



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

JAN 06 2010

**CERTIFIED MAIL #7001 0320 0006 1452 3161**  
**RETURN RECEIPT REQUESTED**

REPLY TO THE ATTENTION OF:

LR-8J

Mr. John Florio  
Sunset Marina  
13601 South Calhoun Avenue  
Chicago, Illinois 60633

BD#

2751006M003

Re: Notice of Violation and Compliance Order/Settlement Agreement for the  
Sunset Marina facility, 13623 South Hoxie, Chicago, Illinois.

**RUST-05-2010-0003**

Dear Mr. Florio:

On October 28, 2009, the U.S. Environmental Protection Agency, RCRA Programs Section issued a Notice of Violation and a Compliance Order/Settlement Agreement concerning underground storage tank (UST) violation (i.e., release detection), found at the Sunset Marina facility, 13623 South Hoxie, Chicago, Illinois. This letter is to inform you that we have received your signed copy of the Settlement Agreement, dated November 13, 2009, and your supporting documentation stating that the UST violation was addressed. In addition, we received your check (#5929) for a total of \$150.00 in penalties. In addition, we were informed that you sent a second check (#5930) in error to our Cincinnati Finance Center. We were later informed, on 11/23/09 by that office (and on 12/9/09 by you), that you have been reimbursed for this second check.

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,

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

Enclosure

RUST-05-2010-0003 U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 5  
77 West Jackson Boulevard (LR-8J), Chicago, Illinois 60604-3590 UHS-UST-10-002A  
UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO.

Part I: INSPECTION SUMMARY

On 10-28-09 Time 11:30  
(Date of Violation) (a.m. or p.m.)

At Sunset Marina  
(Name of Facility)

Address: 13623 S. Hoxie  
Chicago, IL 60653

Mr. John Florio  
(Name of On site Representative if not the Owner or Operator)

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

Name: (same as above)

Address: \_\_\_\_\_  
\_\_\_\_\_

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 maintain records of release detection monitoring  
Cite: 40 CFR 280.45 Proposed Penalty: \$ 150.00

2. Violation: \_\_\_\_\_  
Cite: 40 CFR Proposed Penalty: \$ \_\_\_\_\_

3. Violation: \_\_\_\_\_  
Cite: 40 CFR Proposed Penalty: \$ \_\_\_\_\_

4. Violation: \_\_\_\_\_  
Cite: 40 CFR Proposed Penalty: \$ \_\_\_\_\_

5. Violation: \_\_\_\_\_  
Cite: 40 CFR Proposed Penalty: \$ \_\_\_\_\_

TOTAL PROPOSED PENALTY: \$ 150.00

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

[Signature]  
(Signature of EPA Inspector)

Date: 10-28-09

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 \$ 150.00 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

Name (Print): Cara K. Laurentis

Title (Print): manager

Signature: [Signature] Date: 11/13/09

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.

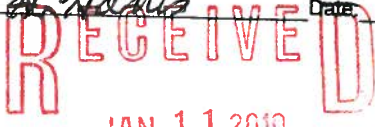
SIGNATURE BY EPA APPROVING THE SETTLEMENT AGREEMENT AND COMPLIANCE ORDER:

Name (Print): Willie H. Harris

Title (Print): Chief, RB

Signature: [Signature] Date: \_\_\_\_\_

Notes:



JAN 11 2010

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

REGN 1 2 3 4 (5) 6 7 8 9 10 DC CIN TRVL JURYDTY CRDRFNDS SALE/PRPERTY TUITION IAG-RFNDS PARKN  
 CONTACT: LORI DANA MICHELLE JOE DICK VAL PATTI ELIZBTH EVELYN CRAIG ERIC (BLAKE) KIM OWENS(TDY PCS)

## COLLECTION INFORMATION

DEPOSIT (SCHEDULE) NUMBER 2708210 SUSPENSE  LIABILITY

CR NUMBER UST0510002A REMOVED BY \_\_\_\_\_

BILL NUMBER (IF DIFFERENT FROM CR NUMBER) \_\_\_\_\_ REMOVED DATE \_\_\_\_\_

IFMS ENTERED DATE \_\_\_\_\_

DATE ITEM REC'D (IF NOT CIRCLED ON CHECK) \_\_\_\_\_ COLLECTION ENTRY DONE BY ERIC

NOT IN: ICIS, BRAINS, RHC DATABASE IPAC TO: LV RTP HQ

## ACCOUNTING

CR Line	BFY	APPR	Bud Org	PRC	BOC	Site/Proj	AMOUNT	Ref. Line	Rep Cat
								998	
								997	
								001	
								002	
								003	
								004	
								005	
								999	

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

RECEIVED

JAN 11 2010

**RUST-05-2010-0003**

REGIONAL HEARING CLERK  
 U.S. ENVIRONMENTAL  
 PROTECTION AGENCY

SUNSET BAY MARINA

BD# 2751006M003

**QUALITY MEANS MEETING THE REQUIREMENTS BOX 979077**  
**SEQ# 004 \$ 000015000 BA# 317 11-16-09 20 4**



<b>SUNSET BAY MARINA, LLC</b> 13691 S. Calhoun Ave. Chicago, IL 60633 (773) 666-9900	<b>CHICAGO COMMUNITY BANK</b> CHICAGO, IL 60609 2-416710	<b>5929</b> 11/10/2008
PAY TO THE ORDER OF Treasury of the United States		\$ 150.00
One Hundred Fifty and 00/100		DOLLARS
Treasury of the United States		
MEMO 13623 S. Hoxie		⑈000015000⑈