

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

Convenient Resources Group, LLC
Quick Mart
655 Robins Road
Hiawatha, Iowa 52233

**ADMINISTRATIVE
CONSENT ORDER
NO. 2009-UT-03**

UST NO. 199016772

Mail To: Convenient Resources Group, LLC
625 Sheffield Drive, NE
Cedar Rapids IA, 52402

I. SUMMARY

The Iowa Department of Natural Resources (Department) and the Convenient Resources Group, LLC (CRG) have entered into this administrative consent order (Order) for the purpose of resolving violations of the Department's underground storage tank (UST) compliance inspection rules.

For questions regarding this Order contact the following:

Relating to technical requirements:

Tom Collins
Iowa Department of Natural Resources
502 E 9th Street
Des Moines, Iowa 50319-0034
Ph: 515/281-8879

Relating to Legal Issues:

Tamara Mullen, Attorney
Iowa Department of Natural Resources
502 E 9th Street
Des Moines, Iowa 50319-0034
Ph: 515/281-8934

II. JURISDICTION

This Order is issued pursuant to Iowa Code sections 455B.474(1)(f)(11) and 455B.476 which authorize the Director to issue any order necessary to secure compliance with Iowa Code Division IV, Part 8 and Environmental Protection Commission (Commission) rules contained in 567 Iowa Administrative Code (I.A.C.) Chapter 135. Iowa Code section 455B.109 and Commission rules at 567 I.A.C. Chapter 10 authorize the Director to assess administrative penalties up to \$10,000. Iowa Code section 17A.10 authorizes the use of informal settlements.

III. STATEMENT OF FACTS AND CONCLUSIONS OF LAW

1. Iowa Code section 455B.474(1)(i) authorizes the Commission to adopt rules to establish an UST certified compliance inspection program. Commission rule 567 I.A.C. 135.20 requires owners and operators of USTs to retain a compliance inspector certified by the Department pursuant to 567 I.A.C. Chapter 134, Part B, to complete a facility inspection and submit a report by December 31, 2007. Compliance inspections are subsequently required to be performed on a biennial basis.
2. CRG is a limited liability company that owns a Quick Mart located at 655 Robins Road, Hiawatha, Iowa. This convenience store has a 10,000 gallon UST and a 6,000 gallon UST.
3. On January 9, 2007, the Department mailed a letter informing CRG of the December 31, 2007 deadline for a compliance inspection.
4. The Department mailed a second letter on October 17, 2007 reminding CRG that it had not completed its inspection and that the inspection report was due no later than December 31, 2007.

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER
Convenient Resources Group, LLC**

5. On November 5, 2007, the Department posted a list of uninspected sites, including this site, on its webpage for compliance inspectors to contact
6. On June 10, 2008 the Department mailed a "Notice of Violation" letter to CRG for its failure to complete an inspection report and submit the report by December 31, 2007.
7. On November 20, 2008 Department field office staff conducted an onsite visit to this location and performed the now 11-months-overdue compliance inspection. The results were entered into the Department's compliance inspection database that day and show the following violations: Automatic Tank Gauging not testing above 50% as required for RLM 5000; fuel noted in the spill bucket; ball float not recommended with safer suction systems; no 60-day log for corrosion protection; and no corrosion protection tests available for review.
8. The Department is deferring additional enforcement related to the violations noted in paragraph 7 at this time, but reserves the right to pursue such action in the future should CRG not come into compliance with applicable UST regulations and guidance.

IV. ORDER

1. CRG agrees to pay a penalty of \$1,500 to the order of the "Iowa Department of Natural Resources" within 30 days after issuance of this Order.

V. WAIVER OF APPEAL RIGHTS

Iowa Code section 455B.476 and Chapter 567 I.A.C. Chapter 7 authorize a written notice of appeal to the Commission. By signing this Order, CRG waives all rights to appeal.

VI. NONCOMPLIANCE

Failure to comply with this Order may result in the imposition of administrative or civil penalties and referral to the Iowa Attorney General to obtain appropriate relief pursuant to Iowa Code sections 455B.476 and 455B.477. Compliance with the terms and conditions of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order.



RICHARD A. LEOPOLD, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 9 day of April, 2009.



VIRAS KALIA
CONVENIENT RESOURCES GROUP, LLC

Dated this 31st day of March, 2009

Convenient Resources Group, LLC: Elaine Douskey, Tom Collins; V.C.