



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

UPS
CONFIRMATION OF RECEIPT REQUESTED

May 16, 2011

Lee Robert Artz, Esquire
8900 Three Chopt Road
Richmond, VA 23229

Re: In the matter of NMP Associates, Inc. and
Ambica Investments, LLC.
Consent Agreement and Final Order
Docket No. RCRA-03-2011-0157

Dear Mr. Artz:

Enclosed please find a copy of the original fully executed Consent Agreement and Final Order in settlement of the above referenced matter.

Should you have any questions or concerns, please feel free to contact me at (215) 814-2681.

Sincerely,


Louis F. Ramalho
Sr. Asst. Regional Counsel

Enclosure

cc: Jan Szaro (3LC70)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: Transmittal Memorandum
Consent Agreement and Final Order
In the Matter of NMP Associates, Inc. and
Ambica Investments, Inc.
Docket No. RCRA-03-2011-0157

FROM:


Marcia E. Mulkey
Regional Counsel (3RC00)

Abraham Ferdas, Director *Now for AF*
Land and Chemicals Division (3LC00)

TO: Renée Sarajian
Regional Judicial Officer (3RC00)

The attached Consent Agreement and Final Order (“CAFO”) have been negotiated pursuant to Section 9006 of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C. § 6991e, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), 40 C.F.R. Part 22, including, specifically 40 C.F.R. §§ 22.13(b) and .18(b)(2) and (3).

The CAFO resolve violations of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, and the and the Commonwealth of Virginia’s underground storage tank regulations by NMP associates, Inc. and Ambica Investments, LLC., (“Respondents”) in connection with its underground storage tanks at Respondent’s facility located at 7101 Brook Road, Richmond, Virginia (the “Facility”). Please refer to the CAFO for further details concerning the violations at this Facility.

Under the terms of the settlement, Respondent will pay a civil penalty in the amount of \$7,500.00. This settlement was determined after consideration of the statutory factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), and other settlement adjustment factors set forth in the “U.S. Penalty Guidance for Violation of UST Regulations” dated November, 1990 (“UST Penalty Policy”).

We concur with the terms of the enclosed Consent Agreement and Final Order. Accordingly, we recommend that you sign the Final Order and return it to the Office of Regional Counsel for further processing.

cc: Lee Artz, Esq.
Counsel for Respondents
Louis F. Ramalho, Esq.
U.S. EPA, Region III

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:)	
)	
NMP Associates, Inc.)	
5921 Carrington Green Court)	U.S. EPA Docket Number
Glen Allen, VA 23060)	RCRA-03-2011-0157
)	
Ambica Investments, LLC.)	
5921 Carrington Green Court)	
Glen Allen, VA 23060)	
)	
RESPONDENTS,)	
)	
Brook Express Mart)	
7101 Brook Road)	
Richmond, VA 23227)	
)	
FACILITY.)	Proceeding Under Section 9006 of the
)	Resource Conservation and Recovery Act,
)	as amended, 42 U.S.C. Section 6991e
)	
)	

CONSENT AGREEMENT

This Consent Agreement ("CA") is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("Complainant") and the NMP Associates, Inc., and Ambica Investments, LLC. ("Respondents"), pursuant to Section 9006 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. §§ 6991e, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. Part 22, including, specifically 40 C.F.R. §§ 22.13(b) and .18(b)(2) and (3).

This CA and the Final Order (collectively "CAFO"), resolve alleged violations of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, and the Commonwealth of Virginia's federally authorized underground storage tank ("UST") program by Respondents in connection with its underground storage tanks at Respondents' facility located at 7101 Brook Road, Richmond, Virginia (the "Facility").

Effective October 28, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the Commonwealth of Virginia was granted final authorization to

administer a state UST management program *in lieu* of the Federal underground storage tank management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991*i*. The provisions of the Virginia UST management program, through these final authorizations, have become requirements of Subtitle I of RCRA and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991*e*. Virginia's authorized UST program regulations are set forth in the Virginia Administrative Code as Underground Storage Tanks: Technical Standards and Corrective Action Requirements ("VA UST Regulations"), 9 VAC § 25-580-10 *et seq.*

