

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 7
901 North 5th Street, Kansas City, Kansas 66101
UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT RCRA-07-2010-0007

PART I: INSPECTION SUMMARY

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On: April 24, 2009
(Date of Inspection)

ERVIA
AGENCY REGION VII
REGIONAL HEARING CLEAR

At: Presto Concrete
(Facility Name and Identification Number)

Address: 1020 S. Harrison
Olathe, Kansas 66061

B.J. Alsop
(Name of On-site Representative if not the Owner or Operator)

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

Name: _____

Address: _____

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

1. Violation: failure to secure monitoring well
2 wells not bolted or locked

Cite: 280.43(f)(9) Proposed Penalty: \$ 150

2. Violation: failure to conduct annual line tightness test
No records

Cite: 280.41(b)(1)(ii) Proposed Penalty: \$ 150

3. Violation: failure to conduct annual function test on line leak detector
No records

Cite: 280.44(a) Proposed Penalty: \$ 150

4. Violation: _____

Cite: _____ Proposed Penalty: \$ _____

5. Violation: _____

Cite: _____ Proposed Penalty: \$ _____

PROPOSED PENALTY TOTAL: \$ 450

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

Marcus [Signature] Date: 1-22-2010
(Signature of Authorized Officer or Employee of the EPA)

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 \$ 480 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 the EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to the 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 the EPA signs the Settlement Agreement, the 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. The 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 the EPA and is binding on the 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 7, EPA, or his or her authorized delegate. Upon final approval, the EPA shall mail a copy of this document to the Owner or Operator signing below.

SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:

Name (print): Jarred Brouhard
Title (print): Operations Mgr
Signature: [Signature] Date: 1-15-10

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 THE EPA APPROVING THE SETTLEMENT AGREEMENT AND COMPLIANCE ORDER:

Name (print): Jarred Brouhard
Title (print): Operations Mgr
Signature: [Signature] Date: 1-15-10

Notes:

Robert Patrick
Regional Judicial Officer
February 16, 2010

IN THE MATTER OF Presto Conoco, Respondent
Docket No. RCRA-07-2010-0007

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Underground Storage Tank (UST) Citation Form for Expedited Settlement was sent this day in the following manner to the addressees:


Copy hand delivered to
Attorney for Complainant:

Raymond Bosch
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Jarred Brouhard, Operations Manager
Presto Conoco
1020 S. Harrison
Olathe, Kansas 66061

Dated: 2/16/10


Kathy Robinson
Hearing Clerk, Region 7