



DIRECTIVE NUMBER: 9610.13

TITLE: Guidance for Federal Field Citation
Enforcement

APPROVAL DATE:

EFFECTIVE DATE:

ORIGINATING OFFICE: Office of Underground
Storage Tanks (OUST)

☒ **FINAL**

☐ **DRAFT**

STATUS:

REFERENCE (other documents):

OSWER OSWER OSWER
VE DIRECTIVE DIRECTIVE DI

United States
Environmental Protection
Agency

Office of
Solid Waste and
Emergency Response



DIRECTIVE NUMBER: 9610.13

TITLE: Guidance for Federal Field Citation
Enforcement

APPROVAL DATE:

EFFECTIVE DATE:

ORIGINATING OFFICE: Office of Underground
Storage Tanks (OUST)

☒ **FINAL**

☐ **DRAFT**

STATUS:

REFERENCE (other documents):

OSWER OSWER OSWER
DIRECTIVE DIRECTIVE DI

<div style="display: inline-block; vertical-align: middle; margin-left: 10px;"> United States Environmental Protection Agency Washington, DC 20460 </div>		1. Directive Number 9610.13
OSWER Directive Initiation Request		
2. Originator Information		
Name of Contact Person Jerry Parker	Mail Code OS-410	Office OSWER/OUST
		Telephone Code 475-7263
3. Title Guidance for Federal Field Citation Enforcement		
4. Summary of Directive (include brief statement of purpose) provides guidance to EPA Regional enforcement personnel on taking field citation enforcement actions against UST owner/operators who violate the Federal UST requirements		
5. Keywords field citations, expediting enforcement, underground storage tanks		
6a. Does This Directive Supersede Previous Directive(s)? <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div> <input checked="" type="checkbox"/> No </div> <div> <input type="checkbox"/> Yes </div> <div> What directive (number, title) </div> </div>		
6b. Does It Supplement Previous Directive(s)? <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div> <input checked="" type="checkbox"/> No </div> <div> <input type="checkbox"/> Yes </div> <div> What directive (number, title) </div> </div>		
7. Draft Level <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div> <input type="checkbox"/> A - Signed by AA/DAA </div> <div> <input checked="" type="checkbox"/> B - Signed by Office Director </div> <div> <input type="checkbox"/> C - For Review & Comment </div> <div> <input type="checkbox"/> D - In Development </div> </div>		

8. Document to be distributed to States by Headquarters? <div style="display: flex; justify-content: flex-end; margin-top: 5px;"> <div style="margin-right: 20px;"> <input type="checkbox"/> Yes </div> <div> <input type="checkbox"/> No </div> </div>

This Request Meets OSWER Directives System Format Standards.	
9. Signature of Lead Office Directives Coordinator <i>Beverly Thomas</i> Beverly Thomas, OUST Directives Coordinator	Date 3/7/91
10. Name and Title of Approving Official <i>David W. Ziegele</i> David W. Ziegele, Acting Director, OUST	Date 3/20/91

EPA Form 1315-17 (Rev. 5-87) Previous editions are obsolete.

OSWER VE DIRECTIVE	OSWER DIRECTIVE	OSWER DIRECTIVE	O
-----------------------	--------------------	--------------------	---



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 20 1991

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

Subject: UST Federal Field Citation Enforcement

From: David W. Ziegele, *David W. Ziegele*
Acting Director
Office of Underground Storage Tanks

To: Waste Management Division Directors,
Regions I-III and V-IX
Water Division Directors, Regions IV and X
Regional Counsel, Regions I-X

Back on September 12, 1990, OUST sent for Regional review a draft federal field citation and guidance for its use. We received back thoughtful comments from many of you. A number of changes have been made in the main document along with its attachments. In this process of revision we have worked very closely with the Office of General Counsel (OGC) and have received their concurrence on the final set of documents.

Attached is the federal field citation guidance in final form, along with short-form wordings of selected federal UST regulations, and a sample citation form. We hope to be able to provide a training for Regional inspectors and attorneys within the next couple of months. Training is a very important part of this effort.

Thanks again to all who participated in this effort. Please contact Jerry Parker of my staff (FTS 475-7263) with any questions or comments.

Attachments

cc: Regional Program Managers
Lisa K. Friedman, OGC

GUIDANCE FOR FEDERAL FIELD CITATION ENFORCEMENT

I. Federal Enforcement

Overview

OUST's program approach is to build UST programs at the State level since States will be primarily responsible for the enforcement of UST regulations. Regions may perform general compliance inspections at UST sites or take enforcement actions in certain circumstances, generally in the place of or in conjunction with a State when the State lacks enforcement resources, and on Indian Lands or at Federal facilities. In these specific cases, the Regions must develop an enforcement strategy that addresses targeted violations while maximizing scarce time and resources.

One enforcement option is the use of field citations, "traffic ticket"-styled citations issued on-site by inspectors, generally carrying a penalty. Field citations are currently being used by a number of environmental programs on the Federal, State, and local level, including UST programs. In the experience of many State and local UST enforcement programs, field citations are extremely useful in addressing many prevalent, clear-cut violations that are relatively easy to correct. Addressing these violations using established enforcement methods, such as formal administrative proceedings under 40 CFR Part 22, requires a significant commitment of staff time and resources, which is either difficult to obtain or which must compete with time and resources that staff directs toward releases or violations that may pose more immediate or significant environmental harm. When a citation program is properly designed, violators issued citations for clear-cut violations have greater incentive to correct problems and pay penalties than to contest. Thus, in appropriate circumstances, field citation enforcement is less resource-intensive than traditional methods of UST enforcement. Resources are saved as citations are issued on the spot, and preparation of formal legal documents and procedures, such as administrative appeals, are minimized.

Use of field citations will not displace existing enforcement tools, such as warnings and orders, but will provide the inspector with another tool for situations where these enforcement approaches may be less effective. OUST believes that a field citation program is a viable and useful tool for Federal enforcement and several Regions have expressed interest in adopting field citation enforcement programs.

UST program staff and legal counsel from several Regions participated in a workgroup effort to develop procedures for Federal enforcement using field citations. This guidance document is a result of that effort. It attempts to serve the workgroup participants' interest in using field citations in a variety of circumstances and address concerns that an enforcement program be fairly and uniformly applied across Regions. Some key components of the field citation are identical from Region to Region, such as the language of the citation. However, the flexibility provided in this guidance and the relationship between field citations and existing enforcement capabilities should provide considerable room for accommodating local needs. On this score, it is important to emphasize that field citation enforcement will not supplant existing enforcement options.

Discretion to exercise existing options for warnings and other enforcement tools remains unchanged by the introduction of field citations, which should blend into Regional enforcement choices. Also, Regions will continue to select which violations or facilities need targeting, based on local needs and subject to previously issued enforcement guidance. Finally, the availability of field citations should not diminish the Regions' efforts to assist States and localities in building UST enforcement programs.

Responsibilities of OUST

During the workgroup session, OUST agreed to provide the Regional offices with support in these specific areas:

- OUST has coordinated with the Office of General Counsel to develop a uniform citation format to be used by all the Regional offices.
- OUST has developed this guidance for program details, including a list of potential violations to be addressed through the field citation program, derived from the Federal UST regulations, and options for setting penalty amounts.
- OUST has made use of field citations consistent with the penalty policy (OSWER Directive 9610.12 "U.S. EPA Penalty Guidance for Violations of UST Regulations") and the Federal procedures manual (OSWER Directive 9610.11 "UST/LUST Enforcement Procedures Guidance Manual").
- OUST will assist in inspector training efforts. As the success of a field citation program depends upon the skills of inspectors, it is crucial that inspectors receive training in field citation enforcement techniques and specific guidance on when and how to use the citations. OUST has developed an inspector training manual for States and localities that it will adapt for Federal use to train inspectors in issuing citations and performing related duties. OUST will make the manual available to all the Regions and will help to tailor the manual to the specific Regional programs. OUST will also coordinate any inter-Regional training efforts.