GENERAL PROVISIONS

1. For purposes of this proceeding only, Respondents admit to the jurisdictional allegations set forth in this CAFO.
2. Respondents neither admit nor deny the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, above.
3. Respondents agree not to contest EPA's jurisdiction with respect to the execution of this Consent Agreement ("CA"), the issuance of the attached Final Order ("FO"), or the enforcement thereof.
4. For the purposes of this proceeding only, Respondents hereby expressly waive their right to a hearing on any issue of law or fact set forth in this CA and any right to appeal the accompanying FO.
5. Respondents consent to the issuance of this CAFO, and agree to comply with its terms and conditions.
6. Respondents shall bear their own costs and attorney's fees.
7. As to RCRA, Subtitle I, 42 U.S.C. §§ 6991-6991*m*, and the Commonwealth of Virginia's federally authorized underground storage tank program set forth at 9 VAC § 25-580-10 *et seq.* allegedly violated as set forth in the Factual Allegations and Conclusions of Law, Respondents certify to EPA that, upon appropriate investigation, to the best of Respondents' knowledge and belief, Respondents are presently in compliance with all such relevant provisions and regulations.
8. This CAFO shall not relieve Respondents of their obligations to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit, nor does this CAFO constitute a waiver, suspension or modification of the requirements of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991*m*, or any regulations promulgated thereunder.
9. Complainant shall have the right to institute further actions to recover appropriate relief if Complainant obtains evidence that the information provided and/or representations made

by Respondents to EPA regarding matters at issue in the CAFO are false or, in any material respect, inaccurate. Respondents are aware that the submission of false or misleading information to the United States government may subject Respondents to separate civil and/or criminal liability.

10. EPA has given the Commonwealth of Virginia prior notice of the issuance of this CAFO in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

FACTUAL ALLEGATIONS AND CONCLUSIONS OF LAW

The United States Environmental Protection Agency - Region III ("EPA" or the "Region") and EPA's Office of Administrative Law Judges have jurisdiction over this matter pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, 40 C.F.R. Part 280 and 40 C.F.R. § 22.1(a)(4) and .4(c).

11. At all times relevant to this CAFO, Respondents, NMP Associates, Inc. and Ambica Investments, Inc., have been the "owner" and/or "operator," respectively, as those terms are defined in Section 9001(3) and (4) of RCRA, 42 U.S.C. § 6991(3) and (4), and 9 VAC § 25-580-10, of the "underground storage tanks" ("USTs") and "UST systems" as those terms are defined in Section 9001(10) of RCRA, 42 U.S.C. § 6991(10), and 9 VAC § 25-580-10, located at the Facility.
12. On September 23, 2008, EPA performed a Compliance Evaluation Inspection ("CEI") at the Facility. At the time of the September 23, 2008 CEI, and at all times relevant to the violations alleged herein, five (5) USTs were located at the Facility as described in the following subparagraph:
 - A. A ten thousand (10,000) gallon fiberglass reinforced plastic tank that was installed in or about 1986, and that, at all times relevant hereto, routinely contained and was used to store gasoline fuel, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10 (hereinafter "UST No. 1");
 - B. A ten thousand (10,000) gallon fiberglass reinforced plastic tank that was installed in or about 1986, and that, at all times relevant hereto, routinely contained and was used to store gasoline fuel, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10 (hereinafter "UST No. 2");
 - C. A ten thousand (10,000) gallon fiberglass reinforced plastic tank that was installed in or about 1986, and that, at all times relevant hereto, routinely contained and was used to store gasoline fuel, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10 (hereinafter "UST No. 3");

- D. A ten thousand (10,000) gallon fiberglass reinforced plastic tank that was installed in or about 1986, and that, at all times relevant hereto, routinely contained and was used to store diesel fuel, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10 (hereinafter "UST No. 4"); and
 - E. A four thousand (4,000) gallon fiberglass reinforced plastic tank that was installed in or about 1986, and that, at all times relevant hereto, routinely contained and was used to store kerosene fuel, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10 (hereinafter "UST No. 5").
- 13. At all times relevant to the applicable violations alleged in this CAFO, USTs Nos. 1 through 5 have been "petroleum UST systems" and "existing tank systems" as these terms are defined in 9 VAC § 25-580-10.
 - 14. USTs Nos. 1 through 5 are and were, at all times relevant to the applicable violations alleged in this CAFO, used to store "regulated substance(s)" at Respondents' Facility, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10, and have not been "empty" as that term is defined at 9 VAC § 25-580-310.1.

