

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
2016 JUN - 1 REGION 7

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MAY 24 2016

AWMD/EICS

IN THE MATTER OF:

Ms. Carla D. Nissen  
Indian Country Mini Mart  
20330 US Highway 75  
Holton, Kansas 66436  
Respondent

) Docket No.  
)  
) **RCRA-07-2016-0012**

) **EXPEDITED SETTLEMENT**  
) **AGREEMENT AND**  
) **FINAL ORDER**  
)  
)  
)

**EXPEDITED SETTLEMENT AGREEMENT**

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Ms. Carla D. Nissen (“Respondent”), owner or operator of the Underground Storage Tank(s) (USTs) at Indian Country Mini Mart, 20330 US 75 Highway, Holton, KS, 66436 (the “UST Facility”), failed to comply with the following requirement(s) of Subtitle I of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6991 *et seq.*, and its implementing regulations at 40 C.F.R. part 280.
  - a. 40 C.F.R. §280.44(a) – Failure to provide leak detector system function test within the last 12 months for underground piping. The last mechanical leak detector function test for Tank 6 (diesel) was not available during the inspection on September 9, 2015.- \$2,130.00
  - b. 40 C.F.R. §280.44(b) – Failure to provide adequate line tightness testing for underground piping system. The last annual line tightness test for Tank 6 (diesel) was not available during the inspection on September 9, 2015.- \$2,130.00
  - c. 40 C.F.R. §280.45(b) – Failure to maintain any result of sampling, testing or monitoring for release detection for at least 1 year. Records of tank release detection testing for the last 12 months for Tank 6 (diesel) were not available during the inspection on September 9, 2015. - \$2,130.00
2. The EPA and the Respondent agree that settlement of this matter for a penalty of **\$6,390.00** is in the public interest.
3. The EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (“Agreement”) pursuant to section 9006 of RCRA and 40 C.F.R. § 22.13(b).
4. In signing this Agreement, the Respondent: (1) admits that the Respondent is subject to requirements listed above in Paragraph 1, (2) admits that the EPA has jurisdiction over the Respondent and the Respondent’s conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein, (4) consents to the assessment of this penalty, and (5) waives any right to contest the allegations contained herein.
5. By its signature below, the Respondent certifies, subject to civil and criminal penalties for

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making a false submission to the United States Government, that he or she has: (1) corrected the alleged violations, (2) submitted true and accurate documentation of those corrections, (3) provided a deposit for payment of the civil penalty in Paragraph 2 above in accordance with the EPA penalty collection procedures provided to the Respondent, (4) submitted true and accurate proof of deposit for payment of the civil penalty with this Agreement, and (5) agrees to release the deposit for payment to the EPA upon entry of this Order.

- 6. Upon filing, this Consent Agreement and Final Order shall constitute full settlement of the violation(s) alleged herein.
- 7. The EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by the Respondent of RCRA, any other federal statute or regulation, or against any violations alleged to have been corrected pursuant to this Agreement that were not corrected.
- 8. Upon signing and returning this Agreement to the EPA, the Respondent waives the opportunity for a hearing or appeal pursuant to section 9006(b) of RCRA or 40 C.F.R. part 22.
- 9. Each party shall bear its own costs and fees, if any.
- 10. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

IT IS SO AGREED,

Name (print): Carla D. Nissen

Title (print): owner

Signature: Carla D. Nissen

Date 18 May 2016

APPROVED BY EPA:

Scott D. Hayes  
Scott D. Hayes  
Branch Chief

Date 5/31/16

IT IS SO ORDERED:

Karina Borromeo  
Karina Borromeo  
Regional Judicial Officer

Date June 1, 2016

IN THE MATTER Of Indian Country Mini Mart, Respondent  
Docket No. RCRA-07-2016-0012

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy emailed to Attorney for Complainant:

rosado-chaparro.wilfredo@epa.gov

Copy by First Class Mail to Respondent:

Carla D Nissen  
Indian Country Mini Mart  
20330 US Highway 75  
Holton, Kansas 66436

Dated: 6/1/16



Kathy Robinson  
Hearing Clerk, Region 7

