



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

MAY 11 2012

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: RCRA § 9003(h) Model Unilateral Order

FROM: Elliott J. Gilberg, Director
Office of Site Remediation Enforcement

TO: Regional Counsel, Regions I-X
UST Regional Program Managers, Regions I-X
RCRA Division Directors, Regions I-X

I am pleased to distribute the RCRA § 9003(h) Model Corrective Action Unilateral Order. The national Leaking Underground Storage Tank ("LUST") enforcement team and OSRE Settlements Team have worked hard to develop this first model order for LUST enforcement.

As the LUST enforcement program has matured we have gained the experience necessary to write this model Order. I hope this model will serve to expedite LUST enforcement and facilitate national consistency; however, there is no requirement to consult with Headquarters when deviating from the model. Relevant references and resources relating to LUST Corrective Action Orders are:

- Rules Governing Issuance of and Administrative Hearings on Interim Status Corrective Action Orders for Underground Storage Tanks, 40 C.F.R. § 24 (1991)
- Guidance on Administrative Records for RCRA § 3008(h) Actions, OSWER Dir. 9940.4 (OSWER 1989) (although written for RCRA § 3008(h), it is relevant as guidance for Part 24 administrative hearings)
- UST/LUST Enforcement Procedures Guidance Manual, Chapter 5, OSWER Dir. 9610.11 (OSWER May 1990)

I would like to thank those who reviewed and commented on each of the earlier drafts of this Order. The Regional, OGC, and OUST comments were carefully reviewed and have been incorporated or addressed directly. If you have any questions about the model, please contact Kimberly Fedinatz of my office, at (202) 564-6300, or Elisabeth Freed at (202) 564-5117.

Attachment

cc: UST Attorneys Group
Carolyn Hoskinson, Director, Office of Underground Storage Tanks

[MODEL]

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION __
ADDRESS

IN THE MATTER OF:)

)

Docket No. _____

[FACILITY NAME)
OWNER/OPERATOR)
ADDRESS])

)

)

Respondent.)

**INITIAL ADMINISTRATIVE
ORDER AND NOTICE OF
OPPORTUNITY FOR HEARING**

)

Proceeding under Section 9003(h) of the)
Resource Conservation and Recovery Act,)
as amended, 42 U.S.C. § 6901, *et seq.*)

)

)

_____)

I. JURISDICTION

1. This Initial Administrative Order (“Order”) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by Section 9003(h) of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976 (“RCRA”), as amended, 42 U.S.C. § 6901, *et seq.*, and the Rules Governing Issuance of and Administrative Hearings on Corrective Action Orders, codified at 40 C.F.R. § 24. The authority vested in the Administrator by Section 9003(h) of RCRA has been delegated to the Regional Administrators by EPA Delegation Nos. 8-25 and 8-37, dated February 26, 2010, and [further delegated by the Regional Administrator for Region __ to ____ by Delegation No. __, dated ____].

2. This Order is based upon an administrative record, compiled by EPA [**and State environmental authorities or credentialed tribal inspectors**] and incorporated herein by reference. Such record is available for review by Respondent and the public at EPA's office at _____.

II. DEFINITIONS

3. Unless otherwise expressly provided in this Order, terms used in this Order that are defined in RCRA or in regulations promulgated under RCRA shall have the meaning assigned to them in RCRA or in such regulations. Whenever terms listed below are used in this Order or in the appendices to or incorporated by reference into this Order, the following definitions shall apply:

- a. "Corrective Action Plan" ("CAP") has the meaning accorded by 40 C.F.R. § 280.66 (Corrective Action Plan).
- b. "Day" or "day" shall mean a calendar day. In computing any period of time under this Order, where the last day would fall on a Saturday, Sunday, or federal or state holiday, the period shall run until the close of business of the next working day.
- c. "Effective Date" shall mean the effective date of this Order as provided in Section XXI.
- d. "Order" shall mean this Initial Administrative Order and Notice of Opportunity for Hearing, all appendices attached hereto, and all documents incorporated by reference into this document including, but not limited to, EPA-approved submissions. In the event of conflict between this Order and any appendix or other incorporated document, this Order shall control.
- e. "Petroleum" shall mean "petroleum, including crude oil or any fraction thereof which is liquid at standard conditions or temperature or pressure..." and includes its constituent

parts such as, but not limited to, methyl tert-butyl ether (“MTBE”), ethanol, and ethylene dibromide (“EDB”) pursuant to Section 9001(6) of RCRA.

f. “Regulated substance” shall mean petroleum and “any substance defined in Section 9601(14) of this title (but not including any substance regulated as a hazardous waste under subchapter III of this chapter)” pursuant to Section 9001(7)(B) of RCRA.

g. “Respondent” shall mean **[insert name of Respondent(s)]**.

h. “Site” shall mean the parcel(s) of property on which the underground storage tanks (“USTs”) are located, and the parcel(s) of property on which the associated leak is located, and depicted generally on the map **[attached hereto as Appendix ___]** and located generally at the street address in Paragraph ___. **[relevant paragraph in Findings of Facts]**

i. “Site Assessment” shall mean an investigation of the Site as described in 40 C.F.R. § 280.65 (Investigations for soil and ground-water cleanup).

III. PARTIES BOUND

4. This Order applies to and is binding upon Respondent and its **[heirs,]** officers, directors, employees, agents, successors, assigns, trustees, and receivers, and upon all persons, including but not limited to independent contractors and consultants acting under or on behalf of Respondent.

5. No change in owner, operator, corporate, or partnership status relating to the underground storage tanks (“USTs”) will in any way alter Respondent’s responsibilities under this Order. Any conveyance of title, easement, or other interest in the USTs, or a portion of the USTs, shall not affect Respondent’s obligations under this Order.

6. Respondent shall give written notice of this Order to any successor in interest prior to transfer of ownership or operation of the USTs or portion thereof, and shall notify EPA at least thirty (30) days prior to such transfer.

7. Respondent shall ensure that its contractors, subcontractors, and representatives comply with this Order. Respondent shall be responsible for any noncompliance with this Order.

8. Respondent shall provide a copy of this Order to all contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order within one (1) week of the Effective Date of this Order or date of hire, and shall condition all such contracts on compliance with the terms of this Order.

IV. STATEMENT OF PURPOSE

9. This Order requires Respondent:

a. to determine the nature and extent of the release from USTs of regulated substances, at or from the Site in a Site Assessment;

b. if required by EPA, to submit an approvable Corrective Action Plan (“CAP”) to identify and evaluate alternatives for corrective action necessary to prevent or mitigate any migration or releases of such regulated substances at or from the Site; and

c. if required by EPA, to implement a CAP at the Site immediately after the CAP is approved by EPA.

V. FINDINGS OF FACT

10. Respondent is a [an individual/corporation/municipality/etc. (see RCRA § 1004(15))] doing business in the State of _____.

ALTERNATE (if not doing business):

[Respondent is an individual resident of the State of ____.]

11. From ____ until ____, Respondent **[is/was]** an owner or operator of ____ USTs at ____
[address] (“Site”).

[Insert any further facts that support Respondent as an owner/operator of USTs, such as Site location, description, history, ownership history, operations, and a map.]

12. These UST(s) consisted of: _____.

[Insert facts to support that the tanks constitute USTs containing regulated substances in accordance with RCRA §§ 9001(6)-(8) and (10) such as: number and volume of tanks, substance held (petroleum, diesel fuel, ethanol).]

13. Documentation of Release.

[Insert facts to support the existence of a release of petroleum from a regulated UST such as:

- **Inspections; enforcement history; past EPA/state activities**
 - **Data showing release [or threat of release] exists; contaminant constituents and amounts; geological conditions (if relevant); groundwater flow (if relevant); map of spill area and monitoring wells.**
- Be sure to cite references.]**

VI. CONCLUSIONS OF LAW AND DETERMINATIONS

14. Based on the Findings of Fact set out above, and in consideration of the administrative record, the ____ **[title of delegated official]** of EPA, Region [____] has made the following conclusions of law and determinations:

- a. Respondent is a “person” as defined in Section 9001(5) of RCRA.
- b. Respondent meets the definition of “owner” or “operator”, as defined in Section 9001(3) and (4) of RCRA, of the USTs at the Site.
- c. There has been a release of petroleum into the environment from regulated USTs at the Site as defined by Section 9001(8) of RCRA.
- d. The actions required by this Order are necessary to protect human health and the environment.

