



IN THE MATTER OF Ray's Market Basket, Respondent  
Docket No. RCRA-07-2014-0018

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](mailto:bosch.raymond@epa.gov)

Copy by U.S. First Class Mail to:

Brad Enlow  
Ray's Market Basket  
722 W. Crawford  
Clay Center, Kansas 67432

Dated: 6/4/15

A handwritten signature in black ink that reads "Kathy Robinson". The signature is written in a cursive style and is positioned above a horizontal line.

Kathy Robinson  
Hearing Clerk, Region 7

**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-07-2014-0018**

UNITED STATES  
 ENVIRONMENTAL PROTECTION  
 AGENCY-REGION 7  
**2015 JUN -4 PM 2: 23**

**PART I: INSPECTION SUMMARY**

On: June 27, 2013  
(Date of Inspection)

At: Ray's Market Basket (KS State ID # 26304)  
(Facility Name and Identification Number)

Address: 722 W. Crawford  
Clay Center, Kansas 67432  
(Name of Onsite Representative if not the Owner or Operator)

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

Name: Brad Enlow

Address: 722 W. Crawford  
Clay Center, Kansas 67432

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.).

I. Violation: Failure to provide adequate testing for piping system.  
The required annual function test (FT) on the line leak detector (LLD) has not been performed in the past year.

Cite: 40 CFR §280.44(a) [K.A.R. 28-44-23(a)]

Proposed Penalty: \$ 210.00

PROPOSED PENALTY TOTAL: \$ 210.00

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

[Signature] Date: 6/3/2015  
(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 \$210.00 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): BRAD ENLOW  
Title (print): [Signature]  
Signature: [Signature] Date: 5/22/2015

**B. Compliance Order:** This Compliance Order is issued under the authority of RCRA section 5006 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: 6-4-15

Notes: