

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

2008 APR 28 PM 2:15

IN THE MATTER OF:)	Docket No. RCRA-08-2008-0002
)	
The Three Affiliated Tribes and)	SETTLEMENT STATUS REPORT
Yolanda Bears Tail, individually,)	
)	
(White Shield Ree Store)	
A Sesame Frontage Road,)	
White Shield, ND 58775))	
EPA ID Number 3010039))	
)	
Respondents.)	

EPA REGION VIII
HEARING CLERK

COMES NOW, Complainant United States Environmental Protection Agency, Region 8 (EPA), by and through its undersigned counsel, and provides the following Settlement Status Report in the above-referenced matter pursuant to the Prehearing Order issued by Chief Administrative Law Judge Susan L. Biro on March 28, 2008.

1. EPA filed a Complaint and Notice of Opportunity for Hearing against the Three Affiliated Tribes (Tribes) and Yolanda Bears Tail under section 9006 of the Resource Conservation and Recovery Act (Act), 42 U.S.C. § 6991e, on December 14, 2007. The complaint alleges that that the White Shield Ree Store facility owned by the Tribes and operated by Ms. Bears Tail failed to comply with the federal Underground Storage Tank regulations codified at 40 C.F.R. Part 280, subpart D.
2. Prior to and subsequent to filing the complaint, EPA and the Tribes (hereafter referred to collectively as “the parties”) have participated in informal discussions regarding the alleged violations in an attempt to resolve the matter outside of litigation.
3. As of April 25, 2008, the parties have reached a settlement in principle.

4. Pursuant to the Prehearing Order, the Parties will endeavor to file a fully executed Consent Agreement and Final Order in this matter as soon as possible.

5. Because the agreed-upon-settlement involves performance of a Supplemental Environmental Project (SEP), Complainant requests that the settlement filing deadline of May 16, 2008, be extended by two weeks until May 30, 2008, to allow sufficient time to obtain cost estimates and other information underlying the SEP.

Respectfully submitted this 28th day of April 2008.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8,
Complainant.



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the SETTLEMENT STATUS REPORT were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was sent in the following manner to the addresses listed below:

Via pouch mail and facsimile to:

The Honorable Susan L. Biro, Chief Administrative Judge
Office of Administrative Law Judges (Mail Code 1900L)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Facsimile: (202) 565-0044

Via regular mail to:

Damon K. Williams, Esq.
Tribal Administrative Building
Legal Department
404 Frontage Road
New Town, ND 58763

Date: 4/28/08

By: Judith M. McTernan