NOTE TO REGIONAL STAFF: Inspectors may also require training in the technical issues related to UST inspections; this training will need to be obtained prior to field citation training.

II. Regional Program Elements

Guidance on program details for Regions is presented in the following sections. The guidance should be considered in the context of the Regions' overall enforcement strategy and priorities.

Selecting Appropriate Violations

The Regions described a range of problems they would potentially address using field citations. In order for field citations to be useful in a range of situations, the Regions need the ability to determine which violations of the Federal UST regulations to address using field citations. Since field citations in various forms have been used effectively in diverse jurisdictions, this guidance provides a framework for allowing Regions to address different violations within the field citation effort. The guidance is intended to ensure that each of the Regions develops its list of appropriate violations judiciously and implements its program reasonably by providing a baseline list of violations appropriate for field citations and guidelines for selection among violations. Each Region should select violations to be cited from violations included in this list. Assuring consistency among Regions will be provided further by training.

The following are appropriate criteria for selecting the violations to be cited:

- Select violations which are clear-cut and easily verifiable, but which pose little immediate threat of environmental harm (i.e., relatively minor violations).
- Target violations selected according to commonness of occurrence and or program priority, such as release detection preventive requirements.
- Identify violations by relevant, objective criteria, such as those violations included in the penalty policy with base penalties of \$500 or less.

Determining which violations are appropriate for a field citation program requires considerable discretion. Experience shows that field citation programs work most effectively in achieving compliance if the violations are clear-cut and the inspectors exercise little discretion in citing the violations. Established field citation programs have found that easily identifiable violations (i.e., "either they have it or they don't") require the least amount of inspector judgment in the field, making it easier to provide clear guidance to inspectors and facilitating consistency among inspectors. On the other hand, the Regions may believe that certain violations, while clear-cut, are very serious in terms of environmental harm threatened and require a more formal enforcement response. If the choice is to cite only relatively minor violations, selecting low-penalty violations from the penalty policy appears to be a reasonably objective way to start a program offering consistency with the penalty policy.

In selecting a preferred option, a Region may choose to target a certain prevalent or high priority violation or violations. This may be a good strategy for a Region to use if a State program lacks enforcement authority or regulations in a certain program area and the Region needs to fill a key gap in coverage or send an important message to violators. However, if a Region is to be enforcing in the place of the State, the Region may find it advantageous to include all appropriate violations in the field citation enforcement program, as long as they meet above-referenced criteria.

Guidance for When to Use Citations

This guidance establishes procedures for issuing citations, and describes some appropriate circumstances for inspectors to issue citations. Since the inspector is the one who must implement the program in the field, the Regions must clearly establish the extent of discretion allowed to inspectors in determining whether to issue field citations within general parameters set forth here. Field citations provide an additional enforcement tool, and inspectors must be instructed how to respond when violations appropriate for using field citations are found.

The proper use of field citations must be measured against the backdrop of the Regions' existing authority to issue warnings or pursue other existing enforcement measures for all violations of UST requirements. When determining when to forego field citations in favor of more formal, existing enforcement procedures, this guidance advises that field citations are most useful when the primary enforcement objective dictated by the situation is achieving compliance expeditiously. When, in the judgement of the inspector, penalizing a violator is the foremost goal to be accomplished by the enforcement action, the remedies provided by 40 CFR Part 22 generally will be more appropriate. These more formal procedures are described more fully below.

This guidance is intended to provide a framework for the inspector's discretionary use of the field citation enforcement option. Therefore, the guidance is phrased in terms of the action an inspector would take in the typical case, but leaves room for exception if the circumstances in the inspector's judgment so warrant.

