

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 3  
1650 Arch Street, Philadelphia, PA 19103-2029 Mail Code 3LC70

UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. RCRA-03-2009-0281FC

PART I: INSPECTION SUMMARY

On: February 26, 2009 Time: \_\_\_\_\_  
(Date of Inspection) (a.m. or p.m.)

At: E & P Inc. DBA New York Avenue QTGO Facility ID # 500252  
(Facility Name and Identification Number)

Address: 2420 New York Avenue NE  
Washington, DC 20002

Mr. Ray Pirzadeh - Vice President  
(Name of On-site Representative if not the Owner or Operator)

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

Name: E & P Inc.

Address: 2420 New York Avenue, NE  
Washington, DC, 20002

A duly designated officer, employee, or representative of the EPA or duly designated officer or employee of the State or Tribe inspected this facility. 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 EPA under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991 et seq.).

1. Violation: Failure to monitor 4 tanks for releases every 30 days during the months of September 2008, October 2008, November 2008

40 C.F.R. § 280.41 (a) & DCDOE Title 20 UST Chapter 60 (6003.2)

300 x 4 Tanks = \$1,200.00

Cite: DCDOE Title 20 UST Chapter 60 (6003.2) Proposed Penalty: \$ 1,200.00

2. Violation: \_\_\_\_\_

Cite: \_\_\_\_\_ Proposed Penalty: \$ \_\_\_\_\_

3. Violation: \_\_\_\_\_

Cite: \_\_\_\_\_ Proposed Penalty: \$ \_\_\_\_\_

PROPOSED PENALTY TOTAL \$ \$1,200.00

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

Abraham Ferdas  
(Signature of Authorized Officer or Employee of EPA)

Date: 9/15/09

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 \$ 1,200.00 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 EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to 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 EPA signs the Settlement Agreement, 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. 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 EPA and is binding on 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 3, EPA, or his or her authorized delegate. Upon final approval, EPA shall mail a copy of this document to the Owner or Operator signing below.

SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:

Name (print): Ray Pirzadeh

Title (print): Vice President

Signature: R. Pirzadeh Date: \_\_\_\_\_

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): Abraham Ferdas

Title (print): Div. Land & Chemicals Div EPA Region 3

Signature: Abraham Ferdas Date: 11/2/09

Notes:



REGN 1 2 3 4 5 6 7 8 9 10 DC CIN TRVL JURYDTY CRDRFNDS SALE/PRPERTY TUITION IAG-R  
 CONTACT LORI DANA MICHELLE JOE DICK VAL PATTI ELIZBTH EVELYN CRAIG ERIC BLAKE KIM OWENS

## COLLECTION INFORMATION

DEPOSIT (SCHEDULE) NUMBER 2703010

SUSPENSE  LIABILITY

CR NUMBER RCRA3090281

REMOVED BY \_\_\_\_\_

BILL NUMBER (IF DIFFERENT FROM CR NUMBER)  
 \_\_\_\_\_

REMOVED DATE \_\_\_\_\_  
 IFMS ENTERED DATE 10/20/09

DATE ITEM REC'D (IF NOT CIRCLED ON CHECK)

COLLECTION ENTRY DONE BY ALEX

NOT IN ICIS, BRAINS, RHC DATABASE

IPAC TO: LV RTP HQ

## ACCOUNTING

CR Line	BFY	APPR	Bud Org	PRC	BOC	Site/Proj	AMOUNT	Ref Line	Rep
								998	
								997	
<u>80</u>	<u>10</u>	<u>1099</u>					<u>1200.00</u>	<u>001</u>	
								002	
								003	
								004	
								005	
								999	

KEY: REF LINE NO. 997=Interest LINE NO. 998=Handling LINE NO. 999=Penalty

QUALITY MEANS MEETING THE REQUIREMENTS BOX 979077  
 SEQ# 012 \$ 000120000 BA# 288 10-19-09 20 4



**usbancorp.**  
 The Bank of America Group

E & P INC.  
 2420 NEW YORK AVE. NE  
 WASHINGTON, DC 20002  
 (202) 526-3677

1852

DATE 9-25-09 68-444-500

PAY TO THE ORDER OF U.S. Treasury \$ 1200.00

Twelve hundred and no/100 DOLLARS

VOID AFTER 90 DAYS

FOR 10-5000252 RCRA-03-2009-0281FC R. Ryden

⑆001852⑆ ⑆05600445⑆ 0070261532⑆ ⑆000120000⑆

E & P INC.  
2420 NEW YORK AVE. NE  
WASHINGTON, DC 20002  
(202) 526-3677

1852

68-444-560

DATE 9-25-09

BY THE ORDER OF

Twelve hundred and <sup>no</sup> 100

\$ 1200.<sup>00</sup>



DOLLARS

VOID AFTER 90 DAYS

R ID # 500252

*B. Bjatch*

⑈001852⑈ ⑆056004445⑆ 0070261532⑈