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

NOV 25 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL # 7001 0320 0005 8917 5372
RETURN RECEIPT REQUESTED

Mr. Kevin Mullarky
Izaty's Resort
4005 85th Avenue
Onamia, Minnesota 56359

Re: Notice of Violation – Izaty's Resort

Dear Mr. Mullarky:

On June 12, 2015, representatives of the U.S. Environmental Protection Agency inspected the Izaty's Resort located in Onamia, Minnesota. The purpose of the inspection was to evaluate the compliance with the federal Underground Storage Tanks (UST) regulations set forth in Title 40 of the Code of Federal Regulations (CFR) Part 280 and promulgated under Subtitle I of the Resource Conservation and Recovery Act (RCRA) of 1976, as amended (42 USC § 6901 et seq.). The requirements of 40 CFR Part 280 apply to all owners and operators of an UST system (40 CFR §280.10).

Based on the June 12, 2015 inspection, the EPA has determined that Izaty's Resort is violating the following requirements.

1) 40 CFR §280.41(a). Tanks must be monitored at least every 30 days for releases

During the inspection of the facility, the inspector identified one 1,000 gallon UST located on the property. The UST was temporarily closed at the time of the inspection. The inspector measured the product level in the UST and determined that there was less than one inch of product in the tank. Records indicated that the UST has been temporarily closed from the middle of October 2014. Because this UST is temporarily closed and has less than one inch of product it does not need to be monitored for a release; however, no records were available to indicate that the UST was being monitored for a release from June 2014 to October 2014.

This letter is to inform you that the EPA has reviewed the referenced information, and does not plan additional enforcement action at this time. This letter does not limit the applicability of the requirements evaluated, or of other federal or state statutes or regulations. The EPA will continue to evaluate your facility in the future.

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If you have any questions regarding this matter, please contact Mark Restaino at (312) 886-0394 or Senior Attorney, Thomas Kenney, at (312) 886-0708.

Sincerely,

for Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: Ryan Rupp, Mille Lacs DNR (ryan.rupp@millelacsband.com)