

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch St.
Philadelphia, PA 19103-2029

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2009 JAN 30 PM 3:27
OFFICE OF THE REGIONAL ADMINISTRATOR
PHILADELPHIA, PA

In the matter of: :
: US EPA DOCKET NO:
EUCLID OF VIRGINIA, INC. : **RCRA-03-2009-0067**
Respondent :

**ANSWER TO ADMINISTRATIVE COMPLAINT
REQUEST FOR HEARING
REQUEST FOR SETTLEMENT CONFERENCE**

Comes now Respondent and Answers the Administrative Complaint, denying all liability and requesting a hearing and settlement conference, as follows:

I - INTRODUCTION

Respondent denies that it violated any of the provisions of the environmental laws as stated in the Introduction. Respondent admits that both the District of Columbia and the Commonwealth of Virginia were granted final authorization to administer a state UST management program.

Respondent has no knowledge whether EPA has given Virginia or the District of Columbia adequate notice prior to commencement of the instant case and will demand strict proof of fully conforming notice.

II - COUNT 1

1. Admitted.
2. It is denied that Respondent is the "owner" or "operator" of the Lowest Price Gas station identified as "e. 19503 James Monroe Highway, Leesburg, Virginia." That premises is

owned and operated directly or indirectly by Holtzman Oil Corporation, an unrelated entity. Any admissions related to other paragraphs of the Administrative Complaint are to be interpreted in light of Respondent's non-responsibility for this site. Holtzman Oil Corporation arranges for testing, maintenance and environmental compliance related to this site, and it owns the tanks and fuel dispensers. This fact was communicated to EPA personnel, including Marie Owens, by Thomas "Ted" Beck verbally and via email. Holtzman Oil Corporation can be contacted at: attn: William Holtzman, 5534 Main St., Mount Jackson, VA 22842-9508. Phone: 800-628-0379 or 540-477-3131; www.holtzmancorp.com. The remainder of the allegations in Paragraph 2 are admitted.

3 - 4. Admitted

5. Denied. Mr. Beck adequately responded to the information requests. In addition, responses are attached to this Answer collectively as Exhibit A. Effective June 25, 2008, all of the gasoline service stations operated by Respondent were transferred to Mid Atlantic Petroleum Properties, LLC. EPA and the various states were notified of this change on or about June 27, 2008. The letter from EPA requesting the information, attached to the Administrative Complaint is dated June 27, 2008. Notwithstanding the fact that on the date of the attached letter, Respondent was not currently responsible for environmental compliance, Respondent will undertake to defend this administrative proceeding and provide any required information and documentation.

6 - 8. The allegations in paragraphs 6 through 8, inclusive, are denied.

III - COMPLIANCE ORDER

A Compliance Order is neither warranted nor necessary in this case. Without admitting

any liability, Respondent attaches to this Answer all of the information responsive to the inquiries.

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IV - HEARING REQUEST

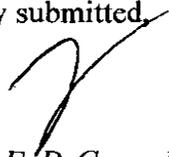
Respondent hereby requests a hearing on the Administrative Complaint.

V - SETTLEMENT CONFERENCE

Respondent hereby requests a settlement conference.

Wherefore, having fully answered the Administrative Complaint, denying all liability, the Respondent hereby requests that this case be dismissed.

Respectfully submitted,



/s/ Thomas F. DeCaro, Jr.

Thomas F. DeCaro, Jr.
Attorney for Respondent
14406 Old Mill Rd. #201
Upper Marlboro, MD 20772
301-464-1400 phone
301-464-4776 fax
tfd@crols.com E-mail

CERTIFICATE OF SERVICE

I, Thomas F. DeCaro, Jr. do hereby certify that on January 28, 2009, I did mail, postage prepaid, a copy of the foregoing Answer to Administrative Complaint to:

Abraham Ferdas, Director
Land & Chemicals Division
U.S. Environmental Protection Agency
1650 Arch St.
Philadelphia, PA 19103-2029

via fax to Lydia Guy, Regional Hearing Clerk, (215)814-2603

Lydia Guy
Regional Hearing Clerk
Environmental Protection Agency
1650 Arch St.
Philadelphia, PA 19103

Benjamin Fields
Mail Code 3RC30
US EPA - Region III
1650 Arch St.
Philadelphia, PA 19103-2029


/s/ Thomas F. DeCaro, Jr.

Thomas F. DeCaro, Jr.

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**EXHIBIT A TO RESPONDENT'S
ANSWER TO ADMINISTRATIVE COMPLAINT**

1. Attached is a Notification for USTs filed with the District of Columbia Department of Health on August 25, 2008. This Notification shows the piping type as "pressurized."

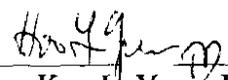
2. (a) The Veeder Root system at 1576 Wisconsin Ave. NW, Washington, DC has been performing CSLD on manifolded tanks since July 13, 2004. (b) Attached is a Site Configuration form provided by Independent Petroleum Services confirming this. (c) 12-months of CSLD reports are attached.

3. A statement from Ted Beck concerning the training provided to the operator at 1576 Wisconsin Ave. NW, Washington, DC is attached. The invoice for replacement of the submersible line detector is also attached.

4. Registration of the USTs at 13793 Spottswood Trail, Ruckersville, VA are attached. The site was registered by Mid Atlantic Petroleum Properties, LLC some time on or prior to October 1, 2008.

I certify that the information contained in the attached exhibits is true, accurate and complete. As to those portions of the submission for which I cannot verify the accuracy from personal knowledge, that is, all but 2(a), I certify under penalty of law that this 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 persons who manage the systems and those 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.

Euclid of Virginia, Inc.

By: 
Koo L. Yuen, President