VII. CORRECTIVE ACTION ORDER

Pursuant to Section 9003(h) of RCRA Respondent is ordered to:

15. Site Assessment. Within forty-five (45) days of the Effective Date of this Order, conduct and submit to EPA a Site Assessment that follows 40 C.F.R. § 280.65 (Investigations for soil and groundwater cleanup). The Site Assessment is subject to approval by EPA in accordance with Section __ (Approvals), below.

16. Corrective Action Plan. Within thirty (30) days after EPA approval of the Site Assessment, Respondent shall submit to EPA a Corrective Action Plan for the Site. The CAP shall:

- a. Develop one or more corrective action alternatives that will respond to the contamination and will permanently mitigate and abate the release(s) of petroleum at the Site;
- b. Achieve the applicable ____ [**federal/state/tribal**] Maximum Contaminant Level (“MCL”) remediation standard levels for ground water¹ at the Site, and ____ [**EPA/state/tribal**] Preliminary Remediation Goal (“PRG”) remediation standard levels for soil at the Site²; and
- c. Provide a schedule for the performance of the corrective action activities at the Site set forth in the CAP.
- d. The CAP shall meet the requirements of 40 C.F.R. § 280.66 (Corrective Action Plan) and shall comply with Subchapter IX of RCRA, 42 U.S.C. § 6991, *et seq.*, its implementing regulations at 40 C.F.R. § 280, *et seq.*, and with relevant EPA [**or state/tribal**] regulations and guidance documents.³ The CAP is subject to approval by EPA in accordance with Section __ (Approvals), below.

¹ Available at _____.

² Available at _____.

³ Available at <http://www.epa.gov/oust/cat/sitechar.htm>

e. **[Describe how the CAP meets the goals of EPA's Principles of Greener Cleanups.⁴]**

17. Within thirty (30) days after receiving EPA's approval of the CAP, Respondent shall begin implementation of the approved CAP in accordance with its requirements, specifications and schedule.

18. Release Greater than Initially Identified. If at any point prior to termination of this Order Respondent identifies a release of petroleum of greater extent than that indicated by the Site Assessment, Respondent shall immediately notify the EPA Project Coordinator orally [**or electronically**], and shall provide written notification within fifteen (15) days of such identification, summarizing the magnitude of the release and the potential threat to human health and/or the environment.

19. Additional Work. Consistent with the objectives of this Order, new circumstances, including but not limited to those identified in Paragraph ____ (Release Greater than Initially Identified) may cause EPA to determine that certain tasks, including investigatory work, evaluation, or corrective action are necessary in addition to the tasks included in the CAP. EPA shall request in writing that Respondent perform the additional work and EPA shall specify the basis and reasons for its determination that the additional work is necessary, and if required, a due date for an amended CAP or other required submittal. Within fifteen (15) days after receipt of such request, Respondent shall have the opportunity to meet with EPA to discuss such additional work. EPA review of any additional submittals required of Respondent under this

⁴ Available at www.epa.gov/oswer/greenercleanups/principles.html; *see also* <http://www.epa.gov/oust/petroleumbrownfields/pbsustain.htm>.

Paragraph shall be conducted in accordance with the procedures set forth in Section ____ (Approvals) below. All additional work performed by Respondent under this Paragraph shall be performed in a manner consistent with this Order.

20. Reports.

[Optional – Regions may include language requiring periodic reports, *e.g.*, if corrective action is anticipated to last for months. Information required in the reports may include:

- **Evaluation of overall protectiveness of human health and the environment.**
- **Ability to attain the minimum contaminant levels at the point of compliance.**
- **Ability/progress toward controlling the source of release.**
- **An estimate and analysis of quantity, volume, and/or toxicity of the waste generated, including contaminated soil, sludge, and groundwater.**
- **An assessment of how institutional controls and legal requirements/ordinances will(are) affect(ing) the design, operation, and timing of corrective action.**
- **An evaluation of the ease of implementation.**
- **An estimate of the cost, including capital and annual O&M costs.]**

21. Professionals. All work performed pursuant to this Order shall be under the direction and supervision of a professional engineer, geologist or equivalent professional with expertise in remediation of subsurface environmental contamination. Within thirty (30) days of the Effective Date of this Order, Respondent shall notify EPA in writing of the name, title, and qualifications of the engineer or geologist, and of any contractors or subcontractors and their personnel to be used in carrying out the terms of this Order. After such notice, Respondent shall provide EPA with fifteen (15) days notice of any intended change of the engineer, geologist, or equivalent professional and contractors or subcontractors and their personnel. Respondent shall verify that no contractor is on the “List of Parties Excluded from Federal Procurement or Non-Procurement Programs”.⁵ EPA reserves the right to request that Respondent propose an alternative at any time during the pendency of this Order.

