



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

JAN 30 2012

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL #7009 1680 0000 7673 0549
RETURN RECEIPT REQUESTED

LR-8J

Mr. Vaughn Price
Cubs Foods
1021 15th Avenue Southeast
Rochester, Minnesota 55904

Re: Notice of Violation and Compliance Order/Settlement Agreement for the
Cubs Foods facility, 1021 15th Avenue SE, Rochester, Minnesota

Dear Mr. Price:

On September 27, 2011 the U.S. Environmental Protection Agency, Underground Storage Tank (UST) Section issued a Notice of Violation and a Compliance Order/Settlement Agreement concerning UST violations (i.e., overfill prevention and corrosion protection monitoring), found at the Cubs Foods facility, 1021 15th Avenue Southeast, Rochester, Minnesota. This letter is to inform you that we have received your signed copies of the Settlement Agreement, dated December 12, 2011. We also received your supporting documentation stating that the UST violations were addressed. In addition, we received your check (#05545346) for a total of \$420 in penalties.

The Settlement Agreement states that it is effective upon EPA's final approval. This is to inform you that I have enclosed a signed and dated copy of the approved Settlement Agreement. The original Settlement Agreement will remain in the EPA's files. We also have accepted and processed your check as part of the settlement process. If you have any further questions, please feel free to contact Arturo Cisneros, of my staff, at 312/886-7447.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Victorine".

Gary Victorine, Chief
RCRA Branch

Enclosure

cc: Robert Dullinger, MPCA

UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. R5-UST-11-012-AC

PART I: INSPECTION SUMMARY

On: 09/27/2011 Time: 01:18 PM

At: Cubs Foods
Address: 1021 15th Ave SE
Rochester, MN 55904

Mr. Vaughn Price
(Name of Site Representative if not the Owner or Operator)

Name and address of the UST Owner

Name: Cubs Food
Address: 1021 15th Ave SE
Rochester, MN 55904

A duly designated officer, employee, or representative of the EPA or a duly designated officer or employee of the State or Tribe inspected this facility. EPA has reviewed the inspection report and other relevant materials and has identified the following violation(s) of the UST regulations promulgated or approved by EPA under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991 et seq).

1. Violation: Installation of inadequate overfill prevention equipment in a new tank
Cite: State Reg. No. 7150.0100 Subp.6.A.(2) (12/31/2001)
[40 CFR 280.20(c)(1)(ii)]
Proposed Penalty: \$210

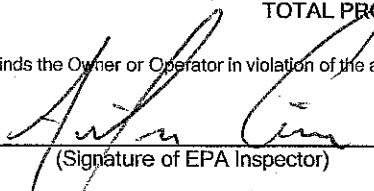
2. Violation: Failure to inspect impressed current systems every 60 days
Cite: State Reg. No 7150.0210 Subp.4. (12/31/2001)
[40 CFR 280.31(c)]
Proposed Penalty: \$210

3. Violation:
Cite: State Reg. No. ()
[40 CFR]
Proposed Penalty:

4. Violation:
Cite: State Reg. No. ()
[40 CFR]
Proposed Penalty:

TOTAL PROPOSED PENALTY: \$420

EPA finds the Owner or Operator in violation of the above referenced UST regulations.

 9-27-11
(Signature of EPA Inspector) (Date)

Part II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

A. Settlement Agreement: The Owner or Operator by signing this Settlement Agreement (or by having an authorized representative sign it) agrees to settle the violations identified in Part I, subject to the following terms and conditions:

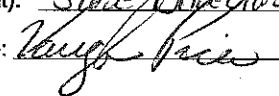
The Owner or Operator certifies, subject to civil and criminal penalties for making a false submission to the U. S. Government, that he or she has corrected the violations, submitted true and accurate documentation of their correction, and submitted payment to the U.S. Treasury for the amount of \$420 in payment of the full proposed penalty amount, as described in Part I of this Form.

The Owner or Operator agrees to comply with the terms of the Compliance Order in Part II.B. Without admitting liability for the violations cited in Part I, the Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to EPA's final approval of this Settlement Agreement without further notice. The Owner or Operator waives the opportunity for a public hearing pursuant to RCRA section 9006.

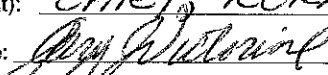
Once EPA signs the Settlement Agreement, EPA will take no further enforcement action against the Owner or Operator for the civil violations described in Part I, provided the violations have been timely corrected and the penalty has been paid. EPA does not waive its right to enforce against the Owner or Operator for any other violations not described in Part I and violations of the UST requirements or other requirements listed in Part I that were not corrected in a timely manner.

This Settlement Agreement and Compliance Order will become effective once signed by EPA and is binding on EPA and the Owner or Operator upon signature by both parties. Final approval of the Settlement Agreement and Compliance Order is in the sole discretion of the Regional Administrator, Region 5, EPA, or his or her authorized delegate. Upon final approval, EPA shall mail a copy of this document to the Owner or Operator signing below.

SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:

Name (Print): Vaughn Price
Title (Print): State Director
Signature:  Date: 12-12-11

B. Compliance Order: This Compliance Order is issued under the authority of RCRA section 9006 to resolve the civil violations identified in Part I. The Owner or Operator is ordered to correct the violations, submit true and accurate documentation that the violations were corrected, and pay the total penalty amount listed in Part I of this Form. This Compliance Order shall become final and enforceable only upon signature by an EPA official with the authority to sign this document.

Name (Print): Gary J. Victorine
Title (Print): Chief, RCRA Branch
Signature:  Date: 1/25/12

Notes:

RECEIVED

FEB 02 2012

REGIONAL HEARING CLERK
USEPA
REGION 5

REGN 1 2 3 4 5 6 7 8 9 10 DC CIN TRVL JURYDTY CRDRFNS SALE/PROPERTY TUITION IAG/RFNS PARKN
 HEATHER LORI DANA MICHELE JOE DICK VAL PATTI ELZBTH EVELYN CRAIG ERIC BLAKE KIM CAROL JESSICA

COLLECTION INFORMATION

DEPOSIT (SCHEDULE) NUMBER 170112

SUSPENSE LIABILITY

COLLECTION TYPE: CNR CFR ADV

CINTI NON-FED, CINTI FED,
 CINTI DEBIT VOUCHER (BAD CHECK)

COLLECTION NUMBER UST:102012012

NONSF-FED,
 NON-SF-NON-FED, SF-FED, SF-
 NONFED,

BILL TYPE: NI NN SF SN RJ JV IG

RJ=REFUND, JV= JOURNAL VOUCHER,
 IG= IPAC

BILL NUMBER _____

COLLECTION DONE BY JW

ENTERED DATE 12/20

IPAC to HQ LV RTP

ACCOUNTING

CR	BFY	APPR	BUD ORG	BOC	PRC	Site/Proj	AMOUNT	REF LINE
		80					\$420.00	

RECEIVED
 FEB 02 2012
 REGIONAL HEARING CLERK
 USEPA
 REGION 5

KEY: REF. LINE NO. 997=Interest LINE NO. 998=Handling LINE NO. 999=Penalty

RUST-05-2012-0003

QUALITY MEANS MEETING THE REQUIREMENTS BOX 979077
 SEQ# 004 \$ 000042000 BA# 321 12-19-11/20 3



THIS DOCUMENT IS PRINTED IN BLUE. DO NOT ACCEPT, UNLESS BLUE.

SUPERVALU

SUPERVALU INC
 P.O. Box 20
 Boise, ID 83726

Wachovia Bank N.A.
 Chapel Hill, NC 27514

Check Date 12/16/2011 Vendor ID 7536137 66-156 /531 Check Number 05545346

Pay Exactly **\$420.00****

FOUR HUNDRED TWENTY DOLLARS AND NO CENTS

To the order of US ENVIRONMENTAL PROTECTION AGENCY FINES AND PENALTIES
 PO BOX 979077
 ST LOUIS, MO 63197-9000

Void After 90 Days 34 SUPERVALU INC

BY: Sherry Smith
 Authorized Signature

⑆05545346⑆ ⑆053101561⑆ 2074900145463⑆ ⑆000042000⑆