

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION VII 901 N. 5th ST KANSAS CITY, KANSAS 66101

PART II COMPLIANCE ORDER/SETTLEMENT AGREEMENT

NOTICE OF VIOLATION AND COMPLIANCE ORDER/SETTLEMENT AGREEMENT

PART I NOTICE OF VIOLATION

On this 7 day of October, 2005 at 10:00 a.m., at the Facility Raintree Market & Grill located at: 5996 Hwy B, Hillsboro, MO permit/license number ST0019454 in the presence of the Owner/Operator/On-site Representative Kelly Dore

an authorized representative of the United States Environmental Protection Agency (EPA) inspected this facility to determine compliance with underground storage tank regulations promulgated under Subtitle I of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6912 et seq.). During this inspection, the following violations of the underground storage tank regulations were found:

10CSR20-10.043.1.H Proposed Penalty:\$ 300 Nature of violation: Failure to conduct required testing (tanks)

10CSR20-10.020.1.C Proposed Penalty:\$ 50 Nature of violation: Failure to provide overfill prevention; ball float valve inoperable with suction system

10CSR20-10 Proposed Penalty:\$ Nature of violation:

Total Proposed Penalty \$ 350

I have reviewed the inspection results and found the above violations of the underground storage tank regulations.

(Signature of EPA Inspector) Date:

Receipt: I hereby acknowledge receipt of this Notice of Violation and the accompanying Compliance Order/Settlement Agreement and Instructions.

ISSUED FROM OFFICE Date: March 10, 2006 (Signature of Owner, Operator or On-site Representative)

White - Signature Copy - Return to EPA Yellow - Facility Copy - Retain for you file Pink - EPA File Copy

This Compliance Order/Settlement Agreement is not effective until signed both by the owner or operator and by EPA. By signing the Settlement Agreement included herein, the owner or operator agrees not to challenge the issuance of the Compliance Order included herein and accepts the Settlement Agreement by EPA. The owner or operator shall sign the Settlement Agreement first, and return it to EPA as provided in the instructions provided with this Compliance Order/Settlement Agreement. Subsequent signature by EPA constitutes issuance of the Compliance Order and acceptance on EPA's part of the Settlement Agreement. Approval and signature by EPA is in the sole discretion of the Regional Administrator, Region VII, or authorized delegate.

Compliance Order: Under the authority of Subtitle I of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6912 et seq.), EPA FINDS that the owner or operator signing below is in violation of the underground storage tank regulations as described in the foregoing Notice of Violation, and ORDERS the owner or operator signing below to correct the violations and pay penalties in the amounts described in the Notice of Violation.

Settlement Agreement: In order to expeditiously settle violations described in the Notice of Violation found herein, EPA AND THE OWNER AND OPERATOR SIGNING BELOW HEREBY ENTER INTO THIS SETTLEMENT AGREEMENT, subject to the following terms and conditions:

- 1. This Settlement Agreement is binding on the EPA and the Owner or Operator signing below. 2. The Owner or Operator signing below certifies, under threat of civil and criminal penalties for making a false submission to the United States Government, that the Owner or Operator has corrected the violations and has presented to EPA with this Settlement Agreement a certified check to pay the full amount of penalties, as described in the Notice of Violation, and in accordance with the instructions included with this Notice of Violation and Compliance Order/Settlement Agreement. 3. The Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to this Compliance Order/Settlement Agreement and the violations, and consents to EPA's final approval of this Settlement Agreement without further notice. 4. The Owner or Operator signing below waives the opportunity for a public hearing pursuant to Section 9006 of the Resource Conservation and Recovery Act. 5. Upon EPA final approval of this Settlement Agreement, EPA will take no further action against the Owner or Operator for the violations described in the Notice of Violation. 6. EPA does not waive any enforcement action by EPA, the State where the facility is located or any local agencies for any other past, present or future violations of the underground storage tank requirements or any other violations under any other statute not described in the Notice of Violation. 7. This Settlement Agreement is effective upon EPA's final approval below. Upon EPA final approval, EPA shall mail a copy of the approved Settlement Agreement to the Owner or Operator signing below at the address provided. 8. Final approval of this Settlement Agreement is in the sole discretion of the Regional Administrator, Region VII, EPA or authorized delegate.

SIGNATURE BY OWNER OR OPERATOR: Name: Kelly Dore Title: Manager Date: 2/31/06 (Signature) Address:

FINAL APPROVAL BY EPA: Name: Stanley Walker Title: BRANCH CHIEF Date: 9/18/06 (Signature)

