



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 9  
75 HAWTHORNE STREET, SAN FRANCISCO, CALIFORNIA 94105  
EXPEDITED SPCC SETTLEMENT AGREEMENT**

DOCKET NO.: OPA-09-2017-0003

On: December 13, 2016

At: Love's #538 Retail Motor Fuel Outlet  
15250 N. Thornton Road, Lodi. CA 95242

Owned & Operated by: Love's Travel Stops and  
Country Stores of California (Respondent)

An authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection to determine compliance with the Oil Pollution Prevention (SPCC) regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. §1321(j), (the Act), and found that Respondent had failed to comply with the SPCC regulations as noted on the attached SPCC INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM (Form), which is hereby incorporated by reference. By its first signature below, EPA ratifies the Inspection findings and Alleged Violations set forth in the Form.

EPA finds the Respondent is subject to the SPCC regulations and has violated the SPCC regulations as further described in the Form. The Respondent admits to being subject to 40 CFR Part 112 and that EPA has jurisdiction over the Respondent and the Respondent's conduct as described in the Form. Respondent does not contest the Inspection Findings, and waives any objections Respondent may have to EPA's jurisdiction.

EPA is authorized to enter into this Expedited Settlement under the authority vested in the Administrator of EPA by Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. §1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 CFR §22.13(b). The parties enter into this Expedited Settlement in order to settle the civil violations described in the Form for a penalty of \$3,150.00. The Respondent consents to the assessment of this penalty.

This Expedited Settlement also is subject to the following terms and conditions: Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations have been corrected and Respondent has sent a certified check in the amount of \$3,150.00, payable to the Treasurer, United States of America with the notation "Spill Fund - 311" and the Docket Number stated above.

This Expedited Settlement Agreement must be returned by certified mail to: **Janice Witul, U.S. Environmental Protection Agency, Region 9 (ENF 3-2), 75 Hawthorne Street, San Francisco, California 94105-3901. The certified check for payment must be sent by certified mail to: U. S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000.**

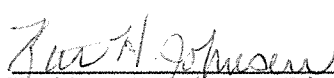
After this Expedited Settlement becomes effective, EPA will take no further action against the Respondent for the

violations of the SPCC regulations described in the Form. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by the Respondent of the SPCC regulations or of any other federal statute or regulations.

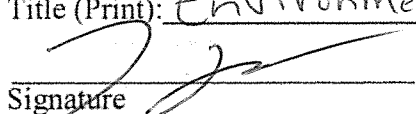
Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signing below, and is effective immediately on the date filed with the Regional Hearing Clerk. If Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the noncompliance identified in the Form.

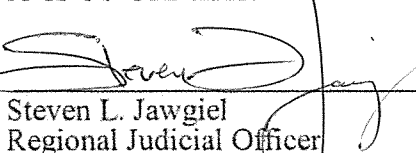
APPROVED BY EPA:

 Date: 4/12/17  
Kathleen H. Johnson, Director  
Enforcement Division

APPROVED BY RESPONDENT:

Name (Print): Jesse Diaz  
Title (Print): Environmental Manager  
 Date: 4/13/2017  
Signature

IT IS SO ORDERED:

 Date: 4/17/17  
Steven L. Jawgiel  
Regional Judicial Officer

**\*\* FILED \*\***  
18APR2017 - 04:50PM  
U.S.EPA - Region 09

R9 REV. 11/3/2003

CERTIFICATE OF SERVICE

This is to certify that a FINAL ORDER in conjunction with an Expedited Settlement Agreement (ESA) in the matter of Love's #538 Retail Motor Fuel Outlet, Docket Number OPA-09-2017-0003, has been signed by the Regional Judicial Officer and has been filed with the Regional Hearing Clerk.

Accordingly, the Final Order has been served on Respondent, and Counsel for EPA, as indicated below:

BY FIRST CLASS MAIL:  
(With Return Receipt)

Certified Mail  
7016 1370 0000 2235 0599

Respondent-

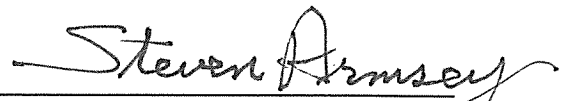
Jesse Diaz, West Coast Environmental Manager  
Love's Travel Stops & Country Stores  
10601 N. Pennsylvania Ave.  
Oklahoma City, OK 73120

HAND DELIVERED:

Complainant-

Andrew Helmlinger, Esq.  
Office of Regional Counsel  
ENVIRONMENTAL PROTECTION AGENCY  
75 Hawthorne Street  
San Francisco, CA 94105

Dated this 18<sup>th</sup> day of April, 2017;

  
Regional Hearing Clerk  
EPA Region 9