of Violation found herein, EPA AND THE OWNER OR OPERATOR SIGNING BELOW HEREBY ENTER INTO THIS SETTLEMENT AGREEMENT, subject to the following terms and conditions:

- 1. This Settlement Agreement is binding on the EPA and the Owner or Operator signing below; 2. The Owner or Operator signing below certifies, under civil and criminal penalties for making a false submission to the United States Government, that the Owner or Operator has corrected the violations and has presented to EPA with this Settlement Agreement a certified check to pay the full amount of penalties, as described in the Notice of Violation, and in accordance with the instructions included with this Notice of Violation and Compliance Order/Settlement Agreement; 3. The Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to this Compliance Order/Settlement Agreement and the violations, and consents to EPA's final approval of this Settlement Agreement without further notice; 4. The Owner or Operator signing below waives the opportunity for a public hearing pursuant to Section 9006 of the Resource Conservation and Recovery Act; 5. Upon EPA final approval of this Settlement Agreement, EPA will take no further action against the Owner or Operator for the violations described in the Notice of Violation; 6. EPA does not waive any enforcement action by EPA, the State where the facility is located or any local agencies for any other past, present or future violations of the underground storage tank requirements or any other violations under any other statute not described in the Notice of Violation; 7. This Settlement Agreement is effective upon EPA's final approval below. Upon EPA final approval, EPA shall mail a copy of the approved Settlement Agreement to the Owner or Operator signing below at the address provided; and 8. Final approval of this Settlement Agreement is in the sole discretion of the Regional Administrator, EPA Region 5, or authorized delegate.

SIGNATURE BY OWNER OR OPERATOR:
Name: Dennis Doyle Title: Asst. Supt.
[Signature] Date: 10/27/2006
Signature

Address: 401 W Oak Kankakee IL 60901

FINAL APPROVAL BY EPA:
Name: Willie H. Harris Title: Chief, PMB
[Signature] Date: 11/14/06
Signature