



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

August 24, 2021

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Mr. Larry Crook
Owner
Bluemkes BP
102 E Division Street
Rosendale, Wisconsin 54974
bluemkes@centurytel.net

Re: Compliance Order/Settlement Agreement for Bluemkes BP, Rosendale, Wisconsin, R5-UST-21-005KH **RUST-05-2021-0013**

Dear Mr. Crook:

On March 29, 2021, the U.S. Environmental Protection Agency conducted an RCRA off site compliance evaluation of the Bluemkes BP facility located in Rosendale, Wisconsin. On June 9, 2021, EPA sent you a letter concerning this compliance evaluation. The letter included a Field Citation Form for Expedited Settlement, dated May 12, 2021 concerning an alleged violation found during the compliance evaluation.

We have received your signed copy of the Settlement Agreement on July 2, 2021 and a copy of the payment dated July 1, 2021 for \$670 in penalties. At the time we received your signed copy of the Settlement Agreement, the alleged violation of the underground storage tanks regulations for which you were cited for had 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 Kevin Hill, of my staff, at (312)886-6087.

Sincerely,

Julie Morris

Digitally signed by Julie
Morris
Date: 2021.08.24
07:40:15 -05'00'

Julie Morris, Acting Chief
Land Enforcement and Compliance Assurance Branch

Enclosure

cc: Greg Baretta, WDATCP, Greg.Baretta@wisconsin.gov
Thomas Kenney, EPA, kenney.thomas@epa.gov

IRN : RUSB03211888751832

ALC+2 : 6801072702

Cashflow Name : EPA Fines and Penalties

Lockbox ID : 979077

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-21-005-KH

Part I: INSPECTION SUMMARY	Part II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER
<p>On <u>05/12/2021</u> Time <u>10:00 am</u> (Date of Violation) (a.m. or p.m.)</p> <p>At <u>Bluemkes BP</u> (Name of Facility)</p> <p>Address: <u>102 E Division Street</u> <u>Rosendale, WI 54974</u> <u>Larry Crook</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>Bluemkes Food Mart</u> Address: <u>102 E Division Street</u> <u>Rosendale, WI 54974</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: 40 CFR §280.40(a)(3) Proposed Penalty: <u>\$ 670</u> x Tanks Multiplier: _____ Subtotal: <u>\$ 670</u></p> <p>2. Violation: </p> <p>Cite: 40 CFR Proposed Penalty: _____ x Tanks Multiplier: _____ Subtotal: _____</p> <p>3. Violation: </p> <p>Cite: 40 CFR Proposed Penalty: _____ x Tanks Multiplier: _____ Subtotal: _____</p> <p>4. Violation: </p> <p>Cite: 40 CFR Proposed Penalty: _____ x Tanks Multiplier: _____ Subtotal: _____</p> <p align="right">TOTAL PROPOSED PENALTY: \$ 670.</p> <p>EPA finds the Owner or Operator in violation of the above referenced UST regulations.</p> <p>KEVIN HILL Digitally signed by KEVIN HILL Date: 2021.05.27 13:26:35 -05'00' Date: _____ (Signature of EPA Inspector)</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 \$ 670. 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>Larry Crook</u> Title (Print): <u>Owner</u> Signature: <u>[Signature]</u> Date: <u>6-22-2021</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> Title (Print): <u>Acting Chief, LECAB</u> Signature: _____ Digitally signed by Julie Morris Date: 2021.08.24 07:38:47 -05'00'</p> <p>Notes: _____</p>

(3/31/09)