

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

<b>IN THE MATTER OF:</b>  <b>ALCHEMIST USA, LLC</b>  <b>UST NO. 198601150</b>	<b>ADMINISTRATIVE CONSENT ORDER NO. 2009-UT-06</b>
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<b>Mail To:</b>	<b>Alchemist, LLC Reg. Agent, Ravinder Singh 1374 North Ave. Bouton, IA 50039</b>	<b>Alchemist USA, LLC 1680 N. Delancy Rd. Gurnee, IL 60031</b>
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**I. SUMMARY**

The Iowa Department of Natural Resources (Department) and the Alchemist USA, LLC (Alchemist) 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:**

Paul Nelson  
Iowa Department of Natural Resources  
502 E 9<sup>th</sup> Street  
Des Moines, Iowa 50319-0034  
Ph: 515/281-8779

**Relating to Legal Issues:**

David L. Wornson, Attorney  
Iowa Department of Natural Resources  
502 E 9<sup>th</sup> Street  
Des Moines, Iowa 50319-0034  
Ph: 515/242-5817

**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.

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER  
Alchemist USA, LLC**

**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. Alchemist is the registered owner and operator of USTs located at 2391 Hwy 71, Early, Iowa.
3. On January 9, 2007, the Department mailed a letter informing Alchemist of the December 31, 2007 deadline to complete a compliance inspection.
4. The Department mailed a second letter on October 17, 2007 reminding Alchemist that it had not completed its inspection and that the inspection report was due no later than December 31, 2007.
5. On November 5, 2007, the Department posted a list of un-inspected 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 Alchemist for its failure to complete an inspection report. The notice required submittal of the report no later than July 11, 2008.
7. Holcomb One, LLC, has leased the facility and operated the USTS during times relevant to this order. Holcomb One, LLC contracted for a compliance inspection which completed on April 9, 2009. The inspection noted several rule violations. The Department conducted a follow-up inspection on April 22, 2009. Holcomb One, LLC has relinquished its lease.

**IV. ORDER**

1. Alchemist agrees to pay a penalty of \$1,500 to the order of the "Iowa Department of Natural Resources" no later than August 28, 2009. Payment shall be accompanied by a copy 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, Alchemist waives all rights to appeal.

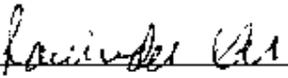
IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER  
Alchemist USA, LLC

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.

 Dated this 31 day of August, 2009.

RICHARD A. LEOPOLD, DIRECTOR  
IOWA DEPARTMENT OF NATURAL RESOURCES

 Dated this 18 day of Aug, 2009

ALCHEMIST USA, LLC  
BY ITS AUTHORIZED REPRESENTATIVE:

Alchemist, LLC, Paul Nelson, FO 3; V.C.