



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

COPY

22 OCT 2008

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL #7001 0320 0006 0184 9823
RETURN RECEIPT REQUESTED

LR-8J

Mr. Byron Roberson
Brandenburg Industrial Service Company
2625 South Loomis Street
Chicago, Illinois 60608-5414

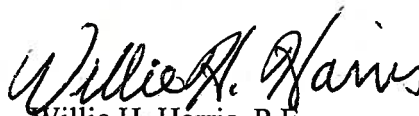
**Re: Notice of Violation and Compliance Order/Settlement Agreement for the
Brandenburg Industrial Service Co. facility, 2625 S. Loomis St., Chicago, Illinois.**

Dear Mr. Roberson:

On September 24, 2008, the RCRA Programs Section issued a Notice of Violation (NOV) and a Compliance Order/Settlement Agreement concerning an underground storage tank (UST) violation (i.e., release detection monitoring), found at the Brandenburg Industrial Service Co. facility, 2625 S. Loomis St., Chicago, Illinois. This letter is to inform you that we have received your signed copy of the Settlement Agreement stating that the UST violations were addressed and your supporting documentation. In addition, we also received your check #00259399 for a total of \$50.00 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,


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

Enclosure

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

United States Environmental Protection Agency
Region 5 – UNDERGROUND STORAGE TANK PROGRAM
77 West Jackson Boulevard (LR-8J), Chicago, Illinois 60604-3590

NOTICE OF VIOLATION AND
COMPLIANCE ORDER/SETTLEMENT AGREEMENT

UI# R5-UST-08-015-AC

BD# 2750906M002

Part I: Notice of Violation

On 9-24-08 Time 8:24
(Date of Violation) (a.m. or p.m.)

At Brandenburg Indust. Service Co.
(Name of Facility)

2625 S. Loomis, Chicago, IL.
(Address of Facility)

Facility Identification Number _____

Name of Owner, Operator or
On-Site Representative Byron Roberson
(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 280.45(b) Proposed Penalty: \$ 50.00

Nature of Violation: Failure to maintain release detection monitoring for at least 1 year

40 CFR _____ Proposed Penalty: \$ _____

Nature of Violation: _____

40 CFR _____ Proposed Penalty: \$ _____

Nature of Violation: _____

40 CFR _____ Proposed Penalty: \$ _____

Nature of Violation: _____

TOTAL PROPOSED PENALTY: \$ 50.00

I have personally observed the above violations of the underground storage tank regulations.

[Signature] Date: 9-24-08
(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: 9-24-08
(Signature of Owner, Operator or On-Site Representative)

Part II: Compliance Order/Settlement Agreement

Compliance Order No. RUST-05-2009-0001

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 conducted 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: Byron Roberson Title: Purchasing Agent
[Signature] Date: 9/24/08
Signature

Address: _____

FINAL APPROVAL BY EPA:

Name: Willie H. Harris Title: Chief, RB
[Signature] Date: 10/20/08
Signature