FILED
Sep 24, 2026
11:30 am
U.S. EPA REGION 3
HEARING CLERK

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

IN THE MATTER OF:	**DOCKET NO.: RCRA-03-2026-0206**
Pennsylvania Department of Corrections **1920 Technology Parkway** **Mechanicsburg, PA 17050** **Respondent**	**EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER**
State Correctional Institution Coal Twp **1 Kelley Drive** **Coal Township, PA 17866** **Facility**	**Proceeding under Section 9006 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6991e**

EXPEDITED SETTLEMENT AGREEMENT

1. Pennsylvania Department of Corrections ("Respondent") and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 9006 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C § 6991e, and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.

2. The U.S. Environmental Protection Agency, Region 3 ("EPA") has jurisdiction over this matter pursuant to 9006 of RCRA, 42 U.S.C. § 6991e, and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.

3. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a "person," and the "operator" and/or "owner" of "underground storage tanks" ("USTs") and "UST systems," located at State Correctional Institution Coal Township, 1 Kelley Drive, Coal Township, Pennsylvania 17866 ("Facility").

4. Complainant alleges and finds that Respondent failed to comply with specific requirements of Subtitle I of RCRA, 42 U.S.C. §§ 6991 *et seq.*, its implementing

regulations at 40 C.F.R. Part 280, and the federally authorized state of Pennsylvania's UST regulations set forth in Pennsylvania Code, Title 25, Chapter 245, Sections 245.1 *et seq*. The federally authorized Pennsylvania UST regulations are enforceable by EPA pursuant to Section 9006(a) of RCRA, 42 U.S.C. § 6991e(a).

5. On February 5, 2026, an email was sent to the Respondent that requested documentation in support of compliance with the UST requirements. Responses to that request were received by EPA via emails on 2/9/26, 2/17/26, 2/24/26, 2/27/26, 3/17/26, 3/19/26, and 3/26/26. Based on that information the following USTs are located at the Facility:

   a. A 5,000-gallon tank that was installed in or about January 1992, and that, at all times relevant hereto, routinely contained diesel fuel, a "regulated substance" as that term is defined in 40 C.F.R. § 280.12 (hereinafter "UST No. 006").

   b. A 5,000-gallon tank that was installed in or about January 1992, and that, at all times relevant hereto, routinely contained gasoline, a "regulated substance" as that term is defined in 40 C.F.R. § 280.12 (hereinafter "UST No. 007").

6. Complainant has identified the following violations:

   a. From at least 2/21/25 until 3/2/26, Respondent failed to test the tank release detection equipment in violation of PA Code 25 § 245.437(a)(3);

   b. From at least 1/11/24 until 1/28/25, Respondent failed to maintain corrosion protection continuously, in violation of PA Code 25 § 245.432(a)(1); and,

   c. From at least 7/2/25 until 7/7/25, 10/31/25 until 11/3/25, and 1/1/26 until 1/5/26, Respondent failed to perform walkthrough inspections at least every 30 days in violation of PA Code 25 § 245.438(a).

7. Complainant and Respondent agree that settlement of this matter for a penalty of $4,888 **(FOUR THOUSAND EIGHT HUNDRED AND EIGHTY-EIGHT DOLLARS)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c).

8. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **$4,888** (the Assessed Penalty). Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using one of the electronic payment options provided on the EPA website: https://www.epa.gov/financial/makepayment. For additional instructions relating to electronic payment options, see: https://www.epa.gov/financial/additional-instructions-making-payments-epa. Respondent acknowledges that EPA has provided adequate notification that, prior to the Effective Date, in accordance with Executive Order 14247: Modernizing Payments To and From America's Bank Account, EPA ceased accepting

paper checks as a form of payment of civil penalties and EPA only accepts specific electronic methods of payments as provided on the above website.

9. Within 24 hours of payment, the Respondent shall also send proof of payment (confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Melissa Toffel (3ED22)
toffel.melissa@epa.gov

and,

Regional Hearing Clerk (3RC00)
R3_Hearing_Clerk@epa.gov

10. In signing this Agreement, the Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Agreement and Final Order.

11. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) he or she has corrected the alleged violations, and (2) any documentation or information that he or she provided to EPA was true and accurate.

12. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.

13. By signing this 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 Agreement.

14. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the

RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.

15. Late payment of the agreed-upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.

16. This Agreement is binding on the parties signing below and is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).

17. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind the Pennsylvania Department of Corrections.

18. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: toffel.melissa@epa.gov (for Complainant), and aemerich@pa.gov (for Respondent).

19. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

For Respondent: Pennsylvania Department of Corrections

Date: 8/8/2026 By: _____

Christopher Oppman
Deputy Secretary

For Complainant: U.S. Environmental Protection Agency, Region 3

After reviewing the Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

ANDREA BAIN

Digitally signed by ANDREA BAIN
Date: 2026.09.21 08:13:50 -04'00'

[*Digital Signature and Date*]
Andrea Bain, Acting Director
Enforcement and Compliance Assurance Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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In the Matter of:	:	
	:	
Pennsylvania Department of Corrections	:	**U.S. EPA Docket No. RCRA-03-2026-0206**
1920 Technology Parkway	:	
Mechanicsburg, PA 17050	:	**Proceeding under Section 9006 of the Resource**
	:	**Conservation and Recovery Act, as amended,**
Respondent	:	**42 U.S.C. § 6991e**
	:	
State Correctional Institution Coal Twp	:	
1 Kelley Drive	:	
Coal Township, PA 17866	:	
	:	
Facility	:	

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)), the Expedited Settlement Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the Expedited Settlement Agreement.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By: JEFFREY NAST Digitally signed by JEFFREY NAST Date: 2026.09.24 10:28:33 -04'00'

[*Digital Signature and Date*]
Regional Judicial and Presiding Officer
U.S. EPA, Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:	:	
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Pennsylvania Department of Corrections	:	
1920 Technology Parkway	:	**U.S. EPA Docket No. RCRA-03-2026-0206**
Mechanicsburg, PA 17050	:	
	:	**Proceeding under Section 9006 of the**
Respondent.	:	**Resource Conservation and Recovery Act,**
	:	**as amended, 42 U.S.C. § 6991e**
State Correctional Institution Coal Twp	:	
1 Kelley Drive	:	
Coal Township, PA 17866	:	
	:	
Facility	:	

CERTIFICATE OF SERVICE

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Christoper Oppman, Deputy Secretary
PA Department of Corrections
1920 Technology Parkway
Mechanicsburg, PA 17050
coppman@pa.gov

Ralph Salvia, Deputy Chief Counsel
PA Department of Corrections
Governor's Office of General Counsel
1920 Technology Parkway
Mechanicsburg, PA 17050
rsalvia@pa.gov

Melissa Toffel
UST Enforcement Officer
U.S. EPA, Region 3
toffel.melissa@epa.gov

BEVIN ESPOSITO
Digitally signed by BEVIN ESPOSITO
Date: 2026.09.24 11:32:06 -04'00'

[*Digital Signature and Date*]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3