



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

REPLY TO THE ATTENTION OF:

11 DEC 2009

LR-8J

Mr. Joe Hassle  
Berrybrook Farms  
28230 Elm Street  
Dowagiac, Michigan 49047

**RUST-05-2010-0005**

*BA# 2751006M005*

Dear Mr. Hassle:

On October 14, 2009, the Underground Storage Tank section issued a Notice of Violation (NOV) and Compliance Order/Settlement Agreement concerning violations found at your Berrybrook Farm, Dowagiac, Michigan 49047.

This is to inform you that we received your signed original copy of the Settlement Agreement, dated November 12, 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 tank 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 questions, please feel free to contact Sandra Siler, Enforcement Officer, of my staff, at 312-886-0429.

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

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 5  
77 West Jackson Boulevard (LR-8J), Chicago, Illinois 60604-3590  
UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. R5-UST-10-001-S

Part I: INSPECTION SUMMARY

Part II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

On 10-14-2009 Time 12:00pm  
(Date of Violation) (a.m./or p.m.)

At Berrybrook Farms  
(Name of Facility)

Address: 28230 Elm Street  
Dowagiac, MI 49047

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

Name and address of the UST Owner or Operator (circle which applies)

Name: Joe Hassle - Berrybrook Farms

Address: 28230 Elm Street  
Dowagiac, MI 49047

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 take necessary precautions to prevent overflow spillage during the transfer of product.

Cite: 40 CFR 360.30(a) Proposed Penalty: \$ 300.00

2. Violation: \_\_\_\_\_

Cite: 40 CFR Proposed Penalty: \$ \_\_\_\_\_

3. Violation: \_\_\_\_\_

Cite: 40 CFR Proposed Penalty: \$ \_\_\_\_\_

4. Violation: \_\_\_\_\_

Cite: 40 CFR Proposed Penalty: \$ \_\_\_\_\_

5. Violation: \_\_\_\_\_

Cite: 40 CFR Proposed Penalty: \$ \_\_\_\_\_

TOTAL PROPOSED PENALTY: \$ 300.00

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

[Signature] Date: 10-14-09  
(Signature of EPA Inspector)

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 \$ \_\_\_\_\_ 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): Joe Hassle

Title (Print): Partner

Signature [Signature] Date: 11/12/09

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.

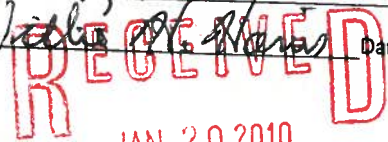
SIGNATURE BY EPA APPROVING THE SETTLEMENT AGREEMENT AND COMPLIANCE ORDER:

Name (Print): Willie H. Harris, PE

Title (Print): Chief, RB

Signature [Signature] Date: 1/11/10

Notes:



JAN 20 2010

REGIONAL HEARING CLERK  
USEPA  
REGION 5

11/12/09 \$300.00

*John...*

Check #82949 082949 \$300.00

11/12/09

⑈082949⑈ ⑆072401789⑆ 15169734⑈

U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590 REGION 5

CI #4010 V #100 U.S. ENVIRONMENTAL  
Dollar Amt 300.00 Memo R5-UST-10-001-SS

**RECEIVED**  
JAN 20 2010  
REGIONAL HEARING CLERK  
USEPA  
REGION 5

**RUST-05-2010-0005**

*BD #2751006 M005*