

5. At the time of the April 24, 2018 Compliance Evaluation Inspection, and at all times relevant to the applicable violations alleged herein, two USTs, as described in the following subparagraphs, were located at the Facility:
 - A. A ten thousand (10,000) gallon tank that was installed in or about August 1991, and that, at all times relevant hereto, routinely contained regular-grade gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42. U.S.C. § 6991(7), and 9 VAC § 25-580-10 (hereinafter UST No. 1).
 - B. A ten thousand (10,000) gallon tank that was installed in or about August 1991, and that, at all times relevant hereto, routinely contained premium gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42. U.S.C. § 6991(7), and 9 VAC § 25-580-10 (hereinafter UST No. 2).
6. EPA has identified the following violation:
 - From at least May 7, 2016 until September 18, 2017, Respondent failed to conduct tank release detection on UST No. 2 as required by 9 VAC 25-580-140.1.
7. The EPA and the Respondent agree that settlement of this matter for a penalty of **\$940.00** is in the public interest, and has been calculated in accordance with the statutory factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), and the Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations and Revised Field Citation Program and ESA Pilot, effective October 5, 2018.
8. Respondent agrees that within 30 days of the effective date of this Agreement (the date it is filed with the Regional Hearing Clerk), Respondent shall submit a check with the case name, address and docket number of this Agreement (RCRA-03-2019-0019), for the amount specified above, payable to “**United States Treasury**,” U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000.

Copies of the payment are to be sent to:

Melissa Toffel, UST Compliance Officer
U.S. EPA Region III (Mail Code 3LC31)
1650 Arch Street
Philadelphia, PA 19103; and,

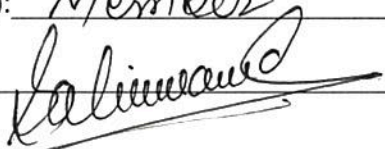
Regional Hearing Clerk
U.S. EPA Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029.

9. In signing this Agreement, the Respondent: admits the jurisdictional allegations set forth in this Agreement; neither admits nor denies the specific factual allegations and

conclusions of law set forth in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact set forth in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; and bear its own costs and attorney's fees.

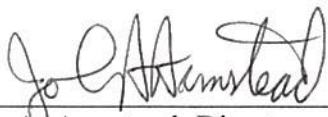
- 10. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that he or she has: (1) corrected the alleged violations, and (2) submitted true and accurate documentation of those corrections.
- 11. This Agreement and attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
- 12. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.
- 13. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
- 14. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind JMZ Enterprises, LLC to this Agreement.

IT IS SO AGREED,

Name (print): SYED JAFRI (For JMZ Enterprises LLC)
 Title (print): Member
 Signature:  Date 12/21/18

APPROVED BY EPA:

1.29.19
Date

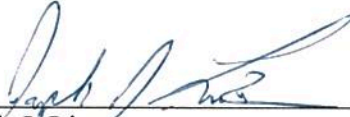

 John A. Armstead, Director
 Land and Chemicals Division

§ 6991e(c) and the Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations and Revised Field Citation Program and ESA Pilot, dated October 5, 2018.

WHEREFORE, pursuant to Section 9006 of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C. Section 6991e, and Section 22.18(b)(2) and (3) of the Consolidated Rules of Practice, and having determined, based upon the representations of the parties in the attached Expedited Settlement Agreement, that the civil penalty agreed to therein was based upon consideration of the factors set forth in Section 9006(c) of RCRA, 42 U.S.C. 6991e(c), and the Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations and Revised Field Citation Program and ESA Pilot, dated October 5, 2018, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of Nine Hundred and Forty Dollars (\$940.00) in accordance with the payment provisions set forth in the attached Expedited Settlement Agreement and comply with the terms and conditions as specified in the attached Expedited Settlement Agreement.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

1/30/2019
Date



Joseph J. Lisa
Regional Judicial Officer
U.S. EPA - Region III

Expedited Settlement Agreement
In the Matter of: Express Mart
Docket Number: RCRA-03-2019-0019

CERTIFICATE OF SERVICE

I certify that on JAN 30 2019, the original and one (1) copy of foregoing Consent Agreement and Final Order, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copy served via Certified Mail, Return Receipt Requested, Postage Prepaid, to:

Syed Jafri, Operator
JMZ Enterprises, LLC
203 South Main Street
Woodstock, VA 22664

Copy served via Hand Delivery or Inter-Office Mail to:

Melissa Toffel
UST Compliance Officer
Land & Chemicals Division (Mail Code 3LC31)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Dated: JAN 30 2019

Berwin Esposito
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III

TRACKING NUMBER(S): 1Z A43 F71 A2 9988 0150