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BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, PA 19103-2029

2015 JAN 15 PM 4:34
REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

IN THE MATTER OF:)	
)	
Cargo Oil Company, Inc.)	
108 East Fincastle Street	)	U.S. EPA Docket Number
Tazewell, Virginia 24651	)	RCRA-03-2015-0049
)	
RESPONDENT)	
)	
	)	CONSENT AGREEMENT
Route 52 North, Bluewell Station,	)	Proceeding under Section 9006
Bluefield, West Virginia 24701	)	of the Resource Conservation and
	)	Recovery Act, as amended,
FACILITY	)	42 U.S.C. § 6991e
)	
)	

CONSENT AGREEMENT

This Consent Agreement ("CA") is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("EPA" or "Complainant") and Cargo Oil Company, Inc. ("Respondent"), 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 "CA/FO") resolve violations of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, and the State of West Virginia's federally authorized underground storage tank program with respect to the underground storage tanks ("USTs") at Respondent's facility located at Route 52 North, Bluewell Station, Bluefield, West Virginia, (the "Facility").

Effective February 10, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the State of West Virginia was granted final authorization to administer a state UST management program ("West Virginia UST management program") in lieu of the Federal underground storage tank management program established under Subtitle I of RCRA. The provisions of the West Virginia UST management program, through this final authorization, are enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e.

The West Virginia UST management program regulations are set forth in the West Virginia Code of State Rules (“WVCSR”), Title 33, Series 30, Chapter 2, Section 1 *et seq.*

I. GENERAL PROVISIONS

1. For purposes of this proceeding only, Respondent admits to the jurisdictional allegations set forth in this CA/FO.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CA/FO, except as provided in Paragraph 1, above.
3. Respondent agrees not to contest EPA’s jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order (“FO”), or the enforcement of the CA/FO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its 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. Respondent consents to the issuance of this CA/FO and agrees to comply with its terms and conditions.
6. Respondent shall bear its own costs and attorney’s fees.
7. The person signing this CA on behalf of the Respondent certifies to EPA by his or her signature herein that Respondent, to the best of his/her knowledge, as of the date of this CA, is in compliance with the provisions of RCRA, Subtitle I, 42 U.S.C. §§ 6991-6991m, and the West Virginia Management Program’s UST Regulations at the Facility referenced herein.
8. The provisions of this CA/FO shall be binding upon Respondent and its officers, directors, employees, successors and assigns.
9. This CA/FO shall not relieve Respondent of its obligation 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 CA/FO constitute a waiver, suspension or modification of the requirements of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, or any regulations promulgated thereunder.
10. 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 Respondent to EPA regarding matters at issue in this CA are false or, in any material respect, inaccurate. Respondent is aware that the submission of false or misleading information to the United States government may subject Respondent to separate civil and/or criminal liability.
11. Respondent agrees not to deduct, for civil taxation purposes, the civil penalty specified in this Consent Agreement and the attached Final Order.
12. EPA has given the state of West Virginia prior notice of the issuance of this CA/FO in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

II. FACTUAL ALLEGATIONS AND CONCLUSIONS OF LAW

13. The allegations of the preceding paragraphs are incorporated herein by reference.
14. EPA has jurisdiction over this matter pursuant to Section 9006 of RCRA, 42 U.S.C. §6991e, and 40 C.F.R. § 22.1(a)(4).
15. The factual allegations and legal conclusions in this CAFO are based upon the provisions of the West Virginia Authorized UST Management Program, as set forth in Title 33, Series 30 of West Virginia's Hazardous Waste Management Regulations, which incorporates by reference the federal underground storage tank program regulations, including the definitions, set forth at 40 C.F.R. Part 280 (1995 edition), with some modifications. These regulations, the West Virginia authorized underground storage tank regulations, will hereinafter be cited as WVUSTR, 33-30-1, *et seq.* All references to the provisions of 40 C.F.R. Part 280 which are incorporated by reference in the WVUSTR are to such regulations as set forth in the 1995 edition of the Code of Federal Regulations.
16. Respondent is a Virginia corporation and is therefore a "person" as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and in 40 C.F.R. § 280.12.
17. At all times relevant to this CAFO, Respondent has been the "owner" and "operator" of underground storage tanks ("UST"s) and "UST systems", as those terms are defined in Section 9001 of RCRA, 42 U.S.C. § 6991, and 40 C.F.R. § 280.12, located at the Facility.
18. At all times relevant to the violations alleged herein, the two (2) USTs, as described in the following subparagraphs, were located at the Facility:
 - A. A ten thousand (10,000) gallon double walled steel UST with a polyethylene tank jacket that was installed in or about May of 1993, and at all times relevant hereto, routinely contained regular gasoline (hereinafter "UST No. 1").
 - B. A ten thousand (10,000) gallon double walled steel UST with a polyethylene tank jacket that was installed in or about May of 1993, and at all times relevant hereto, routinely contained premium gasoline (hereinafter "UST No. 2").
19. The USTs referenced in the immediately preceding Paragraph (the "Facility USTs"), are "petroleum UST systems" and "existing tank systems" as defined in WVUSTR Section 33-30-2.1 (40 C.F.R. § 280.12).
20. The Facility USTs at all times relevant to the violations alleged in this CAFO, used to store and routinely contained "regulated substance(s)" at Respondent's Facility, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and WVUSTR Section 33-30-2.1 (40 C.F.R. §280.12).
21. On June 6, 2012, a representative of EPA, Region 3, Land and Chemicals Division, Office of Land Enforcement conducted a Compliance Evaluation Inspection ("CEI") of

