



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

2013 OCT 30 AM 10:36

FILED  
EPA REGION VIII  
HEARING CLERK

Ref: 8P-R

**OCT 28 2013**

**SENT VIA REGULAR MAIL**

The Honorable Tex Hall, Chairman  
Three Affiliated Tribes  
404 Frontage Road  
New Town, North Dakota 58763

Re: Closure of Consent Agreement In the Matter of The Three Affiliated Tribes, Sharon Jacobs, Yolanda Bears Tail, and Dave Williams, Docket Nos. RCRA-08-2008-0001, 0002, and 0003

Dear Chairman Hall:

This letter is to inform you that the U.S. Environmental Protection Agency (EPA) has determined that the Three Affiliated Tribes (Tribes), Ms. Jacobs, Ms. Bears Tail, and Mr. Williams have sufficiently complied with the terms and conditions of the above referenced Consent Agreement entered into with the U.S. Environmental Protection Agency (EPA) in July 2008, to resolve violations of section 9006 of the Resource Conservation and Recovery Act (RCRA) and the Underground Storage Tank (UST) regulations, set forth in 40 C.F.R. part 280, at the Tribally owned and operated West Dakota Service, Highway 8 Convenience Store, and Nishu Store (formerly known as the White Shield Ree Store) UST facilities. The EPA therefore is closing the Consent Agreement at this time.

Please be aware that the Tribes and individual facility managers are still required to comply with RCRA subtitle I and the UST regulations. These requirements include maintaining financial responsibility for the UST systems. In addition to being required by regulation, it is imperative that the parties maintain financial responsibility to ensure adequate coverage for assessments and remediation in the event of a suspected petroleum leak.

Any outstanding UST violations identified by the EPA during UST inspections conducted in April 2011 and addressed in the EPA's prior communication to you dated July 31, 2012, that are not covered by the Consent Agreement and not yet resolved, may be dealt with by the EPA in a separate formal or informal action.

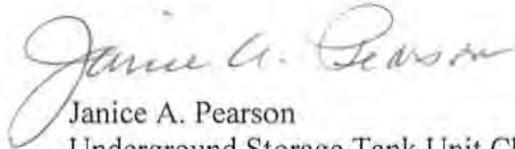
If you have any questions regarding this letter or any other matters pertinent to compliance with the Resource Conservation and Recovery Act, the most knowledgeable people on my staff regarding these



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matters are Francisca Chambus at (303) 312-6782 and Amy Swanson, Enforcement Attorney, at (303) 312-6906. Thank you for your assistance in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Janice A. Pearson".

Janice A. Pearson  
Underground Storage Tank Unit Chief  
Resource Conservation and Recovery Program

cc: Tina Artemis, Regional Hearing Clerk  
Damon Williams, Three Affiliated Tribes Attorney  
Edmund Baker, Three Affiliated Tribes Environmental Director



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**SENT VIA REGULAR MAIL**

Ms. Sharon Jacobs  
Highway 8 Convenience Store  
8098 BIA Route 22  
Halliday, North Dakota 58636

Re: Closure of Consent Agreement In the Matter of The Three Affiliated Tribes, Sharon Jacobs, Yolanda Bears Tail, and Dave Williams, Docket Nos. RCRA-08-2008-0001, 0002, and 0003

Dear Ms. Jacobs:

This letter is to inform you that the U.S. Environmental Protection Agency (EPA) has determined that the Three Affiliated Tribes (Tribes), Ms. Jacobs, Ms. Bears Tail, and Mr. Williams have sufficiently complied with the terms and conditions of the above referenced Consent Agreement entered into with the U.S. Environmental Protection Agency (EPA) in July 2008, to resolve violations of section 9006 of the Resource Conservation and Recovery Act (RCRA) and the Underground Storage Tank (UST) regulations, set forth in 40 C.F.R. part 280, at the Tribally owned and operated West Dakota Service, Highway 8 Convenience Store, and Nishu Store (formerly known as the White Shield Ree Store) UST facilities. The EPA therefore is closing the Consent Agreement at this time.

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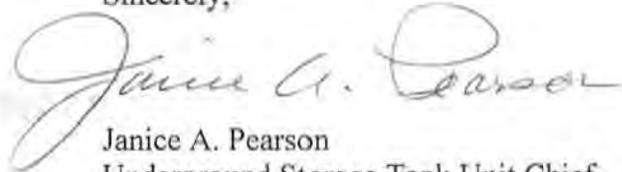
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Janice A. Pearson  
Underground Storage Tank Unit Chief  
Resource Conservation and Recovery Program

cc: Tina Artemis, Regional Hearing Clerk  
Damon Williams, Three Affiliated Tribes Attorney  
Edmund Baker, Three Affiliated Tribes Environmental Director



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**SENT VIA REGULAR MAIL**

Ms. Yolanda F. Bears Tail  
P.O. Box 64  
Roseglen, North Dakota 58775-0064

Re: Closure of Consent Agreement In the Matter of The Three Affiliated Tribes, Sharon Jacobs, Yolanda Bears Tail, and Dave Williams, Docket Nos. RCRA-08-2008-0001, 0002, and 0003

Dear Ms. Bears Tail:

This letter is to inform you that the U.S. Environmental Protection Agency (EPA) has determined that the Three Affiliated Tribes (Tribes), Ms. Jacobs, Ms. Bears Tail, and Mr. Williams have sufficiently complied with the terms and conditions of the above referenced Consent Agreement entered into with the U.S. Environmental Protection Agency (EPA) in July 2008, to resolve violations of section 9006 of the Resource Conservation and Recovery Act (RCRA) and the Underground Storage Tank (UST) regulations, set forth in 40 C.F.R. part 280, at the Tribally owned and operated West Dakota Service, Highway 8 Convenience Store, and Nishu Store (formerly known as the White Shield Ree Store) UST facilities. The EPA therefore is closing the Consent Agreement at this time.

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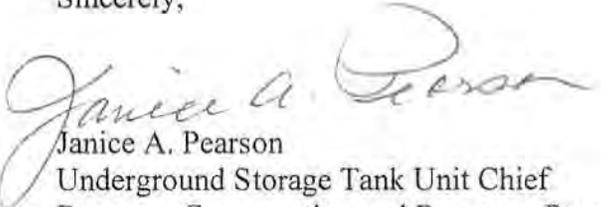
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Underground Storage Tank Unit Chief  
Resource Conservation and Recovery Program

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Mr. Dave Williams  
West Dakota Service  
202 Frontage Road  
New Town, North Dakota 58763

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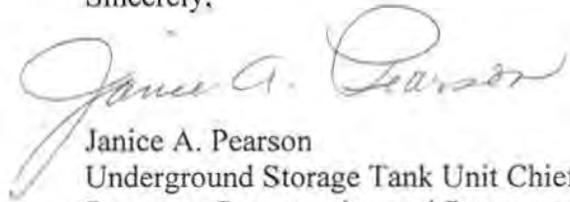
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