

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

**In the Matter of:**

Ross Transport Co., Inc.  
and Arnold Steinman

RESPONDENT

4220 Almond Street  
Philadelphia, PA 19137

FACILITY

Docket No. RCRA-03-2010-08

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**DECLARATION OF MARIE OWENS POWELL IN SUPPLEMENT TO THE  
RECORD IN THE MATTER OF ROSS TRANSPORT, INC, AND ARNOLD  
STEINMAN**

I Marie Owens Powell, hereby declare that:

1. This submission is made pursuant to the Court's Order filed July 2, 2013. That Order required Complainant to supplement the record in this matter with regard to two issues:

1) the manner in which the Days of Noncompliance Compliance Multiplier was calculated, and 2) The manner in which Economic Benefit was calculated under Count III.

2. **Days of Noncompliance Multiplier:** The Days of Noncompliance ("DNC") multiplier is set forth in the U.S.EPA Penalty Guidance for Violations of UST Regulations dated November 1990 ("Penalty Policy")(attached as an Exhibit to the Complainant's initial motion). In Section 3.4, found at page 21 of the Penalty Policy, the DNC multiplier formula is

set forth. The DNC multiplier was calculated for the total days of violation before any adjustments for inflation were applied. In this case, the total number of days of violation is 1827. 1827 divided by 365 (1 year) equals 5.0054. The calculation is as follows: 2.5 (1 year) plus 4 (8 x .5) or a total DNC multiplier of 6.5.

3. **Calculation of Count III Economic Benefit:** As noted in the Declaration of Marie Owens Powell submitted as part of Complainant's initial moving papers, Complainant used a factor .0825 per gallon to determine the economic benefit of Respondent's failure to obtain insurance from the Pennsylvania Underground Storage Tank Indemnification Fund. The \$.0825 is charged for per gallon of capacity for each underground storage tank subject to participation in the USTIF. Because Respondent's underground storage tank has a capacity of 10,000 gallons, the cost of Respondent's USTIF insurance would have been \$825.00 per year. I used the BEN model, the economic benefit obtained for the avoided cost of \$825.00 per year for five years.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on 07/18/10.

Name:

  
Marie Owens Powell

In the Matter of:

Ross Transport Co., Inc.  
and Arnold Steinman

Respondents,

4220 Almond Street

Philadelphia, PA 19137

Facility.

U.S. EPA Docket No.  
RCRA-03-2010-0268

Proceeding under Section 9006  
of the Resource Conservation and  
Recovery Act, as amended

42 U.S.C. i 6991e

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**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, I caused to be hand-delivered to Ms. Lydia Guy, Regional Hearing Clerk (3RC00), U.S. EPA Region III, 1650 Arch Street, 5<sup>th</sup> Floor, Philadelphia, PA 19103-2029, the original and one copy of the foregoing Declaration of Marie Owens in Supplement to the record in the Matter of Ross Transport, Inc. and Arnold Steinman. I further certify that on the date set forth below, I caused true and correct copies of the same to be served upon each of the following persons at the following addresses and in the manner identified below:

Via Hand Delivery to:

Renée Sarajian  
Regional Judicial Officer (3RC00)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2019.

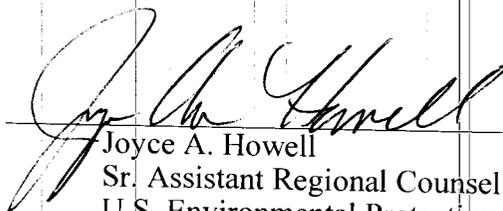
Via, Certified Mail, Return Receipt Requested, Postage Prepaid, to:

Mr. Arnold Steinman  
c/o Ross Transport Co., Inc.  
4220 Almond Street  
Philadelphia, PA 19137  
Certified mail, return receipt requested

Ross Transport Co., Inc.  
4220 Almond Street  
Philadelphia, PA 19137  
Certified mail, return receipt requested

Date:

*July 18, 2013*



Joyce A. Howell  
Sr. Assistant Regional Counsel (3RC30)  
U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029