

## Model Notice Letter for Expedited Settlements of RCRA Violations

**[CERTIFIED MAIL  
RETURN RECEIPT REQUESTED]**

**[Facility Contact]  
[Facility Contact Title]  
[Facility Name and Address]**

Re: EXPEDITED SETTLEMENT OPPORTUNITY  
Notice of Investigation Results under the Resource Conservation and Recovery Act  
**[Facility Name]**  
EPA ID Number: **[ID #]**  
Docket Number: **[Docket #]**

Dear **[Facility Contact]**:

Based on the review of information gathered during the DATE **[inspection, file review, EPA's oversight of corrective action requirements, or virtual inspection]**, the U.S. Environmental Protection Agency ("EPA"), Region **[Number]**, has identified violations of the Resource Conservation and Recovery Act ("RCRA") (42 U.S.C. § 6901 *et seq.*) and the authorized **[State]** hazardous waste management program at **[Facility name]**, located at **[Facility address]**.<sup>1</sup>

By this letter, EPA is providing you with an opportunity to quickly resolve these violations by entering into an Expedited Settlement Agreement. EPA has authority to pursue civil penalties for violations of RCRA requirements, including violations that are easily identifiable and easily correctable, such as the violations cited below. You may resolve the alleged violations by correcting the violations cited below and signing and returning the enclosed Expedited Settlement Agreement within 30 days of your receipt of this letter. Once you receive the final order from the Regional Judicial Officer, your penalty payment must be received within 30 days.

If you dispute these violations, please provide a written explanation, along with any documentation to **[EPA contact]** at the address below within 30 days of your receipt of this letter.

As a result of the EPA **[inspection, file review, EPA's oversight of corrective action requirements, or virtual inspection]** of your facility on **[Date]**, **[Respondent]** failed to comply with the following RCRA regulation[s]:

**[1] – [Violation Title]  
[Explanation of violation including description of evidence]**

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<sup>1</sup> See, e.g., Section 3006 of RCRA, 42 U.S.C. § 6906.

## Opportunity for Expedited Settlement

Under the authority of Section 3008 of RCRA, 42 U.S.C. 6928, EPA may pursue civil penalties of up to **[current amount based on Civil Monetary Penalty Inflation Adjustment Rule]**<sup>2</sup> per day for each violation of Subtitle C of RCRA, including violations of approved and authorized State program requirements.

However, EPA is offering to resolve the violations described above with an Expedited Settlement Agreement (Agreement), which provides you the opportunity to quickly resolve the violations with payment of a substantially reduced penalty. If you choose to sign the Agreement and EPA determines you have satisfied the requirements for expedited settlement described below, then EPA will settle the violations listed above for **[\$[Amount]]**.

## Procedure for Expedited Settlement

To take advantage of the Expedited Settlement offer, within 30 days of your receipt of this letter, you must:

- (1) Correct the outstanding violation[s]. This must be documented on the enclosed document titled "Injunctive Relief Worksheet."
- (2) Complete and return to EPA the enclosed Agreement. By signing the Agreement, you are certifying that you: (a) have corrected the violations; (b) have submitted true and accurate documentation of compliance; and (c) agree to pay the civil penalty of **[\$[Amount]]**. Also, by signing the Agreement, you agree to waive your opportunity for a hearing or appeal concerning the violations.

Please email a PDF copy of the signed Agreement to:

**[EPA contact and title]**

U.S. Environmental Protection Agency

**[Regional Office]**

**[Regional Email Address]**

U.S. Environmental Protection Agency

Region [#] Hearing Clerk

**[Regional Hearing Clerk Email Address]**

U.S. Environmental Protection Agency

Cincinnati Finance Center

[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov)

A copy of the fully executed Agreement will be sent to you via **[certified mail]** once it has been filed with the Regional Hearing Clerk. As provided in the Agreement, the civil penalty will be due within 30 calendar days of the date the Agreement is filed with the Regional Hearing Clerk.

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<sup>2</sup> This amount is revised yearly through the Civil Monetary Penalty Inflation Adjustment Rule.

Please do not send payment for the penalty until you receive a copy of the fully executed Agreement, which will include the docket number that is required to submit payment.

If you can demonstrate, in writing, that it is technically infeasible or impracticable to correct your RCRA violation[s] then within thirty days, upon request, EPA, at its discretion, may grant an extension. Extension requests and the above demonstration must be made in writing no later than ten days before the end of the initial 30-day compliance period. The request must clearly indicate whether you intend to take advantage of the expedited settlement agreement. Any extensions must be granted in writing by EPA.

If you do not follow the procedures outlined in this letter for expedited settlement within 30 days of receipt of this letter, then this settlement offer will be automatically withdrawn, without prejudice to the EPA's ability to file a complaint for the cited violation[s]. EPA may seek penalties of up to **[current amount based on Civil Monetary Penalty Inflation Adjustment Rule]** per day for each violation cited above.

We are committed to the fair and rapid settlement of this matter. If you have any questions or wish to discuss the general circumstances of your case, please contact **[EPA contact]** of my staff at **[Phone Number and/or Email Address]**.

Sincerely,

**[EPA Manager's Name]**  
**[Signature Block]**

cc: State Contact  
**[Persons to cc]**

Enclosures

1. Expedited Settlement Agreement
2. Injunctive Relief Worksheet
3. **[Instructions for Making a Payment]**

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION [Number]**

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# EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The U.S. Environmental Protection Agency (“EPA”) is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of the Resource Conservation and Recovery Act (“RCRA”) and 40 C.F.R. § 22.13(b).
2. By copy of this letter, EPA is providing the **[State]** with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2).
3. **[Facility name]** (“Respondent”) is the owner or operator of the facility at **[Address]** (“Facility”). EPA **[inspected the facility, reviewed files, conducted corrective action oversight, or conducted a virtual inspection]** on **[Date]**. EPA alleges that Respondent violated the following requirements of the RCRA and EPA approved and authorized **[State]** hazardous waste management programs. **[State Regulation]**.
  - a. **[C.F.R. or State regulation reference]** requires that **[regulatory description]**. On **[Date]**, **[short description/evidence of violation]**, in violation of **[C.F.R. or state regulation reference]**.
4. EPA and Respondent agree that settlement of this matter for a civil penalty of **[write out amount]** dollars (\$**[Amount]**) is in the public interest.
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing to contest any issue of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (7) consents to electronic service of the filed ESA.

6. **[If the Respondent is a Federal agency, the Respondent waives its rights to confer with the Administrator pursuant to section 6001(b)(2) of RCRA.]**
7. By signing this consent 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 consent agreement.
8. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the alleged violations have been corrected and Respondent has submitted true and accurate documentation of such correction.
9. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Expedited Settlement Agreement and Final Order and to execute and legally bind Respondent to it. Payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
10. EPA reserves all of its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
11. Each party shall bear its own costs and fees, if any.
12. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

### **FINAL ORDER**

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. §6938(a), and according to the terms of this Expedited Settlement Agreement and Final Order, IT IS HEREBY ORDERED THAT:

13. Within thirty (30) calendar days of the effective date of this Agreement, Respondent must pay the civil penalty of \$[Amount] using any method provided on the following website: <https://www.epa.gov/financial/makepayment>. Such payment shall identify Respondent by name and include the docket number assigned to this Agreement by the Regional Hearing Clerk.
14. Within 24 hours of payment, email proof of payment (e.g., a copy of the check or a statement of affirmation regarding electronic funds transfer), including Respondent's name, complete address, and docket number to the following:

U.S. Environmental Protection Agency  
Region [#] Hearing Clerk

**[Regional Hearing Clerk Email Address]**

**[EPA Contact and Title]**

U.S. Environmental Protection Agency, Region [#]

**[Regional Email Address]**

U.S. Environmental Protection Agency

Cincinnati Finance Center

[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov)

15. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Expedited Settlement and Final Order shall be claimed by Respondent as a deduction for federal, state or local income tax purposes.

IT IS SO AGREED,

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Title (print)

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

APPROVED BY EPA:

\_\_\_\_\_  
**[EPA Manager's Name]**  
**[Title]**

Date: \_\_\_\_\_

IT IS SO ORDERED:

\_\_\_\_\_  
**[Name]**  
**Regional Judicial Officer [Region]**

Date: \_\_\_\_\_

**Injunctive Relief Worksheet**  
**[Respondent's Name]**  
**[City, State]**

Instructions: For each violation listed below, you must describe what actions you took to correct the violation and provide documentation (such as a photograph or copies of appropriate documentation) to show that each violation has been corrected. **You must sign and return this sheet with your signed ESA.**

1. [Violation Citation]

*How was this violation addressed:* \_\_\_\_\_  
\_\_\_\_\_

2. [Violation Citation]

*How was this violation addressed:* \_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Date \_\_\_\_\_

Printed  
Name: \_\_\_\_\_

Printed Title: \_\_\_\_\_

**Expedited Settlement Penalty Worksheet**  
**[Respondent's Name]**  
**[City, State]**

<b>Violation</b>	<b>Penalty per occurrence</b>	<b>Number of occurrences</b>	<b>Total penalty for violation</b>
<b>TOTAL PENALTY</b>			



**United States  
Environmental Protection Agency, Region  
Penalty Collection Procedures**

1. Certified or cashier's check (no personal checks) made payable to "United States Treasury" and remitted to the address below. Please reference the docket number on the check.

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, Missouri 63197-9000

2. On-line payments made through a website provided by the Department of Treasury ([www.pay.gov](http://www.pay.gov)). Enter "sfo 1.1" in the "search public forms" field. Open the form and complete the required fields.

3. Wire transfers should be directed to the Federal Reserve Bank of New York:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York NY 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

Proof of penalty payment (e.g., a copy of the certified or cashier check, a statement of affirmation regarding electronic funds transfer) should be e-mailed, to:

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

and

Office of Regional Counsel  
U.S. Environmental Protection Agency, Region