

FILED

Apr 30, 2025

9:31 am

U.S. EPA REGION 3  
HEARING CLERK

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

IN THE MATTER OF:

Lancaster Airport Authority  
500 Airport Road #G  
Lititz, Pennsylvania 17543

Respondent

Lancaster Airport Authority  
500 Airport Road #G  
Lititz, Pennsylvania 17543

Site/Facility

DOCKET NO.: CWA-03-2025-0089

EXPEDITED SETTLEMENT AGREEMENT  
AND FINAL ORDER

EXPEDITED SETTLEMENT AGREEMENT

1. Lancaster Airport Authority ("Respondent") and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") enter into this Expedited Settlement Agreement ("the Agreement") pursuant to Section 311(b)(6)(B)(i) of the Clean Water Act ("the Act"), 33 U.S.C. §1321(b)(6)(B)(i), and Sections 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/ Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 ("EPA") has jurisdiction over this matter pursuant to Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. §1321(b)(6)(B)(i), and by 40 C.F.R. § 22.13(b).
3. At all times relevant to the allegations described in this Agreement, Respondent was a "person" as defined in Sections 311(a)(7) and 502(5) of the CWA, 33 U.S.C. §§ 1321(a)(7) and 1362(5), and 40 C.F.R. § 112.2.
4. On December 6, 2023, an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection of Respondent's facility known as Lancaster Airport Authority at 500 Airport Road #G in Lititz, Pennsylvania ("the Facility"),

which Respondent operates, to determine compliance with the Oil Pollution Prevention Regulations promulgated at 40 C.F.R. Part 112 (the "Regulations") under Section 311(j) of the Clean Water Act, as amended, 33 U.S.C. §1321(j).

5. Respondent is the "owner or operator," as defined by Section 311(a)(6) of the CWA, 33 U.S.C. §§ 1321(a)(7), and 40 C.F.R. § 112.2, of the Facility, which is an "onshore facility," as defined by Section 311(a)(10) of the CWA, 33 U.S.C. §§ 1321(a)(10), and "facility," defined at 40 C.F.R. § 112.2.
6. Complainant finds the Respondent is subject to the Regulations and has identified the following violations of the Regulations implementing Section 311(j) of the CWA:
  - a. On December 6, 2023, Respondent failed to present a site-specific SPCC Plan, as required by 40 C.F.R. § 112.3.
7. Complainant and Respondent agree that settlement of this matter for a penalty of **\$2,188 (TWO THOUSAND ONE HUNDRED EIGHTY-EIGHT DOLLARS)** is in the public interest. In calculating this amount, Complainant considered the statutory factors provided in Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8), and the EPA Memorandum, "2023 Spill Prevention, Control and Countermeasure Expedited Settlement Agreement," effective May 4, 2023.
8. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$ 2,188** to "**United States Treasury**" with the case name, address and docket number of this Agreement (CWA-03-2025-0089), for the amount specified above. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
9. Within 24 hours of payment, the Respondent shall also send proof of payment (a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Benjamin Evick  
U.S. EPA, Region 3  
Evick.benjamin@epa.gov

and

Regional Hearing Clerk  
U.S. EPA, Region 3  
R3\_Hearing\_Clerk@epa.gov

10. In signing this Agreement, the Respondent admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Agreement.
11. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) he or she has corrected the alleged violations, and (2) any documentation or information that he or she provided to EPA was true and accurate.
12. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
13. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.
14. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
15. COST OF COMPLIANCE: Respondent certifies that it has expended \$ 5,100 to correct the alleged violation(s) and to come into compliance.
16. By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Agreement.
17. This Agreement is binding on the parties signing below and is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
18. The undersigned representative certifies that she/her is fully authorized to execute this Agreement and to legally bind Lancaster Airport Authority.

19. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: [evick.benjamin@epa.gov](mailto:evick.benjamin@epa.gov) (for Complainant), and [abeiler@lancasterairport.com](mailto:abeiler@lancasterairport.com) (for Respondent).
20. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

**For Respondent:** Lancaster Airport Authority

Date: 4/22/2025

By: 

Austin J. Beiler, Director

*William E. Foster*

**For Complainant: U.S. Environmental Protection Agency, Region 3**

After reviewing the Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Melvin,  
Karen

Digitally signed by Melvin,  
Karen  
Date: 2025.04.29  
15:17:56 -04'00'

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*[Digital Signature and Date]*

Karen Melvin, Director  
Enforcement and Compliance Assurance Division



BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

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HEARING CLERK

IN THE MATTER OF:

Lancaster Airport Authority  
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Lititz, Pennsylvania 17543

Respondent

DOCKET NO.: CWA-03-2025-0089

EXPEDITED SETTLEMENT AGREEMENT AND  
FINAL ORDER

Lancaster Airport Authority  
500 Airport Road #G  
Lititz, Pennsylvania 17543

Site/Facility

**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region 3, and Respondent, **Lancaster Airport Authority**, have executed a document entitled "Expedited Settlement Agreement," which I hereby ratify as a Consent Agreement in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Expedited Settlement Agreement, the penalty agreed to therein took into account the factors set forth in Clean Water Act ("CWA") Section 311(b)(8), 33 U.S.C. § 1321(b)(8), and the EPA Memorandum, "2023 Spill Prevention, Control and Countermeasure Expedited Settlement Agreement," effective May 4, 2023.

**NOW, THEREFORE, PURSUANT TO** Section 311(b)(6) of the CWA, 33 U.S.C. §1321(b)(6), and in accordance with Section 18(b)(3) of the Consolidated Rules of Practice, 40 C.F.R. Part 22.18(b)(3), and having relied upon the representations of the parties set forth in this Agreement, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **\$2,188 (TWO THOUSAND ONE HUNDRED EIGHTY-EIGHT DOLLARS)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and conditions of the Expedited Settlement Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*, and the regulations promulgated thereunder.

This Expedited Settlement Agreement and Final Order will be effective upon filing.

JOSEPH  
LISA

Digitally signed by  
JOSEPH LISA  
Date: 2025.04.30  
09:02:34 -04'00'

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*[Digital Signature and Date]*

Joseph J. Lisa  
Regional Judicial Officer  
U.S. EPA - Region 3

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103**

<b>In the Matter of:</b>	:	
	:	
<b>William E. Foster</b>	:	
<b>500 Airport Road #G</b>	:	<b>U.S. EPA Docket No. CWA-03-2025-0089</b>
<b>Lititz, Pennsylvania 17543</b>	:	
	:	<b>Proceeding under CWA 311</b>
<b>Respondent.</b>	:	
	:	
<b>Lancaster Airport Authority</b>	:	
<b>500 Airport Road #G</b>	:	
<b>Lititz, Pennsylvania 17543</b>	:	
	:	
<b>Site/Facility</b>	:	

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**CERTIFICATE OF SERVICE**

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

**William E. Foster, Executive Director**  
**Lancaster Airport Authority**  
**efoster@lancasterairport.com**  
**500 Airport Road #G**  
**Lititz, Pennsylvania 17543**

**Benjamin Evick**  
**Life Scientist – Oil Inspector**  
**U.S. EPA, Region 3**  
**Evick.benjamin@epa.gov**  
**BEVIN**  
**ESPOSITO**

Digitally signed by BEVIN ESPOSITO  
Date: 2025.04.30 09:34:30 -04'00'

**[Digital Signature and Date]**

**Regional Hearing Clerk**  
**U.S. Environmental Protection Agency, Region**