



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

APR 30 2014

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-082

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Edward A. Washines
881 Indian Church Road
Granger, Washington 98932

Theresa M. Washines
881 Indian Church Road
Granger, Washington 98932

Da Stor at Lillie's Corner
Post Office Box 223
Toppenish, Washington 98948

Re: Complaint, Compliance Order, and Notice of Opportunity for Hearing
EPA Docket No. RCRA-10-2014-0100

Dear Mr. and Mrs. Washines:

Enclosed is a Complaint, Compliance Order, and Notice of Opportunity for Hearing ("Order") that has been filed against Edward A. Washines, Theresa M. Washines, and Da Stor at Lillie's Corner ("Respondents") by the U.S. Environmental Protection Agency (EPA), Region 10. A copy of the Consolidated Rules of Practice is also enclosed. Please read these documents carefully and respond to the EPA allegations within the time limit specified in the Order.

The Order alleges that Respondents have violated provisions of the Resource Conservation and Recovery Act ("RCRA") at Da Stor at Lillie's Corner in Toppenish, Washington, by failing to conduct release detection in accordance with the underground storage tank ("UST") regulations in 40 C.F.R. §§ 280.41 and 280.44, failing to install and maintain corrosion protection for piping in accordance with 40 C.F.R. §§ 280.20 and 280.31, and failing to maintain financial assurance for the UST systems in accordance with 40 C.F.R. § 280.93. The allegations and the remedial actions that Respondents must take to correct the violations are described in more detail in the enclosed Order.

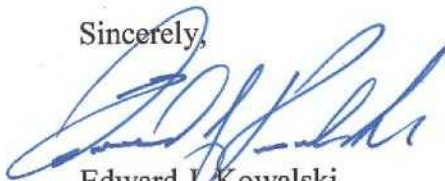
As provided in the Order, Respondents have 30 days from receipt of the Order to file a written answer and request a hearing. **The Order shall automatically become a final order unless, no later than 30 days of receipt of the Order, you request a hearing pursuant to 40 C.F.R. § 22.15. If you fail to request a hearing within this timeframe, you will waive your right to contest the EPA's allegations, and the \$57,092 penalty proposed by the EPA will automatically become a final assessed penalty.**

Whether or not you request a hearing, you may request an informal settlement conference with the EPA to discuss this matter. If you wish to request a conference, or if you have any questions about this matter, please contact Chris Bellovary, Assistant Regional Counsel, at bellovary.chris@epa.gov or (206) 553-2723.

I understand you are represented by Mr. Tom Zielman, who is copied on this letter. If you remain represented by Mr. Zielman, or any other attorney, then your attorney should contact Mr. Bellovary at the email address or telephone number provided. **Note that a request for an informal settlement**

conference does not extend the 30 day period for filing a written answer requesting a hearing, nor does it waive your right to request a hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Edward J. Kowalski', written over a horizontal line.

Edward J. Kowalski
Director

Enclosures

1. Complaint, Compliance Order, and Notice of Opportunity For Hearing
2. 40 C.F.R. Part 22 Consolidated Rules
3. U.S. EPA Small Business Resources Information Sheet
4. U.S. EPA Penalty Guidance for Violations of UST Regulations

cc w/enc: Thomas Zielman
Law Offices of Thomas Zielman