



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

April 21, 2021

ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Ms. Shelly Miller
District Manager
EC's Corner
34160 State Highway 47
Cambridge, Minnesota 55008
ecscorner@gmail.com

Re: Notice of Violation and Compliance Order/Settlement Agreement for the Mini Mart #7
(formerly Morning Star Market), 104 North Main Street, Wahkon, MN 56386
EPA – ICIS #1400016592 **RUST-05-2021-0005**

Dear Ms. Miller:

On January 20, 2021, the U.S. Environmental Protection Agency, Underground Storage Tank (UST) Section issued a Notice of Violation and a Compliance Order/Settlement Agreement (Field Citation) concerning UST violations (i.e., failure to conduct periodic walkthrough every 30 days, failure to monitor tanks every 30 days, no line tightness test for pressurize piping, and no Class B operating training certificate) found at the Mini Mart #7 (formerly Morning Star Market) facility located at 104 North Main Street, Wahkon, Minnesota.

On March 17, 2021, we received your signed copy of the Settlement Agreement and supporting documentation that was provided to EPA weeks earlier. Also, on April 14, 2021 we received confirmation from our finance office that they received your check (#7179) for a total of \$2,680.00 in penalties.

The Settlement Agreement states that it is effective upon EPA's final approval. I have enclosed a signed and dated copy of the approved Settlement Agreement. The original Settlement Agreement will remain in the EPA's 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 Arturo Cisneros, of my staff, at (312) 886-7447.

Sincerely,

Morris, Julie

Digitally signed by Morris,
Julie
Date: 2021.04.16
11:59:21 -05'00'

for

Patrick F. Kuefler, Chief
Land Enforcement and Compliance Assurance Branch

cc: Tom Kenney, ORC, kenney.thomas@epa.gov
Andrew Boyd, Mille Lacs Band, Andrew.Boyd@millelacsband.com

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 5
77 West Jackson Boulevard (LR-17J), Chicago, Illinois 60604-3590
UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. R5-UST-21-009-AC

Part I: INSPECTION SUMMARY

On 12/11/2020 Time 5:00 pm
 (Date of Violation) (a.m. or p.m.)

At Morning Star Market
 (Name of Facility)

Address: 104 N. Main Street
Wahkon, MN 56386

Ms. Shelly Miller, District Manager
 (Name of On site Representative if not the Owner or Operator)

Name and address of the UST Owner or Operator

Name: Shelly Miller

Address: 104 N. Main Street
Wahkon, MN 56386

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 properly and periodically inspect overfill prevention equipment.
 Cite: 40 CFR §280.35(a)(2) Proposed Penalty: \$ 670
 x Tanks Multiplier: _____
 Subtotal: \$ 670

2. Violation: Failure to monitor tanks every 30 days, if appropriate.
 Cite: 40 CFR §280.41(a) Proposed Penalty: \$ 670
 x Tanks Multiplier: _____
 Subtotal: \$ 670

3. Violation: Failure to have annual line tightness test or monthly monitoring of pressurized piping.
 Cite: 40 CFR §280.41(b)(1)(i)(B) Proposed Penalty: \$ 670
 x Tanks Multiplier: _____
 Subtotal: \$ 670

4. Violation: Failure to designate at least one Class B operator.
 Cite: 40 CFR §280.241(a) Proposed Penalty: \$ 670
 x Tanks Multiplier: _____
 Subtotal: \$ 670

TOTAL PROPOSED PENALTY: \$ 2,680

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

ARTURO CISNEROS

Digitally signed by
 ARTURO CISNEROS
 Date: 2021.02.03
 10:35:06 -08'00'

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 \$ 2,680 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): Shelly Miller
 Title (Print): District Manager
 Signature: [Signature] Date: 3/11/21

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
 Title (Print): Chief, I,CECAB
 Signature: Morris, Julie Digitally signed by Morris,
 Julie
 Date: 2021.04.16 Date: _____
 11:56:21 -05'00'

Notes: