



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

NOV - 6 2019

REPLY TO THE ATTENTION OF

CERTIFIED MAIL #7011 1150 0000 2641 8045
RETURN RECEIPT REQUESTED

Mr. Robert Baird
Cass Lake Mini Mart
P.O. Box 697
Cass Lake, Minnesota 56633

Re: Notice of Violation and Compliance Order/Settlement Agreement for the Cass Lake Mini Mart facility located at 203 Aspen Avenue NW, Cass Lake, Minnesota. **RUST-05-2020-0002**

Dear Mr. Baird:

On September 9, 2019, 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 conduct spill and overfill protection testing) found at the Cass Lake Mini Mart facility located at 203 Aspen Avenue NW, Cass Lake, Minnesota.

We have received your signed copy of the Settlement Agreement, dated October 17, 2019 and the check for a total of \$1,340 in penalties. On October 11, 2019, we received the final supporting documentation on recent tests, addressing the UST violations.

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 (#7407) 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,

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

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

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-19-012-AC

Part I: INSPECTION SUMMARY

On 09/03/2019 Time 9:00 am
 (Date of Violation) (a.m. or p.m.)

At Cass Lake Mini Mart
 (Name of Facility)

Address: 203 Aspen Ave NW
Cass Lake, MN 56633

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

Name and address of the UST Owner or Operator

Name: Mr. Robert Baird

Address: 203 Aspen Ave NW
Cass Lake, MN 56633

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 spill prevention equipment.

Cite: 40 CFR §280.35(a)(1) Proposed Penalty: \$ 670
 x Tanks Multiplier: _____
 Subtotal: \$ 670

2. Violation: Failure to properly and periodically inspect overfill prevention equipment.

Cite: 40 CFR §280.35(a)(2) Proposed Penalty: \$ 670
 x Tanks Multiplier: _____
 Subtotal: \$ 670

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: \$ 1,340

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

(Signature of EPA Inspector)

Date: 9-9-19

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.

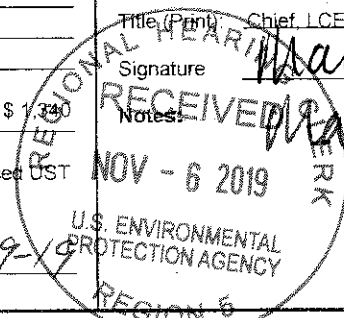
SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:

X Name (Print): Robert Baird
 X Title (Print): Owner
 X Signature: [Signature] Date: 10/17/19

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: 9-17-19



Notes: Mardi Klevs 11-4-19