

**U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 7**  
**901 N. 5<sup>th</sup> Street, Kansas City, Kansas 66101**  
**UNDERGROUND STORAGE TANK FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. RCRA-07-2012-0041**

**PART I: INSPECTION SUMMARY**

On: 5/7/2012  
 (Date of Inspection)  
 At: Bailey's Corner #5 (Kansas State ID #25598)  
 (Facility Name and Identification Number)

Address: 1702 South Sante Fe Street  
Chanute, Kansas 66720

Grady Miller, UST Compliance Representative  
 (Name of On-site Representative if not the Owner or Operator)

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

Name: Grady Miller, Sunshine Energy, LLC

Address: 115 South 18<sup>th</sup> Street, Suite #250  
Parsons, Kansas 67357

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. 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 EPA under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991 et seq.).

1. Violation: Inadequate installation of overfill prevention equipment. Overfill devices set too high on fill pipe.

Cite: 40 C.F.R. § 280.20 (c) (1) (ii), K.A.R 28-44.16 (a)  
 Proposed Penalty: \$ 210

2. Violation: \_\_\_\_\_

Cite: \_\_\_\_\_  
 Proposed Penalty: \$ \_\_\_\_\_

3. Violation: \_\_\_\_\_

Cite: \_\_\_\_\_  
 Proposed Penalty: \$ \_\_\_\_\_

4. Violation: \_\_\_\_\_

Cite: \_\_\_\_\_  
 Proposed Penalty: \$ \_\_\_\_\_

5. Violation: \_\_\_\_\_

Cite: \_\_\_\_\_  
 Proposed Penalty: \$ \_\_\_\_\_

PROPOSED PENALTY TOTAL: \$ 210

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

  
 (Signature of Authorized Officer or Employee of EPA)

Date: 11-19-12

**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 \$210 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 EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to 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 EPA signs the Settlement Agreement, 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. 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 EPA and is binding on 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, EPA shall mail a copy of this document to the Owner or Operator signing below.

**SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:**

Name (print): Grady Miller  
 Title (print): UST Compliance Rep  
 Signature:  Date: 9-10-12

**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 EPA APPROVING THE SETTLEMENT AGREEMENT AND COMPLIANCE ORDER:**

Name (print): KARINA BORROMEO  
 Title (print): REGIONAL JUDICIAL OFFICER  
 Signature:  Date: 11-27-12

Notes:

2012 NOV 27 AM 9:30

ENVIRONMENTAL PROTECTION AGENCY-REGION 7  
 UNITED STATES

IN THE MATTER OF Bailey's Corner #6, Respondent  
Docket No. RCRA-07-2012-0041

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 hand delivered to  
Attorney for Complainant:

Raymond Bosch  
Assistant Regional Counsel  
Region 7  
United States Environmental Protection Agency  
11201 Renner Blvd.  
Lenexa, Kansas 66219

Copy by First Class Mail to:

Grady Miller  
Sunshine Energy, LLC  
115 South 18<sup>th</sup> Street, Suite 250  
Parsons, Kansas 67357

Dated: 11/27/12



Kathy Robinson  
Hearing Clerk, Region 7