COUNT 1

(Failure to provide corrosion protection on the metal/steel piping for USTs Nos. 1 through 4)

- 15. The allegations of Paragraphs 1 through 14 of this CA are incorporated herein by reference.
- 16. 9 VAC § 25-580-50 provides, in pertinent part, that all owners and operators of new UST systems shall meet certain requirements in order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances.
- 17. 9 VAC § 25-580-50.2 provides, inter alia, that piping that routinely contains regulated substance and is in contact with the ground must be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified in 9 VAC § 25-580-50.2.a-c.
- 18. The requirements set forth at 9 VAC § 25-580-50.2, above, have been incorporated by reference into 9 VAC § 25-580-60.3., and are therefore applicable to existing UST systems as well as new UST systems.

19. The piping components for the USTs Nos. 1 through 4 are, and at all times relevant to the violations alleged herein, were made of metal/steel in contact with ground and used to store regulated substances.
20. From March 7, 2009 through March 10, 2010, Respondents failed to provide corrosion protection for the metal/steel piping components associated with USTs Nos. 1 through 4 as required by 9 VAC § 25-580-50.2.a-c.
21. Respondents' acts and/or omissions as alleged in Paragraph 20, above, constitute violations by Respondents of 9 VAC § 25-580-50.2.

COUNT 2

(Failure to perform release detection on
USTs Nos. 1 through 5)

22. The allegations of Paragraphs 1 through 21 of this CA are incorporated herein by reference.
23. Pursuant to 9 VAC § 25-580-130.A. and C., owners and operators of new and existing UST systems must provide a method or combination of methods of release detection monitoring that meets the requirements described therein.
24. 9 VAC § 25-580-140.1. provides, in pertinent part, that USTs shall be monitored at least every 30 days for releases using one of the methods listed in 9 VAC § 25-580-160.4.-8., except that:
 - (a) UST systems that meet the performance standards in subsections 1 through 5 of 9 VAC § 25-580-50 (Performance Standards for New UST Systems) or subsections 1 through 4 of 9 VAC § 25-580-60 (Upgrading of Existing UST Systems), and the monthly inventory control requirements in subsections 1 or 2 of 9 VAC § 25-580-160 (Inventory Control or Manual Tank Gauging), and tank tightness testing, conducted in accordance with subsection 3 of 9 VAC § 25-580-160 (Tank Tightness Test), at least every 5 years until December 22, 1998, or until 10 years after the UST is installed or upgraded under subsection 2 of 9 VAC § 25-580-60 (Tank Upgrading Requirements); and
 - (b) UST systems that do not meet the performance standards in 9 VAC § 25-580-50 (Performance Standards for New UST Systems) or 9 VAC § 25-580-60 (Upgrading of Existing UST Systems), may use monthly inventory controls, conducted in accordance with subsections 1 or 2 of 9 VAC § 25-580-160 (Inventory Control or Manual Tank Gauging) and annual tank tightness testing, conducted in accordance with subsection 3 of 9 VAC § 25-580-160 (Tank Tightness Test) until December 22, 1998, when the

tank must be upgraded under 9 VAC § 25-580-60 (Tank Upgrading Requirements) or permanently closed under 9 VAC § 25-580-320; and

- (c) Tanks with a capacity of 550 gallons or less and not metered may use weekly tank gauging, conducted in accordance with subsection 2 of 9 VAC § 25-580-160.

- 25. From March 1, 2009 until March 16, 2010, the method of release detection selected by Respondents for the USTs Nos. 1 through 5 was statistical inventory reconciliation in accordance with 9 VAC § 25-580-160.8.
- 26. From March 7, 2009 until May 12, 2009, June 12, 2009 until January 10, 2010, and from February 10, 2010 until March 1, 2010, Respondents failed to perform statistical inventory reconciliation for the USTs Nos. 1 through 4 in accordance with 9 VAC § 25-580-160.8.
- 27. From March 7, 2009 until March 16, 2010, Respondents failed to perform statistical inventory reconciliation for the UST No. 5 in accordance with 9 VAC § 25-580-160.8.
- 28. During the periods of time indicated in Paragraphs 25 through 27, above, Respondents did not use any of the other release detection methods specified in 9 VAC § 25-580-140.1.a.-c. and/or 9 VAC § 25-580-160.4.-8. on USTs Nos. 1 through 5 located at the Facility.
- 29. Respondents' acts and/or omissions as alleged in Paragraphs 25 through 27, above, constitute violations by Respondents of Pursuant to 9 VAC § 25-580-130.A. and C. and 9 VAC § 25-580-140.1.

