

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

In The Matter of:

**R.R. Cortez, Inc. d/b/a  
R.R. Cortazzo Fuel Oil Services**  
989 Pennsylvania Avenue  
Pen Argyle, PA 18072,

Respondent,

**R.R. Cortazzo Fuel Oil Services**  
989 Pennsylvania Avenue  
Pen Argyle, PA 18072,

Facility.

**ADMINISTRATIVE COMPLAINT  
AND OPPORTUNITY TO REQUEST  
HEARING AND CONFERENCE**

Proceeding to Assess Class I  
Civil Penalties Under Section  
311(b)(6)(B) of the Clean Water Act, as  
amended, 33 U.S.C. § 1321(b)(6)(B).

Docket No. CWA-03-2016-0227

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EPA REGION III

**I. STATUTORY AUTHORITY**

1. This Administrative Complaint and Opportunity to Request Hearing and Conference (“Complaint”) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by Section 311(b)(6)(B) of the Clean Water Act (“CWA”), as amended, 33 U.S.C. § 1321(b)(6)(B). The Administrator has delegated this authority to the Regional Administrator of EPA, Region III, who in turn has delegated this authority to the Director of the Region’s Hazardous Site Cleanup Division (“Complainant”).

2. The Administrator of EPA has determined that Class I penalty proceedings shall be conducted 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”), 40 C.F.R. Part 22, for violation of the regulations codified at 40

C.F.R. Part 112 (“Oil Pollution Prevention Regulations”), and issued pursuant to Section 311(j) of the CWA, 33 U.S.C. § 1321(j).

3.        Therefore, pursuant to Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6), and in accordance with the Consolidated Rules, Complainant hereby provides notice of its request that the Regional Judicial Officer, assess civil penalties against R.R. Cortez, Inc., doing business as (“d/b/a”) R.R. Cortazzo Fuel Oil Services (“Respondent”), for its failure to prepare and implement a Spill Prevention, Control and Countermeasure (“SPCC”) Plan for the R.R. Cortazzo Fuel Oil Services facility located at 989 Pennsylvania Avenue, Pen Argyle, Pennsylvania 18072, as required by 40 C.F.R. § 112.3. Complainant also hereby provides notice of Respondent’s opportunity to file an Answer to this Complaint and to request a hearing on the proposed penalty assessment. Subpart I of 40 C.F.R. Part 22 applies in this proceeding.

4.        Section 311(b)(6)(B)(i) of the CWA, 33 U.S.C. § 1321(b)(6)(B)(i), authorizes EPA to assess a Class I penalty in the amount of \$10,000 per violation, not to exceed a maximum penalty of \$25,000. Pursuant to the Debt Collection Improvement Act, and the subsequent Civil Monetary Penalty Inflation Adjustment Rule, codified at 40 C.F.R. Part 19, violations of the Oil Pollution Prevention Regulations (“Regulations”) codified at 40 C.F.R. Part 112, which occur after January 12, 2009, are subject to a statutory penalty of \$16,000 per violation, not to exceed a maximum penalty amount of \$37,500.

5.        Congress enacted the CWA, 33 U.S.C. §§ 1251-1387, in 1972. Section 311(j)(1)(C) of the CWA, 33 U.S.C. § 1321(j)(1)(C), provides that the President shall issue

regulations establishing procedures, methods, and requirements to prevent and contain discharges of oil into navigable waters at specific non-transportation-related facilities.

6. In Executive Order 12777, the President delegated the authority of Section 311(j)(1)(C) of the CWA, 33 U.S.C. § 1321(j)(1)(C), to the Administrator of EPA, and, pursuant to that authority, the EPA Administrator promulgated the Oil Pollution Prevention Regulations, codified at 40 C.F.R. Part 112, Subparts A-C.

**A. Oil Pollution Prevention Regulations**

7. The Regulations, 40 C.F.R. Part 112, set forth procedures, methods, and requirements to prevent the discharge of oil from non-transportation-related facilities into or upon the navigable waters of the United States and adjoining shorelines in such quantities that may be harmful to the public health or welfare or to the environment.

8. Pursuant to Section 112.1 of the Regulations, 40 C.F.R. § 112.1, an owner or operator of a non-transportation-related onshore or offshore facility with an above-ground oil storage capacity exceeding 1,320 gallons, 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 (“harmful quantity”) into or upon the navigable waters of the United States or adjoining shorelines, is subject to Part 112.

9.        According to Section 112.3 of the Regulations, 40 C.F.R. § 112.3, an owner or operator of an onshore or offshore facility subject to Part 112 must prepare in writing and implement an SPCC plan, in accordance with Section 112.7 of the Regulations, 40 C.F.R. § 112.7, and any other applicable section, including, but not limited to, Section 112.8 of the Regulations, 40 C.F.R. § 112.8.

**B. Definitions**

10.       “Discharge” is defined at Section 311(a)(2) of the CWA, 33 U.S.C. § 1321(a)(2), as, *inter alia*, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil other than federally permitted discharges pursuant to a permit under 33 U.S.C. § 1342.

11.       “Harmful quantity” is defined at 40 C.F.R. § 110.3(b) as oil discharges that cause either: (1) a violation of applicable water quality standards; (2) a film, sheen upon, or discoloration of the surface of the water or adjoining shorelines; or, (3) a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

12.       “Navigable waters” is defined at Section 502(7) of the CWA, 33 U.S.C. §1362(7), as waters of the United States, and further defined at 40 C.F.R. § 112.2, as all navigable waters of the United States, as defined in judicial decisions prior to the passage of the 1972 Amendments to the CWA, and tributaries of such waters; interstate waters; intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

13.     “Non-transportation-related facility,” as that term is defined at 40 C.F.R. Part 112, Appendix A, and incorporated by reference at 40 C.F.R. § 112.2, includes oil drilling, producing, refining, and storage facilities.

14.     “Oil” is defined at Section 311(a)(1), 33 U.S.C. § 1321(a)(1), 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 dredge spoil. The Regulations at 40 C.F.R. § 112.2 further define oil to also include fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse and oil mixed with wastes other than dredge spoil.

15.     “Onshore facility” is defined at 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2, *inter alia*, as “any facility . . . located in, on, or under any land within the United States, other than submerged land.”

16.     “Owner or operator” is defined at 33 U.S.C. § 1321(a)(6), and 40 C.F.R. § 112.2, *inter alia*, as any person owning or operating an onshore facility or offshore facility.

17.     “Person” is defined at 33 U.S.C. § 1321(a)(7), and 40 C.F.R. § 112.2, as any individual, firm, corporation, association, or partnership.

## **II.     GENERAL ALLEGATIONS**

18.     Respondent is a corporation organized under the laws of Pennsylvania.

19.     Respondent operates a heating oil distribution business under North American Industry Classification System (“NAICS”) Code 454310.

20.     The Respondent’s principal place of business is the facility located at 989 Pennsylvania Avenue, Pen Argyle, Pennsylvania 18072, which is known as R.R. Cortazzo Fuel Oil Services (the “Facility”).

21.     Respondent is a person within the meaning of Section 311(a)(7) of the CWA, 33 U.S.C. § 1321(a)(7), and 40 C.F.R. § 112.2.

22.     Respondent is the owner and 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.     Upon information and belief, since at least 1984, Respondent has owned and operated the Facility.

24.     Respondent is engaged in producing, gathering, storing, processing, refining, transferring or consuming oil or oil products at the Facility, pursuant to 40 C.F.R. § 112.1(b).

25.     The Facility is a non-transportation-related facility, within the meaning of 40 C.F.R. Part 112, Appendix A, as incorporated into 40 C.F.R. § 112.2.

26.     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.

27.     Upon information and belief, the Facility consists of aboveground storage tanks with a capacity of 60,000 gallons of oil.

28.     Upon information and belief, the Facility maintains two (2) 20,000-gallon above-ground horizontal oil-storage tanks, and two (2) 10,000-gallon above-ground horizontal oil-storage tanks.

29.     Upon information and belief, at all times relevant to this Complaint, the Facility maintained a 550-gallon and a 350-gallon above-ground oil-storage tank.

30.     Upon information and belief, the Facility's location and its surrounding topography cause storm water to flow southwest from the Facility to an unnamed tributary, which runs adjacent to the Facility. The unnamed tributary flows approximately 1.02 miles where it flows into the Little Bushkill Creek. The Little Bushkill Creek then flows approximately 8.5 miles where it flows into the Bushkill Creek. And Bushkill Creek then flows approximately 8.6 miles and empties into the Delaware River.

31.     The unnamed tributary is a navigable water of the United States within the meaning of 40 C.F.R. § 112.2 and Section 502(7) of the Act, 33 U.S.C. § 1362(7).

32.     Little Bushkill Creek is a navigable water of the United States within the meaning of 40 C.F.R. § 112.2 and Section 502(7) of the Act, 33 U.S.C. § 1362(7).

33.     Bushkill Creek is a navigable water of the United States within the meaning of 40 C.F.R. § 112.2 and Section 502(7) of the Act, 33 U.S.C. § 1362(7).

34.     The Delaware River is a navigable water of the United States within the meaning of 40 C.F.R. § 112.2 and Section 502(7) of the Act, 33 U.S.C. § 1362(7).

35. The Respondent's oil tanks are located less than 0.1 miles from the unnamed tributary.

36. The Facility is located such that a discharge from the Facility would impact the unnamed tributary, Little Bushkill Creek, Bushkill Creek, and the Delaware River, and their adjoining shorelines, causing injury to fish, wildlife, and sensitive environments.

37. Therefore, the Facility is a non-transportation related onshore facility which, due to location of 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 its adjoining shoreline.

**III. COUNT I – FAILURE TO PREPARE AND IMPLEMENT A SPILL PREVENTION, CONTROL, AND COUNTERMEASURE PLAN [§ 112.3]**

38. The allegations in Paragraphs 1 through 37 are incorporated by reference and Complainant further alleges:

39. Respondent's Facility is, and has been at all times relevant to the allegations in this Complaint, subject to the SPCC regulations at 40 C.F.R. Part 112, Subparts A and B, as such applicability is described in 40 C.F.R. § 112.1.

40. Pursuant to 40 C.F.R. §§ 112.1(d)(2) and 112.3, the Facility is subject to the SPCC requirements of 40 C.F.R. § 112.3 because the Facility's 60,000-gallon above-ground oil storage capacity exceeds the 1,320-gallon above-ground capacity threshold of the Regulations and the facility is an onshore non-transportation-related facility that could be reasonably



expected to discharge oil in harmful quantities into or upon the navigable waters of the United States or adjoining shorelines.

41. Pursuant to 40 C.F.R. § 112.3, Respondent was required to prepare in writing and implement an SPCC Plan for the Facility, in accordance with 40 C.F.R. § 112.7 and any other applicable section.

42. EPA inspected the Facility on July 31, 2014 (“the Inspection”).

43. At the time of the Inspection, Respondent was unable to produce a prepared or implemented SPCC Plan.

44. At the time of the Inspection, the Respondent provided EPA with a Spill Prevention Response Plan for the Facility dated April 24, 2014, which was prepared to comply with Pennsylvania requirements.

45. The Spill Prevention Response Plan dated April 24, 2014, did not meet the requirements of 40 C.F.R. § 112.7, and other applicable sections of 40 C.F.R. Part 112, such that it did not constitute an SPCC Plan, because Respondent:

- a. Failed to certify the Plan in accordance with 40 C.F.R. § 112.3(d).
- b. Failed to complete a review and evaluation of the Plan at least once every five years in accordance with 40 C.F.R. § 112.5(b).
- c. Failed to describe in the Plan the physical layout of the facility and include a facility diagram in accordance with 40 C.F.R. § 112.7(a)(3).

- d. Failed to ensure that the Plan addresses the type of oil in each container and its storage capacity in accordance with 40 C.F.R. § 112.7(a)(3).
- e. Failed to ensure that the Plan addresses discharge prevention measures including procedures for routine handling of products in accordance with 40 C.F.R. § 112.7(a)(3).
- f. Failed to ensure that the Plan addresses countermeasures for discharge discovery, response, and cleanup, both the Facility's capacity and those that might be required of a contractor in accordance with 40 C.F.R. § 112.7(a)(3).
- g. Failed to ensure that the Plan addresses methods of disposal of recovered materials in accordance with applicable legal requirements in accordance with 40 C.F.R. § 112.7(a)(3).
- h. Failed to ensure that the Plan includes a contact list and phone numbers for the Facility response coordinator, National Response Center, cleanup contractors, and all appropriate federal, state, and local agencies in accordance with 40 C.F.R. § 112.7(a)(3).
- i. Failed to provide information and procedures in the Plan that would enable a person reporting a discharge as described in 40 C.F.R. § 112.1(b) to relate specific information in accordance with 40 C.F.R. § 112.7(a)(4).

- j. Failed to predict the direction, rate of flow, and total quantity of oil which could be discharged from the Facility as a result of each major type of equipment failure in accordance with 40 C.F.R. § 112.7(b).
- k. Failed to include in the Plan a discussion of the Facility's conformance with the requirements pertaining to Inspections, Tests, and Records listed in 40 C.F.R. § 112.7(e).
- l. Failed to include in the Plan a discussion of the Facility's conformance with the requirements pertaining to Personnel, Training, and Discharge Prevention Procedures listed in 40 C.F.R. § 112.7(f).
- m. Failed to include in the Plan a discussion of the Facility's conformance with the requirements pertaining to Security listed in 40 C.F.R. § 112.7(g).
- n. Failed to include in the Plan a discussion of the Facility's conformance with the requirements pertaining to Facility Car and Tank Truck Loading/Unloading Rack listed in 40 C.F.R. § 112.7(h).
- o. Failed to include in the Plan a discussion of the Facility's conformance with the requirements pertaining to Facility Drainage listed in 40 C.F.R. § 112.8(b).
- p. Failed to include in the Plan a discussion of the Facility's conformance with the requirements pertaining to Bulk Storage Containers listed in 40 C.F.R. § 112.8(c).

- q. Failed to include in the Plan a discussion of the Facility's conformance with the requirements pertaining to Facility Transfer Operations, Pumping, and In-Plant Processes listed in 40 C.F.R. § 112.8(d).

46. At the time of the July 31, 2014 Inspection, EPA found deficient the following SPCC implementation measures at the Facility:

- a. Respondent could not provide any written documentation to demonstrate that required tank inspections had been conducted at the Facility, as required by 40 C.F.R. § 112.7(e).
- b. The Facility did not have a secondary containment system in place for the loading rack, as required by 40 C.F.R. § 112.7(h).
- c. There were several cracks in the walls and the flooring of the containment dike that provides secondary containment for four (4) above-ground storage tanks. Additionally, the facility did not have secondary containment for a 550-gallon tank and a 350-gallon tank, as required by 40 C.F.R. §112.8(c).
- d. Respondent could not provide drainage records, as required by 40 C.F.R. § 112.8(c)(3)(iv).

47. On or about January 4, 2016, Respondent submitted to EPA an SPCC Plan for the Facility.

48.     On or about March 7, 2016, Respondent submitted to EPA photo documentation and a certification that the SPCC implementation measures that EPA found to be deficient during the July 31, 2014 Inspection had been corrected.

49.     Respondent failed to prepare and implement an SPCC plan for the Facility as required by 40 C.F.R. § 112.3 from at least December 1984 until March 2016, and therefore, Respondent is subject to Class I civil penalties of up to a \$16,000 per violation, not to exceed a maximum of \$37,500, pursuant to Section 311(b)(6)(B)(i) of the CWA, 33 U.S.C.

§ 1321(b)(6)(B)(i), and 40 C.F.R. § 19.4.

#### **IV.    PROPOSED PENALTY**

50.     The proposed penalty for Count I is **\$ 33,900.00** and is based upon the statutory factors set forth in Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8): the seriousness of the violation; the economic benefit to the violator resulting from the violation; the degree of culpability involved; any other penalty for the same incident; any history of prior violations; the nature, extent, and degree of success of any efforts of the violator to minimize or mitigate the effects of the discharge; the economic impact of the penalty on the violator; and any other factors as justice may require.

51.     The proposed penalty may be adjusted by Complainant if the Respondent establishes a bona fide inability to pay or any other defenses relevant to the appropriate amount of the proposed penalty.

**V. ANSWER TO THE ADMINISTRATIVE COMPLAINT AND OPPORTUNITY TO REQUEST A HEARING**

52. Pursuant to 40 C.F.R. § 22.15(a), if the Respondent contests any material fact upon which the Complaint is based, contends that the proposed penalties are inappropriate, or contends that it is entitled to judgment as a matter of law, it shall file an original and one copy of a written answer to the Complaint (“Answer”) with the Regional Hearing Clerk and shall serve copies of its Answer on all other parties. Any Answer to the Complaint must be filed within thirty (30) days after service of this Complaint with:

Lydia Guy  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street (Mail Code 3RC00)  
Philadelphia, Pennsylvania 19103-2029

53. The Respondent must also provide a copy of its Answer to the attorney representing EPA in this matter at the following address:

Sarah M. Gonzalez  
Attorney-Adviser  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue (Mail Code 2243-A)  
Washington, D.C. 20004  
(202) 564-2841

54. Pursuant to 40 C.F.R. § 22.15(b), the Respondent’s Answer shall clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint with regard to which Respondent has knowledge. Where Respondent has no knowledge of a particular factual allegation, Respondent shall so state and the allegation shall be deemed denied.

Failure to admit, deny, or explain any material factual allegation contained in the Complaint constitutes an admission of the allegation. Respondent's Answer shall also state: (1) the circumstances or arguments which are alleged to constitute the grounds for any defense; (2) the facts which Respondent disputes; (3) the basis for opposing any proposed relief; and (4) whether a hearing is requested.

55. In accordance 40 C.F.R. § 22.17 of the Consolidated Rules, if Respondent fails to submit an Answer within thirty (30) days of receipt of this Administrative Complaint, Respondent may be found in default. For purposes of this action, a default constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing to contest such factual allegations.

56. Following receipt of Respondent's Answer, the Regional Judicial Officer, who, pursuant to 40 C.F.R. § 22.51, shall be the Presiding Officer for this matter, shall notify the parties of the time and place of further proceedings in the case.

## **VI. SETTLEMENT AND QUICK RESOLUTION**

57. In accordance with 40 C.F.R. § 22.18(a), the Respondent may resolve this proceeding at any time by paying the full penalty proposed in Paragraph 50. If Respondent pays or agrees to pay the specific penalty proposed in this Complaint within thirty (30) days of receiving this Complaint, pursuant to 40 C.F.R. § 22.18(a), no Answer needs to be filed.

58. If Respondent wishes to resolve this proceeding by paying the penalty proposed in this Complaint instead of filing an Answer, but needs additional time to pay the penalty, pursuant

to 40 C.F.R. § 22.18(a)(2), Respondent may file a written statement with the Regional Hearing Clerk within thirty (30) days after receiving this Complaint, stating that Respondent agrees to pay the proposed penalty in accordance with 40 C.F.R. § 22.18(a)(1). Such written statement need not contain any response to, or admission of, the allegations in the Complaint. Such statement shall be filed with the Regional Hearing Clerk and a copy shall be provided to Sarah M. Gonzalez, Attorney-Adviser, at the respective addresses set forth in Paragraphs 52 and 53 above. Failure to make such payment within 60 days of receipt of the Complaint may subject the Respondent to a default judgment pursuant to 40 C.F.R. § 22.17.

59. In accordance with 40 C.F.R. § 22.18(a)(3), upon receipt of payment in full, the Regional Judicial Officer shall issue a Final Order. Payment by Respondent shall constitute a waiver of Respondent's right to contest the allegations contained in this Complaint and to appeal the Final Order.

60. Payment shall be made by a cashier's or certified check, or by an electronic funds transfer ("EFT"). If paying by check, the Respondent shall submit a cashier's or certified check, payable to "Environmental Protection Agency," and bearing the notation "OSLTF - 311." If the Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000



If the Respondent sends payment by a private delivery service, the payment shall be addressed to:

U.S. Environmental Protection Agency  
U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, Missouri 63101  
Attn: Heather Russell (513) 487-2044

If paying by Electronic EFT, the Respondent shall make the transfer to:

Federal Reserve Bank of New York  
ABA 021030004  
Account 68010727  
33 Liberty Street  
New York, NY 10045

If paying by EFT, field tag 4200 of the Fedwire message shall read: (D 68010727 Environmental Protection Agency).

In the case of an international transfer of funds, the Respondent shall use SWIFT address FRNYUS33.

If paying through the Department of Treasury's Online Payment system, please access [www.pay.gov](http://www.pay.gov), enter sfo 1.1 in the search field. Open the form and complete the required fields and make the payment. Note that the type of payment is "civil penalty," the docket number "Docket No. CWA-03-2016-0227" should be included in the "Court Order # or Bill #" field and 3 should be included as the Region number.

If paying by check, the Respondent shall note on the penalty payment check the title and docket number of this case. The Respondent shall submit a copy of the check (or, in the case of an EFT transfer, a copy of the EFT confirmation) to the following person:

Lydia Guy  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street (Mail Code 3RC00)  
Philadelphia, Pennsylvania 19103-2029

The Respondent must also provide a copy of its check to the attorney representing EPA in this matter at the following address:

Sarah M. Gonzalez  
Attorney-Adviser  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue (Mail Code 2243-A)  
Washington, D.C. 20004

## **VII. EX PARTE COMMUNICATIONS**

61. The following EPA offices, and the staffs thereof, are designated as the trial staff to represent EPA as a party in this case: the Region III Office of Regional Counsel; the Region III Hazardous Site Cleanup Division; the Office of the EPA Assistant Administrator for Solid Waste and Emergency Response; and the Office of the EPA Assistant Administrator for Enforcement and Compliance Assurance. Please be advised that, pursuant to 40 C.F.R. § 22.8, from the date of this Complaint until the final Agency decision in this case, the Administrator, the members of the Environmental Appeals Board, the Regional Administrator, the Presiding Officer, or any person who is likely to advise these officials on any decision in the proceeding,

shall not have any ex parte communication about the merits of the proceeding with the Respondent, a representative of Respondent, or any person outside EPA having an interest in the proceeding, or with any EPA staff member who performs a prosecutorial or investigative function in this proceeding or a factually related proceeding. Any communication addressed to the Administrator, the members of the Environmental Appeals Board, the Regional Administrator, or the Presiding Officer during the pendency of the proceeding and relating to the merits thereof, by or on behalf of any party, shall be regarded as argument made in the proceeding, and shall be served upon all other parties.

#### VIII. INFORMAL CONFERENCE

62. Respondent may request an informal conference concerning the alleged violations and the amount of the proposed penalty. The request for an informal conference does not extend the thirty (30) day period in which the Respondent must submit its written Answer to preserve the right to a hearing. To request an informal conference relating to this Administrative Complaint, Respondent or Respondent's counsel should contact Sarah M. Gonzalez, Attorney-Adviser, at (202) 564-2841.

Signed this 20<sup>th</sup> day of September, 2016.

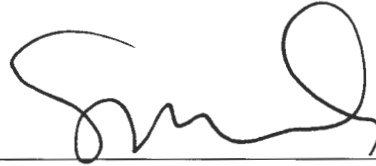


Karen Melvin, Director  
Hazardous Site Cleanup Division  
EPA Region III



Upon information and belief, I certify this Administrative Complaint as a legally sufficient pleading:

Date: Sept. 15, 2016

A handwritten signature in black ink, appearing to read 'Sarah M. Gonzalez', written over a horizontal line.

Sarah M. Gonzalez  
Attorney-Adviser



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

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311(b)(6)(B) of the Clean Water Act, as  
amended, 33 U.S.C. § 1321(b)(6)(B).

Docket No. CWA-03-2016-0227

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the date provided below, I ensured that the original of the signed Administrative Complaint and Opportunity for a Hearing was hand-delivered and filed with the Regional Hearing Clerk, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Complaint were sent via UPS signature required delivery to:

Raymond Cortazzo, President  
R.R. Cortez, Inc,  
d/b/a R.R. Cortazzo Fuel Oil Services  
989 Pennsylvania Avenue  
Pen Argyl, PA 18072

Ronald J. Karasek, Esq.  
The Karasek Law Offices, LLC  
641 Market Street  
Bangor, PA 18013



Jeffrey S. Nast  
Sr. Asst. Regional Counsel  
U.S. EPA Region III

9/29/16  
Date

