

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

**1650 Arch Street  
Philadelphia, Pennsylvania 19103**

<b>In the Matter of:</b>	:	
	:	
Guttman Realty Company	:	<b>U.S. EPA Docket No. CWA-03-2020-0103</b>
d/b/a Bulk Terminal Storage	:	
200 Speer Street	:	<b>Proceeding under Sections 311(j) and</b>
Belle Vernon, Pennsylvania 15012,	:	<b>311(b)(6)(B)(i) of the Clean Water Act,</b>
	:	<b>33 U.S.C. §§ 1321(j) and 1321(b)(6)(B)(i)</b>
<b>Respondent and Facility.</b>	:	
	:	
	:	

**CONSENT AGREEMENT**

**PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Guttman Realty Company d/b/a Bulk Terminal Storage (“Respondent”) (collectively the “Parties”), pursuant to Section 311(b)(6)(B)(i) of the Clean Water Act (“CWA” or “Act”), as amended, 33 U.S.C. § 1321(b)(6)(B)(i), 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. Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated it to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under the CWA for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

## **JURISDICTION**

3. The U.S. Environmental Protection Agency has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.50(a)(1).

## **GENERAL PROVISIONS**

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

11. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
12. Section 311(a)(1) of the Act, 33 U.S.C. § 1321(a)(1), defines "oil" as "oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil."
13. In Section 311(j)(1)(C) of the CWA, 33 U.S.C. § 1321(j)(1)(C), Congress required the President to promulgate regulations which would, among other things, establish procedures, methods, and other requirements for preventing discharges of oil from onshore facilities into navigable waters and for containing such discharges.

14. By Executive Order 12777, the President delegated the authority to promulgate regulations under Section 311(j) of the CWA to EPA for non-transportation-related onshore and offshore facilities.
15. Pursuant to its delegated authority under Section 311(j) of the CWA, EPA promulgated the Oil Pollution Prevention Regulations, codified at 40 C.F.R. Part 112 (the “Regulations”).
16. Pursuant to 40 C.F.R. § 112.1(b), the Regulations apply to any owner or operator of a non-transportation-related onshore or offshore facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil or oil products, which due to its location, could reasonably be expected to discharge oil in quantities that may be harmful into or upon the navigable waters of the United States or adjoining shorelines. Pursuant to 40 C.F.R. § 112.1(d), the Regulations do not apply to any owner or operator of a facility with an aggregate aboveground oil storage capacity of 1,320 gallons or less.
17. According to 40 C.F.R. § 112.3, an owner or operator subject to the Regulations must prepare in writing and implement a Spill Prevention, Control, and Countermeasure (“SPCC”) plan, in accordance with § 112.7 and any other applicable section.
18. For violations of Section 311(j) of the CWA, 33 U.S.C. § 1321(j), EPA has authority, under Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6), as amended by the Debt Collection Improvement Act and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, and implemented by 40 C.F.R. Part 19, Adjustment of Civil Monetary Penalties for Inflation, to file an Administrative Complaint seeking a civil penalty of \$19,277 per violation, up to a maximum of \$48,192, or seeking \$19,277 per day for each day during which a violation continues, up to a maximum of \$240,960 for violations occurring after November 2, 2015.
19. Respondent is a Pennsylvania corporation with corporate headquarters located at 200 Speer Street, Belle Vernon, Pennsylvania 15012.
20. Respondent is a person within the meaning of Sections 311(a)(7) and 502(5) of the CWA, 33 U.S.C. §§ 1321(a)(7) and 1362(5), and 40 C.F.R. § 112.2.
21. Respondent is the owner and operator of a fuels distribution facility, located at 200 Speer Street, Belle Vernon, Pennsylvania 15012 (the “Facility”).
22. Respondent is, and at all times relevant to this Consent Agreement and Final Order has been, the owner and/or operator of the Facility within the meaning of Section 311(a)(6) of the CWA, 33 U.S.C. § 1321(a)(6), and 40 C.F.R. § 112.2.
23. According to Respondent’s current SPCC plan, the Facility has a total above-ground oil storage capacity of approximately 6.5 million gallons.
24. The Facility is located adjacent to the Monongahela River.

25. The Facility could reasonably be expected to discharge oil in harmful quantities into the Monongahela River.
26. The Monongahela River is a navigable water of the United States within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
27. The Facility is an onshore facility within the meaning of Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2.
28. The Facility is a non-transportation-related facility within the meaning of 40 C.F.R. § 112.2 and Appendix A of 40 C.F.R. Part 112, as incorporated by reference within 40 C.F.R. § 112.2.
29. Due to its location, the Facility could reasonably be expected to discharge oil in harmful quantities, as defined by 40 C.F.R. § 110.3, into or upon navigable waters of the United States or adjoining shorelines.
30. Pursuant to 40 C.F.R. § 112.1, Respondent, as the owner and operator of the Facility, is subject to the Regulations codified at 40 C.F.R. Part 112.
31. Pursuant to 40 C.F.R. § 112.3, Respondent was required to prepare in writing and implement an SPCC plan, in accordance with 40 C.F.R. § 112.7 and any other applicable section.
32. EPA conducted an inspection of the Facility on March 20, 2018 to evaluate Respondent's compliance with the CWA and the Regulations (the "Inspection").

**Count I**  
**Failure to Include Required Information in Facility Diagram**

33. The allegations of Paragraphs 1 through 32 of this Consent Agreement are incorporated herein by reference.
34. The Regulations at 40 C.F.R. § 112.7(a)(3) require an owner or operator to describe the facility's physical layout in the SPCC plan, including a facility diagram marking the location and contents of each fixed oil storage container and the storage area where mobile or portable containers are located. The facility diagram must also include all transfer stations and connecting pipes.
35. Upon review of the Facility's SPCC plan during the Inspection, EPA inspectors observed that the Facility's SPCC plan did not mark the location of the storage area where three fixed and three mobile or portable oil storage containers were located and did not include connecting pipes associated with two transfer stations.
36. By not marking the location of the storage area where three fixed and three mobile or portable oil storage containers are located and not including connecting pipes associated

with two transfer stations in the Facility's SPCC plan, Respondent violated 40 C.F.R. § 112.7(a)(3).

37. By failing to comply with 40 C.F.R. § 112.7(a)(3), Respondent is subject to the assessment of penalties under Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6).

### **Count II**

#### **Failure to Design Adequate Facility Tank Truck Loading/ Unloading Rack Drainage**

38. The allegations of Paragraphs 1 through 37 of this Consent Agreement are incorporated herein by reference.
39. The Regulations at 40 C.F.R. § 112.7(h) require an owner or operator to design a containment system for loading/unloading rack drainage to hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the facility.
40. During the Inspection, EPA inspectors observed the Facility's containment system for the southern loading/unloading rack, a zip drain leading to an oil-water separator, was not designed to hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the Facility because the loading/unloading rack drainage was not designed to divert a complete spill to the zip drain and oil-water separator due to the low curb surrounding the loading/unloading rack.
41. By failing to design an adequate containment system for the southern loading/unloading rack, Respondent violated 40 C.F.R. § 112.7(h).
42. By failing to comply with 40 C.F.R. § 112.7(h), Respondent is subject to the assessment of penalties under Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6).

### **Count III**

#### **Failure to Provide Secondary Containment for All Bulk Storage Containers**

43. The allegations of Paragraphs 1 through 42 of this Consent Agreement are incorporated herein by reference.
44. 40 C.F.R. § 112.8(c)(2) requires the owner or operator of a facility to construct all bulk storage tank installations to provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.
45. During the Inspection, EPA inspectors observed that tanks 6A, 12, 13, 14, 15, and 16 were not provided with a secondary means of containment.
46. By failing to provide a secondary means of containment for all bulk storage tank installations, Respondent violated 40 C.F.R. § 112.8(c)(2).

47. By failing to comply with 40 C.F.R. § 112.8(c)(2), Respondent is subject to the assessment of penalties under Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6).

### **CIVIL PENALTY**

48. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **Forty-Seven Thousand Two Hundred and Nine Dollars (\$47,209)**, which Respondent shall be liable to pay in accordance with the terms set forth below.

49. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8), including, the following: the seriousness of the violation; the economic benefit to the violator, if any; the degree of culpability involved; any other penalty for the same incident; history of prior violations, if any; the nature, extent, and degree of success of the violator's efforts to mitigate the effects of a discharge, if any; the economic impact of the penalty on the violator; and other matters as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's *Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act* (August 1998), which reflects the statutory penalty criteria and factors set forth at Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.

50. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, CWA-03-2020-0103;
- b. All checks shall be made payable to "Environmental Protection Agency" and bear the notation "OSLTF-311;"
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

- d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously to:

Suzanne M. Parent  
Associate Regional Counsel  
U.S. EPA, Region III (3RC20)  
1650 Arch Street  
Philadelphia, PA 19103-2029  
parent.suzanne@epa.gov

- 51. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest 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. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
- 52. Payment of the civil penalty, in accordance with the above terms and provisions, is due and payable immediately upon the effective date of this Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed as of the effective date of this Consent Agreement and Final Order by Respondent in accordance with 40 C.F.R. § 13.9(a).
- 53. INTEREST: Interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the effective date of this Consent Agreement and Final Order. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the effective date of this Consent Agreement and Final Order. 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).
- 54. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case 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.
- 55. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

56. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.

### **GENERAL SETTLEMENT CONDITIONS**

57. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

58. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

### **CERTIFICATION OF COMPLIANCE**

59. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

### **OTHER APPLICABLE LAWS**

60. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the CWA or any regulations promulgated thereunder.

### **RESERVATION OF RIGHTS**

61. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. 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. 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, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

### **EXECUTION /PARTIES BOUND**

62. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

### **EFFECTIVE DATE**

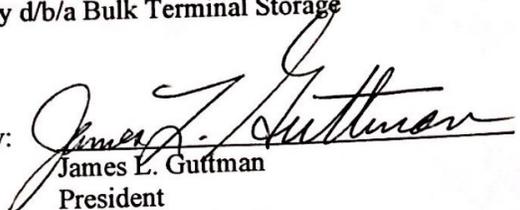
63. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

### **ENTIRE AGREEMENT**

64. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties 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 Consent Agreement and Final Order.

For Respondent: Guttman Realty Company d/b/a Bulk Terminal Storage

Date: 7/30/20

By:   
James L. Guttman  
President  
Guttman Realty Company

For the Complainant:

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

Date: 9/16/20

**KAREN  
MELVIN**  
By: \_\_\_\_\_  
Karen Melvin  
Director  
Enforcement & Compliance Assurance Division  
U.S. EPA Region III  
Complainant

Digitally signed by  
KAREN MELVIN  
Date: 2020.09.16  
12:06:27 -04'00'

Attorney for Complainant:

Date: 9/15/20

**SUZANNE  
PARENT**  
By: \_\_\_\_\_  
Suzanne M. Parent  
Associate Regional Counsel  
U.S. EPA Region III

Digitally signed by  
SUZANNE PARENT  
Date: 2020.09.15  
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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103**

<b>In the Matter of:</b>	:
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Guttman Realty Company	: <b>U.S. EPA Docket No. CWA-03-2020-0103</b>
d/b/a Bulk Terminal Storage	:
200 Speer Street	: <b>Proceeding under Sections 311(j) and</b>
Belle Vernon, Pennsylvania 15012,	: <b>311(b)(6)(B)(i) of the Clean Water Act,</b>
	: <b>33 U.S.C. §§ 1321(j) and 1321(b)(6)(B)(i)</b>
<b>Respondent and Facility.</b>	:
	:
	:

**FINAL ORDER**

Complainant, the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Guttman Realty Company, have 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 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA’s *Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act* (August 1998), and the statutory factors set forth in Section 311(b)(8) of the Clean Water Act, 33 U.S.C. § 1321(b)(8)

**NOW, THEREFORE, PURSUANT TO** Section 311(b)(6)(B)(i) of the Clean Water Act, 33 U.S.C. § 1321(b)(6)(B)(i), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **FORTY-SEVEN THOUSAND TWO HUNDRED AND NINE DOLLARS (\$47,209)**, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

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 the Clean Water Act and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: 9/18/20

By:

**JOSEPH  
LISA**

Digitally signed by  
JOSEPH LISA  
Date: 2020.09.18  
07:42:46 -04'00'

Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region III

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

**In the Matter of:** :  
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Guttman Realty Company : **U.S. EPA Docket No. CWA-03-2020-0103**  
d/b/a Bulk Terminal Storage : :  
200 Speer Street : **Proceeding under Sections 311(j) and**  
Belle Vernon, Pennsylvania 15012, : **311(b)(6)(B)(i) of the Clean Water Act,**  
 : **33 U.S.C. §§ 1321(j) and 1321(b)(6)(B)(i)**  
**Respondent and Facility.** :  
 :  
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**CERTIFICATE OF SERVICE**

I certify that on 9/18/20, the original and one (1) copy of foregoing ***Consent Agreement and Final Order***, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I served a true and correct copy of the same to each of the following persons, in the manner specified below, at the following addresses:

Copy served via Electronic Mail, to:

Howard J. Wein, Of Counsel  
Buchanan Ingersoll & Rooney PC  
Union Trust Building  
501 Grant Street, Suite 200  
Pittsburgh, PA 15219-4413  
(412) 392-2160  
[howard.wein@bipc.com](mailto:howard.wein@bipc.com)

Copy served via Electronic Mail to:

Suzanne M. Parent  
Associate Regional Counsel  
Office of Regional Counsel (3RC20)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
[parent.suzanne@epa.gov](mailto:parent.suzanne@epa.gov)  
(Attorney for Complainant)

Dated: 9/18/20

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**BEVIN**  
**ESPOSITO**

Digitally signed by BEVIN  
ESPOSITO  
Date: 2020.09.18 09:59:50  
-04'00'

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Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region III