The following discussion describes the three basic enforcement options available to address violations of UST requirements:

Warnings

- Although warnings can be useful as a first step in the enforcement process, Regional inspectors generally should consider issuing citations in all cases where violations are discovered. Field citations are designed to uniformly address certain violations and promote a quick resolution of the violation and assessment of a small penalty. Therefore, where a Region is inspecting a facility, the field citation should be used rather than a warning.

Citations

There are several situations in which inspectors will typically issue citations:

- Inspectors should issue citations for as many violations as are identified at a site; there is no limit to the number of violations that may be cited at a single facility. However, if the number of violations found at a site exceeds "x" (a number set by each Region), the inspector may forego field citations and use more formal, existing enforcement methods instead.

Once a Region has selected its list of violations appropriate for the field citation program and trained inspectors in procedures for issuing field citations, inspectors should routinely issue field citations for all appropriate violations found at a facility. Each Region will have the discretion to place an upper limit on the number of citations issued at a site (the number of violations that may be cited at one site). The threshold should be set below the point where the number of violations, regardless of the nature of those violations, proves that a facility was seriously out of compliance and requires a more formal enforcement response. Even if the facility had only multiple recordkeeping violations, this approach could be taken in order to send a message to the regulated community. This number should also be near the point where a typical violator no longer has an incentive to correct the violations and pay the penalty instead of resisting compliance. At this point, a more formal, existing enforcement response is likely to be more effective than use of field citations. As a general matter, a suggested threshold is between three and ten violations.

- During joint inspections, Regional inspectors will usually not cite for violations that are cited by the State inspector where State sanctions are at least equivalent.

As States are the primary enforcers in the program, Regions usually will take enforcement actions only in certain circumstances. Therefore, it is likely that during joint inspections Regional inspectors will defer to the State program's regulations or authorities and not cite for violations that State inspectors cite. Generally, this will be the case where State sanctions are at least equivalent with Federal sanctions. On the other hand, there may be cases where a field citation would serve an important Federal enforcement objective, for example, sending a signal to the regulated community that we take interest in a specific kind of violation. In these cases, a field citation or other Federal enforcement measure might reinforce the State's message.

- Inspectors will usually issue citations to first-time violators only. If upon follow-up inspection a cited violation has not been corrected, the inspector should generally use Part 22 procedures, or, if a later inspection uncovers a different violation, the inspector should not use a field citation.

Field citations are generally most appropriate for addressing first-time violators; if the same violations are found again during a second inspection, Part 22 enforcement procedures should be initiated. Limiting the use of field citations to first-time violators makes sense if it appears to the inspector that the citation and penalty have not convinced a violator to bring a facility into compliance and to keep it in compliance. The inspector should be guided by the goal of the field citation program, which is to achieve rapid and resource-effective compliance, rather than to penalize owners and operators for regulatory violations.

Standard Enforcement

If an inspector discovers not only violations that are appropriate for the field citation program, but other violations as well, the inspector should address all of the violations at the site using more formal, existing enforcement methods because the more serious violation shows that the facility cannot simply be handled by field citation procedures. As used in this guidance, more formal enforcement typically refers to the procedures for issuing administrative compliance orders (including those assessing civil penalties) and conducting the administrative enforcement process governed by 40 CFR Part 22, the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits ("Part 22" or "CROP"). CROP outlines the major steps in the administrative adjudication process and presents the various authorities and duties of Agency officials in the process.

In selecting those violations which are appropriate for field citations, the Regions will, in effect, also be identifying violations which, because of their potential for environmental harm or other characteristics (i.e., not clear-cut), should be addressed using the more formal, existing enforcement mechanisms in Part 22. The more formal enforcement methods may also be the appropriate response in some circumstances where field citations would otherwise be appropriate (for example, if violations which are appropriate for a field citation in themselves surpass the threshold for multiple violations or are repeated). Another case where a clear-cut violation might be addressed by more formal enforcement is the case of a clear-cut but non-correctable violation (e.g., a tank was not purged before being removed). In these cases, a field citation will not serve the goal of encouraging compliance and might appear to treat the violator mildly compared to penalties applicable under the penalty policy. In general, the Regions will need to assess how best to maximize resources while bringing as many facilities into compliance as possible.

