



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUN 28 2019

REPLY TO THE ATTENTION OF

CERTIFIED MAIL # 7009 1680 0000 7662 6682  
RETURN RECEIPT REQUESTED

Mr. Roger Nelson  
Elbow Lake Store & Bar  
40419 Elbow Lake Store Road  
Waubun, Minnesota 56589

Re: Corrected Compliance Order/Settlement Agreement letter for Elbow Lake Store & Bar  
**RUST-05-2019-0011**

Dear Mr. Nelson:

On May 22, 2019 the U.S. Environmental Protection Agency, Underground Storage Tank Section sent a letter to Elbow Lake Store & Bar, located in Elbow, Minnesota. The letter included a Notice of Violation and Compliance Order/Settlement Agreement, dated March 19, 2019, concerning violations found during a compliance inspection conducted at the facility on November 30, 2018. I am resending this corrected Settlement Agreement letter with the EPA RUST administrative docket number, that was omitted in the original Settlement Agreement letter.

We have received your signed original copy of the Settlement Agreement, dated April 23, 2019 and the check for \$1,340 in penalties. We have reviewed the original copy of the Settlement Agreement where you have indicated that the violations of the underground storage tanks regulations for which you were cited have been corrected.

The Settlement Agreement states that it is effective upon the 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 Estelle Patterson, of my staff, at 312-886-3594.

Sincerely,

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-MR**

**Part I: INSPECTION SUMMARY**

On 11/30/2018 Time 12:15 pm  
(Date of Violation) (a.m. or p.m.)

At Elbow Lake Store & Bar  
(Name of Facility)

Address: 40419 Elbow Lake Store

Waubun, MN 56589 MN  
(Name of On site Representative if not the Owner or Operator)

Name and address of the UST  Owner or  Operator

Name: Roger Nelson

Address: 40419 Elbow Lake Store

Waubun, MN 56589 MN

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  
Multiplier: \_\_\_\_\_  
Subtotal: \$ 670

2. Violation: Failure to Properly Conduct Statistical Inventory Reconciliation

Cite: 40 CFR §280.43(h) Proposed Penalty: \$ 670  
Multiplier: \_\_\_\_\_  
Subtotal: \$ 670

3. Violation: \_\_\_\_\_

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

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

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

**TOTAL PROPOSED PENALTY: \$ 1,340**

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

Marc Krotz  
(Signature of EPA Inspector)

Date: 3/19/19

**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 \$ 1,340 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): Roger Nelson  
Title (Print): CEO  
Signature: Roger Nelson Date: 4-14-19

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): Mandi Klotz  
Title (Print): Chief, CCECAB ECAD R5  
Signature: Mandi Klotz Date: 5-20-19

Notes:



**RUST-05-2019-0011**