



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

DEC 12 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL#7009168000076423519
RETURN RECEIPT REQUESTED

Mr. Robert Babcock
B & F Marathon
831 East Colfax Avenue
South Bend, Indiana 46617

Re: Notice of Violation and Compliance Order/Settlement Agreement for the
B & F Marathon, 831 East Colfax Avenue, South Bend, Indiana **RUST-05-2017-0002**

Dear Mr. Babcock:

On August 17, 2016, the U.S. Environmental Protection Agency, Underground Storage Tanks (UST) Section issued a notice of Violation and a Compliance Order/Settlement Agreement concerning underground storage tank violations, at B & F Marathon, 831 East Colfax Avenue, South Bend, Indiana.

We have received your signed copy of the Settlement Agreement on October 24, 2016, and the copy of the check for \$1,970 in penalties paid to the Treasury of the United States. We also received your supporting documents stating the UST violations were addressed.

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 EPA files. We also have accepted and processed your check as part of the Settlement process. If you have any further question, please feel free to contact Estelle Patterson, of my staff, at 312/886-3594.

Sincerely,

A handwritten signature in cursive script that reads "Gary J. Victorine".

Gary J. Victorine, Chief
RCRA Branch

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

UIC #R5-UST-16-15 EP

Part I: INSPECTION SUMMARY

On 8-17-16 Time 10:50 am
 (Date of Violation) (a.m. or p.m.)

At B & F Marathon
 (Name of Facility)

Address: 831 E. Calhoun Ave
South Bend, IN 46617
Robert Babcock
 (Name of On site Representative if not the Owner or Operator)

Name and address of the UST Owner or Operator (circle which applies)
 Name: B & F Marathon
 Address: 831 E. Calhoun Ave
South Bend, IN 46617

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.).

- Violation: Failure to meet Interior Lining Inspection requirements
 Cite: State Reg. No. 329 IAC 9-2.1-1(B)(2)(B)
[40 CFR 280.21(b)(1)] Proposed Penalty: \$ 250
 - Violation: Failure to provide any Cathodic Protection for metal Piping
 Cite: State Reg. No. 280.20(b)(2)
329 IAC 9-2.1-10 Proposed Penalty: \$ 490
[40 CFR
 - Violation: Failure to conduct Annual Line Tightness Test
 Cite: State Reg. No. 329 IAC 9-7-22(A)
[40 CFR 280.41(b)(1)] Proposed Penalty: \$ 490
 - Violation: Failure to provide proof of Financial Respons. bility
 Cite: State Reg. No. 329 IAC 9-8-21(c)
[40 CFR 280.93(a)] Proposed Penalty: \$ 250
 - Violation: Failure to provide release detection for an existing haz substance
 Cite: State Reg. No. 329 IAC 9-7-4
[40 CFR 280.42(a)] Proposed Penalty: \$ 490
- TOTAL PROPOSED PENALTY: \$ 1970**

EPA finds the Owner or Operator in violation of the above referenced UST regulations.
Estelle Patterson Date: 8/18/16
 (Signature of EPA Inspector)

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 \$ 1970 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): Robert J. Babcock
 Title (Print): President
 Signature: [Signature] Date: 10/17/16

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): Gary J. Victorine
 Title (Print): Chief, RCRA Branch
 Signature: [Signature] Date: 12/12/16

Notes:

