



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

February 1, 2021

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Orlyn Donnell, Director
Department of Health and Human Services
Red Lake Indian Health Services Hospital
24760 Hospital Drive
Red Lake, Minnesota 56671
Orlyn.donnell@ihs.gov

Re: Compliance Order/Settlement Agreement for Red Lake Indian Health Hospital, Red Lake, Minnesota, R5-UST-20-001EP. **RUST-05-2021-0004**

Dear Director Orlyn:

On February 28, 2020, the U.S. Environmental Protection Agency (EPA) conducted an RCRA compliance evaluation inspection of the Red Lake Indian Health Services Hospital facility located in Red Lake, Minnesota. On October 5, 2020, EPA sent you a letter concerning this compliance inspection. The letter included a Field Citation Form for Expedited Settlement, dated September 21, 2020, concerning an alleged violation found during the compliance inspection conducted at the facility.

We have received your signed copy of the Settlement Agreement on January 06, 2021 and a copy of the check dated January 22, 2021 for \$1,140 in penalties. At the time we received your signed copy of the Settlement Agreement, the alleged violation of the underground storage tanks regulations for which you were cited for had been corrected.

The Settlement Agreement states that it is effective upon the 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 EPA 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 Estelle Patterson, of my staff, at (312)886-3594.

Sincerely,

PATRICK KUEFLER
Digitally signed by
PATRICK KUEFLER
Date: 2021.02.01
07:15:42 -06'00'

Patrick Kuefler, Chief
Land Enforcement and Compliance Assurance Branch

Enclosure

cc: John LeBlanc, Environmental Director, jleblanc@redlakenation.org
Ken Ramondo, ken.ramondo@ihs.gov
Thomas Kenney, EPA, kenney.thomas@epa.gov

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 5
77 West Jackson Boulevard (ECR-17J), Chicago, Illinois 60604-3590
UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. R5-UST-20-001EP

Part I: INSPECTION SUMMARY

On 02/28/2020 Time 1:00 pm
 (Date of Violation) (a.m. or p.m.)

At Red Lake Indian Health Services Hospital
 (Name of Facility)

Address: 24760 Hospital Drive
Red Lake,, MN 56671
Orlyn Donnell
 (Name of On site Representative if not the Owner or Operator)

Name and address of the UST Owner or Operator
Name: Department Of Health and Human Services
Address: 24760 Hospital Drive
Red Lake, , MN 56671

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: Failure to maintain any documentation of compliance with release detection requirements (i.e., §280.45).
Cite: 40 CFR §280.34(b)(7) **Proposed Penalty:** \$ 470
 x Tanks **Multiplier:** _____
Subtotal: \$ 470

2. Violation: Failure to properly conduct tank release detection methods, if applicable.
Cite: 40 CFR §280.44(c) **Proposed Penalty:** \$ 670
 x Tanks **Multiplier:** _____
Subtotal: \$ 670

3. Violation: _____
Cite: 40 CFR **Proposed Penalty:** _____
 x Tanks **Multiplier:** _____
Subtotal: _____

4. Violation: _____
Cite: 40 CFR **Proposed Penalty:** _____
 x Tanks **Multiplier:** _____
Subtotal: _____

TOTAL PROPOSED PENALTY: \$ 1,140

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

ESTELLE PATTERSON Digitally signed by ESTELLE PATTERSON
 Date: 2021.02.01 10:28:41 -0500 Date: _____
 (Signature of EPA Inspector)

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 \$ 1,140 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): Ken Ramonondo
 Title (Print): Facility Manager
 Signature [Signature] Date: 1/21/21

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.

SIGNATURE BY EPA APPROVING THE SETTLEMENT AGREEMENT AND COMPLIANCE ORDER:

Name (Print): Patrick Kuefler, Chief LECAB
 Title (Print): _____
 Signature PATRICK KUEFLER Digitally signed by
 PATRICK KUEFLER
 Date: 2021.02.01
 07:16:55 -0600 Date: _____

Notes: