

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7

2016 AUG 29 AM 8:04

IN THE MATTER OF:

) Docket No.
) [RCRA-07-2016-0017]
)

Mr. Nageeb Alhaj
Quick Pick, INC % Freedom Petroleum
KS State ID #: 28860
Respondent
_____)

) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND**
) **FINAL ORDER**
)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Mr.Nageeb Alhaj/ Quick Pick, INC % Freedom Petroleum (“Respondent”), owner or operator of the Underground Storage Tank(s) (USTs) at Quick Pick Inc., Hwy 98 & 54, Fowler, KS, 67844 (KS State ID #: 28860) (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. §280.21(d) [K.A.R. 28-44-16(a)] – Failure to provide spill prevention system for an existing tank. The spill bucket in Tank #1 had a broken bottom at the time of inspection. - \$1700.00
 - b. 40 C.F.R. §280.21(d) [K.A.R. 28-44-16(a)] – Failure to provide overfill prevention system for an existing tank. Tank 1 had no overfill device installed at the time of inspection. - \$850.00
 - c. 40 C.F.R. §280.21(d) [K.A.R. 28-44-16(a)] – Failure to provide overfill prevention system for an existing tank. Tank 2 had no overfill device installed at the time of inspection. - \$850.00
 - d. 40 C.F.R. §280.21(d) [K.A.R. 28-44-16(a)] – Failure to provide overfill prevention system for an existing tank. Tank 3 had no overfill device installed at the time of inspection. - \$850.00
 - e. 40 C.F.R. §280.41(a) [K.A.R. 28-44-23(a)] – Failure to monitor tanks for release detection at least once every 30 days. At the time of inspection owner/operator has not been sending inventory control reports for SIR release analysis once every 30 days per requirement on Tank 1. - \$1700.00
 - f. 40 C.F.R. §280.41(a) [K.A.R. 28-44-23(a)] – Failure to monitor tanks for release detection at least once every 30 days. At the time of inspection owner/operator has not been sending inventory control reports for SIR release analysis once every 30 days per requirement on Tank 2. - \$1700.00
 - g. 40 C.F.R. §280.41(a) [K.A.R. 28-44-23(a)] – Failure to monitor tanks for release detection at least once every 30 days. At the time of inspection owner/operator has not been sending inventory control reports for SIR release analysis once every 30 days per requirement on Tank 3. - \$1700.00
2. The EPA and the Respondent agree that settlement of this matter for a penalty of **\$9,350.00** 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): Nageeb Alhaj

Title (print): owner

Signature: Nageeb Alhaj

Date 6-22-16

APPROVED BY EPA:

Scott Hayes
Scott Hayes
Branch Chief

Date 8/22/16

IT IS SO ORDERED:

Karina Borromeo

Karina Borromeo
Regional Judicial Officer

Date Aug. 25, 2016

IN THE MATTER Of Quick Pick, INC % Freedom Petroleum, Respondent
Docket No. RCRA-07-2016-0017

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:

rosado-chaparro.wilfredo@epa.gov

Copy by First Class Mail to Respondent:

Mr. Nageeb Alhaj
Quick Pick, INC %Freedom Petroleum
Dodge Petroleum, Inc.
Spee-D Stop/River Stop
2501 Central Avenue
Dodge City, Kansas 67801

Dated: 8/29/16


Kathy Robinson
Hearing Clerk, Region 7