Respondent's two (2) USTs at the Facility to determine compliance with Subtitle I of RCRA pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.

22 At all times relevant to the applicable violations alleged herein, Respondent's two (2) "petroleum UST system(s)" with connected underground piping routinely contained "regulated substance(s)," as those terms are defined in Section 9001 of RCRA, 42 U.S.C. § 6991, and 40 C.F.R. § 280.12.

COUNT I

Failure to Conduct Annual Line Tightness Testing or Monthly Monitoring

23. The allegations of the preceding paragraphs are incorporated herein by reference.

24. Pursuant to 33 WVCSR § 30 – 2.1, and the corresponding federal regulation 40 C.F.R. § 280.41(b)(1)(ii), an annual line tightness test or some other approved method of line detection must be performed on all pressurized piping at the Facility.

25. Respondent has been the owner and operator of the Facility from at least December of 2007 to the date of this CAFO.

26. Respondent failed to conduct an annual line tightness test or some other approved method of line detection on all pressurized piping for USTs 1 and 2 at the Facility from at least June 6, 2011 to July 11, 2012.

27. Respondent's acts and/or omissions as alleged in Paragraph 26, above, are violations by Respondent of 33 WVCSR § 30 – 2.1, and the corresponding federal regulation 40 C.F.R. § 280.41(b)(1)(ii).

COUNT II

Failure to Conduct Annual Testing of the Line Leak Detectors

28. The allegations of the preceding paragraphs are incorporated herein by reference.

29. Pursuant to 33 WVCSR § 30 – 2.1, and the corresponding federal regulation 40 C.F.R. §280.41(b)(1)(i), underground piping that conveys regulated substances under pressure must be equipped with an automatic line leak detector.

30. Pursuant to 33 WVCSR § 30 – 2.1, and the corresponding federal regulation 40 C.F.R. §280.44(a), an annual test of the operation of the line leak detectors must be conducted.

31. Respondent failed to conduct an annual test of operation of the line leak detectors on the pressurized piping for USTs 1 and 2 at the Facility from at least July 12, 2008 to July 11, 2012.

32. Respondent's acts and/or omissions as alleged in Paragraph 31, above, are violations by Respondent of 33 WVCSR § 30 – 2.1, and the corresponding federal regulation 40 CFR §280.44(a).

COUNT III

Failure to Maintain Records for Piping Release Detection

33. The allegations of the preceding paragraphs are incorporated herein by reference.
34. Pursuant to 33 WVCSR § 30 – 2.1, and the corresponding federal regulation 40 C.F.R. §280.34(b)(4), Respondent must maintain records of compliance with release detection requirements at the Facility.
35. Respondent failed to maintain records of compliance with release detection requirements for all pressurized piping regarding USTs 1 and 2 at the Facility, from at least July 12, 2011 to July 11, 2012.
36. Respondent's acts and/or omissions as alleged in Paragraph 35, above, are violations by Respondent of 33 WVCSR § 30 – 2.1, and the corresponding federal regulation 40 C.F.R. §280.34(b)(4).

III. CIVILPENALTY

37. Section 9006(d) of RCRA, 42 U.S.C. §6991e(d), and 40 C.F.R. Part 19, provides that EPA may assess a civil penalty of up to \$16,000.00 per day for each tank each day such tank is in violation of the regulatory requirements.
38. In settlement of Complainant's claims for civil penalties for the violations alleged in this CA, Respondent agrees to pay a civil penalty in the amount of twenty two thousand, five hundred and seventy seven dollars (\$22,577.00), to be paid in 12 installment payments over the course of a year. The initial civil penalty installment is due and payable immediately upon Respondent's receipt of a true and correct copy of this CA/FO. If Respondent pays the entire civil penalty of twenty two thousand, five hundred and seventy seven dollars (\$22,577.00) within thirty (30) calendar days of the date on which this CA/FO is mailed or hand-delivered to Respondent, no interest will be assessed against Respondent pursuant to 40 C.F.R. §13.11(a)(1).
39. 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.
40. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CA/FO begins to accrue on the date that a copy of the CA/FO is mailed or hand-delivered to the Respondent. 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).

41. In accordance with 40 C.F.R. § 13.11(b), the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 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.

42. Pursuant to 40 C.F.R. § 13.11(c), a late payment penalty of six percent per year will be assessed monthly on any portion of a civil penalty which remains delinquent more than ninety (90) calendar days. In accordance with 31 C.F.R. § 901.9(d), should assessment of the penalty charge on a debt be required, it shall accrue from the first day payment is delinquent.

43. 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 Respondent's violations and any good faith efforts by Respondent to comply with all applicable requirements as provided in RCRA Section 9006(c), 42 U.S.C. § 6991e(c), and with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.

44 Respondent shall pay a civil penalty of twenty two thousand, five hundred and seventy seven dollars (\$22,577.00) in twelve (12) installments and pay interest at the rate of one percent (1.00%) per annum on the outstanding principal balance in accordance with the following schedule:

1st Payment- The first payment in the amount of \$1,881.41 shall be paid within thirty days (30) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

2nd Payment- The second payment in the amount of \$1,908.84 shall be paid within sixty days (60) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

3rd Payment- The third payment in the amount of \$1,891.02 shall be paid within ninety days (90) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

4th Payment- The fourth payment in the amount of \$1,891.02 shall be paid within one hundred and twenty days (120) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

5th Payment- The fifth payment in the amount of \$1,891.02 shall be paid within one hundred and fifty days (150) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

6th Payment- The sixth payment in the amount of \$1,891.02 shall be paid within one hundred and eighty days (180) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

7th Payment- The seventh payment in the amount of \$1,891.02 shall be paid within two hundred and ten days (210) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

8th Payment- The eighth payment in the amount of \$1,891.02 shall be paid within two hundred and forty days (240) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

9th Payment- The ninth payment in the amount of \$1,891.02 shall be paid within two hundred and seventy days (270) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

10th Payment- The tenth payment in the amount of \$1,891.02 shall be paid within three hundred days (300) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

11th Payment- The eleventh payment in the amount of \$1,891.02 shall be paid within three hundred and thirty days (330) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

12th Payment- The twelfth and final payment in the amount of \$1,891.02 shall be paid within three hundred and sixty five days (365) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

45. Pursuant to the above schedule, Respondent will remit total payments for the civil penalty in the amount twenty two thousand, five hundred and seventy seven dollars (\$22,577.00) and interest payments totaling one hundred and twenty three dollars and forty five cents (\$123.45), for a grand total of twenty two thousand, seven hundred dollars and forty five cents (\$22,700.45).

46. If Respondent fails to make any one of the installment payments in accordance with the schedule set forth in paragraph 44, above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent 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, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described in paragraphs 38 through 41, above, in the event of any such failure or default.

47. Respondent shall remit the full penalty or each installment payment for the civil penalty and/or interest in accordance with paragraph 44 through 46, above, by sending a certified check or cashier's check, or by cashier's check, certified check, or electronic wire transfer, payable to "United States Treasury," in accordance with this Section IV and the following instructions:

a. All payments made by check and sent by U.S. Postal Service regular mail shall be addressed to:

U.S. Environmental Protection Agency
Fines and Penalties

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

The customer service contact for this address is Heather Russell, who may be reached at 513-487-2044.

b. All payments made by check and sent by UPS, FedEx, or overnight mail delivery service (except as noted in section d, 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, can be reached 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/make_a_payment.htm

h. All payments by Respondent shall include Respondent's full name and address and the EPA Docket Number of this Consent Agreement (**RCRA-03-2015-0049**).

i. At the time of payment, Respondent 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

Rodney Carter
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC50)
1650 Arch Street
Philadelphia, PA 19103-2029

48. Nothing in this CA/FO shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any other provision of law.

IV. RESERVATION OF RIGHTS

49. This CA/FO resolves only EPA's claims for civil penalties for the specific violations alleged in the CA/FO. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and

substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CA/FO, following its filing with the Regional Hearing Clerk.

V. FULL AND FINAL SATISFACTION

50. This CA/FO constitutes a full, complete and final settlement by EPA of all claims for civil penalties pursuant to 9006(a) of RCRA, 42 U.S.C. § 6991e(a), for the specific violations alleged herein. Compliance with this CA/FO shall not be a defense to any action commenced at any time for any other violations of the federal laws and regulations administered by EPA.

VI. OTHER APPLICABLE LAWS

51. Nothing in this CA/FO shall relieve Respondent of any duties or obligations otherwise imposed on it by applicable federal, state or local law and/or regulations.

VII. AUTHORITY TO BIND PARTIES

52. The undersigned certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and to legally bind Respondent hereto.

VIII. PARTIES BOUND

53. This CA/FO shall apply to and be binding upon EPA, Respondent, and Respondent's officers, employees, agents, successors and assigns.

IX. EFFECTIVE DATE

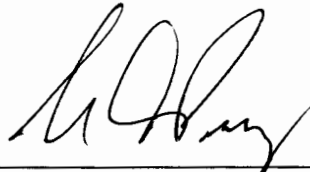
54. This CA/FO shall become effective upon filing with the Regional Hearing Clerk.

X. ENTIRE AGREEMENT

55. This CA/FO constitutes the entire agreement and understanding of the parties concerning settlement of all claims pertaining to the specific violations alleged herein, and there are no representations, warranties, covenants, terms, or conditions agreed upon between the parties other than those expressed in this CA/FO.

For Respondent

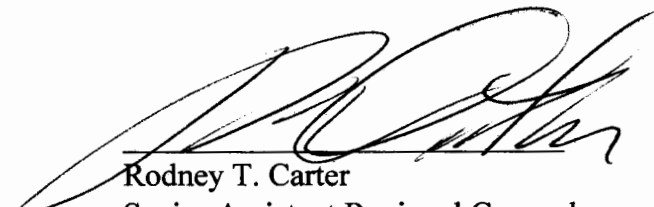
11.06.14
Date



William Albert Peery, President
Cargo Oil Company Inc.

For Complainant


6-19-14
Date



Rodney T. Carter
Senior Assistant Regional Counsel

After reviewing the Findings of Fact and Conclusions of Law and other pertinent matters, the Director of Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, hereby recommends that the Regional Administrator or his designee, the Regional Judicial Officer, issue the attached Final Order.

11.25.14
Date



John A. Armstead, Director
Land and Chemicals Division (3LC00)

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BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

REGION III
1650 Arch Street
Philadelphia, PA 19103-2029

IN THE MATTER OF:)	
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Cargo Oil Company, Inc.)	
108 East Fincastle Street)	U.S. EPA Docket Number
Tazewell, Virginia 24651)	RCRA-03-2015-0049
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RESPONDENT)	
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)	FINAL ORDER
Route 52 North, Bluewell Station,)	Proceeding under Section 9006
Bluefield, West Virginia 24701	)	of the Resource Conservation and
	)	Recovery Act, as amended,
FACILITY	)	42 U.S.C. § 6991e
)	
)	

FINAL ORDER

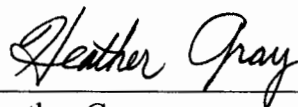
Complainant, the Director of the Land and Chemicals Division U.S. Environmental Protection Agency - Region III, Cargo Oil Company, Inc., ("Respondent"), has executed a document entitled "Consent Agreement" which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice 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(c) of the Resource Conservation and Recovery Act, 42 U.S.C §6991e(c)("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) and (d) of RCRA, 42 U.S.C. § 6991e(c) and (d), IT IS HEREBY ORDERED that Respondent pay a civil penalty of twenty two thousand, five hundred and seventy seven dollars (\$22,577.00) in accordance with the payment provisions set forth in the attached Consent Agreement and comply with the terms and conditions as specified in the attached 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.

01-15-15

Date:



Heather Gray
Regional Judicial Officer
U.S. EPA, Region III

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CERTIFICATE OF SERVICE

2015 JAN 15 PM 4: 34

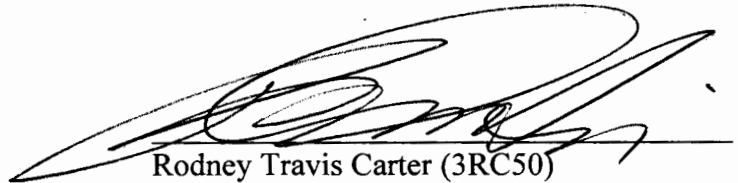
Docket Number RCRA-03-2015-0049

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

I certify that on the date noted below, the original **Consent Agreement and Final Order** for this matter (RCRA-03-2015-0049) was hand-delivered to the Regional Hearing Clerk, EPA Region III, and that I caused true and correct copies of the **Consent Agreement and Final Order** to be transmitted by electronic facsimile and/or express or 1st class mail to the persons listed below:

Robert E. Lannan
Elizabeth Turgeon
Robinson & McElwee PLLC
PO Box 1791
Charleston WV 25326

Date: January 15, 2015



Rodney Travis Carter (3RC50)
Senior Assistant Regional Counsel
U.S. EPA-Region III
1605 Arch Street
Philadelphia, PA 19103