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

REPLY TO THE ATTENTION OF:

APR 15 2015

CERTIFIED MAIL# 7001 0320 0006 1448 6534
RETURN RECEIPT REQUESTED

DeeAnn Kacon
Trailside Convenience Bait and Tackle
Post Office Box 701
Isle, Minnesota 56342

Compliance Order/Settlement Agreement for the Trailside Convenience Bait and Tackle

Dear Ms. Kacon:

On March 6, 2015, the U.S. Environmental Protection Agency attempted to send a signed copy of the Settlement Agreement regarding the Notice of Violation and Compliance Order/Settlement Agreement, dated April 7, 2014. Unfortunately, On March 18, 2015, the Settlement Agreement was returned to the EPA as being undeliverable.

We are attempting to resend this letter using the above post office box address. Enclosed is a copy of the original Settlement Agreement. If you have any questions regarding this Settlement Agreement, please call Mark Restaino at (312) 886-0394.

Sincerely,

for Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: Ryan Rupp, Mille Lacs DNR

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Recycled Paper (50% Postconsumer)

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

MAR 06 2015

CERTIFIED MAIL # 7001 0320 0006 0184 8970
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

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

Re: Compliance Order/Settlement Agreement for the Trailside Convenience Bait and Tackle **RUST-05-2015-0007**

Dear Ms. Kacon:

On April 17, 2014, the U.S. Environmental Protection Agency, Underground Storage Tank Section sent a letter to Trailside Convenience Bait and Tackle, located at 750 Highway 47 in Isle, Minnesota. The letter included a Notice of Violation and Compliance Order/Settlement Agreement, dated April 7, 2014, concerning violations found during a compliance inspection conducted at the facility.

We have received your signed original copy of the Settlement Agreement, dated April 28, 2014 and the check for $210 in penalties. We have reviewed the original copy of the Settlement Agreement where you have indicated that the violations of the underground storage tanks regulations for which you were cited have 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 Mark Restaino, of my staff, at 312-886-0394.

Sincerely,

Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: Ryan Rupp, Mille Lacs DNR

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

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 Ristano 4/7/14
(Signature of EPA Inspector) (Date)

REGIONAL HEARING CLERK
RECEIVED
MAR - 6 2015
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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): DeeAnn Kacon

Title (Print): President/OWNER

Signature: DeeAnn Kacon **Date:** 4/28/14

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): ~~DeeAnn Kacon~~ MLR 2/13/15

Title (Print): ~~President/OWNER~~ MLR 2/13/15

Signature: ~~DeeAnn Kacon~~ MLR 2/13/15 **Date:** ~~4/28/14~~ MLR 2/13/15

Notes: Gary J. Victorine
Chief, RCRA Branch
Gary Victorine 3/6/2015

RUST-05-2015-0007

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