



## COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY  
PIEDMONT REGIONAL OFFICE

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Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director

Jeffery Steers  
Regional Director

### STATE WATER CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO QUIK STOP CO. Facility ID No. 4022154

#### SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and Quik Stop Co., for the purpose of resolving certain violations of the State Water Control Law and the applicable regulations.

#### SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
4. "Facility" means the physical location where the UST and/or UST system is installed and/or operated, known as Quik Stop Co. located at 4012 Government Rd in Richmond, Virginia. The Facility's UST and/or UST system are owned by IBB Properties, LLC, and

operated by Quik Stop Co., and the Facility is further identified by UST Facility ID# 4022154.

5. "Financial Responsibility" means the ability to demonstrate that one has the financial resources available to pay for the costs of containment and cleanup and third party lawsuits in the event of a release from an UST or UST system.
6. "Form 7530-2" means the Notification for Underground Storage Tanks form used by DEQ to register and track USTs for proper operation, closure and ownership, in accordance with 9 VAC 25-580-70.
7. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
8. "Operator" means any person in control of, or having responsibility for, the daily operation of the UST system as defined in Va. Code § 62.1-44.34:8 and 9 VAC 25-580-10.
9. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.
10. "Owner" means any person who owns an UST system used for storage, use, or dispensing of regulated substances as defined in Va. Code § 62.1-44.34:8 and 9 VAC 25-580-10.
11. "Person" means an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, association, any state or agency thereof, municipality, county, town, commission, political subdivision of a state, any interstate body, consortium, joint venture, commercial entity, the government of the United States or any unit or agency thereof.
12. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
13. "Quik Stop" means "Quik Stop Co.," a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Quik Stop is a "person" who operates the Facility
14. "Regulated Substance" means an element, compound, mixture, solution or substance that, when released into the environment, may present substantial danger to the public health or welfare, or the environment, as defined in Va. Code § 62.1-44.34:8 and 9 VAC 25-580-10.
15. "Regulations" means the Underground Storage Tanks: Technical Standards and Corrective Action Requirements, 9 VAC 25-580-10 *et seq.*

16. "Release detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment or into the interstitial space between the UST system and its secondary barrier or secondary containment around it.
17. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code. Article 9 (Va. Code §§ 62.1-44.34:8 through 62.1-44.34:9) of the State Water Control Law addresses Storage Tanks.
18. "Underground Storage Tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10% or more beneath the surface of the ground as defined in Va. Code § 62.1-44.34:8 and 9 VAC 25-580-10.
19. "Va. Code" means the Code of Virginia (1950), as amended.
20. "VAC" means the Virginia Administrative Code.
21. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

**SECTION C: Findings of Fact and Conclusions of Law**

1. Quik Stop is the owner and/or operator of the Facility. Quik Stop stores a regulated substance in the form of gasoline in USTs at the Facility. Ramzi Nasser is the president of Quik Stop.
2. On April 20, 2017, Department staff inspected the Facility to evaluate Quik Stop's compliance with the requirements of the State Water Control Law and the Regulations. At that time, there were three USTs at the Facility: three 8,000 gallon tanks containing gasoline. DEQ staff observed the following:
  - a. Automatic line leak detector (ALLD) test records were not available for inspection
  - b. Line tightness test (LTT) records for piping associated with all three tanks were not available for inspection
  - c. Release detection records for all three tanks were not available for inspection
  - d. Automatic tank gauging (ATG) system not functioning properly; no evidence of alternative release detection method being performed
3. 9 VAC 25-580-130 requires that owners and operators must provide a method, or combination of methods, of release detection that can detect a release from any portion of the tank and the connected underground piping that routinely contains product.

4. Pursuant to 9 VAC 25-580-180(2), all UST system owners and operators must maintain records in accordance with 9VAC25-580-120; these results must be maintained at the UST site and immediately available for inspection or at a readily available alternative site and be provided for inspection upon request.
5. Pursuant to 9 VAC 25-580-140(2)(a)(1), underground piping that conveys regulated substances under pressure must be equipped with an automatic line leak detector conducted in accordance with subdivision 1 of 9 VAC 25-580-170; and have an annual line tightness test conducted in accordance with subdivision 2 of 9 VAC 25-580-170 or have monthly monitoring conducted in accordance with subdivision 3 of 9 VAC 25-580-170.
6. Pursuant to 9 VAC 25-580-140(1), owners and operators of petroleum UST systems must provide release detection for tanks and piping in accordance with the requirements of that section.
7. On May 4, 2017, DEQ sent Ramzi Nasser, the president of Quik Stop Co., a UST Deficiency Letter notifying him of the record violations and potential release detection deficiencies. This letter requested a written list of corrective actions by July 20, 2017. No response from Quik Stop was received.
8. On August 1, 2017, DEQ sent Ramzi Nasser a Letter of Agreement (LOA) requesting that Quik Stop submit copies of 2 months of release detection results for all three tanks and line and leak test results for the piping by November 1, 2017. No response from Quik Stop was received within this time frame.
9. On February 9, 2018, Notice of Violation (NOV) No. TPR0203056 for the violations listed in paragraphs C2 to C5 was sent to Ramzi Nasser.
10. On April 13, 2018, Ramzi Nasser submitted records showing that the ALLD test and LTT had been completed on May 22, 2017. No release detection records for the three tanks were submitted at this time and no evidence was submitted showing that the ATG was repaired or replaced.
11. Based on the results of April 20, 2017 inspection and/or the documentation submitted on April 13, 2018 the Board concludes that Quik Stop has violated 9 VAC 25-580-180 and 9 VAC 25-580-140, as described above.
12. In order for Quik Stop to complete its return to compliance, DEQ staff and representatives of Quik Stop have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Quik Stop, and Quik Stop agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$5070 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

Quik Stop shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Petroleum Storage Tank Fund (VPSTF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Quik Stop shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Quik Stop for good cause shown by Quik Stop, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. TPR0203056 dated February 9, 2018. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Quik Stop admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Quik Stop Co. consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order

5. Quik Stop declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Quik Stop to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Quik Stop shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Quik Stop shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Quik Stop shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.

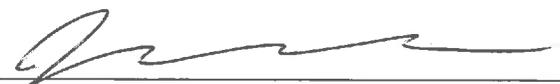
10. This Order shall become effective upon execution by both the Director or his designee and Quik Stop. Nevertheless, Quik Stop agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
  - a. The Director or his designee terminates the Order after Quik Stop has completed all of the requirements of the Order;
  - b. Quik Stop petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
  - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Quik Stop.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Quik Stop from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

Any plans, reports, schedules or specifications attached hereto or submitted by Quik Stop and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.

12. The undersigned representative of Quik Stop certifies that he or she is a responsible official or officer authorized to enter into the terms and conditions of this Order and to execute and legally bind Quik Stop to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Quik Stop.
13. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
14. By its signature below, Quik Stop voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 7<sup>th</sup> day of September, 2018.

  
Justin Williams, Interim Director  
Division of Enforcement  
Department of Environmental Quality

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Quik Stop Co. voluntarily agrees to the issuance of this Order.

Date: 7-16-18 By: Ramzi Nasser, president  
(Person) (Title)  
Quik Stop Co.

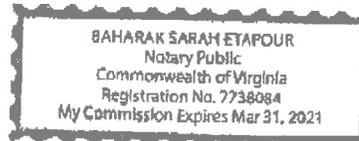
Commonwealth of Virginia  
City/County of Richmond

The foregoing document was signed and acknowledged before me this 16<sup>th</sup> day of July, 2018, by Ramzi Nasser who is President of Quik Stop Co., on behalf of the corporation.

[Signature]  
Notary Public  
7738084  
Registration No.

My commission expires: 03/31/2021

Notary seal:



## APPENDIX A SCHEDULE OF COMPLIANCE

Quik Stop shall:

- a. Within 30 days of this Consent Order's effective date, Quik Stop shall install, test, and/or repair the necessary equipment to conduct adequate release detection in accordance with 9 VAC 25-580-130 and 9 VAC 25-580-140.
- b. Within 30 days of this Consent Order's effective date, Quik Stop shall submit copies of passing release detection records and results for 3 months to DEQ in accordance with 9 VAC 25-580-120 and 9 VAC 25-580-180.
  - i) In the event of an "inconclusive" or "failed" result, Quik Stop shall: (1) immediately consult with a third party vendor to assess the possible causes for the inconclusive and/or failed test result; (2) make the necessary changes to reduce the possibility of having future inconclusive and/or failed results; and (3) within 30 days of the failing test submit the written results of the investigation detailing the cause of the inconclusive and/or failed results and what Quik Stop has done to correct the situation at the Facility.
- c. Within 30 days of this Consent Order's effective date, Quik Stop shall submit documentation to DEQ verifying that the Automatic Tank Gauge (ATG) system was properly installed in accordance with 9 VAC 25-580-120 and submit valid, passing ATG monitoring results confirming that the USTs are being monitored in accordance with 9 VAC 25-580-140 and 9 VAC 25-580-160(8) and that records are maintained in accordance with 9 VAC 25-580-120 and 9 VAC 25-580-180. In the alternative, Quik Stop may perform Statistical Inventory Reconciliation (SIR) or another alternative method of release detection pursuant to 9 VAC 25-580-160 and submit documentation to demonstrate compliance with this alternative method.

1. DEQ Contact

Unless otherwise specified in this Order, Quik Stop shall submit all requirements of Appendix A of this Order to:

**Robyne Bridgman**  
**Remediation Program Manager**  
**VA DEQ –Piedmont Regional Office**  
**4949-A Cox Road**  
**Glen Allen, VA 23060**  
**(804) 527-5057**  
**[Robyne.Bridgman@deq.virginia.gov](mailto:Robyne.Bridgman@deq.virginia.gov)**