



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

FEB 11 2016

**CERTIFIED MAIL #7009 1680 0000 7673 0167**

**RETURN RECEIPT REQUESTED**

REPLY TO THE ATTENTION OF:

Mr. Jason Berris  
American Gas & Oil Inc.  
440 West Division  
Post Office Box 247  
Sparta, Michigan 49345-1044

Re: Notice of Violation and Compliance Order/Settlement Agreement for the North Alpine  
CITGO facility located at 5760 Alpine NW, Comstock, Michigan. **RUST-05-2016-0002**

Dear Mr. Berris:

On October 19, 2015, 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 monitor release detection every 30 days & overfill prevention) found at the North Alpine CITGO facility located at 5760 Alpine NW, Comstock, Michigan, based on an inspections conducted on September 14, 2015.

We have received your signed copy of the Settlement Agreement, dated April 24, 2015 and the check for a total of \$630 in penalties. We also received supporting documentation on recent tests/records for some tanks addressing the UST violations. Other tanks had no records and are being scheduled for closure with the Chicago Department of Public Health.

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 (check #01625606) as part of the settlement process.

If you have any further questions, please feel free to contact Arturo Cisneros, of my staff, at 312/886-7447.

Sincerely,

Gary J. Victorine, Chief  
RCRA Branch

cc: Kevin Wieber, Michigan DEQ

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) REGION 5  
 77 West Jackson Boulevard (LR-8J), Chicago, Illinois 60604-3590  
 UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. R5-UST-16-027-AC

**PART I: INSPECTION SUMMARY**

On: 09/14/2015 Time: 01:30 PM

At: North Alpine CITGO  
 Address: 5950 Alpine NW  
Comstock, MI 49321

Steve Marsman  
 (Name of Site Representative if not the Owner or Operator)

Name and address of the UST Owner

Name: Frank Berris, American Gas & Oil, Inc  
 Address: 440 West Division, PO Box 247  
Sparta, MI 49345

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: Installation of inadequate overfill prevention equipment in a new tank

Cite: 40 CFR 280.20(c)(1)(ii) Proposed Penalty: \$210

2. Violation: Failure to monitor tanks at least every 30 days, if appropriate

Cite: 40 CFR 280.41(a) Proposed Penalty: \$420

3. Violation:

Cite: 40 CFR Proposed Penalty:

4. Violation:

Cite: 40 CFR Proposed Penalty:

**TOTAL PROPOSED PENALTY: \$630**

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

[Signature] 10-19-15  
 (Signature of EPA Inspector) (Date)

**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 \$630 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.

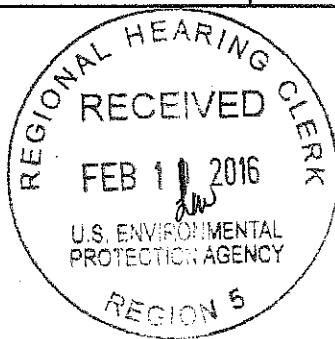
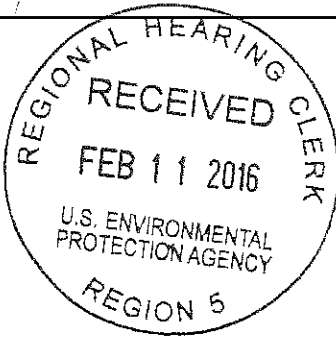
**SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:**

X Name (Print): Jason Berris  
 X Title (Print): President  
 X Signature: [Signature] Date: 1/8/16

**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.

Name (Print): Gary J. Victorine  
 Title (Print): Chief, RCRA Branch  
 Signature: [Signature] Date: 2/11/16

Notes:



**RUST-05-2016-0002**

*Rec'd 1-22-16*