

U.S. Environmental Protection Agency
Region VIII
1595 Wynkoop Street
Denver, Colorado 80202-1129



Expedited Enforcement Compliance Order
& Settlement Agreement

Compliance Order #: RCRA-CIT-08-2009-0002

PART I. COMPLIANCE ORDER

PART II. SETTLEMENT AGREEMENT

On 7/22/09 (Date of Violation) Time 2:44 pm (a.m. or p.m.)

At All Stop (Name of Facility)
BIA Highway 1 (Address of Facility)
Rosebud, SD 57570

Name of Owner, Operator Shauna Provancial
 On-site representative (Circle one)

Facility Identification Number: 4080030

As 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 at least 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within 30 days of the date of signature below by the Authorized Representative of EPA, this Compliance Order is hereby withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the above or any other violation(s).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] Date: 7/22/09
(Signature of Authorized Representative of EPA)

I hereby acknowledge receipt of this Compliance Order and Settlement Agreement.
Shauna Provancial Date: 7-22-09
(Signature of Owner, Operator or On-site Representative)

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 \$ 300.00 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:
[Signature]
Name (print) _____
Title (print) OWNER
Signature CHARLES COLUMBE Date: _____

FINAL ORDER APPROVAL BY EPA:
Name (print) Lisa Lueck
Title (print) Underground Storage Tank Program
Signature [Signature] Date: 9-15-2009



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INSTRUCTIONS

The United States Environmental Protection Agency has authority under Section 9006 of the Resource Conservation and Recovery Act to Issue compliance orders and pursue civil penalties for violations of underground storage tank regulations. However, the EPA encourages the expedited settlement of easily verifiable violations of underground storage tank requirements, such as the violations cited in the Expedited Enforcement Compliance Order and Settlement Agreement for which these instructions are provided, by agreeing to these settlement terms that include expedited correction of the violations and payment of penalties.

You may resolve the cited violations quickly by signing and returning the Settlement Agreement and paying the penalty amount within 30 days of the issuance of the Compliance Order. You must correct the violations within 30 days of the issuance of the Compliance Order. EPA, at its discretion, may grant one 30 day extension for the period to come into compliance where the owner or operator satisfactorily demonstrates that it is technically infeasible or impracticable to achieve compliance within 30 days. The Settlement Agreement is binding on EPA and the Owner or Operator upon EPA final approval. Upon EPA final approval of the Settlement Agreement, a copy of which will be returned to you, EPA will take no further action against you for these violations. EPA will not accept or approve any Settlement Agreement returned more than 30 days after the date of the Compliance Order unless an extension has been granted by EPA. 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.

If you do not return the Settlement Agreement with payment of the penalty amount 30 days after issuance, unless an extension has been granted by EPA, the Compliance Order will be automatically withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the above or any other violations. Failure to return the Settlement Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations, including correcting the violations that have been specifically identified by the inspector. If EPA pursues administrative enforcement measures in order to correct the violation(s) or to seek penalties, you will receive instructions describing your rights 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."

You are required under the Settlement Agreement to certify that you have corrected the violations found in the Compliance Order and paid the penalty amount. The payment for the penalty amount must be in the form of a certified check payable to the "Treasurer of the United States of America".

The Settlement Agreement and copy of the check shall be sent to:	Payment of the penalty amount shall be sent to:
Underground Storage Tank Program (8P-W-GW) U.S. Environmental Protection Agency 1595 Wynkoop Street Denver, CO 80202-1129	U.S. Environmental Protection Agency Fines and Penalties Cincinnati Finance Center P.O. Box 979077 St. Louis, MO 63197-9000

By the terms of the Settlement Agreement, and upon EPA's final approval of the Settlement Agreement, you waive the opportunity for a public hearing pursuant to Section 9006 of the Resource Conservation and Recovery Act. EPA will treat any response to the citation, other than acceptance of the Settlement Offer, as an indication that the recipient is not interested in pursuing this expedited settlement procedure.

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

If you have any questions, you may contact the EPA Regional Office of the Underground Storage Tanks 1-800-227-8917, extension _____