



5. Defendant U.S. Nation Mart, Inc., shall pay an administrative penalty of five thousand and no/100 dollars (\$5,000.00) for the violations alleged in Administrative Order No. 2003-UT-14.

6. Payment of the civil and administrative penalties shall be made to the Clerk of the Iowa District Court for Scott County at Davenport, Iowa. Defendants shall pay \$7,500.00 of the penalties within ten (10) days, and the remaining \$7,500.00 within ninety (90) days, of entry of this Consent Order, Judgment and Decree. Defendants 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.

7. Within 10 days of entry of this Consent Order, Judgment and Decree, Defendants 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 Defendants to provide compliance assistance services required by this Consent Order.

8. No later than December 31, 2007, Defendants shall have all UST systems owned or operated by it in Iowa inspected in accordance with inspection rules contained in 567 IAC 135.20 by the UST compliance inspector retained by Defendants, and within 30 days of the inspection, submit (1) a written inspection report to the Iowa DNR concerning Defendants' compliance with Iowa DNR rules, and if any violation of DNR rules is identified by the UST compliance inspector (2) written documentation demonstrating Defendants have corrected the violation in compliance with DNR rules.

9. Within 60 days of entry of this Consent Order, Judgment and Decree, Defendants shall develop and submit to the DNR for review and approval, a written UST operation and compliance manual consistent with the model operation and compliance manual developed by the U.S. Environmental Protection Agency.

10. Within 60 days of entry of this Consent Order, Judgment and Decree, Defendants shall provide training to all personnel who work at UST sites that are owned or operated by US Nation Mart 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. Training consistent with the Environmental Protection Agency (EPA) final operator training guidance adopted in August 2007 and entitled, "Grant Guidelines to States for Implementing the Operator Training Provisions of the Federal Energy Act" shall be deemed to satisfy the training required by this paragraph.

11. Within 90 days of entry of this Consent Order, Judgment and Decree, Defendants 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.

12. On or before May 1, 2008, Defendants shall permanently close all USTs currently located at the Site identified in Plaintiff's Petition pursuant to DNR rules applicable to the permanent closure of USTs.

13. Until the permanent closure of the USTs required in paragraph 12 of this Order, Defendants shall submit to the DNR field office in Washington, Iowa its monthly UST leak detection monitoring reports no later than the fifteenth (15<sup>th</sup>) of each month following the month of data collection. If the DNR determines that the monthly leak detection method is not being conducted in accordance with DNR rules or the results indicated a suspected release as provided in DNR rule 567 IAC 135.6, Defendant agrees to cease operation and immediately conduct a tank tightness test using

an approved vacuum test method. If the results indicate a leak, the Defendants shall cease operation until the UST system is determined to be repaired.

14. If Defendants replace the permanently closed USTs with new USTs, before December 31, 2008, Defendants shall inspect the new UST system pursuant to the requirements of Paragraph 8 of this Order. Upon completion of a successful compliance inspection without substantial rule violations, inspections shall be conducted in accordance with DNR rules.

15. If Defendants fail to comply with the provisions of either paragraph 8 or 12 of this Order, Defendants shall remove all product from the USTs and cease all operation of the UST system effective May 1, 2008.

16. Defendants are hereby permanently enjoined from further violation of 567 Iowa Admin. Code 135.3(1)"a"(2), 135.3(1)"c"(1)"1", 135.3(2)"d", 135.4(2)"a", 135.4(2)"c", 135.4(2)"d", 135.4(5)"b"(2), 135.4(5)"b"(4), 135.4(5)"c"(1)-(2), 135.5(2)"a", 135.5(2)"b"(1)"2", 135.5(5)"a" , 135.5(6) and Administrative Order No. 2003-UT-14.

17. This Consent Order, Judgment, and Decree is in full compromise and settlement of all violations alleged in the petition to have been committed by Defendants 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.

18. Willful failure to comply with the terms of this Order may subject Defendants 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.

19. Costs of this action are taxed to Defendants in the amount of \$ [100] (Clerk to enter).

[ 6 Nov. 2007 ]  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

[ s/ Marlita A. Greve ]


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JUDGE, Seventh Judicial District of Iowa

Approved as to form:

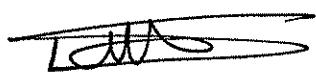
IOWA DEPARTMENT OF NATURAL  
RESOURCES

US NATION MART, INC.

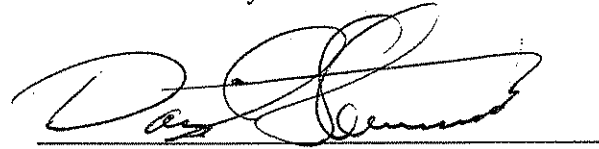
  
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RICHARD LEOPOLD, DIRECTOR

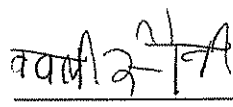
  
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