

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

In the Matter of:)

Silky Associates, LLC)
200 E. Williamsburg Road)
Sandston, VA 23150)

Respondent,)

Lucky Mart)
200 E Williamsburg Road)
Sandston, VA 23150)

Facility.)

Docket No: RCRA-03-2018-0131

Respondent's Answer to the Complaint

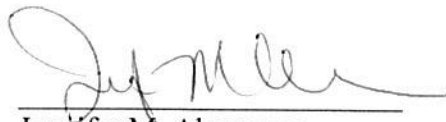
U.S. EPA-REGION 3-RHC
FILED-27AUG2018PM5:23

1. On July 23, 2018, the Director of the Land and Chemicals Division of the U.S. Environmental Protection Agency, Region III ("Complainant") issued an Administrative Complaint, Compliance Order and Notice of Opportunity for Hearing ("Complaint") pursuant to Section 9006 of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984 (collectively "RCRA"), 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 of Practice"), 40 C.F.R. Part 22, to Silky Associates, LLC ("Respondent").
2. The Complaint alleges that the Respondent violated RCRA and the Commonwealth of Virginia federally authorized underground storage tank ("UST") regulations codified at 9 VAC § 25-580-10 *et seq.* at Respondent's Lucky Mart facility located at 200 E Williamsburg Road in Sandston, Virginia ("Facility").
3. The Complainant served a copy of the filed Complaint on the Respondent which, according to the certified mail return receipt "green" card, was delivered on July 26, 2018. Pursuant to 40 C.F.R. Part 22.5(b)(iii), proof of service of the Complaint was filed on August 2, 2018.
4. On August 9, 2018, the undersigned returned a voicemail message left by Respondent and spoke with Lakhmir Bagga on the telephone concerning the Complaint. After confirming that Respondent is acting *pro se* (i.e., not represented by counsel) and clarifying that the undersigned represents Complainant, the undersigned *inter alia* explained to Mr. Bagga the consequences of failing to file an Answer within thirty (30) days.

5. On August 21, 2018, Respondent submitted a response, by fax and by regular mail, consisting of a four page hand-written letter, a one page monthly rectifier operating record, and an executed certification, to the attention of UST Program Officer Melissa Toffel of U.S. Environmental Protection Agency, Region III's Land and Chemicals Division. Respondent's submissions are included in Attachment A.

6. On August 27, 2018, the undersigned contacted Respondent via the telephone and spoke with Lakhmir Bagga. After confirming that Respondent is acting *pro se* (i.e., not represented by counsel) and explaining that the factual allegations in the Complaint will be deemed to be admitted if a timely Answer is not filed, Mr. Bagga clarified that the response submitted on August 21, 2018 should be considered as Respondent's Answer to the Complaint and requested that the undersigned file it on Respondent's behalf.

Dated: AUG 27 2018



Jennifer M. Abramson
Senior Assistant Regional Counsel

ATTACHMENT A
RESPONDENT'S ANSWER

SILKY ASSOCIATES, LLC
LUCKY MART
900 E. WILLIAMSBERG RD
SANDBORON VA 23150

TO

MELISSA TOFFEL (3LC31)
U S ENVIRONMENTAL PROTECTION AGENCY
1650 ARCH STREET
PHILADELPHIA, PA 19103-2009

RICHMOND VA 230
21 AUG 2018 PM 1 L



19103-208759



D/ 8-30-18

From - Silby Associates, LLC
200 E. Williamsburg Rd
Sandston

Dear

Melissa Toffel

U.S. Environmental Protection Agency - Region III

As I/we have discussed last year about all these complaint of underground tanks and if you told me you need to do all 3 test

- ① Line Tightening Test (every year)
- ② Line leak detector test (" ")
- ③ Cathodic Protection test, and has to be done every 3 year

As per your instruction I performed all these test last year and I have send you all the testing certificate, and Cathodic protection UST Corrosion person send all the Testing Report after he fixed and install all the not working Anodic or underground Corrosion Equipment.

And few or couple month ago I found of Mr. Samosa DEIA Inspector Mr. Vans Tecmision installed all the overflow instrument (or overflow tube) only Super brand old ~~tube~~ tube stuck so that part is pending so I am not ordering and selling Super.

I believe or remember that I am have did the both line tightening and leak detector

II

in 2016 and send the Certificate to DEQ office. Because I remember there was one tank Reading was not coming correct, so He issued Certificate for only 4 TANK Packed and Fixed then I called Vinse (Petroleum Equipment Service) and he Fixed it. And He checked the Pressure is perfectly normal but he cannot issue certificate because he was not certified to issue certificate.

