

**U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 7**  
**11201 Renner Boulevard, Lenexa, Kansas 66219**  
**UNDERGROUND STORAGE TANK FIELD CITATION FORM FOR EXPEDITED SETTLEMENT**  
**DOCKET NO. RCRA-07-2018-0192**

**RECEIVED**  
**MAY 14 2018**  
 BY: *OP*

**PART I: INSPECTION SUMMARY**

On: September 22, 2017  
 (Date of Inspection)

At: Kwik Shop #4 (KDIIE ID 01018)  
 (Facility Name and Identification Number)

Address: 2606 West US HWY 50  
 Emporia, Kansas 66801

(Name of Onsite Representative if not the Owner or Operator)

Name and address of the UST Owner or Operator (indicate which applies).

Name: Mr. Nadeem A. Mohammed

Address: Monarch EZ LLC  
 5801 Lake Avenue  
 St. Joseph, Missouri 64504

A duly designated officer, employee, or representative of the EPA or a duly designated officer or employee of the State or Tribe inspected this facility. The EPA has reviewed the inspection report and other relevant materials and has identified the following violation(s) of the UST regulations promulgated or approved by the EPA under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991 et seq.).

1. Violation: Failure to operate and maintain corrosion protection system continuously. Power off to the rectifier -- Electrical disconnect notice of 2/2/2017.  
 Cite: 40 CFR 280.31(a) [K.A.R. 28-44-19]  
 Proposed Penalty: \$ 254
2. Violation: Failure to inspect impressed current systems every 60 days. No rectifier log readings available during inspection.  
 Cite: 40 CFR 280.31(c) [K.A.R. 28-44-19]  
 Proposed Penalty: \$ 254
3. Violation: Failure to maintain records of cathodic protection inspections. No 3-year cathodic protection results available during inspection.  
 Cite: 40 CFR 280.31(d) [K.A.R. 28-44-19]  
 Proposed Penalty: \$ 85

4. Violation: Failure to continue operation and maintenance of Release detection system in a temporarily closed tank System. Tanks 1, 2, 3, 4, 5 contained > 1 inch of product.  
 Cite: 40 CFR 280.70(a) [K.A.R. 28-44-26]  
 Proposed Penalty: \$ 508
5. Violation: Failure to cap and secure all other lines, pumps, Manways, and ancillary equipment. Fill caps unlocked for Tanks 1, 2, 3, 4, 5.  
 Cite: 40 CFR 280.70 (b) (2) [K.A.R. 28-44-26]  
 Proposed Penalty: \$ 254

PROPOSED PENALTY \$ 1,355  
 TOTAL

The EPA finds the Owner or Operator in violation of the above referenced UST regulations

Date: *5/25/18*  
 (Signature of Authorized Officer or Employee of the EPA)

**PART II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER**

**A. Settlement Agreement.** The Owner or Operator by signing this Settlement Agreement (or by having an authorized representative sign it) agrees to settle the violations identified in Part I, subject to the following terms and conditions:

The Owner or Operator certifies, subject to civil and criminal penalties for making a false submission to the U. S. Government, that he or she has corrected the violations, submitted true and accurate documentation of their correction, and submitted payment to the U.S. Treasury for the amount of \$1,355 in payment of the full proposed penalty amount, as described in Part I of this Form.

The Owner or Operator agrees to comply with the terms of the Compliance Order in Part II.B. Without admitting liability for the violations cited in Part I, the Owner or Operator signing below waives any objections to the EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to the EPA's final approval of this Settlement Agreement without further notice. The Owner or Operator waives the opportunity for a public hearing pursuant to RCRA Section 9006.

Once the EPA signs the Settlement Agreement, the EPA will take no further enforcement action against the Owner or Operator for the civil violations described in Part I, provided the violations have been timely corrected and the penalty has been paid. The EPA does not waive its right to enforce against the Owner or Operator for any other violations not described in Part I and violations of the UST requirements or other requirements listed in Part I that were not corrected in a timely manner.

This Settlement Agreement and Compliance Order will become effective once signed by the EPA and is binding on the EPA and the Owner or Operator upon signature by both parties. Final approval of the Settlement Agreement and Compliance Order is in the sole discretion of the Regional Administrator, Region 7, EPA, or his or her authorized delegate. Upon final approval, the EPA shall mail a copy of this document to the Owner or Operator signing below.

**SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:**

Name (print): **NASH MOHAMMED**  
 Title (print): *manager*  
 Signature: *Nash Mohammed* Date: *05/01/18*

**B. Compliance Order:** This Compliance Order is issued under the authority of RCRA section 9006 to resolve the civil violations identified in Part I. The Owner or Operator is ordered to correct the violations, submit true and accurate documentation that the violations were corrected, and pay the total penalty amount listed in Part I of this Form. This Compliance Order shall become final and enforceable only upon signature by an EPA official with the authority to sign this document.

**SIGNATURE BY EPA APPROVING THE SETTLEMENT AGREEMENT AND COMPLIANCE ORDER:**

Name (print): **KARINA BORROMEO**  
 Title (print): **REGIONAL JUDICIAL OFFICER**  
 Signature: *Karina Borromeo* Date: *May 29, 2018*  
 Notes:

**RECEIVED**  
**MAY 22 2018**  
**AWMD/EICS**

**2018 MAY 29 PM 1:55**  
 UNITED STATES  
 ENVIRONMENTAL PROTECTION  
 AGENCY-REGION 7

IN THE MATTER OF  
Kwik Shop #4  
Docket No. RCRA-07-2018-0192

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:

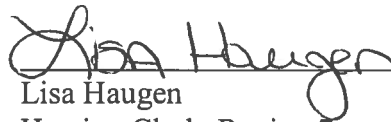
Copy emailed to Attorney for Complainant:

bosch.raymond@epa.gov

Copy by First Class Mail to Attorney for the Respondent:

Mr. Nadeem A. Mohammed  
Monarch EZ LLC  
5801 Lake Avenue  
St. Joseph, MO 64504

Dated: May 29, 2018

  
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Lisa Haugen  
Hearing Clerk, Region 7