COUNT 3

(Failure to Provide Financial Assurance)

- 30. The allegations in Paragraphs 1 through 29, above, are incorporated herein by reference as though fully set forth at length herein
- 31. 9 VAC § 25-590-40 provides, in pertinent part, that owners and operators of petroleum UST systems are required, with exceptions not relevant hereto, to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.
- 32. Subject to the limitations set forth in 9 VAC § 25-590-40.A. and B., an owner or operator may demonstrate financial responsibility using any of the mechanisms set forth in 9 VAC § 25-590-60 through 9 VAC § 25-590-120.

33. From March 7, 2009 until January 27, 2010, Respondents' USTs were not exempt UST systems and Respondents did not demonstrate financial responsibility for USTs Nos. 1 through 5 by any of the methods set forth in 9 VAC § 25-590-60 through 9 VAC § 25-590-120.
34. Respondents' acts and/or omissions as alleged in Paragraph 33, above, constitutes a violation by Respondents of 9 VAC § 25-590-40.

CIVIL PENALTY

35. In settlement of EPA's claims for civil monetary penalties assessable for the violations alleged in this Consent Agreement, Respondents consent to the assessment of a civil penalty of Seven Thousand Five Hundred Dollars (\$7,500.00), which Respondents agree to pay in accordance with the terms set forth below.
36. The civil penalty of Seven Thousand Five Hundred Dollars (\$7,500.00) set forth in Paragraph 35, above, shall be paid in four (4) installments with interest at the rate of one percent (1%) per annum on the outstanding principal balance in accordance with the following schedule:
- 1st Payment: The first payment in the amount of One Thousand Eight Hundred Seventy-Five Dollars (\$1,875.00), consisting of a principal payment of \$1,875.00 and an interest payment of \$0.00, shall be paid within thirty (30) days of the date on which this CAFO is mailed or hand-delivered to Respondents;
 - 2nd Payment: The second payment in the amount of One Thousand Eight Hundred Seventy-Nine Dollars and Sixty-Two Cents (\$1,879.62), consisting of a principal payment of \$1,875.00 and an interest payment of \$4.62, shall be paid within sixty (60) days on which this CAFO is mailed or hand-delivered to Respondents;
 - 3rd Payment: The third payment in the amount of One Thousand Eight Hundred Seventy-Eight Dollars and Eight Cents (\$1,878.08), consisting of a principal payment of \$1,875.00 and an interest payment of \$3.08, shall be paid within ninety (90) days of the date on which this CAFO is mailed or hand-delivered to Respondents; and
 - 4th Payment: The fourth and final payment in the amount of One Thousand Eight Hundred Seventy-Six Dollars and Fifty-Four Cents (\$1,876.54), consisting of a principal payment of \$1,875.00 and an interest payment of \$1.54, shall be paid within one hundred twenty (120) days of the date on which this CAFO is mailed or hand-delivered to Respondents.

37. Pursuant to the above schedule, Respondents will remit total principal payments for the civil penalty in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00) and total interest payments in the amount of Nine Dollars and Twenty-Four Cents (\$9.24) for a total civil penalty payment in the amount of Seven Thousand Five Hundred Nine Dollars and Twenty-Four Cents (\$7,509.24).
38. If Respondents fail to make one of the installment payments in accordance with the schedule set forth in paragraph 36, above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondents shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondents shall be liable for and shall pay administrative handling charges and late payment penalty charges as described below in the event of any such failure or default.
39. Notwithstanding Respondents' agreement to pay the assessed civil penalty in accordance with the installment schedule set forth in Paragraph 36, above, Respondents may pay the entire civil penalty of Seven Thousand Five Hundred Dollars (\$7,500.00) within thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondents and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a) as calculated in Paragraph 36, above, and as described in Paragraph 37. In addition, Respondents may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance, together with accrued interest to the date of such full payment.
40. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of Respondents' violations and any good faith efforts by Respondents to comply with all applicable requirements as provided in RCRA Section 9006(c), 42 U.S.C. § 6991e(c), and in accordance with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.
41. Respondents shall remit each installment payment for the civil penalty and interest, pursuant to Paragraph 36, above, and/or the full penalty pursuant to Paragraph 38, above, and/or any administrative fees and late payment penalties, in accordance with Paragraphs 47 and 48, below, in the following manner:
42. a. All payments shall be made to the U.S. Treasury by check and sent by U.S Postal Service regular mail shall be addressed to:

US Environmental Protection Agency
Fines and Penalties

Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

The customer service contact for this address may be reached at 513-487-2105

- b. All payments made by check and sent by UPS, FedEx, or overnight mail delivery service (except as noted in section c, below) shall be addressed to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

The U.S. Bank customer service contact for overnight delivery is 314-418-1028.