As I have send you all the Paper work form of Cathodic Protection and some Paper work of Vendor Rept. In 2012 see I think UST Corrosion Company had Repair all the underground Anode which protect the TANK from corrosion and from date Cathodic Protection Protection machine was giving same and similar Reading which I note every 1st of month and write down on paper (Record Paper) with Date and Time and Initial.

You have told me that if you do not send all Papers you will be Penalties big and if you send all then you will not Penalties and on my request you explain that what should I do, you told me that I have to get All

III

Testing. I ask you what-kind. You have told me ① Line Tighting ② Leak detector ③ Cathodic protector, and first two every year and Cathodic Protection every 3 years and I did it But Cathodic Protection Failed so I contacted the People who did Previously UST Corrosion Co. They told me that they have done in 2012.

And Line Fitter Tighting and Leak Detector Precision line tester do all most of the time, I spoke to him today, he said Probably 4-5 time he have done in my store. I have ~~he~~ requested him to E-mail me all the Previous Testing Record, He was Driving and when he will go to his office he will look into it and he told me to Call back in the night.

As soon as he E-mail I will send you all that Record. and in Future I will not Fail, I will Follow all your Rules and do the TESTING in-time and send the Certificate to PEA.

Yours

Japhin S. Dey

IV

I am sending you current - Cathodic
Protection Reading Paper from 1-1-17
to 11-1-17 and 11-1-18 to 8-1-18
12-17 to ~~18~~ 3-18 UST. Disconnected
the connection to get Falls Reading
After he fixed and Repair He Connected
and I was Able to tape the reading
and I am taping all the reading in
the morning, I check both cathodic P.P.
and Vedio Recd.

Thank you

Japhin D. Lopez

The certification required above shall be in the following form:

I certify that the information contained in or accompanying this [type of submission] is true, accurate, and complete. As to [the/those] identified portions of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [type of submission] and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: L. S. BAGGA

Name: LAKHMIR S. BAGGA

Title: OWNER

60. All documents and reports to be submitted pursuant to this Compliance Order shall be sent to the following persons:

1. Documents to be submitted to EPA shall be sent to the attention of:

Melissa Toffel (3LC31)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Toffel.Melissa@epa.gov
Fax: (215) 814-5211

2. One copy of all documents submitted to EPA shall also be sent by regular mail to the attention of:

Russell P. Ellison, III
UST Program Coordinator
Office of Spill Response & Remediation
Division of Land Protection & Revitalization
VA DEQ
P.O. Box 1105
Richmond, VA 23218

61. Failure to comply with any of the terms of this Compliance Order may subject Respondent to the imposition of a civil penalty of up to \$58,562 for each day of continued

8-20-18

From - Silky Associates, LLC
200 E. Williamsburg Rd
Sandston

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U.S. Environmental Protection Agency - Region III

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And few or couple months ago I friend of Mr. Lemoine DEA Inspector Mr. Veins Technician installed all the overflow instrument (or overflow tube) only Super brand old tube stuck so that part is panning off so I am not ordering and selling Super.

I believe as remember that I am have did the both line Tightening and Leak Detector

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Testing: I ask you what-kind you have told me ① Line Tighting ② Leak detectors ③ Cathodic Protection, and First two every year and Cathodic Protection every 3 years and I did it But Cathodic Protection Failed so I contacted the People who did Previously UST Corrosion Co. They told me that they have done in 2019.

And Line Tighting and Leak Detector Precision Line tester do all most of the time, I spoke to him today, he said Probably 4-5 times he have done in my store. I have requested him to E-mail me all the Previous Testing Record, He was driving and when he will go to his office he will look into it and he told me to Call back in the night.

As soon as he E-mail I will send you all that Record and in Future I will not Fail, I will Follow all your Rules and do the TESTING in time and send the Certificate to PEO.

Yours

Lalmit Duggal

PAGE IV →

ATTN: Melissa Toftel (3LC31)

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CERTIFICATE OF SERVICE

I certify that the foregoing RESPONDENT'S ANSWER TO THE COMPLAINT in the above referenced matter was sent this day in the following manner to the below addressees:

Original and one copy by hand-delivery:

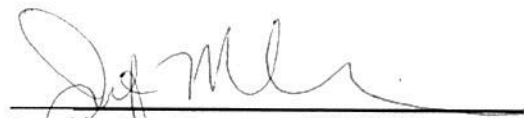
Regional Hearing Clerk

Copy by Certified Mail Return Receipt Requested:

Mr. Lakhmir Bagga
Silky Associates, LLC
200 E. Williamsburg Road
Sandston, VA 23150

AUG 27 2018

Date



Jennifer M. Abramson (3RC50)
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103
Phone: (215) 814-2066
Email: Abramson.Jennifer@epa.gov