



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.

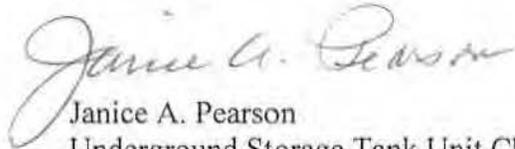
If you have any questions regarding this letter or any other matters pertinent to compliance with the Resource Conservation and Recovery Act, the most knowledgeable people on my staff regarding these



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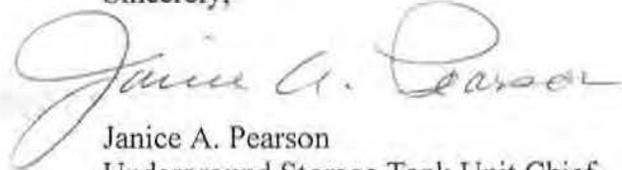
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Janice A. Pearson
Underground Storage Tank Unit Chief
Resource Conservation and Recovery Program

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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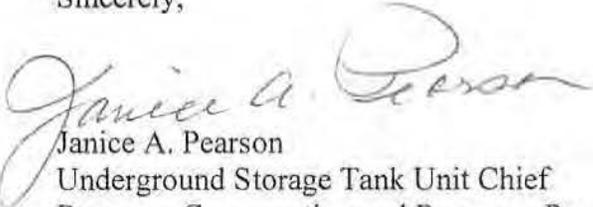
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Underground Storage Tank Unit Chief
Resource Conservation and Recovery Program

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

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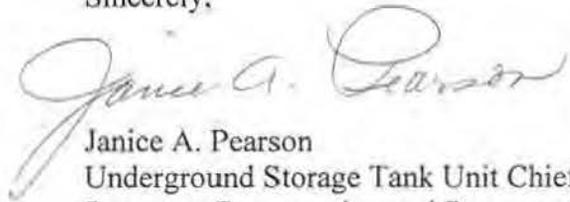
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Underground Storage Tank Unit Chief
Resource Conservation and Recovery Program

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