This guidance is phrased so that inspectors will know what action to take in the typical case. Inspectors are not bound to follow this guidance, however, when in the exercise of their enforcement discretion they determine that deviation from this guidance will result in more effective compliance or a more efficient use of enforcement resources. This approach is consistent with the guidance found in other EPA penalty policies and procedures.

Guidance for Penalty Amounts

The Regions will have some discretion to assign penalty amounts to violations selected from the baseline list. The Regions have the option of selecting a uniform penalty amount or establishing an incremental scale of penalty amounts according to the seriousness of the violation or category of violations (e.g., \$X-\$2X-\$3X). In the case of multiple violations, penalties are totaled. In general, field citation programs set penalty amounts according to the severity of each violation or category of violations. In other words, penalties are set higher or lower according to the degree of environmental harm that might occur as a result of a specific violation. For example, lack of daily monitoring records might be considered less serious than a lack of monitoring wells.

The size of the penalties attached to violations is important to the success of a field citations program. Penalties that are relatively high (e.g., greater than \$500 per violation) may discourage owners and operators from agreeing to settle. On the other hand, Regions should set penalties high enough to catch the attention of owners and operators. In general, the field citation program should operate optimally when the penalties are geared primarily to achieving rapid compliance rather than to penalizing for the violation. This principle might guide the Regions to setting relatively low, uniform penalties.

Because each Region has the discretion to set the range of penalty amounts, there is no predetermined cap on the cumulative amount of penalties assessed. However, there is a natural cap to the extent that each Region will be foregoing issuing field citations if the number of citable violations at a site exceeds a number fixed by the Region (see preceding section). The Region may want to consider the practical issues underlying a cap on the total cumulative amount of penalties that may be incurred by a single owner or operator, i.e., keeping the amount relatively low might encourage more settlements. This determination is a matter of judgement, and, as the program is implemented, experience.

As a general recommendation, the range of \$100 to \$500 should meet most Regions' needs and be consistent with experience in other programs that have employed field citations to enforce their environmental regulations. Regions are also encouraged to consult each other and to coordinate with Headquarters in order to set uniform penalties where appropriate.

Form of the Citation

While each Region will have considerable discretion in tailoring its field citation program within the boundaries set forth in this guidance, the Regions must use the approved field citation or obtain approval for any Region-specific citation form from Regional Counsel and the Office of General Counsel. This approach will ensure that the field citations used are legally supportable and designed to accommodate the program

elements described in this guidance. In addition, use of a standard citation form will guarantee some uniformity across Regions in the issuance of field citations.

The field citation represents the issuance of an order pursuant to RCRA §9006 to address violations listed in RCRA §9006(d), and essentially is a short-form settlement agreement. The violator is notified of the violation and given an opportunity to resolve the violation expeditiously by agreeing to correct the violation and by settling for a lesser penalty amount than might be assessed according to the penalty policy if Part 22 proceedings are initiated. The lower penalty assessment reflects the time and expense saved by the Agency over that normally incurred in pursuing more formal enforcement methods, although it also compromises the size of the fine it could legally collect. The violator has only two options: accept the field citation or risk more formal enforcement proceedings if the Agency decides to pursue the violations.

Hearing Requirements

Subtitle I of RCRA provides for an opportunity for a hearing where an order is issued -- the hearing process is outlined in Part 22. The field citation has been designed as a short-form settlement agreement. Achieving a settlement through a field citation should eliminate the need for a hearing.