- c. All payments made by check in any currency drawn on banks with no branches in the United States shall be addressed for delivery to the following address:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- d. All payments made by electronic funds transfer ("EFT") shall be directed to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

The Federal Reserve customer service contact may be reached at 212-720-5000.

- e. All electronic payments made through the Automated Clearinghouse ("ACH"), also known as Remittance Express ("REX"), shall be directed

to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Customer service contact: John Schmid, at 202-874-7026, or REX at 1-866-234-5681

f. On-line payment option

WWW.PAY.GOV

Enter "sfo 1.1" in the search field. Open and complete the form.

g. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/payment_instructions.htm

43. All payments by Respondents shall include each Respondent's full name and address and the EPA Docket Number of this Consent Agreement (RCRA-03-2011-0157).
44. At the time of payment, Respondents shall send a notice of such payment, including a copy of the check, EFT authorization or ACH authorization, as appropriate to:

Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

and

Louis F. Ramalho
Sr. Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

45. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below.
46. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a Consent Agreement and Final Order begins to accrue on the date that a copy of the Consent Agreement and Final Order is mailed or hand-delivered to the Respondents. However, EPA will not seek to recover interest on any amount of such civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
47. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
48. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of a civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

RESERVATION OF RIGHTS

49. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including the Respondents, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment, nor shall anything in this Consent Agreement and the attached Final Order be construed to limit the United States' authority to pursue criminal sanctions against any person or entity. In addition, Complainant reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this CA/FO, following its filing with the Regional Hearing Clerk.

FULL AND FINAL SATISFACTION

50. EPA hereby agrees and acknowledges that the settlement of the proposed penalty as set forth above shall be in full and final satisfaction of all civil claims for penalties which EPA may have under Sections 9006(a) of RCRA for the violations alleged herein.

EFFECTIVE DATE

51. The effective date of this CA/FO is the date on which the Final Order, signed by the Regional Administrator or the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

For Respondent: NMP, Inc.

Date: 4/22/11

By: MMPatel
Mukesh M. Patel
President

For Respondent: Ambica Investments, LLC

Date: 4/22/11

By: MMPatel
Mukesh M. Patel
Manager

For Complainant: United States Environmental Protection Agency, Region III

Date: 5/5/2011

By: [Signature]
Louis F. Ramalho
Sr. Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Waste and Chemicals Management Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

Date: 5/12/2011

Harry J. Dow for AF

Abraham Ferdas, Director
Land and Chemicals Division
EPA Region III

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:

**NMP Associates, Inc.
5921 Carrington Green Court
Glen Allen, VA 23060**

**U.S. EPA Docket Number
RCRA-03-2011-0157**

**Ambica Investments, LLC.
5921 Carrington Green Court
Glen Allen, VA 23060**

RESPONDENTS,

**Brook Express Mart
7101 Brook Road
Richmond, VA 23227**


FINAL ORDER

Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondents, NMP Associates, Inc., and Ambica Investments, LLC. ("Respondents"), have executed a document entitled "Consent Agreement" which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO Section 22.18(b)(3) of the *Consolidated Rules of Practice* and Section 9006(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6991e(a) ("RCRA"), and having determined, based on the representations of the parties in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the factors set forth in Section 9006(c), 42 U.S.C. § 6991e(c), **IT IS HEREBY ORDERED** that Respondents pay a civil penalty of Seven Thousand Five Hundred Dollars (\$7,500.00) in accordance with the terms and conditions of the Consent Agreement.

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or the Regional Judicial Officer, is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

Date: 5/18/11


Renée Sarajian
Regional Judicial Officer
U.S. EPA, Region III


CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date listed below, the original of the foregoing Consent Agreement and Final Order, Docket No. RCRA-03-2011-0157 was filed with the Regional Hearing Clerk, U.S. EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and that a true and correct copy was sent to the following parties:

Lee Robert Artz, Esquire
8900 Three Chopt Road
Richmond, VA 23229

Date

5/18/14



Louis F. Ramalho
Sr. Assistant Regional Counsel
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103-2029