

Mars, Iowa. Defendant shall pay \$10,000.00 of the penalty within ten (10) days, and the remaining \$5,000.00 within sixty (60) days, of entry of this Consent Order, Judgment and Decree. Defendant shall pay interest pursuant to Iowa Code section 535.3(1) on any unpaid balance of the civil penalty not paid pursuant to the payment schedule in this Consent Order, Judgment and Decree.

4. Within 10 days of entry of this Consent Order, Judgment and Decree, Defendant shall provide written documentation to the Iowa Department of Natural Resources ("Iowa DNR") containing the name of the individual who is a certified UST compliance inspector pursuant to 567 Iowa Admin. Code 134, Part B, and retained by Defendant to provide compliance assistance services required by this Consent Order.

5. Within 60 days of entry of this Consent Order, Judgment and Decree, Defendant shall provide training to all supervisory personnel who work at UST sites that are owned or operated by Country Stores of Carroll in the State of Iowa, including, but not limited to, lessees, agents and employees. The training shall be sufficient to assure personnel understand Iowa DNR rules applicable to release detection, corrosion protection, inspection of all UST system components, record-keeping and procedures for detecting and reporting a suspected leak.

6. Within 90 days of entry of this Consent Order, Judgment and Decree, Defendant shall provide the Iowa DNR with written documentation of the following: (1) the names of the people trained pursuant to this Order; (2) the date(s) they were trained; (3) the name of the individual(s) conducting the training; and (4) an itemization of the subject matter of the training.

7. Within 180 days of entry of this Consent Order, Judgment and Decree, Defendant shall have the UST systems located at the Le Mars Country Store (UST # 8602051), 436 Plymouth Street

SW, Le Mars, Iowa, inspected by the UST compliance inspector retained by Defendant pursuant to Paragraph 4 of this Order, and:

a. Defendant shall, every six months thereafter, conduct such inspections and, within 30 days of the inspections, submit written inspection reports to the Iowa DNR concerning Defendant's compliance with Iowa DNR rules.

b. Subject to the provisions of paragraph 7(c), Defendant shall continue this semi-annual inspection and reporting frequency for the UST system until such time as it submits two successive inspection reports that, to the satisfaction of the DNR, contain no regulatory deficiencies. A report will be deemed accepted by the Iowa DNR unless, within 60 days of receiving a report, the Iowa DNR provides Defendant with a written rejection of the report identifying the basis for rejection.

c. If an Iowa DNR representative inspects the UST system and identifies regulatory violations prior to the submittal of two successive inspection reports containing no regulatory deficiencies, the semi-annual inspection and reporting frequency shall continue until such time as the Iowa DNR provides Defendant with written notice it may discontinue the semi-annual inspection and reporting frequency.

d. Upon satisfaction of the provisions contained in paragraphs 7(b) and 7(c), the inspection and reporting frequency for that UST system shall be annually from the date of the last inspection.

8. Once a UST system is eligible for annual inspections as described in paragraph 7(d) of this Order, and two successive annual inspections and inspection reports have been completed by

Defendant, the inspection and reporting frequency shall comply with the requirements as provided in the Iowa DNR rules contained in chapters 567 Iowa Admin. Code 134-135.

9. Defendant is hereby permanently enjoined from further violation of 567 Iowa Admin. Code 135.4(5)"b"(4), 135.4(5)"c"(1)-(2), 135.5(1)"a"(1)-(2), 135.5(2)"a", 135.5(2)"b"(1)"2", 135.5(4)"d"(1) and 135.5(6).

10. This Consent Order, Judgment, and Decree is in full compromise and settlement of all violations alleged in the Petition to have been committed by Defendant prior to entry of this Order. Nothing in this Order restricts or limits the enforcement remedies available to the State of Iowa or DNR in response to violations occurring after the entry of this Order.

11. Willful failure to comply with the terms of this Order may subject Defendant to punishment for contempt of court as well as other penalties and sanctions provided by law. The Court, therefore, retains jurisdiction over this matter to ensure compliance with the terms of this Order.

12. Costs of this action are taxed to Defendant in the amount of \$_____ (Clerk to enter).

Dated this _____ day of _____, 2007.

[11-7-07]

[s/ Jeffrey A. Neary]

JUDGE, Third Judicial District of Iowa


Approved as to form:

IOWA DEPARTMENT OF NATURAL
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ROGER J. KANNE, PRESIDENT 9-20-07

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