A Region initiating administrative actions against a violator should follow the Part 22 procedures if a violator forgoes the settlement offered through the field citation process. The Federal procedures guidance (OSWER Directive 9610.11 "UST/LUST Enforcement Procedures Guidance Manual") describes appropriate procedures in detail.

Training

This guidance is intended to provide overall direction for establishing Regional field citation programs. As such, the role of the guidance is to enunciate the general principles that should underlie an appropriately designed field citation program; further details not contained in this guidance will be developed and transmitted to program staff through subsequent training.

SHORT-FORM WORDINGS OF SELECTED FEDERAL REGULATIONS

The following short-form wordings for field citations were developed from the Federal underground storage tank regulations and constitute a baseline list of violations which may be appropriate for use in a Federal field citation program.

Regulatory Citation	Violation
280.20 Performance standards for new UST systems	
280.20(a)(2)	Failure to cathodically protect a tank
280.20(b)(2)	Failure to cathodically protect metal piping
280.20(c)	Failure to use a spill prevention system
280.20(c)	Failure to use an overfill prevention system
280.21 Upgrading of existing UST systems	
280.21(b)(1)(i)	Failure to install interior lining for tank upgrade requirements
280.21(b)(2)	Failure to meet tank upgrade requirements for cathodic protection
280.21(b) (2)(iii)	Failure to meet tightness test requirements for an upgraded, cathodically protected tank
280.21(c)	Failure to install cathodic protection for metal piping upgrade requirements
280.21(d)	Failure to provide spill prevention system for an existing tank
280.21(d)	Failure to provide overfill prevention system for an existing tank
280.22 Notification requirements	
280.22(a)	Failure to notify agency within 30 days of bringing UST system into use
280.22(c)	Failure to identify all USTs on notification form
280.22(e)(1)	Failure to certify on notification form that UST system was installed properly
280.22(e)(2)	Failure to certify on notification form that UST system is cathodically protected

- 280.22(e)(3) Failure to certify financial responsibility on notification form
- 280.22(e)(4) Failure to certify proper release detection use for UST system on notification form
- 280.22(f) Failure to provide installer certification of compliance with installation requirements on notification form
- 280.22(g) Failure to notify purchaser of UST system of notification requirements.

280.30 Spill and overfill control

- 280.30(b) Failure to report a spill
- 280.30(b) Failure to report an overfill
- 280.30(b) Failure to investigate a spill
- 280.30(b) Failure to investigate an overfill
- 280.30(b) Failure to clean up a spill
- 280.30(b) Failure to clean up an overfill

280.31 Operation and maintenance of corrosion protection

- 280.31(a) Failure to properly operate and maintain corrosion protection system
- 280.31(b)(1) Failure to properly test corrosion protection system
- 280.31(c) Failure to properly inspect impressed current cathodic protection system
- 280.31(d) Failure to maintain records of cathodic protection inspections or testing

280.33 Repairs allowed

- 280.33(d) Failure to have repaired UST system tightness tested as required
- 280.33(e) Failure to test UST system cathodic protection system within 6 months of repair
- 280.33(f) Failure to maintain repair records for operating life of UST

280.34 Reporting and recordkeeping

- 280.34(a)(1) Failure to submit notification for UST system

- 280.34(a)(1) Failure to submit certification of a new installation with notification form
- 280.34(a)(2) Failure to report a release to the agency
- 280.34(a)(3) Failure to submit corrective action plans to the agency
- 280.34(a)(4) Failure to submit notification before a permanent UST closure or change in service
- 280.34(b)(1) Failure to maintain analysis of site corrosion potential if corrosion protection equipment is not used
- 280.34(b)(2) Failure to maintain corrosion protection equipment operation documentation
- 280.34(b)(3) Failure to maintain documentation of UST system repairs
- 280.34(b)(4) Failure to maintain documentation of compliance with release detection requirements
- 280.34(b)(5) Failure to maintain results of site investigation following a permanent closure
- 280.34(c) Failure to provide records at UST site or alternative site for inspection by implementing agency

