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

APR 17 2014

CERTIFIED MAIL # 7001 0320 0006 0184 8888
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Ms. DeeAnn Kacon
Trailside Convenience Bait and Tackle
750 Highway 47
Isle, Minnesota 56342

Dear Ms. Kacon:

RE: Underground Storage Tank – Notice of Violation and Penalty

On October 30, 2013, the U.S. Environmental Protection Agency conducted an inspection of the facility known as Trailside Convenience Bait and Tackle, located at 750 Highway 47 in Isle, Minnesota. The EPA has determined that, at the time of the inspection, this facility was in violation of certain requirements of Subtitle I of the Resource Conservation and Recovery Act applicable to the underground storage tanks at the facility.

Enclosed is an *Underground Storage Tank Field Citation Form for Expedited Settlement* which describes the violations at this facility and the proposed penalty for the violations. At this time, the EPA is offering you the opportunity to resolve these alleged violations for a reduced penalty amount by entering into a settlement agreement. To take advantage of this offer to settle this matter, you must, no later than within 30 days of your receipt of this Field Citation:

1. Correct the violations listed in Part I of the form and submit evidence of the correction of the violations to the EPA in accordance with the instructions listed on the back of the form and below;

2. Pay a non-negotiable penalty of $210 in accordance with the instructions listed on the back of the form and below;

3. Sign the enclosed Field Citation in the appropriate space labeled "Signature by owner, operator, or authorized representative," located in Part II of the Field Citation, and return it, along with a copy of the penalty payment, to the EPA in accordance with the instructions listed on the back of the form and below.

As explained on the back of the Field Citation, please sign and return both copies of the signed Field Citation enclosed with this letter. Please include documentation of current compliance and a copy of the payment of penalty (a copy of the check will suffice), **within 30 days of your receipt of this Field Citation** to:

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Recycled Paper (100% Post-Consumer)

U.S. Environmental Protection Agency
Region 5, Underground Storage Tank Program
Attention: Sherry Kamke, UST Section Chief
77 W. Jackson Blvd. (LR-8J)
Chicago, Illinois 60604-3590

The payment of the penalty can be made by sending a personal or certified check made out to the "Treasury of the United States" to the following address:

U.S. Environmental Protection Agency
Fines and Penalties, Cincinnati Finance Center
Box 979077
St. Louis, Missouri 63197-9000

The check should reference Field Citation Docket Number R5-UST-14-013-MR. Other types of payment such as wire transfers and online payments are also accepted by the EPA. For further information about these other forms of payment, please see the instructions on the back of the Field Citation under the paragraph entitled "Payment."

If you do not pay the penalty and return the signed Field Citation within 30 days of receipt, the EPA may file an enforcement action for the cited violations. Failure to sign and return the Field Citation and pay the penalty within the time provided does not relieve you of the responsibility to comply fully with the UST regulations, including correcting the violations that have been specifically identified in the Field Citation. If you decide not to sign and return the Field Citation and pay the penalty, the EPA can pursue more formal enforcement measures to correct the violations and seek penalties of up to a maximum penalty of $37,500 per day for each violation; as well as the issuance of a notice to prohibit delivery of regulated substances to the USTs located at your facility.

This Field Citation is not a hearing under the EPA rules. However, if the EPA needs to pursue an enforcement action to correct the violations or to seek penalties, you will receive instructions describing your rights under those rules. Please note that by agreeing to this Settlement Agreement, you waive your right to a public hearing.

You should retain a copy of the Field Citation and penalty payment. Once the EPA has received your signed Field Citation, an EPA official will execute it and send you a copy for your records.

If you have any questions, you may contact Mark Restaino of my staff at (312) 886-0394.

Sincerely,

Sherry A. Kamke

Sherry A. Kamke, Chief
Underground Storage Tank Section

Enclosure

cc: Scott Hansen, Mille Lacs DNR

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-14-013-MR

PART I: INSPECTION SUMMARY

On: 04/07/2014 Time: 08:11 AM

At: Trailside Convenience Bait and Tackle
Address: 750 Highway 47
Isle, MN 56342

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

Name and address of the UST Owner

Name: DeeAnn Kacon
Address: 750 Highway 47
Isle, MN 56342

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 provide adequate line leak detector system for underground piping

   Cite: 40 CFR 280.44(a)

   Proposed Penalty: $210

2. Violation:

   Cite: 40 CFR

   Proposed Penalty:

3. Violation:

   Cite: 40 CFR

   Proposed Penalty:

4. Violation:

   Cite: 40 CFR

   Proposed Penalty:

TOTAL PROPOSED PENALTY: $210

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

Mark Cristano 4/7/14
(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 $210 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 AURHORIZED REPRESENTATIVE:

Name (Print): _____

Title (Print): _____

Signature: _____ **Date:** _____

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): _____

Title (Print): _____

Signature: _____ **Date:** _____

Notes:

(3/31/09)

INSTRUCTIONS

On the reverse side is an Underground Storage Tank (UST) Field Citation Form (Form) for expedited settlement. If you, the Owner or Operator, wish to settle this case using this Form, you must do the following:

1. Correct the violation(s) cited in Part I of the Form ("Part I");

2. Pay the total penalty amount listed in Part I in accordance with the directions provided below;

3. Sign the Settlement Agreement in Part II of the Form ("Part II") (or in the case when an Owner or Operator is a corporate entity, have an authorized representative sign it); and

4. Return the Field Citation Form along with documentation of compliance and payment information (sufficient for EPA to track payment) to EPA at the following address (within the 30-day time limit specified below):

U.S. Environmental Protection Agency
Region 5 – Underground Storage Tank Program
77 West Jackson Boulevard (LR-8J)
Chicago, Illinois 60604-3590

This settlement process is optional. You are not required to submit this Form to EPA. If you do not submit this Form, EPA will conclude that you are not interested in pursuing an expedited settlement. EPA will then consider other actions to resolve these violations including the possibility of formal administrative or judicial enforcement.

Whether you submit the Form or not, you are by law required to correct any noncompliance and comply with all applicable UST requirements. EPA will not approve the Settlement Agreement if there is an alteration of any of the information in the Form or if the payment submitted is less than the full amount of settlement.

Timeline: The Form must be postmarked no later than thirty (30) days after the date of the inspection. In the event the Form is sent to you via registered or certified mail, the timeline begins on the date of receipt of that mail. If EPA does not receive the Form within thirty (30) days, EPA will conclude that you do not wish to pursue expedited settlement. EPA will then consider taking other actions to resolve these violations including pursuing formal administrative or judicial enforcement. (Note: All time periods and deadlines in the Form, including these Instructions, are in calendar days. If a deadline falls on a Saturday, Sunday, or federal holiday, EPA will consider the deadline to fall on the next business day.)

Requesting An Extension: EPA may grant, at its discretion, an extension of thirty (30) days if you can demonstrate that it is not feasible for you to come into compliance within the initial 30-day time period. You must request that extension in writing before the initial 30-day time period expires. That written request must explain why compliance within 30 days is not feasible and it must contain a schedule for when you will come into compliance (which must not extend beyond the 30-day extension period).

Requesting that EPA Modify or Withdraw the Form: If you can document that you were in compliance with the regulations cited in Part I at the time of the inspection, you must submit that documentation to EPA within fifteen (15) calendar days of your receipt of the Form. EPA will review the documentation and may choose to not pursue enforcement or may withdraw some or all of the violations and reissue a modified Form to the Owner/Operator (via certified or registered mail) for any violations that are not withdrawn.

Payment: **Payment can be made by sending a personal or certified check made out to the "Treasury of the United States" to the following address: U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. The check should refer to the Field Citation Form Number (located at the top of the Form).** If no such number is provided on the Form, the check should have the name of the facility on it. Other forms of payment such as wire transfers and online payment are also accepted by EPA. For further information on those other forms of payment, please email CINWD_AcctsReceivable@epa.gov or use the EPA contact listed below.

Settlement Agreement Certification: By signing the Settlement Agreement in Part II, you are certifying under penalty of law that you have corrected the violations, submitted true and accurate documentation of compliance, and have paid the penalty. Failure to meet those conditions means you will remain liable for the original violations with the possibility of being liable for additional violations for noncompliance with the Compliance Order and for making a false representation to the U.S. Government.

EPA Review: Once EPA has received the Form, EPA will review it and the documentation of compliance, and verify that payment was made. If EPA decides to settle the case using this Field Citation, EPA will sign and approve the Settlement Agreement and the Compliance Order and send a copy of the completed Form to you. Once EPA has signed the Compliance Order and Settlement Agreement, you and EPA are bound by their terms. EPA reserves the right not to pursue settlement under the Field Citation and instead pursue formal enforcement. In that event, you will be promptly reimbursed for the amount you paid into the U.S. Treasury when submitting the Field Citation.

If you have any questions, please contact:

U.S. Environmental Protection Agency
Region 5 – Underground Storage Tank Program
77 West Jackson Boulevard (LR-8J)
Chicago, Illinois 60604-3590
Phone: (312) 886-6159

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-14-013-MR

PART I: INSPECTION SUMMARY

On: 04/07/2014 Time: 08:11 AM

At: Trailside Convenience Bait and Tackle
Address: 750 Highway 47
Isle, MN 56342

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

Name and address of the UST Owner

Name: DeeAnn Kacon
Address: 750 Highway 47
Isle, MN 56342

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 provide adequate line leak detector system for underground piping

Cite: 40 CFR 280.44(a)

Proposed Penalty: $210

2. Violation:

Cite: 40 CFR

Proposed Penalty:

3. Violation:

Cite: 40 CFR

Proposed Penalty:

4. Violation:

Cite: 40 CFR

Proposed Penalty:

TOTAL PROPOSED PENALTY: $210

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

Mark Kuhns 4/7/14
(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 $210 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 AURHORIZED REPRESENTATIVE:

Name (Print): _____

Title (Print): _____

Signature: _____ **Date:** _____

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): _____

Title (Print): _____

Signature: _____ **Date:** _____

Notes:

(3/31/09)

INSTRUCTIONS

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U.S. Environmental Protection Agency
Region 5 – Underground Storage Tank Program
77 West Jackson Boulevard (LR-8J)
Chicago, Illinois 60604-3590

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Payment: **Payment can be made by sending a personal or certified check made out to the "Treasury of the United States" to the following address: U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. The check should refer to the Field Citation Form Number (located at the top of the Form).** If no such number is provided on the Form, the check should have the name of the facility on it. Other forms of payment such as wire transfers and online payment are also accepted by EPA. For further information on those other forms of payment, please email CINWD_AcctsReceivable@epa.gov or use the EPA contact listed below.

Settlement Agreement Certification: By signing the Settlement Agreement in Part II, you are certifying under penalty of law that you have corrected the violations, submitted true and accurate documentation of compliance, and have paid the penalty. Failure to meet those conditions means you will remain liable for the original violations with the possibility of being liable for additional violations for noncompliance with the Compliance Order and for making a false representation to the U.S. Government.

EPA Review: Once EPA has received the Form, EPA will review it and the documentation of compliance, and verify that payment was made. If EPA decides to settle the case using this Field Citation, EPA will sign and approve the Settlement Agreement and the Compliance Order and send a copy of the completed Form to you. Once EPA has signed the Compliance Order and Settlement Agreement, you and EPA are bound by their terms. EPA reserves the right not to pursue settlement under the Field Citation and instead pursue formal enforcement. In that event, you will be promptly reimbursed for the amount you paid into the U.S. Treasury when submitting the Field Citation.

If you have any questions, please contact:

U.S. Environmental Protection Agency
Region 5 – Underground Storage Tank Program
77 West Jackson Boulevard (LR-8J)
Chicago, Illinois 60604-3590
Phone: (312) 886-6159

United States Environmental Protection Agency

Office of Enforcement and Compliance Assurance (2201A)
EPA-300-F-11-006 June 2011

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

www.epa.gov/compliance/assistance/business.html

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture
www.epa.gov/agriculture/

Automotive Recycling
www.ecarcenter.org

Automotive Service and Repair
www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing
www.chemalliance.org

Construction
www.cicacenter.org or 1-734-995-4911

Education
www.campuserc.org

Food Processing
www.fpeac.org

Healthcare
www.hercenter.org

Local Government
www.lgean.org

Metal Finishing
www.nmfrc.org

Paints and Coatings
www.paintcenter.org

Printed Wiring Board Manufacturing
www.pwbrc.org

Printing
www.pneac.org

Ports
www.portcompliance.org

U.S. Border Compliance and Import/Export Issues
www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline
info-antimicrobial@epa.gov or 1-703-308-6411

Clean Air Technology Center (CATC) Info-line
www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act
www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline
www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center
www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline - to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)
www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline
www.epa.gov/safewater/hotline/index.html or 1-800-426-4791

Stratospheric Ozone Protection Hotline
www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline
tsca-hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline
www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators
www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)
www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center
www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal
www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy
www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy
www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

OK, WHAT'S THIS FEDERAL FIELD CITATION ABOUT?

Q: WHY DID I RECEIVE A FIELD CITATION FROM THE U.S. EPA?

A: A field citation was issued because a violation was found by a United States Environmental Protection Agency (U.S. EPA) Enforcement Officer upon inspection of the UST system(s) at your facility, and the Enforcement Officer determined that the violation(s) found are of a "minor nature."

Q: WHY DO I HAVE TO PAY A FINE?

A: The U.S. EPA field citation is an enforcement tool designed to encourage expeditious compliance with the Federal U.S. EPA UST regulations (40 CFR 280) by imposing a relatively small penalty. It is an option offered for you to correct the violation, pay a small settlement amount, and avoid standard enforcement activities which carry substantially larger penalties. The field citation penalty is a "fixed" amount set by national directive and in non-negotiable.

Q: CAN I APPEAL THE FIELD CITATION OR GET A HEARING?

A: No. You may choose to either accept or reject the terms of the field citation settlement offer. The field citation has two parts to it. Part I, called the "Notice of Violation" simply states that violations were found at your facility and you must correct the violations and pay the penalty amount within 30 days from the date of the inspection, as explained in Part II. Part II, called the "Compliance Order/Settlement Agreement" says that if you correct the violations and pay the penalty within 30 days, U.S. EPA will not take further enforcement action for the listed violation(s). By accepting the Settlement Agreement, you give up your right to a hearing.

Q: WHAT WILL HAPPEN IF I DON'T ACCEPT THE TERMS OF THE FIELD CITATION?

A: The field citation is automatically withdrawn after 30 days from the inspection date, or in other words, the offer to "settle" the problem with U.S. EPA is withdrawn after 30 days. U.S. EPA, if it so chooses, can then proceed with "standard enforcement" (40 CFR Part 22) which includes penalties not to exceed $11,000 for each tank, for each day of violation. Under "standard enforcement" you will have the right to a hearing. However, whether you accept the terms of the field citation or not, you are still required to be in compliance.

Q: WHY SHOULD I ACCEPT THE FIELD CITATION?

A: The field citation program was designed to resolve violations of a minor nature, quickly and with minimal financial impact on your business. Much time, legal expenses and resources on both parties are saved.

Q: WHAT IF I NEED MORE TIME TO CORRECT THE VIOLATION?

A: U.S. EPA can extend the deadline up to 30 more days if requested.

(OVER)

Q: WHAT IF I THINK THE ENFORCEMENT OFFICER WAS IN ERROR IN CITING THE VIOLATION?

A: Notify the U.S. EPA in writing as soon as possible to:

U. S. Environmental Protection Agency
Region 5 – Underground Storage Tank Program
ATTN: Enforcement Coordinator
77 West Jackson Boulevard (LR-8J)
Chicago, Illinois 60604-3590

Q: WHAT IS U.S. EPA GETTING OUT OF THIS?

A: Compliance. The money collected goes to the United States Treasury. U.S. EPA does save time and resources and obtains quicker correction of minor violations.

Q: CAN THE PENALTY BE REDUCED OR WAIVED?

A: No, the penalty amount is "fixed" by national directive and is non-negotiable. However, if a violation has been inappropriately cited, the penalty may be withdrawn.

Q: OK, IF I ACCEPT THE TERMS OF THE FIELD CITATION, WHAT DO I DO NOW?

A: **Correct the violation.** Once the violations have been corrected, contact the enforcement officer. Once the enforcement officer agrees that compliance has been achieved, provide the information requested under "**SIGNATURE OF OWNER OR OPERATOR**" and sign and date the two copies of the field citation you were given at the inspection. By signing the field citation, you have certified that the violation has been corrected and that payment has been made. **The payment for the penalty amount must be in the form of a certified check payable to the "Treasurer of the United States of America," with the number of the Unique Identifier (UI#) written on the check.** You will receive a copy by mail for your records once there is final approval by the U.S. EPA.

The Settlement Agreement and copy of the check shall be sent to:

U.S. Environmental Protection Agency
Region 5 – Underground Storage Tank Program
77 West Jackson Boulevard (LR-8J),
Chicago, Illinois 60604-3590

Payment of the penalty amount shall be sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

THANK-YOU FOR YOUR COOPERATION DURING THIS INSPECTION