



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG - 7 2019

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL #:7001 0320 0006 0184 8345
RETURN RECEIPT REQUESTED

Mr. Erik Petrovskis
Meijer
2350 3 Mile Road
Grand Rapids, Michigan 49544

Re: Compliance Order/Settlement Agreement (Field Citation) for Meijer 69 **RUST-05-2019-0012**

Dear Mr. Petrovskis:

On April 16, 2019, the U.S. Environmental Protection Agency issued a Notice of Violation and Compliance Order/Settlement Agreement (Field Citation) concerning violations found during a compliance inspection conducted at the Meijer 69 facility located at 1015 Pickard Road, Mt. Pleasant, Michigan 48858.

We received your signed original copy of the Settlement Agreement, dated July 15, 2019, and the check for \$2,010 in penalties. We have reviewed the original copy of the Settlement Agreement where you have indicated that you have corrected the cited violations of the underground storage tanks regulations.

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 EPA files. We have accepted and processed your check as part of the settlement process.

If you have any further questions, please feel free to contact Sandy Karner, of my staff, at (312) 886-0429.

Sincerely,

A handwritten signature in blue ink that reads "Mardi Klevs".

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

Enclosure

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 5
77 West Jackson Boulevard (ECR-17J), Chicago, Illinois 60604-3590
UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. R5-UST-19-001-SK

Part I: INSPECTION SUMMARY

On 04/16/2019 Time 10:00 am
 (Date of Violation) (a.m. or p.m.)

At Meijer #69
 (Name of Facility)

Address: 1015 Pickard Road
Mt. Pleasant, MI 48858

Caleb Johnston
 (Name of On site Representative if not the Owner or Operator)

Name and address of the UST Owner or Operator

Name: Meijer

Address: 2350 3 Mile Road
Grand Rapids, MI 49544

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 the requirements for periodic testing and monitoring of containment sumps.

Cite: 40 CFR §280.35(a)(1) 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 designate at least one Class B operator.

Cite: 40 CFR §280.241(a) 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.

[Signature] Date: 6/16/2019
 (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 \$ 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): ERIK PETROVSKIS
 Title (Print): DIRECTOR OF ENVIRONMENTAL COMPLIANCE
 Signature: *[Signature]* Date: 7-15-19

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 Klevs
 Title (Print): Chief LCECAB
 Signature: *[Signature]* Date: 8-6-19

Notes:

