



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 10 2019

REPLY TO THE ATTENTION OF

CERTIFIED MAIL#7017 1450 0001 3748 0390  
RETURN RECEIPT REQUESTED

Mr. Rich Polo  
St. Louis County Brookston Garage  
4831 Highway 31  
Brookston, Minnesota, 55711

Re: Notice of Violation and Compliance Order/Settlement Agreement for the St. Louis County Brookston Garage, 4831 Highway 31, Brookston, Minnesota. **RUST-05-2020-0001**

Dear Mr. Polo:

On August 28, 2019, the U.S. Environmental Protection Agency, Underground Storage Tanks Section issued a Notice of Violation and a Compliance Order/Settlement Agreement concerning underground storage tank (UST) violation, at St. Louis County Brookston Garage, Brookston, Minnesota.

We have received your signed copy of the Settlement Agreement, on October 9, 2019 and the copy of the check for \$2,010 in penalties. We also received your supporting documents stating the UST violation was addressed.

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 the EPA files. We also have accepted and processed your check as part of the Settlement process. If you have any further question, please feel free to contact Estelle Patterson, of my staff, at 312/886-3594.

Sincerely,

A handwritten signature in cursive script that reads "Mardi Klevs".

Mardi Klevs,  
Chief, Land and Chemicals Enforcement Compliance Assurance Branch

Enclosure

Part I: INSPECTION SUMMARY

Part II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

On 04/26/2019 Time 9:10 am  
(Date of Violation) (a.m. or p.m.)

At St. Louis County Brookston Garage  
(Name of Facility)

Address: 4831 Highway 31  
Brookston, MN 55711

Rich Polo  
(Name of On site Representative if not the Owner or Operator)

Name and address of the UST  Owner or  Operator

Name: St. Louis County DOT

Address: 4831 Highway 31  
Brookston, MN 55711

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 meet compliance deadlines for prevention, testing, and inspection of UST prevention equipment.

Cite: 40 CFR §280.35(b) Proposed Penalty: \$ 670  
x Tanks Multiplier: \_\_\_\_\_  
Subtotal: \$ 670

2. Violation: Failure to operate and maintain release detection method and annually test components in accordance with manufacturer instructions, acceptable code of practice or other requirements.

Cite: 40 CFR §280.40(a)(3) Proposed Penalty: \$ 670  
x Tanks Multiplier: \_\_\_\_\_  
Subtotal: \$ 670

3. Violation: Failure to ensure Class B operator meets training requirements that requires completion of a training program with evaluation or comparable exam that covers all topics at §280.242(b)(1) or b(2).

Cite: 40 CFR §280.242(b) Proposed Penalty: \$ 670  
x Tanks Multiplier: \_\_\_\_\_  
Subtotal: \$ 670

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

Cite: 40 CFR Proposed Penalty: \_\_\_\_\_  
x Tanks Multiplier: \_\_\_\_\_  
Subtotal: \_\_\_\_\_

TOTAL PROPOSED PENALTY: \$ 2,010

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

Estelle Patterson Date: 8-5-19  
(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 \$ 2,010 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): Brian Baker  
Title (Print): Deputy Public Works Director  
Signature: \_\_\_\_\_ Date: 10/2/19

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 Kleus  
Title (Print): Chief, LCECAB  
Signature: \_\_\_\_\_ Date: 10.10.19

Notes:

