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Attorney for Respondents

IN THE ENVIRONMENTAL PROTECTION AGENCY, REGION III

IN THE MATTER OF:

Chester Aytch and 5631 Corporation

Respondents,

58<sup>th</sup> Street Sunoco  
5744 Woodland Avenue  
Philadelphia, PA 19143

Woodland Sunoco  
5200 Woodland Avenue  
Philadelphia, PA 19143

Facilities.

EPA DOCKET NO.:

RCRA-03-2009-0322

WILLIAM  
17:01:27 03/10/11  
07:00

Respondents' Answer to the Complaint

Respondents Chester Aytch and 5631 Corporation ("Respondents"), by and through their undersigned counsel, hereby jointly answer the Administrative Complaint according to the numbered paragraphs thereof, as follows:

1. - 3. These paragraphs contain conclusions of law to which no response is required. To the extent such paragraphs contains assertions of fact, such assertions are denied. It is admitted that Respondent owns the gas station located at the address indicated and that the five tanks exist as described.

4. - 6. These paragraphs contain conclusions of law to which no response is required. To the extent such paragraphs contains assertions of fact, such assertions are denied. It is admitted that the referenced tanks store gasoline, kerosene and motor oil.
7. - 8. These paragraphs contain conclusions of law to which no response is required. To the extent such paragraphs contains assertions of fact, such assertions are denied.
9. Admitted.
10. - 17. These paragraphs contain conclusions of law to which no response is required. To the extent such paragraphs contains assertions of fact, such assertions are denied.
18. The responses of the previous paragraphs in this Answer are incorporated herein by reference.
19. This paragraph contains conclusions of law to which no response is required. To the extent such paragraph contains assertions of fact, such assertions are denied.
20. - 21. Admitted.
22. -23. These paragraphs contain conclusions of law to which no response is required. To the extent such paragraphs contain assertions of fact, such assertions are denied.
24. The responses of the previous paragraphs in this Answer are incorporated herein by reference.

25. This paragraph contains conclusions of law to which no response is required.  
To the extent such paragraph contains assertions of fact, such assertions are denied.
26. Admitted.
27. This paragraph contains conclusions of law to which no response is required.  
To the extent such paragraph contains assertions of fact, such assertions are denied.
28. The responses of the previous paragraphs in this Answer are incorporated herein by reference.
29. – 31. These paragraphs contain conclusions of law to which no response is required. To the extent such paragraphs contains assertions of fact, such assertions are denied.
32. Admitted to the extent the phrase “in contact with the ground” refers to the end of the piping attached to the pumps at the underground tanks; denied to the extent such phrase refers to the end of the piping attached to the dispensers. All other facts alleged in this paragraph are admitted.
33. Respondents are still investigating whether tests were conducted within 6 months after installation and, to that extent, denies the allegation to the contrary. The remainder of the allegations is admitted.
34. This paragraph contains conclusions of law to which no response is required.  
To the extent such paragraph contains assertions of fact, such assertions are denied.

35. The responses of the previous paragraphs in this Answer are incorporated herein by reference.
36. This paragraph contains conclusions of law to which no response is required. To the extent such paragraph contains assertions of fact, such assertions are denied.
37. Denied that the tank contains a secondary fill pipe.
38. This paragraph contains conclusions of law to which no response is required. To the extent such paragraph contains assertions of fact, such assertions are denied.
39. The responses of the previous paragraphs in this Answer are incorporated herein by reference.
40. This paragraph contains conclusions of law to which no response is required. To the extent such paragraph contains assertions of fact, such assertions are denied.
41. – 42. Denied that the tank contains a secondary fill pipe.
43. The responses of the previous paragraphs in this Answer are incorporated herein by reference.
44. – 50. This paragraph contains conclusions of law to which no response is required. The number and size of the tanks are admitted as are the facts that Tanks W-1 and W-2 have been used to store gasoline, that Tank W-3 has been used to store kerosene and that such tanks routinely contained greater than 1-inch of product. To the extent such paragraphs contains other assertions of fact, such assertions are denied.

51. – 53. This paragraph contains conclusions of law to which no response is required. To the extent such paragraph contains assertions of fact, such assertions are denied.
54. The responses of the previous paragraphs in this Answer are incorporated herein by reference.
55. – 56. Admitted.
57. Admitted that Respondents performed testing. The remainder of the paragraph contains conclusions of law to which no response is required. To the extent such paragraph contains other assertions of fact, such assertions are denied.
58. This paragraph contains conclusions of law to which no response is required. To the extent such paragraph contains assertions of fact, such assertions are denied.
59. The responses of the previous paragraphs in this Answer are incorporated herein by reference.
60. Admitted that the line leak detectors were tested on the dates indicated. Respondents question the use of the word “operational” and do not admit any facts related to such word.
61. This paragraph contains conclusions of law to which no response is required. To the extent such paragraph contains assertions of fact, such assertions are denied.

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NOV 30 11:10:41 AM '09

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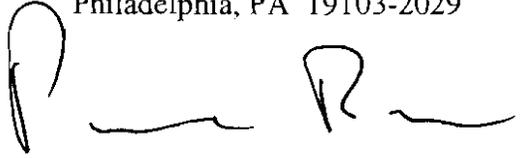
CERTIFICATE OF SERVICE

I hereby certify that, on the date below, I sent a copy of the foregoing filing to the following persons via fax and regular mail:

Benjamin D. Fields  
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Philadelphia, PA 19103-2029

Lydia Guy  
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U.S. EPA – Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Dated: November 24, 2009

  
Paul Boni, Esquire (I.D. No. 59393)