



5. At the time of the February 28, 2019 Compliance Evaluation Inspection, and at all times relevant to the applicable violations alleged herein, one UST, as described in the following subparagraph, was located at the Facility:

A 1,000-gallon tank that was installed in or about October 1987, and that, at all times relevant hereto, routinely contained regular-grade gasoline, a “regulated substance” as that term is defined in 25 PA Code Title §245.1;

6. EPA has identified the following violation:

Failure to provide tank release detection monthly for the 1,000-gallon tank, from January 2019 through June 30, 2019 in violation of 25 PA Code Title §245.441(a)(1).

7. The EPA and the Respondent agree that settlement of this matter for a penalty of **\$940.00** is in the public interest and has been calculated in accordance with the statutory factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), and the Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations and Revised Field Citation Program and ESA Pilot, effective October 5, 2018.
8. Respondent agrees that within 30 days of the effective date of this Agreement (the date it is filed with the Regional Hearing Clerk), Respondent shall submit a check with the case name, address and docket number of this Agreement (RCRA-03-2019-0122), for the amount specified above, payable to “**United States Treasury**,” U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000.

Copies of the payment are to be sent to:

Marie Owens Powell  
UST Compliance Enforcement Officer  
U.S. EPA Region III (Mail Code 3ED22)  
1650 Arch Street  
Philadelphia, PA 19103; and,

Regional Hearing Clerk  
U.S. EPA Region III (Mail Code 3RC00)  
1650 Arch Street  
Philadelphia, PA 19103-2029.

9. In signing this Agreement, the Respondent: admits the jurisdictional allegations set forth in this Agreement; neither admits nor denies the specific factual allegations and conclusions of law set forth in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA’s jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact set forth in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; and bear its own costs and attorney’s fees.

10. 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, and (2) submitted true and accurate documentation of those corrections.
11. This Agreement and attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
12. 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 Sections 22.18(c) and 22.31(a) 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 CAFO, following its filing with the Regional Hearing Clerk.
13. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
14. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind CVA Incorporated to this Agreement.

**IT IS SO AGREED,**

**For Respondent: CVA INCORPORATED**

Name (print): TONY DISANDRO

Title (print): PRESIDENT

Signature: 

Date 8/20/19

**For Complainant: U.S. Environmental Protection Agency, Region III**

9/12/19  
Date

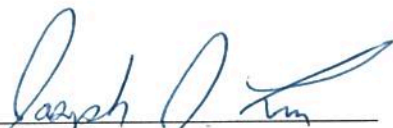
  
for Karen Melvin, Director  
Enforcement and Compliance Assurance Division



This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of Subtitle I of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6991 *et seq.*, and the regulations promulgated thereunder.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Sept. 12, 2019  
Date

  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial Officer  
U.S. EPA - Region III



In the Matter of: ~~Dingo LLC~~  
Docket Number: ~~RCRA-03-2019-0097~~

TRACKING NUMBER: 1Z A43 F71 A 2 97S9 2144