



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

SEP 01 2011

REPLY TO THE ATTENTION OF:
LR-8J

Mr. Jason Berris
Post Office Box 247
Sparta, Michigan 49079

RUST-05-2011-0022

BD# 2751106M025

Dear Mr. Berris:

On April 6, 2011 the Underground Storage Tank Section issued a Notice of Violation and Compliance Order/Settlement Agreement concerning violations found at your Paw Paw Food Shop, Paw Paw, Michigan 49076.

This is to inform you that we received your signed original copy of the Settlement Agreement, dated July 27, 2011 and the check for \$420 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 further 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 "Mary S. Setnicar".

Mary S. Setnicar
Acting 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-11-001-SS

PART I: INSPECTION SUMMARY

On: 04/06/2011 Time: 09:48 AM

At: Paw Paw Food Shop
Address: 109 Ampey Road
Paw Paw, MI 49079

Jason MacLaren
(Name of Site Representative if not the Owner or Operator)

Name and address of the UST Owner

Name: Frank Berris
Address: P.O. Box 247
Sparta, MI 49345

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 provide spill or overfill prevention system for an existing tank
Cite: 40 CFR 280.21(d) Proposed Penalty: \$420

2. Violation:
Cite: 40 CFR Proposed Penalty:

3. Violation:
Cite: 40 CFR Proposed Penalty:

4. Violation:
Cite: 40 CFR Proposed Penalty:

TOTAL PROPOSED PENALTY: \$420

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

Sandra A. Diller 4/6/2011
(Signature of EPA Inspector) (Date)

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 \$420 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): Jason F. Berris
Title (Print): V.P.
Signature: [Signature] Date:

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.

Name (Print): X MARY S. SETNICAR
Title (Print): X ACTING CHIEF, RCRA BRANCH
Signature: [Signature] Date: 8/15/11

Notes:

RECEIVED
SEP - 7 2011

RUST-05-2011-0022

BDF

2751106M025

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

CASHIER'S CHECK

428677

REMITTER AMERICAN GAS AND OIL, INC.

DATE 7/25/2011

74-643
724

PAY TO THE
ORDER OF

\$

420.00

TREASURER OF THE UNITED STATES
R5-UST-11-001-SS

THE SUM OF \$200.00

"Four hundred Twenty Dollars and No Cents"

ChoiceOne
BANK
Sparta, MI 49345

Handwritten Signature
AUTHORIZED SIGNATURE

⑈428677⑈ ⑆072408436⑆ 0000084⑈

RUST-05-2011-0022

*BD# 2751106M025
(2751106M025)
ju*

RECEIVED

SEP - 7 2011

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY