U.S. Environmental Protection Agency
Region VIII
999 18th Street - Suite 300
Denver, Colorado 80202-2466

Expedited Enforcement Compliance Order & Settlement Agreement

RCRACIT-08-2008-0004

Compliance Order #: ~~RCRA-9006-CIT-VIII-~~

PART I - COMPLIANCE ORDER

On 6/11/08 (Date of Violation) Time 11:59am (a.m. or p.m.)

At Eagle Stop (Name of Facility)

Hwy 212 + Main St (Address of Facility)

Eagle Butte, SD 57625

Name of Owner, Operator Or on-site representative (Circle one) Elaine Neigel

Facility Identification Number: 4020028

an authorized representative of the United States Environmental Protection Agency (EPA) inspected this facility to determine compliance with underground storage tank regulations promulgated under Subtitle I of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6912 et seq.). During this inspection, the following violations of underground storage tank regulations were found, with corresponding penalty amounts:

40 C.F.R. Section 280.41(a) Penalty $ 300.00

Nature of Violation: Failure to monitor tanks every 30 days

40 C.F.R. Section _____ Penalty $ _____

Nature of Violation: _____

40 C.F.R. Section _____ Penalty $ _____

Nature of Violation: _____

40 C.F.R. Section _____ Penalty $ _____

Nature of Violation: _____

40 C.F.R. Section _____ Penalty $ _____

Nature of Violation: _____

Penalty Total $ 300.00

The owner or operator of the above facility is hereby ordered to correct the violation(s) and pay the penalties described above.

This Compliance order is not an adjudicatory proceeding under 40 C.F.R. Part 22, "Consolidated Rules of Practice governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," but is issued solely with reference to the Settlement Agreement in Part II of this form. If the Settlement Agreement in Part II is not returned in correct form by the owner or operator within 30 days of the date of signature below by the Authorized Representative of EPA, this Compliance Order is hereby withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the above or any other violation(s).

I have personally observed the above violation(s) and find the owner or operator in violation of the above-referenced underground storage tank regulations.

(Signature of Authorized Representative of EPA) Date: 6/11/08

I hereby acknowledge receipt of this Compliance Order and Settlement Agreement.

(Signature of Owner, Operator or On-site Representative) Date: 6/11/08

PART II - SETTLEMENT AGREEMENT

The United States Environmental Protection Agency (EPA) offers this Settlement Agreement under its expedited enforcement procedures in order to settle the violations listed in the Compliance Order, Part I of this form, subject to the following terms and conditions.

The Owner or Operator signing below certifies, under civil and criminal penalties for making a false submission to the United states Government, that Owner or Operator has corrected the violation(s) and enclosed a certified check for $ _____ in payment of the full penalty amount, as described in the Compliance Order.

Upon EPA final approval of this Settlement Agreement, EPA will take no further action against the Owner or Operator for the specific violations described in the Compliance Order. EPA does not waive any enforcement action by EPA, the State, or Tribal Reservation where the facility is located or any local agencies for any other past, present or future violations of the underground storage tank requirements or any other violation under any other statute not specifically described in the Compliance Order.

Also, upon EPA final approval of this Settlement Agreement, the Owner or Operator waives the opportunity for a public hearing pursuant to Section 9006 of the Resource Conservation and Recovery Act.

This Settlement Agreement is binding on the EPA and the Owner or Operator signing below.

The Owner or Operator signing below consents to EPA's final approval of this Settlement Agreement without further notice.

This Settlement Agreement is effective upon EPA's final approval below. Upon final approval, EPA shall mail a copy of the approved Settlement Agreement to the Owner or Operator signing below.

Final approval of the Settlement Agreement is in the sole discretion of the Regional Administrator, Region VIII, EPA, or authorized delegate.

SIGNATURE BY OWNER OR OPERATOR

Name (print) Elaine Neigel

Title (print) Manager

Signature Elaine Neigel Date: 7/7/08

FINAL ORDER APPROVAL BY EPA:

Name (print) Lisa Luebke

Title (print) UST Program Enforcement Coord.

Signature Lisa Luebke Date: 7-7-08

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 03 2008

EPA Region 8
Ground Water Program

2008 JUL -7 PM 12:53

OWNER/OPERATOR