

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103-2029**



IN THE MATTER OF:)	DOCKET NO.: RCRA-03-2024-0031
)	
)	
T & D Quick Stop, Inc.)	EXPEDITED SETTLEMENT AGREEMENT AND
267 US-52 East, Kermit, WV 25674)	FINAL ORDER
)	
Respondent)	
)	
)	
T & D Quick Stop)	
267 US-52 East, Kermit, WV 25674)	
)	
)	
Facility)	

EXPEDITED SETTLEMENT AGREEMENT

1. T & D Quick Stop, Inc. (“Respondent”) and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) enter into this Expedited Settlement Agreement (“Agreement”) 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 of Practice”), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 (“EPA”) has jurisdiction over this matter pursuant to 9006 of RCRA, 42 U.S.C. § 6991e, and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.
3. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a “person,” and the “operator” and/or “owner” of “underground storage tanks” (“USTs”) and UST systems, located at T & D Quick Stop, 267 US-52 East, Kermit, West Virginia 25674 (the “Facility”).
4. Complainant alleges and finds that Respondent failed to comply with specific requirements of Subtitle I of RCRA, 42 U.S.C. §§ 6991- 6991m., its implementing regulations at 40 C.F.R. Part 280, and the federally-authorized state of West Virginia’s UST regulations set forth in the West Virginia Administrative Code at Title 33, Series 30, W. Va. Code R. § 33-30-1 *et seq.*, which incorporates by reference 40 C.F.R Part 280 at W. Va. Code R. § 33-30-2.1.
5. On May 17, 2023, a representative of EPA conducted a Compliance Evaluation Inspection, and observed the following USTs located at the Facility:

- a. An 8,000-gallon tank that was installed in or about May 1985, and that, at all times relevant hereto, routinely contained regular-grade gasoline, a “regulated substance” as that term is defined in 40 C.F.R. § 280.12 (hereinafter “UST No. 1”).
 - b. An 8,000-gallon tank that was installed in or about May 1985, and that, at all times relevant hereto, routinely contained premium-grade gasoline, a “regulated substance” as that term is defined in 40 C.F.R. § 280.12 (hereinafter “UST No. 2”).
 - c. An 8,000-gallon tank that was installed in or about May 1985, and that, at all times relevant hereto, routinely contained on-road diesel, a “regulated substance” as that term is defined in 40 C.F.R. § 280.12 (hereinafter “UST No. 3”).
 - d. A 3,000-gallon tank that was installed in or about May 1985, and that, at all times relevant hereto, routinely contained kerosene, a “regulated substance” as that term is defined in 40 C.F.R. § 280.12 (hereinafter “UST No. 4”).
6. Complainant has identified the following violations:
- a. For the months of August 2022, March 2023, and May 2023, Respondent failed to conduct tank release detection on UST No. 2, in violation of 40 C.F.R. § 280.41(a)(1) and W. Va. Code R. § 33-30-2.1;
 - b. For the months of August 2022, March 2023, and May 2023, Respondent failed to conduct annual line tightness testing or monthly line monitoring for the pressurized piping on UST No. 2, in violation of 40 C.F.R. § 280.41(b)(1)(i)(B) and W. Va. Code R. § 33-30-2.1.
7. Complainant and Respondent agree that settlement of this matter for a penalty of **\$2,444 (TWO THOUSAND FOUR HUNDRED FORTY-FOUR DOLLARS)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), and the Revised Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations and Revised Field Citation Program and ESA, effective October 5, 2023.
8. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$2,444** to “United States Treasury” with the case name, address, and docket number of the Agreement (RCRA-03-2024-0031), for the amount specified above. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
9. Within 24 hours of payment, the Respondent shall also send proof of payment (a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Melissa Toffel, UST Compliance Officer (3ED22)
toffel.melissa@epa.gov

and,

Regional Hearing Clerk (3RC00)
R3_Hearing_Clerk@epa.gov

10. In signing this Agreement, the Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations 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 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; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Agreement and Final Order.
11. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) he or she has corrected the alleged violations, and (2) any documentation or information that he or she provided to EPA was true and accurate.
12. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
13. 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 the RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.
14. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
15. This Agreement is binding on the parties signing below and is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
16. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind T & D Quick Stop, Inc.
17. As permitted under 40 C.F.R. § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: toffel.melissa@epa.gov (for Complainant), and terriblake57@yahoo.com (for Respondent).
18. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

For Respondent: T & D Quick Stop, Inc.

Date: 12-5-2023

By: 
Terri Blake, Owner

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

After reviewing the Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

[Digital Signature and Date]

Karen Melvin, Director
Enforcement and Compliance Assurance Division
U.S. EPA – Region 3

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.

[Digital Signature and Date]

Joseph J. Lisa
Regional Judicial Officer
U.S. EPA - Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103-2029

IN THE MATTER OF:

T & D Quick Stop, Inc.
267 US-52 East, Kermit, WV 25674

Respondent

T & D Quick Stop
267 US-52 East, Kermit, WV 25674

Facility

DOCKET NO.: RCRA-03-2024-0031

Proceeding under 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 of
Practice"), 40 C.F.R. Part 22

CERTIFICATE OF SERVICE

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Terri Blake, Owner/Secretary
T & D Quick Stop, Inc.
267 US-52 East
Kermit, WV 25674
terriBlake57@yahoo.com

Melissa Toffel
Environmental Protection Specialist
U.S. EPA, Region 3
toffel.melissa@epa.gov

[Digital Signature and Date]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3