[Modify according to regional standards. Could reference state standard for certified professionals.]

⁵ <https://www.epis.gov/>

VIII. APPROVALS

22. EPA will provide Respondent with its written approval, approval with conditions, or disapproval for any submittal pursuant to or required by this Order. EPA will provide a written statement of reasons for any approval with conditions or disapproval, and if required, a due date for the revised submittal.

23. Respondent shall revise any submittal in accordance with EPA's written comments and submit them by the due date. Revised submittals are subject to EPA approval, approval with conditions, or disapproval.

24. While awaiting EPA approval, approval with conditions, or disapproval of any submittal, Respondent shall proceed with all other tasks that may be conducted independently of such submittal.

25. CAP Approval. EPA's approval, approval with conditions, or disapproval of the CAP may be conditioned upon the public participation requirements of 40 C.F.R. § 280.67 (Public Participation).

IX. PROJECT COORDINATOR

26. Within fifteen (15) days of the Effective Date, Respondent shall designate a Project Coordinator who shall be responsible for overseeing the implementation of this Order. Respondent shall notify EPA in writing of the Project Coordinator it has selected.

27. Respondent shall provide EPA with at least fifteen (15) days written notice prior to changing Project Coordinators.

28. EPA reserves the right to request that Respondent propose an alternative project coordinator at any time during the pendency of the Order.

29. [The designated EPA Project Coordinator is _____. [name, address, telephone number, e-mail address].] All communications between Respondent and EPA, and all documents, reports, approvals and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order, shall be directed through the Project Coordinators. Unless otherwise specified, two (2) copies of all documents to be submitted to the EPA pursuant to this Order shall be sent to:

[Name]
[Project Coordinator]
[Address]

[Region may substitute electronic submittal - Regions should promote electronic reporting and submissions to the fullest extent possible.]

X. QUALITY ASSURANCE

30. Throughout all sample collection and analysis activities, Respondent shall use EPA approved quality assurance, quality controls, and chain-of-custody procedures.⁶ In addition, Respondent shall:

- a. Follow all EPA Region ___ guidance for sampling and analysis;⁷
- b. Consult with EPA in planning for, and prior to, field sampling and laboratory analysis;
- c. Notify EPA at least ten (10) business days in advance of field sampling and laboratory analysis;
- d. Inform the EPA Project Coordinator at least ten (10) business days in advance as to which laboratories will be used by Respondent and ensure that EPA personnel and EPA

⁶ Available at ___.

⁷ Available at ___.

authorized representatives have reasonable access to the laboratories and personnel used for analyses; and

e. Ensure that all laboratories used by Respondent for analyses are accredited by a quality assurance/quality control program equivalent to the National Environmental Laboratory Approval Program (“NELAP”) [**ALTERNATE for federal facilities - Department of Defense Environmental Laboratory Accreditation**], and provide the name, address and telephone numbers of the laboratories Respondent plans to use to implement the CAP.

31. Respondent shall submit to EPA the results of all sampling and/or tests or other data generated by, or on behalf of Respondent to EPA within ten (10) business days, in accordance with this Order.

32. Respondent shall notify EPA at least ten (10) days before engaging in any field activities, such as well drilling, installation of equipment, or sampling. At the request of EPA, Respondent shall provide, or allow EPA or its authorized representatives to take, split, duplicate, or replicate samples of all samples collected by Respondent pursuant to this Order.

XI. SITE ACCESS

33. EPA [**and the state**], its[**their**] contractors, employees, and/or any duly designated EPA [**and state**] representatives are authorized to enter and freely move about the Site pursuant to this Order for the purposes of, *inter alia*: reviewing the progress of Respondent in carrying out the terms of this Order; conducting such tests, sampling, or monitoring as EPA deems necessary; using documentary type equipment; and verifying the reports and data submitted to EPA by Respondent. Respondent agrees to provide EPA [**and the state**] and its [**their**] representatives access at all reasonable times to the Site and subject to the following Paragraph, to any other property to which access is required for implementation of this Order.

