


- sampling, testing or monitoring for release detection for at least 1 year. 12 months of SIR Records were not available during the inspection on May 9, 2018 (This deficiency was originally cited as 280.40(a) in UST inspection report.) -- \$ 450
- d. Rod's Shell (KDHE ID 29271), 1717 West Crawford, Salina, KS 67401 -- \$ 3,250
 - i. K.A.R. 28-44-19 (40 C.F.R. § 280.31(d)(2)) -- Failure to maintain results of the last two inspections of UST systems with cathodic protection systems. The impressed current cathodic protection test completed prior to June 14, 2017, was not provided during the UST inspection on May 9, 2018 -- \$ 170
 - ii. K.A.R. 28-44-19 (40 C.F.R. § 280.31(c)) -- Failure to inspect impressed current systems every 60 days. No documentation of rectifier log 60-day inspections was provided during the UST inspection on May 9, 2018 -- \$ 1,200
 - iii. K.A.R. 28-44-19 (40 C.F.R. § 280.31(a)) -- Failure to operate and maintain corrosion protection systems continuously. The rectifier read 0 Amps and 0 Volts to indicate that the cathodic protection system was not operating during the UST inspection on May 9, 2018. The only impressed current cathodic protection test provided during the UST inspection documented a failure on June 14, 2017 -- \$ 1,880
2. The EPA and the Respondent agree that settlement of this matter for a penalty of \$ 7,670 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,

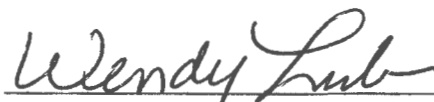
Name (print): Rodney A. Bradshaw

Title (print): President

Signature: 


Date 10/16/19

APPROVED BY EPA:

 FOR
~~Wilfredo Rosado-Chaparro~~ David Cozad
~~Acting Branch Chief~~ Division Director

Date 2/6/2020

IT IS SO ORDERED:


~~Karina Borromeo~~ Kathleen Clever
 Regional Judicial Officer

Date 2/7/2020

NOV 07 2019

IN THE MATTER OF Rod's Convenience Stores, Inc., Respondent
Docket No. RCRA-07-2018-0297

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via email to Complainant


catlin.kelley@epa.gov

AND

Copy via Certified Mail to Respondent

Mr. Rod Bradshaw
Rod's Convenience Stores, Inc.
17 Crestview Drive
Salina, Kansas 67401-3587

Date: February 7, 2020



Lisa Haugen
Regional Hearing Clerk
Region 7