280.40 General requirements for all UST systems

- 280.40(a) Failure to provide adequate release detection for UST system
- 280.40(b) Failure to notify agency of indicated release
- 280.40(c) Failure to provide adequate release detection by phase-in date

280.41 Requirements for petroleum UST systems

- 280.41(a) Failure to monitor tank for releases as required
- 280.41(b) Failure to use approved release monitoring method for piping

280.43 Methods of release detection for tanks

- 280.43(a) Inadequate operation or maintenance of inventory control
- 280.43(b) Inadequate operation or maintenance of manual tank gauging
- 280.43(c) Inadequate operation or maintenance of tank tightness testing

- 280.43(d) Inadequate operation or maintenance of automatic tank gauging
- 280.43(e) Inadequate operation or maintenance of vapor monitoring
- 280.43(f) Inadequate operation or maintenance of ground-water monitoring
- 280.43(g) Inadequate operation or maintenance of interstitial monitoring

280.44 Methods of release detection for piping

- 280.44(a) Inadequate application of line leak detector system for underground piping
- 280.44(b) Inadequate application of line tightness testing system for underground piping
- 280.44(c) Inadequate application of UST release detection methods

280.45 Release detection recordkeeping

- 280.45(a) Failure to maintain records of release detection monitoring
- 280.45(b) Failure to maintain results of a sampling, testing, or monitoring as required
- 280.45(c) Failure to retain record of calibration, maintenance, and repair of release detection equipment

280.52 Release investigation and confirmation steps

- 280.52(a) Failure to conduct tightness test(s) to investigate suspected leak(s)
- 280.52(b) Failure to examine and measure an UST site for suspected leak(s)

280.70 Temporary closure

- 280.70(a) Failure to operate and maintain corrosion protection in a temporarily closed UST system
- 280.70(a) Failure to operate and maintain release detection as required in a temporarily closed UST system
- 280.70(b)(1) Failure to leave vent lines open and functioning during temporary UST closure
- 280.70(b)(2) Failure to cap and secure all UST related equipment for temporary closure

280.72 Assessing the site at closure or change-in-service

280.72(a) Failure to measure for the presence of a release before a permanent closure

