



by reference 40 C.F.R. 280.12.

5. At the time of the March 20, 2018 Compliance Evaluation Inspection, and at all times relevant to the applicable violations alleged herein, four USTs, as described in the following subparagraphs, were located at the Facility:
  - A. A twelve thousand (12,000) gallon tank that was installed in or about April 1984, and that, at all times relevant hereto, routinely contained regular-grade gasoline, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42. U.S.C. § 6991(7), and WVUSTR Section 33-30-2.2.1, which incorporates by reference 40 C.F.R. 280.12 (hereinafter "UST No. 1").
  - B. A ten thousand (10,000) gallon tank that was installed in or about April 1984, and that, at all times relevant hereto, routinely contained mid-grade gasoline, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42. U.S.C. § 6991(7), and WVUSTR Section 33-30-2.2.1, which incorporates by reference 40 C.F.R. 280.12 (hereinafter "UST No. 2").
  - C. A ten thousand (10,000) gallon tank that was installed in or about April 1984, and that, at all times relevant hereto, routinely contained premium-grade gasoline, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42. U.S.C. § 6991(7), and WVUSTR Section 33-30-2.2.1, which incorporates by reference 40 C.F.R. 280.12 (hereinafter "UST No. 3").
  - D. A ten thousand (10,000) gallon tank that was installed in or about April 1984, and that, at all times relevant hereto, routinely contained diesel, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42. U.S.C. § 6991(7), and WVUSTR Section 33-30-2.2.1, which incorporates by reference 40 C.F.R. 280.12 (hereinafter "UST No. 4").
6. EPA has identified the following violation:
  - From at least July 7, 2015 until February 13, 2018, Respondent failed to have or maintain financial assurance for each of its USTs as required by WVUSTR Section 33-30-2.2.1, which incorporates by reference 40 C.F.R. §§ 280.90 – 280.112.
7. The EPA and the Respondent agree that settlement of this matter for a penalty of **\$600.00** is in the public interest, and has been calculated in accordance with the statutory factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), and the Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations and Revised Field Citation Program and ESA Pilot, effective October 5, 2018.
8. Respondent agrees that within 30 days of the effective date of this Agreement (the date it is filed with the Regional Hearing Clerk), Respondent shall submit a check with the case name, address and docket number of this Agreement (RCRA-03-2019-0011), for the amount specified above, payable to "**United States Treasury**," U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000.

Copies of the payment are to be sent to:

Melissa Toffel, UST Compliance Officer  
U.S. EPA Region III (Mail Code 3LC31)  
1650 Arch Street  
Philadelphia, PA 19103; and,

Regional Hearing Clerk  
U.S. EPA Region III (Mail Code 3RC00)  
1650 Arch Street  
Philadelphia, PA 19103-2029.

9. In signing this Agreement, the Respondent: admits the jurisdictional allegations set forth in this Agreement; neither admits nor denies the specific factual allegations and conclusions of law set forth 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 set forth 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; and bear its own costs and attorney's fees.
10. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that he or she has: (1) corrected the alleged violations, and (2) submitted true and accurate documentation of those corrections.
11. This Agreement and attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
12. 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 Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.
13. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
14. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind CrossAmerica Partners L.P. to this Agreement.

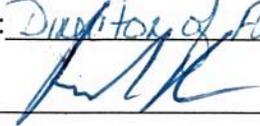
In the matter of: Astro's Exxon

Docket No: RCRA-03-2019-0011

**IT IS SO AGREED,**

Name (print): Buddy Kew

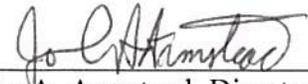
Title (print): Director of Facilities

Signature: 

Date 12/20/18

**APPROVED BY EPA:**

1.29.19  
Date

  
John A. Armstead, Director  
Land and Chemicals Division



§ 6991e(c) and the Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations and Revised Field Citation Program and ESA Pilot, effective October 5, 2018.

**WHEREFORE**, pursuant to Section 9006 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Section 6991e, and Section 22.18(b)(2) and (3) of the Consolidated Rules of Practice, and having determined, based upon the representations of the parties in the attached Expedited Settlement Agreement, that the civil penalty agreed to therein was based upon consideration of the factors set forth in Section 9006(c) of RCRA, 42 U.S.C. 6991e(c), and the Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations and Revised Field Citation Program and ESA Pilot, effective October 5, 2018,

**IT IS HEREBY ORDERED** that Respondent pay a civil penalty of Six Hundred Dollars (\$600.00) in accordance with the payment provisions set forth in the attached Expedited Settlement Agreement and comply with the terms and conditions as specified in the attached Expedited Settlement Agreement.

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.

1-30-2019  
Date

  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial Officer  
U.S. EPA - Region III

Expedited Settlement Agreement  
In the Matter of: Astro's Exxon  
Docket Number: RCRA-03-2019-0011

**CERTIFICATE OF SERVICE**

I certify that on JAN 30 2019, 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 foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copy served via Certified Mail, Return Receipt Requested, Postage Prepaid, to:

Tammy Hessler, Environmental Compliance Supervisor  
CrossAmerica Parnters L.P.  
600 West Hamilton Street, Suite 500  
Allentown, PA 18101

Copy served via Hand Delivery or Inter-Office Mail to:

Melissa Toffel  
UST Compliance Officer  
Land & Chemicals Division (Mail Code 3LC31)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Dated: JAN 30 2019

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

TRACKING NUMBER(S): 1Z A43 F71 A2 9797 9165

