



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

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL #: 7001 0320 0006 0188 0451**  
**RETURN RECEIPT REQUESTED**

Mr. Doug Schumann  
Rainbow Resort  
36571 County Highway 35  
Waubun, Minnesota 56589

Re: Compliance Order/Settlement Agreement for the Rainbow Resort

Dear Mr. Schumann:

On October 19, 2016, the U.S. Environmental Protection Agency, Underground Storage Tank Section sent an *Expedited Settlement Agreement* (Number R5-ESA-17-002-MR) and an *Intent to Prohibit Deliveries* (Number R5-IPD-17-002-MR) to Rainbow Resort located at 36571 County Highway 35 in Waubun, Minnesota. These documents were issued based on violations found during a compliance inspection conducted on May 20, 2016 at the facility.

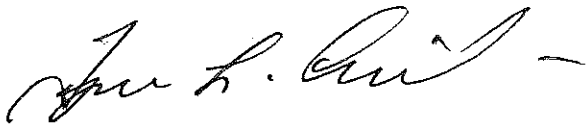
We have received your signed original copy of the *Expedited Settlement Agreement*, dated December 5, 2016 and a check for \$1700 in penalties. We have reviewed the original copy of the *Expedited Settlement Agreement* and supporting documents which supports a determination that the violations of the underground storage tanks regulations cited in the *Expedited Settlement Agreement* have been corrected.

The *Expedited 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 *Expedited Settlement Agreement*. The original *Expedited Settlement Agreement* will remain in EPA files. We also have accepted and processed your check as part of the settlement process.

This letter also serves to document the withdrawal of the *Intent to Prohibit Deliveries* issued to your facility.

If you have any further questions, please feel free to contact Mark Restaino, of my staff, at 312-886-0394.

Sincerely,

A handwritten signature in black ink, appearing to read "Ignacio L. Arrázola". The signature is fluid and cursive, with a horizontal line extending to the right from the end of the name.

Ignacio L. Arrázola  
Acting Director  
Land and Chemicals Division

Enclosure

cc: Richard Heisler, White Earth Natural Resources <Richard.Heisler@whiteearth-nsn.gov>

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

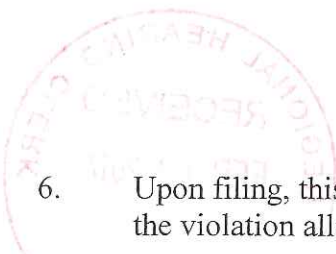


IN THE MATTER OF: )  
)  
)  
)  
Rainbow Resort )  
Respondent )  
)  
)  
\_\_\_\_\_ )

Docket No. **RUST-05-2017-0005**  
ESA No. R5-ESA-17-002-MR  
**EXPEDITED SETTLEMENT  
AGREEMENT AND  
FINAL ORDER**

**EXPEDITED SETTLEMENT AGREEMENT**

1. Based on an inspection conducted on May 20, 2016, the U.S. Environmental Protection Agency (“EPA”) alleges that Rainbow Resort (“Respondent”), owner or operator of the Underground Storage Tank(s) (USTs) at 36571 County Highway 35 in Waubun, Minnesota (the “UST Facility”), failed to comply with the following requirement of Subtitle I of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6991 – 6991m, and its implementing regulations at 40 C.F.R. part 280.
  - a. 40 C.F.R. § 280.41(a). On May 20, 2016 no records were available to indicate the tanks were being properly monitored for a release at least every thirty (30) days.
2. The EPA and the Respondent agree that settlement of this matter for a penalty of **\$1,700** is in the public interest.
3. The EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (“Agreement”) pursuant to section 9006 of RCRA and 40 C.F.R. § 22.13(b).
4. In signing this Agreement, the Respondent: (1) admits that the Respondent is subject to requirements listed above in Paragraph 1, (2) admits that the EPA has jurisdiction over the Respondent and the Respondent’s conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein, (4) consents to the assessment of this penalty, and (5) waives any right to contest the allegations contained herein.
5. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that he or she has: (1) corrected the alleged violations, (2) submitted true and accurate documentation of those corrections, (3) provided a deposit for payment of the civil penalty in Paragraph 2 above in accordance with the EPA penalty collection procedures provided to the Respondent, (4) submitted true and accurate proof of deposit for payment of the civil penalty with this Agreement, and (5) agrees to release the deposit for payment to the EPA upon entry of this Order.



- 6. Upon filing, this Consent Agreement and Final Order shall constitute full settlement of the violation alleged herein.
- 7. The EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by the Respondent of RCRA, any other federal statute or regulation, or against any violations alleged to have been corrected pursuant to this Agreement that were not corrected.
- 8. Upon signing and returning this Agreement to the EPA, the Respondent waives the opportunity for a hearing or appeal pursuant to section 9006(b) of RCRA or 40 C.F.R. part 22.
- 9. Each party shall bear its own costs and fees, if any.
- 10. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

IT IS SO AGREED,

Name (print): Doug Schumann / RAINBOW RESORT.

Title (print): MANAGER

Signature: Doug Schumann

Date: 12/5/16

APPROVED BY EPA:

Margaret M. Guerriero

Margaret M. Guerriero, Director  
Lands and Chemicals Division  
United States Environmental Protection Agency  
Region 5

Date: 02/13/17

Ignacio L. Arrazola, Acting Director

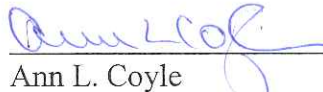
**In the Matter of: RUST-05-2017-0005**  
**Rainbow Resort**  
**Docket No. ESA No. R5-ESA-17-002-MR**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

2/15/17  
\_\_\_\_\_

Date

  
\_\_\_\_\_

Ann L. Coyle  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 5

In the matter of: Rainbow Resort  
EPA ID Number: ESA No. R5-ESA-16-002-MR  
Docket Number **RUST-05-2017-0005**

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, Docket Number **RUST-05-2017-0005**, which was filed on 2/17/17, in the following manner to the addressees:

Copy by certified mail  
return-receipt requested:

Mr. Doug Schumann  
Rainbow Resort  
36571 County Highway 35  
Waubun, Minnesota 56589      7001 0320 0006 0188 0451  
Certified Mail Receipt Number: 7009 1680 0000 7647 3491

Copy by e-mail to  
Attorney for Complainant:

Thomas Kenney  
kenney.thomas@epa.gov

Copy by e-mail to  
Case Assignee:

Mark Restaino  
restaino.mark@epa.gov

Copy by e-mail to  
Regional Judicial Officer:

Ann Coyle  
coyle.ann@epa.gov

Dated: 2/17/17 

LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5