



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



C. HEIDI GREYER  
DIRECTOR

April 10, 2018

CERTIFIED MAIL – 7016 0340 0001 0595 2261  
RETURN RECEIPT REQUESTED

Mr. Robert Eastman  
Quick-Sav Food Stores Ltd  
6285 Taylor Drive  
Flint, Michigan 48507

Dear Mr. Eastman:

**SUBJECT:** Notice of Part 213 Administrative Penalty Assessment;  
Beacon & Bridge Market #8, 110 East Broad Street, Linden, Genesee County,  
Michigan; Facility ID No. 0-0002778; Confirmed Release No. C-0162-14

On February 12, 2018, the Department of Environmental Quality (DEQ), Remediation and Redevelopment Division (RRD), sent Mr. Eastman a Notice of Part 213 Administrative Penalty Accrual (Penalty Accrual Notice) by certified mail notifying Mr. Eastman of Quick-Sav Food Stores Ltd (Quick-Sav) failure to comply with the reporting requirements of Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, at the above-subject Site. The DEQ's Penalty Accrual Notice also informed Quick-Sav that administrative penalties for the submittal of late reports would begin to accrue, pursuant to Section 21313a of Part 213, upon Quick-Sav's receipt of the letter and would be imposed should a complete Final Assessment Report (FAR) not be submitted to the DEQ within 30 days.

Our records confirm Quick-Sav's receipt of the DEQ's Penalty Accrual Notice by certified mail, on February 20, 2018. As of the date of this letter, the RRD has not received the overdue FAR. According to our information, 50 days have elapsed following Quick-Sav's receipt of the Penalty Accrual Notice. Quick-Sav is hereby notified that the DEQ is imposing the following administrative penalty for noncompliance with the reporting requirements of Part 213.

\$100 per day for Days 1 through 7 of violation	=	\$700.00
\$ 500 per day for Days 8 through 14 of violation	=	\$3,500.00
\$1,000 per day for Days 15 through 50 of violation	=	\$36,000.00
Assessed Penalty to be imposed for Violation	=	\$40,200.00

Payment must be received at the address indicated below within 21 days of Quick-Sav's receipt of this letter. Please send a certified check or money order made payable to the "State of Michigan – Environmental Response Fund" including the Facility ID No. 0-0002778

and RRD Settlement ID No. RRD60102 on the certified check or money order in the amount of the imposed penalty of \$40,200.00 to the following address:

Michigan Department of Environmental Quality  
Cashiers Office  
P. O. Box 30657  
Lansing, Michigan 48909-8157

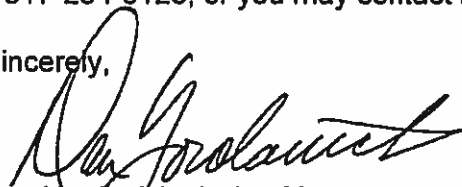
Failure to remit the imposed penalty by the due date may result in the referral of this case to the Department of Attorney General for the collection of the imposed penalty and any other applicable costs and/or fines allowed by law, and the initiation of a civil action to compel Quick-Sav's compliance with the reporting and corrective action requirements of Part 213.

If Quick-Sav disagrees with the imposition of these penalties, Section 21332 of Part 213, provides that an owner or operator that is liable may petition the DEQ for a contested case hearing within 60 days from the date of this letter pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

Please be aware that late report penalties will continue to accumulate until the site is brought into compliance with the reporting requirements of Part 213. Should Quick-Sav's noncompliance continue, the DEQ may impose the additional accumulation of late report penalties.

If you have any questions regarding this matter, you may contact Cyndi Mollenhour, Enforcement Unit, Compliance and Enforcement Section, RRD, DEQ, at 517-284-5133. Technical questions regarding the status of contamination at the facility should be directed to Mr. David LaBrecque, Assistant District Supervisor, Lansing District Office, RRD, DEQ, P.O. Box 30242, Lansing, Michigan, 48909, 517-284-5123; or you may contact me.

Sincerely,



Dan Yordanich, Acting Manager  
Compliance and Enforcement Section  
Remediation and Redevelopment Division  
517-284-5174

Enclosure: Chronology of Correspondence

cc: Zachary Larsen, Department of Attorney General  
Kathleen Shirey, DEQ  
David O'Donnell, DEQ  
Darren Bowling, DEQ  
Dennis Eagle, DEQ  
Cyndi Mollenhour, DEQ  
David LaBrecque, DEQ

## CHRONOLOGY OF CORRESPONDENCE

**Confirmation of Release Letter: November 18, 2014**

This letter sent by the Michigan Department of Licensing and Regulatory Affairs confirms that a release from an underground storage tank system was reported, and informs the owner or operator (O/O) of the Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, corrective action obligations.

**Compliance Assistance Letter: January 26, 2015**

Informs the liable (O/O) of the corrective action and reporting requirements of Part 213, the upcoming due dates for the required Initial Assessment Report (IAR) and Final Assessment Report (FAR), the option to request an extension to the deadline for submitting a required report, and the option for having the Department of Environmental Quality (DEQ) review the liability of an O/O.

**Violation Notice: October 26, 2016**

Informs the liable O/O of a late FAR and requests submittal of a complete FAR. Also, informs the liable O/O of the option for having the DEQ review the liability of an O/O.

**FAR Denial Notice: May 6, 2016**

FAR is submitted. Informs liable O/O that the FAR was deficient.

**Enforcement Notice: January 4, 2017**

Informs the liable O/O of a late FAR and requests submittal of a complete FAR. Warns the liable O/O that the DEQ may assess administrative penalties and/or take other potential enforcement actions if the report(s) required under Part 213 are not submitted to the DEQ.

**FAR Denial Notice: May 8, 2017**

Revised FAR submitted. Informs liable O/O that the FAR was deficient.

**Informal Agreement Acceptance/Denial Letter: July 19, 2017**

Informs the liable O/O that the DEQ agreed to a verbally outlined commitment by the O/O to undertake corrective actions and submit the reports(s) required under Part 213 by certain deadlines. Also, informs the liable O/O that administrative penalties will not be accruing at this time, but may if the liable O/O fails to complete any of the commitments within the schedules identified in the O/O's written commitment letter.

**Penalty Accrual Letter: February 12, 2018**

Informs the liable O/O that the DEQ has not received the required FAR, and that penalties are accruing and will be assessed if the report(s) required by Part 213 are not submitted within 30 days. Also, informs the liable O/O that the DEQ may take escalated enforcement actions if the report(s) required under Part 213 are not submitted.

**Penalty Assessment Letter: April 2018**

Informs the liable O/O of assessed administrative penalties for failure to submit the reports required under Part 213, and requests payment of assessed penalties, and informs of intent to pursue escalated enforcement actions. Also, informs the liable O/O that they may petition the DEQ for a contested case hearing within 60 days from the date of this letter.