34. To the extent that work required by this Order or by any approved CAP prepared pursuant hereto must be done on property not owned or controlled by Respondent, Respondent shall enter into Site access agreements with the present owner(s) of such property within thirty (30) days after the need for access becomes known to Respondent. Best efforts as used in this Paragraph shall include, at a minimum, a certified letter from Respondent to the present owners of the property requesting access agreements granting Respondent and EPA [State/tribal] representatives access to the property. Any such access agreement shall be incorporated by reference into this Order and a copy shall be provided to EPA. In the event that agreements for access are not obtained within thirty (30) days after the need for access becomes known to Respondent, Respondent shall notify EPA in writing within fifteen (15) days thereafter regarding both its efforts to obtain access and its failure to obtain the agreements. In the event that EPA subsequently obtains access to the property, Respondent shall undertake EPA approved work on such property in accordance with this Order.

35. Nothing in this Section shall be construed to limit or otherwise affect Respondent's liability for and obligation to perform corrective action, notwithstanding the lack of access.

36. Nothing in this Section limits or otherwise affects EPA's right of access and entry pursuant to all applicable law.

XII. ACCESS TO INFORMATION AND RECORD RETENTION

37. During the pendency of this Order and for a period of ten (10) years after its termination as provided by Section ____ (Termination and Satisfaction) Respondent shall preserve and retain all data, records, and documents in its possession or in the possession of its officers, directors, employees, agents, contractors, successors, and assigns which relate in any way to this Order.

Respondent shall make such records available to EPA for inspection or shall provide copies of any such records to EPA during this retention period.

38. At the conclusion of the retention period, Respondent shall notify EPA ninety (90) days prior to the destruction of any such records, and if the records are requested by EPA, shall deliver such records to EPA. Such notification shall reference the Effective Date, caption, and docket number of this Order.

XIII. STOP WORK ORDER

39. If EPA determines that activities performed by Respondent in compliance or non-compliance with this Order have caused or may cause a release or other threat to human health or the environment, or that Respondent is not capable of undertaking the studies or corrective measures ordered, EPA may order Respondent to stop further implementation of this Order for such period of time as EPA determines may be needed to abate any such release or threat.

XIV. BUSINESS CONFIDENTIALITY

40. Respondent may assert a business confidentiality claim covering all or part of any information submitted to EPA pursuant to this Order. Any assertion of confidentiality shall be adequately substantiated by Respondent pursuant to 40 C.F.R. Part 2, Subpart B. Information determined to be confidential by EPA shall be disclosed only to the extent permitted by 40 C.F.R. Part 2, Subpart B. If no such confidentiality claim accompanies this information when it is submitted to EPA, it may be made available to the public by EPA without further notice to Respondent. Physical or analytical data shall not be deemed confidential.

XV. PENALTIES FOR NONCOMPLIANCE

41. If Respondent fails to comply with the terms and provisions of this Order, EPA may commence a subsequent action to require compliance and to assess a civil penalty not to exceed

THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$37,500.00) for each day of violation in accordance with Section 9006(a) of RCRA.

XVI. RESERVATION OF RIGHTS BY EPA

42. Nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants, or contaminants, or hazardous waste on, at, or from the Site. Further, nothing herein shall prevent EPA from seeking legal or equitable relief to enforce the terms of this Order, from taking other legal or equitable action as it deems appropriate and necessary, or from requiring Respondent in the future to perform additional activities pursuant to RCRA or any other applicable law. EPA reserves the right to bring an action against Respondent under Section 9003(h) of RCRA for recovery of any response costs incurred by the United States related to this Order or the Site and not paid by Respondent.

XVII. OTHER APPLICABLE LAWS

43. All action required to be taken by Respondent pursuant to this Order shall be undertaken in accordance with all applicable local, state, and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

XVIII. EPA NOT LIABLE

44. By issuance of this Order, EPA assumes no liability for any injuries or damages to persons or property resulting from acts or omissions of Respondent or Respondent's directors, officers, employees, agents, representatives, successors, assigns, contractors, subcontractors, or

consultants in carrying out any action or activity required by this Order or necessary to complete the work required by this Order.

45. EPA is not to be construed as a party to, and does not assume any liability for any contract entered into by Respondent to carry out any work pursuant to this Order. The proper completion of work under this Order is solely the responsibility of Respondent.

XIX. SUBSEQUENT MODIFICATION AND INCORPORATION

46. This Order may be amended by EPA to ensure protection of human health and the environment. Such amendments shall be in writing, shall have as their Effective Date the date on which they are signed by EPA, and shall be incorporated into this Order.

47. No informal advice, guidance, suggestions, or comments by EPA regarding reports, plans, specifications, schedules, and any other writing submitted by Respondent will be construed as relieving Respondent of its obligation to obtain written approval, if and when required by this Order.

48. If Respondent seeks permission to deviate from any approved CAP, Respondent's Project Coordinator shall timely submit a written request to EPA for approval outlining the proposed modification and its basis. Respondent may not proceed with the requested deviation until receiving approval from the EPA Project Coordinator pursuant to Section ____ (Approvals), above.

49. Any reports, plans, specifications, schedules, and attachments required by this Order are, upon written approval by EPA, incorporated into this Order. Any noncompliance with such EPA-approved reports, plans, specifications, schedules, and attachments shall be considered a violation of this Order and shall subject Respondent to the statutory penalty provisions referenced in Section ____ (Penalties for Noncompliance), above.

XX. SEVERABILITY

50. If any provision or authority of this Order or the application of this Order to any party or circumstance is held by any judicial or administrative authority to be invalid, the application of such provisions to other parties or circumstances and the remainder of the Order shall remain in force and shall not be affected thereby.

XXI. EFFECTIVE DATE AND

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

51. In accordance with 40 C.F.R. § 24.05 this Order shall become effective thirty (30) days after service of the Order, unless Respondent files a response and requests a public hearing in writing no later than thirty (30) days after service of the Order.

52. If Respondent fails to file a response and request for hearing within thirty (30) days after service of the Order, Respondent will be deemed to have waived its right to a hearing, and the Order will become effective.

53. The response and request for hearing shall be filed with:

Regional Hearing Clerk
United States Environmental Protection Agency
[Address]

54. A copy of the response and request for hearing and copies of all subsequent documents filed in this action shall also be sent to:

[Attorney]
[Address]
[Phone]

55. The response shall specify each factual or legal determination or relief provision in the Order that Respondent disputes and shall specify the basis upon which it disputes such determination or provision. The response should also include any proposals for modification of

the Order. Any hearings on the Order will be conducted in accordance with the attached hearing procedures, being those under 40 C.F.R. § 24.

XXII. SETTLEMENT CONFERENCE

56. Whether or not Respondent requests a hearing, the Respondent may request an informal conference at any time in accordance with 40 C.F.R. § 24.07 to discuss the facts of this case and to discuss a potential settlement. To request an informal conference, contact:

[Attorney]
[Address]
[Phone]

57. A request for an informal conference does not extend the thirty (30) day period during which a written response and request for a hearing must be submitted. The informal conference procedure may be pursued simultaneously with the public hearing procedure.

XXIII. TERMINATION AND SATISFACTION

58. The provisions of this Order shall be deemed satisfied upon Respondent's receipt of written notice from EPA that Respondent has demonstrated, to the satisfaction of EPA, that the terms of this Order, including any additional tasks determined by EPA to be required pursuant to this Order, or any continuing obligation or requirements, except record preservation, have been satisfactorily completed.

IT IS SO ORDERED:

BY: _____

DATE: _____

Attachment A: Submittal Summary

Deadline to Request a Hearing	Date of Service + 30 days
Effective Date	See Order Section ____
Identify initial Project Coordinator*	Effective Date + 15 days
Notify EPA of change in Project Coordinator*	15 days prior to change
Obtain Site Access	Effective Date + 30 days
Notify EPA of Professionals*	Effective Date + 30 days
Notify EPA of change in Professionals*	15 days prior to change
Notify EPA of failure to obtain Site Access	Effective Date + 45 days
Site Assessment due to EPA	Effective Date + 45 days
CAP due to EPA	Site Assessment Approval + 30 days
Begin work in CAP	CAP Approval + 30 days
Notify EPA prior to field activities and laboratory analysis	10 days prior to activities/analysis
Record Retention	10 years after Order termination
After Record Retention period, notify EPA prior to destroying records	90 days prior to destruction

* Note – The Order does not require that EPA approve Respondent’s project coordinator or professionals.