



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

December 8, 2021

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Mr. Shawn Peck
Winnie Trading Post
38499 Highway 46
Deer River, Minnesota 56636
snaoutdoors18@yahoo.com

Re: Notice of Violation and Compliance Order/Settlement Agreement for the Winnie Trading Post facility, 38499 Highway 46, Deer River, Minnesota ICIS # 7731864 **RUST-05-2022-0005**

Dear Mr. Peck:

On September 29, 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 annually test line leak detectors and automatic tank gauging device) found at the Winnie Trading Post facility located at 38499 Highway 46, Deer River, Minnesota.

On November 16, 2021, and November 24, 2021, EPA received your signed copy of the Settlement Agreement and supporting documentation. Also, on September 24, 2021 the EPA finance office confirmed receipt of your payment (check #3809) for a total of \$1,340.00 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,

MICHAEL
CUNNINGHAM

Digitally signed by
MICHAEL CUNNINGHAM
Date: 2021.12.02
08:32:37 -06'00'

Michael Cunningham, Acting Manager
Land Enforcement and Compliance Assurance Branch

cc: Tom Kenney, ORC, kenney.thomas@epa.gov
Ben Benoit, Leech Lake Band of Ojibwe ben.benoit@llojibwe.net

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-21-024-AC	
<p style="text-align: center;">Part I: INSPECTION SUMMARY</p> <p>On <u>08/04/2021</u> Time <u>9:00 am</u> (Date of Violation) (a.m. or p.m.)</p> <p>At <u>Winnie Trading Post</u> (Name of Facility)</p> <p>Address: <u>38499 st Hwy 46</u> <u>Deer River, MN 56636</u> <u>Mr. Shawn Peck</u> (Name of On site Representative if not the Owner or Operator)</p> <p>Name and address of the UST <input checked="" type="checkbox"/> Owner or <input type="checkbox"/> Operator</p> <p>Name: <u>Winnie Trading Post</u></p> <p>Address: <u>38499 st Hwy 46</u> <u>Deer River, 56636</u></p> <p>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.).</p> <p>1. 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.</p> <p>Cite: <u>40 CFR §280.40(a)(3)</u> Proposed Penalty: <u>\$ 670</u> x Tanks Multiplier: _____ Subtotal: <u>\$ 670</u></p> <p>2. Violation: Failure to equip piping with automatic line leak detector and annually test such leak detector.</p> <p>Cite: <u>40 CFR §280.44(a)</u> Proposed Penalty: <u>\$ 670</u> x Tanks Multiplier: _____ Subtotal: <u>\$ 670</u></p> <p>3. Violation: </p> <p>Cite: <u>40 CFR</u> Proposed Penalty: _____ x Tanks Multiplier: _____ Subtotal: _____</p> <p>4. Violation: </p> <p>Cite: <u>40 CFR</u> Proposed Penalty: _____ x Tanks Multiplier: _____ Subtotal: _____</p> <p style="text-align: right;">TOTAL PROPOSED PENALTY: \$ 1,340</p> <p>EPA finds the Owner or Operator in violation of the above referenced UST regulations.</p> <p style="text-align: right;">Digitally signed by Arturo Cisneros Date: 2021.09.29 12:12:13 -05'00' Date: _____</p> <p style="text-align: center;">(Signature of EPA Inspector)</p>	<p style="text-align: center;">Part II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER</p> <p>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:</p> <p>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 <u>\$ 1,340</u> in payment of the full proposed penalty amount, as described in Part I of this Form.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:</p> <p>Name (Print): <u>Angela Peck</u></p> <p>Title (Print): <u>Owner</u> Signature: <u>[Signature]</u> Date: <u>11-19-21</u></p> <p>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.</p> <p>SIGNATURE BY EPA APPROVING THE SETTLEMENT AGREEMENT AND COMPLIANCE ORDER:</p> <p>Name (Print): <u>Julie Morris</u></p> <p>Title (Print): <u>Acting Chief, I/CECAB</u></p> <p>Signature: <u>MICHAEL CUNNINGHAM</u> Digitally signed by MICHAEL CUNNINGHAM Date: 2021.12.02 08:31:36 -06'00'</p> <p>Notes: <u>CUNNINGHAM</u></p>