



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

SEP 27 2011

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-082

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Joseph Oh, individually and as
Governing Member of Holly Investment, LLC
4905 70th Avenue West
University Place, Washington 98467

Re: Complaint, Compliance Order, and Notice of Opportunity for Hearing
EPA Docket No. RCRA-10-2011-0164

Dear Mr. Oh:

Enclosed is a Complaint, Compliance Order, and Notice of Opportunity for Hearing (“Order”) that has been filed against Joseph Oh and Holly Investment, LLC (“Respondents”) by the U.S. Environmental Protection Agency (EPA), Region 10. A copy of the Consolidated Rules of Practice is also enclosed. Please read these documents carefully and respond to the EPA allegations within the time limit specified in the Order.

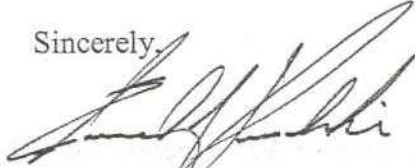
The Order alleges that Respondents have violated provisions of the Resource Conservation and Recovery Act (“RCRA”) by failing to conduct release detection in accordance with the underground storage tank (“UST”) regulations in 40 C.F.R. § 280.41(a) and (b), failing to equip the entire line of piping for each UST with cathodic protection, and failing to conduct required testing for the USTs at Totem Grocery & Gas in Marysville, Washington, within the Tulalip Indian Reservation. The allegations and the remedial actions that Respondents must take to correct the violations are described in more detail in the enclosed Order.

As provided in the Order, Respondents have 30 days from receipt of the Order to file a written answer and request a hearing. **The Order shall automatically become a final order unless, no later than 30 days of receipt of the Order, you request a hearing pursuant to 40 C.F.R. § 22.15. If you fail to request a hearing within this timeframe, you will waive your right to contest the EPA’s allegations, and the \$48,079 penalty proposed by the EPA will automatically become a final assessed penalty.**

Whether or not you request a hearing, you may request an informal settlement conference with the EPA to discuss this matter. If you wish to request a conference, or if you have any questions about this matter, please contact Deborah Hilsman, Assistant Regional Counsel, at hilsman.deborah@epa.gov or (206) 553-1810.

If you are represented by an attorney, then your attorney should contact Ms. Hilsman at the email address or telephone number provided. **Note that a request for an informal settlement conference does not extend the 30 day period for filing a written answer requesting a hearing, nor does it waive your right to request a hearing.**

Sincerely,



Edward J. Kowalski
Director

Enclosures

1. Complaint, Compliance Order, and Notice of Opportunity For Hearing
2. Penalty Calculation Summary
3. Small Business Regulatory Enforcement and Fairness Act Information Sheet
4. 40 C.F.R. Part 22 Consolidated Rules

cc w/enc: Arnie Kim, Registered Agent
Holly Investment, LLC

cc w/Complaint and Penalty Calculation Summary:

Melvin R. Sheldon, Jr.
Chairman
Tulalip Tribes

Daryl Williams
Environmental Liaison
Tulalip Tribes

Kurt Nelson
Natural Resources Department
Tulalip Tribes