



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

JUN 12 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL #: 7001 0320 0005 8922 0270
RETURN RECEIPT REQUESTED

Brian R. Munderloh
Senior Vice President
Commerce Bank
7650 Edinborough Way, Suite 150
Edina, Minnesota 55435

RUST-05-2013-0009

Re: Compliance Order/Settlement Agreement (Field Citation) for Izaty's Golf and Yacht Club.

Dear Mr. Munderloh:

On October 25, 2012, the U.S. Environmental Protection Agency issued a Notice of Violation and Compliance Order/Settlement Agreement (Field Citation) concerning violations found during a compliance inspection conducted at the Izaty's Golf and Yacht Club facility located at 40005 85th Avenue in Onamia, Minnesota.

We received your signed original copy of the Settlement Agreement, dated May 20, 2013, and the check for \$420.00 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,

A handwritten signature in blue ink that reads "Gary Victorine".

Gary Victorine, Chief
RCRA Branch

Enclosure

cc: Scott Hansen, Mille Lacs DNR

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-13-001-MR

PART I: INSPECTION SUMMARY

On: 08/14/2012 Time: 03:51 PM

At: Izaty's Golf and Yacht Club
 Address: 40005 85th Ave
Onamia, MN 56359

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

Name and address of the UST Owner

Name: Commerce Bank
 Address: 7650 Edinborough Way, Suite 150
Edina, MN 55435

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).

1. Violation: Failure to provide adequate release detection method
 Cite: 40 CFR 280.40(a) Proposed Penalty: \$420

2. Violation:
 Cite: 40 CFR Proposed Penalty:

3. Violation:
 Cite: 40 CFR Proposed Penalty:

4. Violation:
 Cite: 40 CFR Proposed Penalty:

TOTAL PROPOSED PENALTY: \$420

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

M. M. [Signature] 10/26/12
 (Signature of EPA Inspector) (Date)

Part II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

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:

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 \$420 in payment of the full proposed penalty amount, as described in Part I of this Form.

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.

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.

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.

SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:

Name (Print): Brian B. Munderloh
 Title (Print): Senior Vice President
 Signature: [Signature] Date: 5/20/13

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.

Name (Print): Gary S. Victorine
 Title (Print): Chief, RCRA Branch
 Signature: [Signature] Date: 6/12/13

Notes:



JUN 12 2013

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

RUST-05-2013-0009

REGION: 1 2 3 4 5 6 7 8 9 10 HQ CIN TRAVEL JURYDUTY CARDFUNDS TUITION IAG PARKING
 HEATHER BLAKE KIM LORI DICK DANA JOE MICHELLE PATTI CRAIG KEN JESS

COLLECTION INFORMATION

DEPOSIT NUMBER: 2726413 SUSPENSE LIABILITY

COLLECTION TYPE: CNR CFR CDV

COLLECTION NUMBER: VST-05-2013-001-MR

BILL TYPE: NN NF SN SF RJ JV MN MF TO TD RQ

BILL NUMBER: _____ RUST-05-2013-0009

COLLECTION DONE BY: UJSS ENTERED DATE: APR 30th

IPACTO: HQ LV RTP

Accounting

CNR/CFR	BFY	FUND	ORG	PRC	FOC	PROJECT	AMOUNT	LINE
<u>001</u>		<u>80</u>					<u>\$420.00</u>	

RECEIVED
 JUN 13 2013
 REGIONAL HEARING CLERK
 U.S. ENVIRONMENTAL
 PROTECTION AGENCY

U.S ENVIRONMENTAL PROTECTION

Lockbox: GLX-979077 Ledger Date 04/29/2013

usbank
 St. Louis GA Lockbox
 (314) 425-1818

IZATY'S GOLF & LEISURE
 CREDITING ACCOUNT
 40005 85TH AVENUE
 ONAMIA, MN 56359

1527
 75-1257/919

4-25-13 DATE

PAY TO THE ORDER OF US EPA \$420.00

four hundred twenty & 00/100 DOLLARS

COMMERCE BANK
 6666 N.W. 35th St.
 Miami, FL 33147

MEMO: Jean Petersen

⑆091912576⑆ 2 005 497⑈ 01527

Batch	Item	TID	Batch Total	Amount
67	13	Y-4195636	\$72,603.63	\$420.00