280.74 Closure Records

280.74 Failure to maintain proper closure records

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION _____
MAIN STREET
USA

OSWER Dir. 9610.13

EXPEDITED ENFORCEMENT
COMPLIANCE ORDER AND OFFER OF SETTLEMENT

PART I COMPLIANCE ORDER	PART II OFFER OF SETTLEMENT
<p>COMPLIANCE ORDER NO. _____</p> <p>On _____ Time _____ (Date of Violation) (a.m. or p.m.)</p> <p>At _____ (Name of Facility)</p> <p>_____ (Address of Facility)</p> <p>_____ (Address of Facility)</p> <p>Name of Owner, Operator or On-site Representative _____ (Circle one)</p> <p>Facility License/Permit Number _____</p> <p>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 (42 U.S.C. 101 et seq.). During this inspection, the following violations of underground storage tank regulations were found, with corresponding penalty amounts:</p> <p>40 CFR _____ Penalty \$ _____</p> <p>Nature of Violation: _____</p> <p>40 CFR _____ Penalty \$ _____</p> <p>Nature of Violation: _____</p> <p>40 CFR _____ Penalty \$ _____</p> <p>Nature of Violation: _____</p> <p>The owner or operator of the above facility is hereby ordered to correct the violations and pay the penalties described above.</p> <p>This Compliance Order is being issued with reference to the Offer of Settlement in Part II of this form. If the Offer of Settlement in Part II is not returned in correct form by the owner or operator within 30 days of the date of signature below by the Authorized Representative of EPA, this Compliance Order is hereby withdrawn, without prejudice by EPA to file additional enforcement actions for the above or any other violations.</p> <p>I have personally observed the above violations and find the owner or operator in violation of the above-reference underground storage tank regulations.</p> <p>_____ (Signature of Authorized Representative of EPA)</p> <p>Date: _____</p> <p>I hereby acknowledge receipt of this Compliance Order and Offer of Settlement.</p> <p>_____ (Signature of Owner, Operator or On-site Representative)</p> <p>Date: _____</p>	<p>The United States Environmental Protection Agency (EPA) makes this Offer of Settlement under its expedited enforcement procedures in order to settle the violations found in the Compliance Order in Part I of this form subject to the following terms and conditions:</p> <p>The Owner or Operator signing below certifies, under civil and criminal penalties for making a false submission to the United States Government, that Owner or Operator has corrected the violation(s) and enclosed a certified check for \$ _____ in payment of the full amount of penalties, as described in the Compliance Order.</p> <p>Upon EPA final approval of this Offer of Settlement, EPA will take no further action against the Owner or Operator for the violations described in the Compliance Order. 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 Compliance Order.</p> <p>Also, upon EPA final approval of this Offer of Settlement, the Owner or Operator waives the opportunity for a public hearing pursuant to Section 9006 of the Resource Conservation and Recovery Act.</p> <p>Final approval of the Offer of Settlement is in the sole discretion of the Regional Administrator, Region ____, EPA, or authorized delegate.</p> <p>SIGNATURE BY OWNER OR OPERATOR:</p> <p>Name and Title (print) _____</p> <p>Signature _____ Date: _____</p> <p>FINAL APPROVAL BY EPA:</p> <p>Name and Title (print) _____</p> <p>Signature _____ Date: _____</p>

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

OSWER Dir. 9510.13

REGION ____
MAIN STREET
USA

EXPEDITED ENFORCEMENT
COMPLIANCE ORDER AND OFFER OF SETTLEMENT

INSTRUCTIONS

The United States Environmental Protection Agency has authority under Section 9006 of the Resource Conservation and Recovery Act to issue compliance orders and pursue civil penalties for violations of underground storage tank regulations. However, the EPA encourages the expedited settlement of easily verifiable violations of underground storage tank requirements, such as the violations cited in the Expedited Enforcement Compliance Order and Offer of Settlement for which these instructions are provided.

You may resolve the cited violations quickly by correcting the violations, signing and returning the Offer of Settlement, and paying the penalty amounts, all within 30 days of the issuance of the Compliance Order. Upon EPA final approval of the Offer of Settlement, a copy of which will be returned to you, EPA will take no further action against you for these violations. EPA will not accept or approve any Offer of Settlement returned more than 30 days after the date of the Compliance Order.

If you do not return the Offer of Settlement with payment of the penalty amounts, 30 days after issuance, the Compliance Order will be withdrawn, without prejudice by EPA to file additional enforcement actions for the above or any other violations. You are nonetheless required to correct the violations cited in the Compliance Order. If EPA pursues administrative enforcement measures in order to correct the violation(s) or to seek penalties, you will receive instructions describing your rights under the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits (40 CFR Part 22).

You are required under the Offer of Settlement to certify that you have corrected the violations found in the Compliance Order and paid the penalty amounts. The payment for the penalty amounts must be in the form of a certified check payable to the "United States of America," with the number of the Compliance Order written on the check. The Settlement Offer and check shall be sent to:

Underground Storage Tank Program
U.S. Environmental Protection Agency
Region ____
Main Street
USA

By the terms of the Offer of Settlement, and upon EPA's final approval of the Offer of Settlement, you waive the opportunity for a public hearing pursuant to Section 9006 of the Resource Conservation and Recovery Act.

Final approval of the Offer of Settlement is in the sole discretion of the Regional Administrator, Region ____, EPA, or authorized delegate.

If you have any questions, you may contact the EPA Regional Office of Underground Storage Tanks at _____.