



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

AUG 10 2011

REPLY TO THE ATTENTION OF:

LR-8J

CERTIFIED MAIL #: 7009 1680 0000 7666 0808
RETURN RECEIPT REQUESTED

Mr. Arnold Dahl
Winnibigoshish General Store and Resort
1510 U.S. Highway 2 NE
Bena, Minnesota 56626

Re: Winnibigoshish General Store and Resort Field Citation RUST-05-2011-0019

Dear Mr. Dahl:

BTH 2751106M022

On August 30, 2010 the U.S. Environmental Protection Agency issued a Notice of Violation and Compliance Order/Settlement Agreement (Field Citation) concerning violations found at the Winnibigoshish General Store and Resort located at 1510 Highway 2 in Bena, Minnesota.

This is to inform you that we received your signed original copy of the Settlement Agreement, dated May 4, 2011 and the check for \$630.00 in penalties. We have reviewed the original copy of the Settlement Agreement where you have indicated that you have corrected the cited violations of the underground storage tanks regulations.

The Settlement Agreement states that it is effective upon EPA's final approval. 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,

Mary S. Setnicar
Acting Chief, RCRA Branch
Land and Chemicals Division

Enclosure

cc: Sydney Harper, Leech Lake Band of Ojibwe Indians

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-10-002-MR

PART I: INSPECTION SUMMARY

Part II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

On: 08/30/2010 Time: 10:31 AM

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:

At: Winnibigoshish General Store and Resort
 Address: 1510 Highway 2
Bena, MN 56626

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 **\$630** in payment of the full proposed penalty amount, as described in Part I of this Form.

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

Name and address of the UST Owner

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.

Name: Arnold Dahl
 Address: 1510 Highway 2
Bena, MN 56626

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).

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.

1. Violation: Failure to ensure proper operation of cathodic protection system
 Cite: 40 CFR 280.31(b)
 Proposed Penalty: **\$210**

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.

2. Violation: Failure to monitor tanks at least every 30 days, if appropriate
 Cite: 40 CFR 280.41(a)
 Proposed Penalty: **\$420**

SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:

3. Violation:
 Cite: 40 CFR
 Proposed Penalty:

Name (Print): Arnold Dahl
 Title (Print): President
 Signature: [Signature] Date: 5-4-11

4. Violation:
 Cite: 40 CFR
 Proposed Penalty:

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.

TOTAL PROPOSED PENALTY: \$630

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

[Signature] 3/8/11
 (Signature of EPA Inspector) (Date)

Name (Print): Mary S. Seticar
 Title (Print): Acting Chief, RCRA Branch
 Signature: [Signature] Date: 8/9/10

Notes:

RECEIVED

AUG 19 2011

RUST-05-2011-0019

**REGIONAL HEARING CLERK
 U.S. ENVIRONMENTAL
 PROTECTION AGENCY**

BD# 2751106M022

REGN 1 2 3 4 (5) 6 7 8 9 10 DC CIN TRVL JURYDTY CRDRFNDS SALE/PRPERTY TUITION IAG-RFNDS PARKN
 BRYSON LORI DANA MICHELLE JOE DICK VAL PATTI ELIZBTH EVELYN CRAIG ERIC BLAKE (KIM) CAROL JESSICA

COLLECTION INFORMATION

DEPOSIT (SCHEDULE) NUMBER 27-239-11 SUSPENSE LIABILITY

CR NUMBER ~~U5T051102~~ REMOVED BY _____
~~U5T051102~~
 BILL NUMBER (IF DIFFERENT FROM CR NUMBER) _____ REMOVED DATE _____
U5T051102 IFMS ENTERED DATE _____

DATE ITEM REC'D (IF NOT CIRCLED ON CHECK) _____ COLLECTION ENTRY DONE BY ERIC

NOT IN: ICIS, BRAINS, RHC DATABASE IPAC TO: LV RTP HQ

ACCOUNTING

CR Line	BFY	APPR	Bud Org	PRC	BOC	Site/Proj	AMOUNT	Ref. Line	Rep Cat
								998	
								997	
								001	
								002	
								003	
								004	
								005	
								999	

RECEIVED
 AUG 10 2011

KEY: REF LINE NO. 997=Interest LINE NO. 998=Handling LINE NO. 999=Penalty

REGIONAL HEARING CLERK
 U.S. ENVIRONMENTAL
 PROTECTION AGENCY

RUST 05 2011 0019

BA# 2751106M022

QUALITY MEANS MEETING THE REQUIREMENTS BOX 979077
 SEQ# 010 \$ 000063000 BA# 79 04-01-11 20 3



usbancorp.
 THE BANKING COMPANY

WINNIBIGOSHISH HISTORICAL CENTER INC.
 ARNOLD J DAHL
 1510 US HWY 2 NE
 BENA, MN 56625

VI# R5 - UST - 10 - 002 - MR
 3-27-11 Date

1009
 75-211-01

PAY to the order of Treasurer of the United States of America \$ 630.00
 Six hundred thirty dollars and 00/100 Dollars

Ultima Bank Minnesota
 FOSTON 218-235-2226 PLUMMER 218-485-0242 WINGER 218-438-4144

For _____

⑆09⑆209933⑆ 38⑆⑆75⑆⑆6⑆ 1009 ⑆0000063000⑆