

**Model Expedited Settlement Agreement for Pilot Program**

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

2018 APR 17 AM 10: 27

<b>IN THE MATTER OF:</b>	)	Docket No.
	)	RCRA-07-2017-0140
	)	
Mr. Jon Veits	)	
Johnson Enterprise of KS, LLC	)	<b>EXPEDITED SETTLEMENT</b>
KDHE ID. No. 07308	)	<b>AGREEMENT AND</b>
Respondent	)	<b>FINAL ORDER</b>
	)	
	)	

**EXPEDITED SETTLEMENT AGREEMENT**

1. The U.S. Environmental Protection Agency alleges that Mr. Jon Veits / Johnson Enterprise of KS, LLC, owner or operator of the Underground Storage Tanks (USTs) at Jump Start North Main, 701 North Main St, El Dorado, Kansas 67042, failed to comply with the following requirements 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. § 280.31(a) – Failure to operate and maintain corrosion protection system continuously. Violation observed on July 27, 2016. - \$1,700.
  - b. 40 C.F.R. § 280.41(a) – Failure to monitor tanks at least every 30 days, If appropriate. Violation observed on July 27, 2016. - \$1,700.
  - c. 40 C.F.R. § 280.44(a) – Failure to provide adequate line leak detector system for underground piping. Violation observed on July 27, 2016. - \$2,130.
2. The EPA and the Respondent agree that settlement of this matter for a penalty of **\$5,530.00** 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 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,

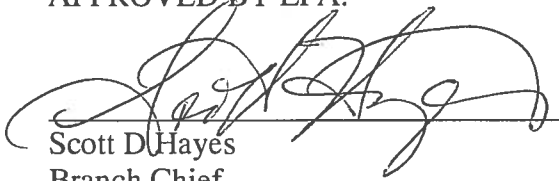
Name (print): JOHNSON ENTERPRISES OF KANSAS, LLC

Title (print): JON R. VIETS, VICE MANAGER

Signature: 

Date 2/23/18

APPROVED BY EPA:

  
Scott D. Hayes  
Branch Chief

Date 4/10/18

IT IS SO ORDERED:

Karina Borromeo  
Karina Borromeo  
Regional Judicial Officer

Date April 17, 2018

IN THE MATTER OF  
Johnson Enterprise of Kansas LLC  
Docket No. RCRA-07-2017-0140

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:

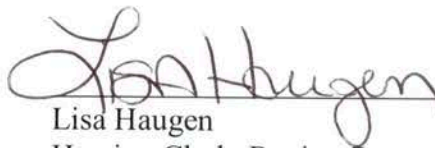
Bosch.raymond@epa.gov

Copy by First Class Mail to Respondent:

Johnson Enterprise of Kansas LLC  
Jon Viets, Vice Manager  
P.O.Box 1176  
Independence, KS 67301

Dated:

April 17, 2018

  
\_\_\_\_\_  
Lisa Haugen  
Hearing Clerk, Region 7