



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 20 2019

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL # 7017 1450 0001 3748 0512

RETURN RECEIPT REQUESTED

Mr. Todd Larsen
Green and Gold Concrete
2100 Larsen Road
Green Bay, Wisconsin 54307

Re: Notice of Violation and Compliance Order/Settlement Agreement (Field Citation) for Green and Gold Concrete 2100 Larsen Road, Green Bay, Wisconsin 54307 **RUST-05-2019-0013**

Dear Mr. Larsen:

On June 17, 2019, the Underground Storage Tank (UST) Section issued a Notice of Violation (NOV) and Compliance Order (CO) concerning an UST violation (i.e., failure to maintain any documentation for spill and overflow prevention equipment and containment sumps) for the underground storage tank operating at the Green and Gold Concrete facility located at 2100 Larsen Road, Green Bay, Wisconsin.

This is to inform you that we received your signed original copy of the Settlement Agreement, dated June 25, 2019, and the check for \$670.00 in penalties. We have reviewed the original copy of the Settlement Agreement in which you have certified under civil and criminal penalties that the violation of the underground storage tank regulation for which you were cited for has been corrected.

The Settlement Agreement states that it is effective upon U.S. 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 U.S. EPA files. We also have accepted and processed your check as part of the Settlement process.

If you have any questions or concerns regarding this matter, please contact Kevin Hill, of my staff, at (312) 886-6087

Sincerely,

A handwritten signature in black ink, appearing to read "Mardi Klevs".

Mardi Klevs

Chief, Land and Chemicals Enforcement and Compliance Assurance Branch

Enclosure

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-19-001-KH

Part I: INSPECTION SUMMARY

On 11/09/2018 Time 1:00 pm
 (Date of Violation) (a.m. or p.m.)

At Green and Gold Concrete
 (Name of Facility)

Address: 2100 Larsen Road
Green Bay, WI 54307

Nick Buhr
 (Name of On site Representative if not the Owner or Operator)

Name and address of the UST Owner or Operator

Name: Todd Larsen

Address: 2100 Larsen Road
Green Bay, WI 54307

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 maintain any documentation of compliance for spill and overflow prevention equipment and containment sumps for interstitial monitoring (i.e., §280.35(c)).
 Cite: 40 CFR §280.34(b)(5) Proposed Penalty: \$ 670
 x Tanks Multiplier: _____
 Subtotal: \$ 670

2. Violation: _____
 Cite: 40 CFR Proposed Penalty: _____
 x Tanks Multiplier: _____
 Subtotal: _____

3. Violation: _____
 Cite: 40 CFR Proposed Penalty: _____
 x Tanks Multiplier: _____
 Subtotal: _____

4. Violation: _____
 Cite: 40 CFR Proposed Penalty: _____
 x Tanks Multiplier: _____
 Subtotal: _____

TOTAL PROPOSED PENALTY: \$ 670

EPA finds the Owner or Operator in violation of the above referenced UST regulations.
mea mill Date: 6/7/2019
 (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 \$ 670 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): Todd A Larsen
 Title (Print): Treasurer
 Signature: Todd A Larsen Date: 6/25/19

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): Mardi Kluks
 Title (Print): Chief, LRCAB
 Signature: Mardi Kluks Date: 8/19/19

Notes: _____

