# ENVIRONMENTAL PROTECTION AGENCY-REGION 7

### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 7

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#### IN THE MATTER OF:

Mr. Farrukh Rakhimov TFL, Inc. NE ID. No. 1188 Respondent Docket No. [RCRA-07-2015-0081]

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

#### EXPEDITED SETTLEMENT AGREEMENT

- The U.S. Environmental Protection Agency ("EPA") alleges that Mr. Farrukh Rakhimov/TFL, Inc. ("Respondent"), owner or operator of the Underground Storage Tank(s) (USTs) at Tobacco & Phone 4 Less, 3402 S 42<sup>nd</sup> St., Omaha, NE, 68105 (the "UST Facility"), failed to comply with the following requirement(s) 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. §280.40(a)(1) [NSFM Title 159-7002.01] Failure to provide adequate release detection method capable of detecting a release from tank or piping that routinely contains product on Tank #5 (race fuel).- \$2,130.00
  - b. 40 C.F.R. §280.40(a)(1) [NSFM Title 159-7002.01] Failure to provide adequate release detection method capable of detecting a release from tank or piping that routinely contains product on Tank #6 (race fuel).- \$2,130.00
- 2. The EPA and the Respondent agree that settlement of this matter for a penalty of **\$4,260.00** 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): KANOL SAMTEV Title (print): Signature:

Date

APPROVED BY EPA:

Margaret Stockdale

Branch Chief

Date 1/27/16

IT IS SO ORDERED:

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Karina Borromeo Regional Judicial Officer

Date 1-28-2016



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TFL 42nd & Grover Omaha, NE

DATE 11/17/2015 QUOTE NO. TFL111715 EXPIRATION DATE 12/17/2015 PREPARED BY Bob

#### We are pleased to quote the following:

Provide all parts and labor to replace manhole and add tank monitoring system to the racing fuel tank. NOTE: Electrical to be done by customer's electrical contractor. Quote includes cathodic protection repair if required.

QUANTITY	DESCRIPTION	TOTAL
6	4" black pipe (6 feet)	\$69.30
3	Concrete (2.5 yard)	\$352.00
2	20" composite cover manhole	\$363.99
1	TLS-350 tank monitoring system	\$9,479.36
	Neuman Labor	\$3,084.00
	Sub-labor/Equipment Rental	\$785.40
	Permits/Bond/Fees	
This is a quotation for	or the goods and services named herein, subject to the terms and conditions noted below:	\$14,134.05
-Quote is valid for 30	days with sales tax shown as applicable FREIGHT	\$131.25
-Return policy is 30 d	ays from date of delivery on UKOPENED items only. All returned items will incur a 20% restocking fee, no exceptions TAX	\$727.28
-Figures exclude enco -If contaminated soil -Unless specifically in	tournering any utility lines, water, rock, unstable soils, frost or obstructions in digging or trenching or water is discovered, any extra procedure required to remedy will be chargeable cluded in this proposal, all bonding and/or special insurgyle requirements will be supplied at an additional cost ments have been made, a 20% down payment is required with a lange of the net 30 days	\$14,992.58

To accept this quotation, sign and return: X\_\_\_\_\_

THANK YOU FOR ALLOWING US THE OPPORTUNITY

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# IN THE MATTER Of TFL, Inc., Respondent Docket No. RCRA-07-2015-0081

# 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:

aaron.mark@epa.gov

Copy by First Class Mail to Respondent:

Mr. Farrukh Rakhimov TFL, Inc. Convenience & Cellular Stores 202 S. 73<sup>rd</sup> Street Omaha, Nebraska 68114

Dated: 2/1

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Kathy Robinson Hearing Clerk, Region 7