UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
May 24, 2021

ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Ms. Rachel Engeler
Assistant Airport Director
Austin Straubel International Airport
2077 Airport Drive
Green Bay, Wisconsin 54313
rachel.engeler@browncountywi.gov

Re: Compliance Order/Settlement Agreement for Austin Straubel, Green Bay, Wisconsin, R5-UST-21-004KH. RUST-05-2021-0009

Dear Ms. Engeler:

On March 19, 2021, the U.S. Environmental Protection Agency conducted a RCRA compliance evaluation inspection of the Austin Straubel facility located in Green Bay, Wisconsin. On May 7, 2021, EPA sent you a letter concerning this compliance inspection. The letter included a Field Citation Form for Expedited Settlement, dated May 6, 2021 concerning an alleged violation found during the compliance inspection conducted at the facility.

We have received your signed copy of the Settlement Agreement on May 17, 2021 and a copy of the credit card payment dated May 17, 2021 for $670 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 Kevin Hill, of my staff, at (312)886-6087.

Sincerely,

Morris, Julie
Digitally signed by Morris, Julie
Date: 2021.05.24 07:15:00 -05'00'

Julie Morris, Acting Chief
Land Enforcement and Compliance Assurance Branch

Enclosure

cc: Mike Arce, Oneida Nation, marce@oniedanation.org
Thomas Kenney, EPA, kenney.thomas@epa.gov

LADAWN WHITEHEAD Digitally signed by LADAWN WHITEHEAD Date: 2021.05.24 12:34:16 -05'00'

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-21-004-KH

Part I: INSPECTION SUMMARY

On 03/19/2021 (Date of Violation) Time 10:35 am (a.m. or p.m.)

At Austin Straubel Airport (Name of Facility)

Address: 2077 Airport Drive
Green Bay, WI 54313

(Name of On site Representative if not the Owner or Operator)

Name and address of the UST ☐ Owner or ☒ Operator

Name: Rachel Engler

Address: 2077 Airport Drive
Green Bay, WI 54313

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 operate and maintain release detection method and annually test components in accordance with manufacturer instructions, acceptable code of practice or other requirements.

Cite: 40 CFR §280.40(a)(3) **Proposed Penalty:** $ 670
x Tanks **Multiplier:**
Subtotal: $ 670

2. Violation:

Cite: 40 CFR **Proposed Penalty:**
x Tanks **Multiplier:**
Subtotal:

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: $ 670

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

KEVIN HILL Digitally signed by KEVIN HILL Date: 2021.05.06 11:47:45 -05'00' 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 $ 670 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): Rachel Engler
Title (Print): Assistant Airport Director
Signature Date: 5/12/21

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): Julie Morris
Title (Print): Acting Chief, LECAB
Signature Morris, Julie Digitally signed by Morris, Julie Date: 2021.05.24 07:11:12 -05'00' Date:
Notes:

(3/31/09)

INSTRUCTIONS

On the reverse side is an Underground Storage Tank (UST) Field Citation Form (Form) for expedited settlement. If you, the Owner or Operator, wish to settle this case using this Form, you must do the following:

1. Correct the violation(s) cited in Part I of the Form ("Part I");
2. Pay the total penalty amount listed in Part I in accordance with the directions provided below;
3. Sign the Settlement Agreement in Part II of the Form ("Part II") (or in the case when an Owner or Operator is a corporate entity, have an authorized representative sign it); and
4. Return the Field Citation Form along with documentation of compliance and payment information (sufficient for EPA to track payment) to EPA at the following address (within the 30-day time limit specified below):

U.S. Environmental Protection Agency
Region 5 – Underground Storage Tank Program
77 West Jackson Boulevard (ECR-17J)
Chicago, Illinois 60604-3590

This settlement process is optional. You are not required to submit this Form to EPA. If you do not submit this Form, EPA will conclude that you are not interested in pursuing an expedited settlement. EPA will then consider other actions to resolve these violations including the possibility of formal administrative or judicial enforcement.

Whether you submit the Form or not, you are by law required to correct any noncompliance and comply with all applicable UST requirements. EPA will not approve the Settlement Agreement if there is an alteration of any of the information in the Form or if the payment submitted is less than the full amount of settlement.

Timeline: The Form must be postmarked no later than thirty (30) days after the date of the inspection. In the event the Form is sent to you via registered or certified mail, the timeline begins on the date of receipt of that mail. If EPA does not receive the Form within thirty (30) days, EPA will conclude that you do not wish to pursue expedited settlement. EPA will then consider taking other actions to resolve these violations including pursuing formal administrative or judicial enforcement. (Note: All time periods and deadlines in the Form, including these Instructions, are in calendar days. If a deadline falls on a Saturday, Sunday, or federal holiday, EPA will consider the deadline to fall on the next business day.)

Requesting An Extension: EPA may grant, at its discretion, an extension of thirty (30) days if you can demonstrate that it is not feasible for you to come into compliance within the initial 30-day time period. You must request that extension in writing before the initial 30-day time period expires. That written request must explain why compliance within 30 days is not feasible and it must contain a schedule for when you will come into compliance (which must not extend beyond the 30-day extension period).

Requesting that EPA Modify or Withdraw the Form: If you can document that you were in compliance with the regulations cited in Part I at the time of the inspection, you must submit that documentation to EPA within fifteen (15) calendar days of your receipt of the Form. EPA will review the documentation and may choose to not pursue enforcement or may withdraw some or all of the violations and reissue a modified Form to the Owner/Operator (via certified or registered mail) for any violations that are not withdrawn.

Payment: **Payment can be made by sending a personal or certified check made out to the "Treasury of the United States" to the following address: U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. The check should refer to the Field Citation Form Number (located at the top of the Form).** If no such number is provided on the Form, the check should have the name of the facility on it. Other forms of payment such as wire transfers and online payment are also accepted by EPA. For further information on those other forms of payment, please email CINWD_AcctsReceivable@epa.gov or use the EPA contact listed below.

Settlement Agreement Certification: By signing the Settlement Agreement in Part II, you are certifying under penalty of law that you have corrected the violations, submitted true and accurate documentation of compliance, and have paid the penalty. Failure to meet those conditions means you will remain liable for the original violations with the possibility of being liable for additional violations for noncompliance with the Compliance Order and for making a false representation to the U.S. Government.

EPA Review: Once EPA has received the Form, EPA will review it and the documentation of compliance, and verify that payment was made. If EPA decides to settle the case using this Field Citation, EPA will sign and approve the Settlement Agreement and the Compliance Order and send a copy of the completed Form to you. Once EPA has signed the Compliance Order and Settlement Agreement, you and EPA are bound by their terms. EPA reserves the right not to pursue settlement under the Field Citation and instead pursue formal enforcement. In that event, you will be promptly reimbursed for the amount you paid into the U.S. Treasury when submitting the Field Citation.

If you have any questions, please contact:

U.S. Environmental Protection Agency
Region 5 – Underground Storage Tank Program
77 West Jackson Boulevard (ECR-17J)
Chicago, Illinois 60604-3590
Phone: (312) 886-6159

TR-WM-139 (11/20)
Formerly ERS-10778

Wisconsin Department of Agriculture, Trade and Consumer Protection
Bureau of Weights and Measures, Storage Tank Regulation
2811 Agriculture Drive, PO Box 7837, Madison, WI 53707-7837
Phone: (608) 224-4942 *Wis. Admin. Code §ATCP 93.510*

FOR OFFICE USE ONLY

UNDERGROUND TANK SYSTEM FUNCTIONALITY VERIFICATION

PLEASE TYPE OR PRINT CLEARLY - *Personal information you provide may be used for purposes other than that which it was originally collected (s.15.04 (1)(m) Wis. Stats.).*

A. OWNER INFORMATION

NAME	TELEPHONE NUMBER:	EMAIL ADDRESS:
	( ) -	

COMPANY NAME: Austin Straubel International Airport

NUMBER AND STREET	CITY	STATE	ZIP
2077 Airport Dr. Ste 18	Green Bay	WI	54313

SITE INFORMATION

FACILITY ID #	FACILITY NAME
415197	Austin Straubel Airport

SITE STREET	CITY	STATE	ZIP
2077 Airport Dr.	Ashwaubenon	WI	54313

ASSIGNED ANNIVERSARY MONTH:	DATE OF TESTING/SERVICING:
March 28	3-29-21

CONTRACTOR INFORMATION

CONTRACTOR NAME:	TELEPHONE/CELL NUMBER:
Petroleum Equipment Service	(920) 499 - 5404

CONTACT PERSON	E-MAIL	WORK ORDER NUMBER:
Jeff Tahtinen	jeff@petro-llc.com	

This form must be used to document functionality testing of monitoring equipment. ***A separate verification or report must be prepared for each monitoring system control panel*** by the technician who performs the work. A copy of this form must be provided to the tank system owner/operator. The owner/operator must retain these records in accordance with ATCP 93.510(2).

B. RESULTS OF TESTING/SERVICING

TECH'S MANUFACTURER'S CERTIFICATION NUMBER: 4101630 LEVEL:

ATG MAKE AND MODEL: EECO 1500 ☒ SLD SOFTWARE VERSION INSTALLED: V076B

ALL EQUIPMENT TESTED: ☒ YES ☐ NO ALL EQUIPMENT VERIFIED AS FUNCTIONAL: ☐ YES ☒ NO ARE ALL DEFICIENCIES CORRECTED? ☐ YES ☒ NO ☐ NA

NOTE: ***If response is "No" for any question above***; send page 1 of this form within 5 business days to DATCP: DATCPStorageTanks@wisconsin.gov

LIST EACH DEFICIENCY BELOW. IF KNOWN, INCLUDE HOW AND WHEN DEFICIENCIES WILL BE CORRECTED.

COMMENTS:
N-L Jump Sump Has Cracked Conduit Boots

Operator was advised to hire contractor to correct deficiencies or service items not inspected or verified: ☒ YES ☐ NO ☐ NA (No deficiencies or items not inspected or verified)

Certification - I certify that the equipment identified in this document was inspected/serviced in accordance with the manufacturers' guidelines and the system is set up correctly. Attached to this report is additional documentation (e.g. manufacturers' checklists) necessary to verify that this information is correct. For any equipment capable of generating such reports, I have also attached a copy of the following; *(check all that apply):*

☒ Set-up as found ☐ Set-up as left (corrections made: ☐ YES ☐ NO) ☒ Alarm History

TECHNICIAN NAME (PRINT)	SIGNATURE	DATE
LESTER NORTH	Lester North	3-29-21
FACILITY REPRESENTATIVE (PRINT)	SIGNATURE	DATE
John C Hill		3-29-21

TR-WM-139 (11/20)
Formerly ERS-10778

FACILITY NAME: Austin Straubel Airport DATE: 3-29-21

C. Inventory of Tank Equipment *Below check and write in the appropriate boxes.*

	Tank 1	Tank 2
Tank Product:	Diesel ☐ Manifolded Tank	☐ Manifolded Tank
☒ YES ☐ NO ☐ NA	In-Tank Gauging Probe. Make /Model #: Emco Q0400-4XX	☐ YES ☐ NO ☐ NA In-Tank Gauging Probe. Make /Model #:
☐ YES ☐ NO ☒ NA	Tank Interstitial Sensor is functioning properly. ☐ Float Type	☐ YES ☐ NO ☐ NA Tank Interstitial Sensor is functioning properly. ☐ Float Type
☐ YES ☒ NO ☐ NA	Tank Sump Sensor installed:	☐ YES ☐ NO ☐ NA Tank Sump Sensor installed:
☐ YES ☐ NO ☒ NA	Mechanical Line Leak Detector installed. Model:	☐ YES ☐ NO ☐ NA Mechanical Line Leak Detector installed. Model:
☐ YES ☐ NO ☒ NA	Electronic Leak Detector installed. Model:	☐ YES ☐ NO ☐ NA Electronic Leak Detector installed. Model:
☒ YES ☐ NO	Tank Overfill - 90% alert installed.	☐ YES ☐ NO Tank Overfill - 90% alert installed.
☒ YES ☐ NO ☐ NA	Tank Overfill - 95% auto shut-off drop tube Make /Model #: Emco Wheaton A-1100	☐ YES ☐ NO ☐ NA Tank Overfill - 95% auto shut-off drop tube Make /Model #:
Tank Product:	No-Lead ☐ Manifolded Tank	☐ Manifolded Tank
☒ YES ☐ NO ☐ NA	In-Tank Gauging Probe. Make /Model #: OPW Q0400-408E	☐ YES ☐ NO ☐ NA In-Tank Gauging Probe. Make /Model #:
☐ YES ☐ NO ☒ NA	Tank Interstitial Sensor is functioning properly. ☐ Float Type	☐ YES ☐ NO ☐ NA Tank Interstitial Sensor is functioning properly. ☐ Float Type
☐ YES ☒ NO ☐ NA	Tank Sump Sensor installed:	☐ YES ☐ NO ☐ NA Tank Sump Sensor installed:
☐ YES ☐ NO ☒ NA	Mechanical Line Leak Detector installed. Model:	☐ YES ☐ NO ☐ NA Mechanical Line Leak Detector installed. Model:
☐ YES ☐ NO ☒ NA	Electronic Leak Detector installed. Model:	☐ YES ☐ NO ☐ NA Electronic Leak Detector installed. Model:
☒ YES ☐ NO	Tank Overfill - 90% alert installed.	☐ YES ☐ NO Tank Overfill - 90% alert installed.
☒ YES ☐ NO ☐ NA	Tank Overfill - 95% auto shut-off drop tube Make /Model #: Emco-Wheaton A-1100	☐ YES ☐ NO ☐ NA Tank Overfill - 95% auto shut-off drop tube Make /Model #:

D. OVERFILL

☒ YES ☐ NO	Is an outdoor audible and visual alarm to alert when the tanks has reached the 90% fill level installed and functional? (Check appropriate box(s)) ☒ Audible operating ☒ Visual operating
☒ YES ☐ NO	Overfill auto shut-off drop tubes were removed, inspected, reinstalled and are operational for 95% maximum tank fill. (Attach setpoint calculation sheet for each tank)
☒ YES ☐ NO	Ball floats on all tanks have been removed or set higher than the 95% auto shut-off drop tube valve.

E. CONTAINMENT

☒ YES ☐ NO	Are all spill buckets intact with no evident holes, cracks, bulges, collapsed walls?
☒ YES ☐ NO ☐ NA	If spill bucket is designed with a plunger, is it functional?
☐ YES ☐ NO ☒ NA	All tank, dispenser, and transition sump sensors were visually inspected, functionally tested, and are confirmed operational.
☐ YES ☐ NO ☒ NA	Are all sensors installed according to manufacturer's specifications or at lowest point of secondary containment and positioned so that nothing will interfere with their proper operation?
☐ YES ☐ NO ☒ NA	Have all "stand-alone" sensors been tested and determined to be functional?
☐ YES ☐ NO ☒ NA	For pressurized piping systems, does the turbine automatically shut down if the piping secondary containment monitoring system detects a leak? If yes, which sensor location activates shutdown? ☐ Sump sensor ☐ Dispenser sensor Did you confirm a positive shut-down? ☐ YES ☐ NO
The double-wall interstitial pipe is installed with the intention of functioning as an: ☐ Open system ☐ Closed system	
☐ YES ☐ NO ☒ NA	Test ports/fittings/boots removed or left open on secondary containment "open" interstitial piping?
☒ YES ☐ NO - NA	Submersible or dispenser containment's inspection indicates holes, cracks, bulges, collapsed walls or failed penetration boots (NOTE: Liquid tight sumps must be in place by Dec 31, 2021)

FACILITY NAME: Austin Straubel Airport DATE: 3-29-21

☒ YES ☐ NO ☐ NA Was liquid found inside any secondary containment system?
☐ Product ☒ Water *If yes describe how resolved in comments?* Site will Remove

F. GENERAL

☒ YES ☐ NO Monitoring system set-up was reviewed to ensure proper settings. Corrections made? ☐ YES ☐ NO
Attach set up reports and a description of set-up corrections in section B, if applicable.

☐ YES ☒ NO Are there any current alarms? What:

☐ YES ☐ NO ☒ NA If alarms are relayed to a remote monitoring station is all communications equipment (e.g. modem) operational.

☐ YES ☒ NO Was any monitoring equipment replaced? *If yes, identify specific sensors, probes, or other equipment replaced and list the manufacturer name and model for all replacement parts in comment section.*

☒ YES ☐ NO ATG or monitoring system's visual and audible alarm(s) are operational and functioning.

☒ YES ☐ NO Emergency shut-off (e-stop) tested as functional and disables equipment as required by NFPA 30A, 6.7.

☐ YES ☐ NO ☒ NA Are all dual point adaptor and vapor recovery poppet and caps functional with gaskets?

In-Tank Gauging
☐ **Check this box if no tank gauging equipment installed.**
☐ **Check this box if tank gauge is not functioning.**

☐ YES ☐ NO ☐ NA ATG battery tested?

☒ YES ☐ NO All input wiring has been visually inspected for proper entry?

☒ YES ☐ NO All tank gauging probes, visually inspected for damage and residue buildup?

☒ YES ☐ NO Accuracy of system product level readings tested?

☒ YES ☐ NO Have all the tanks been checked for water? Has the water been removed? ☐ YES ☐ NO ☒ NA

☒ YES ☐ NO All probes reinstalled properly and verified as operational. All cap, gasket and grommet fittings are watertight?

☐ YES ☐ NO ☐ NA All items on the equipment manufacturer's maintenance checklist completed?

Leak Detector
This section is in addition to the annual functionality test of MLLD or ELLD.
☐ **Check this box if no line leak detection equipment is installed.**
☐ **Check this box if line leak detection is not functioning.**

☐ YES ☐ NO NA Each Electronic Line Leak Detector automatically alarms or shuts off the submersible if the ELLD detects a 3gph leak?

☐ YES ☐ NO NA Each continuous electronic vacuum monitored interstitial leak detection system alarms or shuts off the submersible if a 3.0gph leak is detected.

☐ YES ☐ NO ☒ NA For Electronic Line Leak Detectors have all accessible wiring connections been visually inspected?

G. DISPENSER INFORMATION

Dispenser ID: Diesel	**Dispenser ID:**
Dispenser Containment Sensor - Model: _____ or ☐ NA	Dispenser Containment Sensor - Model: _____ or ☐ NA
☒ YES ☐ NO Shear Valve(s) properly anchored & tripped to verify operation	☐ YES ☐ NO Shear Valve(s) properly anchored & tripped to verify operation
☒ YES ☐ NO Dispenser containment ☒ Manufactured or ☐ Field constructed	☐ YES ☐ NO Dispenser containment ☐ Manufactured or ☐ Field constructed
Dispenser ID: NO-Lead	**Dispenser ID:**
Dispenser Containment Sensor - Model: _____ or ☐ NA	Dispenser Containment Sensor - Model: _____ or ☐ NA
☒ YES ☐ NO Shear Valve(s) properly anchored & tripped to verify operation	☐ YES ☐ NO Shear Valve(s) properly anchored & tripped to verify operation
☒ YES ☐ NO Dispenser containment ☒ Manufactured or ☐ Field constructed	☐ YES ☐ NO Dispenser containment ☐ Manufactured or ☐ Field constructed
Dispenser ID:	**Dispenser ID:**
Dispenser Containment Sensor - Model: _____ or ☐ NA	Dispenser Containment Sensor - Model: _____ or ☐ NA
☐ YES ☐ NO Shear Valve(s) properly anchored & tripped to verify operation	☐ YES ☐ NO Shear Valve(s) properly anchored & tripped to verify operation
☐ YES ☐ NO Dispenser containment ☐ Manufactured or ☐ Field constructed	☐ YES ☐ NO Dispenser containment ☐ Manufactured or ☐ Field constructed