



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

MAY 15 2009

REPLY TO THE ATTENTION OF:

LR-8J

CERTIFIED MAIL #: 7001 0320 0006 1452 3611
RETURN RECEIPT REQUESTED

Mr. Mike Hansen
Victory
325 Quarry Place
Sandstone, Minnesota 55072

Re: Victory Field Citation RUST -05-2009-0008

Dear Mr. Hansen:

On February 26, 2009, the U.S. Environmental Protection Agency issued a Notice of Violation and Compliance Order/Settlement Agreement (Field Citation) concerning violations found at Victory, located at 325 Quarry Place in Sandstone, Minnesota.

This is to inform you that we received your signed original copy of the Settlement Agreement, dated May 1, 2009, and the check for \$300.00 in penalties. We have reviewed the original copy of the Settlement Agreement where you have indicated that the violations of the underground storage tanks regulations for which you were cited have been corrected.

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 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 Mark Restaino, of my staff, at (312) 886-0394.

Sincerely,

A handwritten signature in cursive script that reads "Willie H. Harris".

Willie H. Harris, P. E.
Chief, RCRA Branch
Land and Chemicals Division

Enclosure

cc: Robert Dullinger – Minnesota Pollution Control Agency (MPCA)

NOTICE OF VIOLATION AND
COMPLIANCE ORDER/SETTLEMENT AGREEMENT

BDH-2750906M010

PART I: NOTICE OF VIOLATION

On 02/26/2009 Time 10:00 AM

Facility: Victory

Facility Address: 325 Quarry Place

City, State, Zipcode: Sandstone, MN 55072

Facility ID:

Name of On Site Representative: Mike Hansan

Address: 325 Quarry Place, Sandstone; MN 55072

An authorized representative of the United States Environmental Protection Agency (EPA) inspected this facility to determine compliance with underground storage tank regulations promulgated under Subtitle I of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.). During this inspection, the following violations of the underground storage tank regulations were identified:

State Reg. No 7150.0310 item A. (12/31/2001)
[40 C.F.R 280.41(a)]

Violation: Failure to monitor tanks at least every 30 days, if appropriate

Proposed Penalty: \$300

State Reg. No
[40 C.F.R]

Violation:

RECEIVED
MAY 15 2009

Proposed Penalty:

State Reg. No
[40 C.F.R]

Violation:

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Proposed Penalty:

State Reg. No
[40 C.F.R]

Violation:

Proposed Penalty:

TOTAL PROPOSED PENALTY: \$300

I have personally observed the above violations of the underground storage tank regulations.

Mark Rostan
(Signature of EPA Inspector)

Date: 2/26/09

Receipt:

I hereby acknowledge receipt of this Notice of Violation and the accompanying Compliance Order/Settlement Agreement and Instructions

[Signature]
(Signature of Owner, Operator, or On-Site Representative)

Date: 2-26-09

PART II: COMPLIANCE ORDER/SETTLEMENT AGREEMENT

Compliance Order No. **RUST -05-2009-0008**

This Compliance Order/Settlement Agreement is not effective until signed both by the owner or operator and by EPA. By signing the Settlement Agreement included herein, the owner or operator agrees not to challenge the issuance of the Compliance Order included herein and accepts the Settlement Agreement by EPA. The owner or operator shall sign the Settlement Agreement first, and return it to EPA as provided in the instructions provided with this Compliance Order/Settlement Agreement. Subsequent signature by EPA constitutes issuance of the Compliance Order and acceptance on EPA's part of the Settlement Agreement. Approval and signature by EPA is in the sole discretion

of the Regional Administrator, Region 5, or authorized delegate.

Compliance Order:

Under the authority of Subtitle I of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.), EPA finds that the owner or operator signing below is in violation of the underground storage tank regulations as described in the foregoing Notice of Violation, and ORDERS the owner or operator signing below to correct the violations and pay penalties in the amounts described in the Notice of Violation.

Settlement Agreement:

In order to expeditiously settle violations described in the Notice of Violation found herein, **EPA AND THE OWNER OR OPERATOR SIGNING BELOW HEREBY ENTER INTO THIS SETTLEMENT AGREEMENT**, subject to the following terms and conditions:

1. This Settlement Agreement is binding on the EPA and the Owner or Operator signing below;
2. The Owner or Operator signing below certifies, under civil and criminal penalties for making a false submission to the United States Government, that the Owner or Operator has corrected the violations and has presented to EPA with this Settlement Agreement a certified check to pay the full amount of penalties, as described in the Notice of Violation, and in accordance with the instructions included with this Notice of Violation and Compliance Order/Settlement Agreement;
3. The Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to this Compliance Order/Settlement Agreement and the violations, and consents to EPA's final approval of this Settlement Agreement without further notice;
4. The Owner or Operator signing below waives the opportunity for a public hearing pursuant to Section 9006 of the Resource Conservation and Recovery Act;
5. Upon EPA final approval of this Settlement Agreement, EPA will take no further action against the Owner or Operator for the violations described in the Notice of Violation;
6. EPA does not waive any enforcement action by EPA, the State where the facility is located or any local agencies for any other past, present or future violations of the underground storage tank requirements or any other violations under any other statute not described in the Notice of Violation;
7. This Settlement Agreement is effective upon EPA's final approval below. Upon EPA final approval, EPA shall mail a copy of the approved Settlement Agreement to the Owner or Operator signing below at the address provided; and
8. Final approval of this Settlement Agreement is in the sole discretion of the Regional Administrator, EPA Region 5, or authorized delegate.

SIGNATURE BY OWNER OR OPERATOR:

Name: Mike Hansan Title: Vice President
(Print) (Print)

[Signature] Date: 5-1-09
(Signature)

FINAL APPROVAL BY EPA:

Name: Willie H. Harris Title: Chief, RB
(Print) (Print)

Willie H. Harris Date: 5/14/09
(Signature)