

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

FIRST CLASS MAIL

March 31, 2011

Bryson Lehman
U.S. Environmental Protection Agency
Cincinnati Finance Center
26 W. MLK Drive
Cincinnati, OH 45268

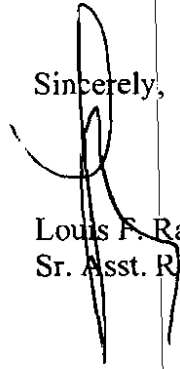
Re: Accounts Receivable
Consent Agreement and Final Order
EPA Docket No. RCRA-03-2011-0124

Dear Mr. Lehman :

Enclosed please find a true and correct copy of the Consent Agreement and Final Order, and the Enforcement Accounts Receivable Control Number Forms (EARCNF) filed with the Regional Hearing Clerk today in settlement of the above referenced subject matters.

Should you have any question or require further information, please feel free to call me at (215) 814-2681.

Sincerely,



Louis F. Ramalho
Sr. Asst. Regional Counsel

Enclosures

cc: Lydia Guy
Regional Hearing Clerk
U.S. EPA, Region III

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE FILLED OUT BY ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: L. RAMALHO 3-23-11
Name of Contact person Date

in the ORC at 22621
Office Phone number

- Non-SF Jud. Order/Consent Decree. DOJ COLLECTS
- Administrative Order/Consent Agreement FMD COLLECTS PAYMENT
- SF Jud. Order/Consent Decree. FMD COLLECTS
- This is an original debt
- This is a modification

Name of Person and/or Company/Municipality making the payment
21 Country Market INC.

The Total Dollar Amount of Receivable \$ 23,188.00
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number RCRA-03-2011-024
The Site-Specific Superfund Acct. Number _____
The Designated Regional/HQ Program Office _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number _____
If you have any questions call: _____
Name of Contact Date
in the Financial Management Office, phone number: _____

JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:

- 1. Rosemarie Pacheco
Environmental Enforcement Section
Lands Division, Room 130044
1425 New York Avenue, N.W.
Washington, D.C. 20005
- 2. Originating Office (ORC)
- 3. Designated Program Office

ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:

- 1. Originating Office
- 2. Designated Program Office
- 3. Regional Hearing Clerk
- 3. Regional Counsel



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

**Via UPS
Standard Overnight Delivery**

Mr. Jeff McCoy
President
21 Country Market, Inc.
d/b/a JMart
8610 Point Pleasant Road
Millwood, WV 25262

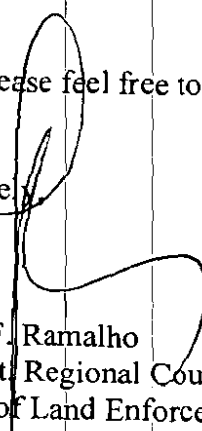
Re: Consent Agreement and Final Order
Docket No. RCRA-03-2011-0124

Dear Mr. McCoy:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order filed today with the Regional Hearing Clerk.

If you have any questions concerning this matter, please feel free to contact me at (215) 814-2681.

Sincerely,


Louis F. Ramalho
Sr. Asst. Regional Counsel
Office of Land Enforcement

Enclosures

cc: A.Ma (3LC70)

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

In the Matter of:	:	
21 Century Market, Inc.	:	
425 N. Church Road	:	
Ripley, West Virginia 25271	:	
Respondent,	:	U.S. EPA Docket Number
		RCRA-03-2011-0124
J-Mart	:	
8610 Point Pleasant Road	:	
Millwood, West Virginia 25262	:	
Facility.	:	

CONSENT AGREEMENT

Preliminary Statement

This Consent Agreement ("CA") is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("EPA" or "Complainant") and 21 Century Market, Inc. ("Respondent"), pursuant to Section 9006 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6991e, and 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, including, specifically 40 C.F.R. §§ 22.13(b) and .18(b)(2) and (3).

This CA and the accompanying Final Order (collectively "CAFO") resolve violations of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991i, and the State of West Virginia's underground storage tank regulations authorized by EPA pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, by Respondent in connection with its underground storage tanks at Respondent's facility located at 8610 Point Pleasant Road, Millwood, West Virginia (the "Facility").

Effective February 10, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the State of West Virginia was granted final authorization to administer its state underground storage tank management program *in lieu* of the Federal underground storage tank management program established under Subtitle I of RCRA, 42 U.S.C. §§6991-6991i. The provisions of West Virginia's authorized underground storage tank program regulations ("WVUSTR"), set forth in WVHWMR Sections 33-30-1. *et seq.*, which incorporates by reference the federal underground storage tank program regulations set forth at 40 C.F.R. Part

280 (1995 ed.), with some modifications, are enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. The provisions of WVHWMR are cited as the legal basis for the violations alleged herein, with any incorporated provisions of the federal regulations cited immediately thereafter in a parenthetical.

EPA has given the State of West Virginia prior notice of the issuance of this CAFO in accordance with Section 9006(a) of RCRA, 42 U.S.C. § 6991e(a).

General Provisions

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, immediately above.
3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order, or the enforcement of the CAFO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
5. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
6. Respondent shall bear its own costs and attorney's fees.
7. Respondent certifies to EPA by its signature herein that it is presently in compliance, at the Facility, with all applicable provisions of the WVUSTR, which incorporate by reference the federal underground storage tank program regulations set forth at 40 C.F.R. Part 280 (1995 ed.).
8. The provisions of this CAFO shall be binding upon Complainant and Respondent, its officers, directors, employees, successors and assigns.
9. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit; nor does this CAFO constitute a waiver, suspension or modification of the requirements of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991i, or any regulations promulgated and/or authorized thereunder.

Findings of Fact and Conclusions of Law

In accordance with the *Consolidated Rules of Practice* at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the following findings of fact and conclusions of law:

10. The United States Environmental Protection Agency's Office of Administrative Law Judges has jurisdiction over this matter pursuant to RCRA Section 9006(a) and (d), 42 U.S.C. § 6991e(a) and (d), and 40 C.F.R. § 22.1(a)(4) and .4(c).
11. Respondent, 21 Country Market, Inc., is a State of West Virginia corporation, and is a "person" as defined by WVUSTR Section 33-30-2.1 (40 C.F.R. § 280.12), Section 9001(6) of RCRA, 42 U.S.C. § 6991(6).
12. Respondent was, at the time of the violations alleged in this CAFO, the "owner" and "operator" of "underground storage tanks" ("USTs"), as these terms are defined in Section 9001 of RCRA, 42 U.S.C. § 6991, and WVUSTR Section 33-30-2.1 (40 C.F.R § 280.12) located at the Facility.
13. On June 25, 2008, an EPA representative conducted an inspection of the Facility pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.
14. At the time of the June 25, 2008 inspection, and at all times relevant hereto, three (3) USTs, as described in the following subparagraphs, were located at the Facility:
 - A. an eight thousand (8,000) gallon steel tank that was installed in or about 1981 and that, at all times relevant hereto, routinely contained gasoline, a "regulated substance" as that term is defined in WVUSTR Section 33-30-2.1 (40 C.F.R § 280.12) (hereinafter "UST No. 1");
 - B. an eight thousand (8,000) gallon steel tank that was installed in or about 1981 and that, at all times relevant hereto, routinely contained gasoline, a "regulated substance" as that term is defined in WVUSTR Section 33-30-2.1 (40 C.F.R § 280.12) (hereinafter "UST No. 2"); and
 - C. an eight thousand (8,000) gallon steel tank that was installed in or about 1981 and that, at all times relevant hereto, routinely contained diesel, a "regulated substance" as that term is defined in WVUSTR Section 33-30-2.1 (40 C.F.R § 280.12) (hereinafter "UST No. 3").
15. USTs Nos. 1 through 3 referenced in the immediately preceding Paragraph are "petroleum UST systems" and "existing tank systems" as defined in WVUSTR Section 33-30-2.1 (40 C.F.R § 280.12).

16. USTs Nos. 1 through 3 were, at all times relevant to this CAFO, used to store and routinely contained "regulated substance(s)" at Respondent's Facility, as defined in Section 9001(2) of RCRA, 42 U.S.C. § 6991(2), and WVUSTR Section 33-30-2.1 (40 C.F.R § 280.12).

COUNT 1

(Failure to perform automatic line leak detector testing annually on
USTs Nos. 1 and 2)

17. The allegations of Paragraphs 1 through 16 of the CA are incorporated herein by reference.
18. Pursuant to WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.40(a) and (c), owners and operators of new and existing UST systems must provide a method or combination of methods of release detection monitoring that meets the requirements described therein.
19. WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.41(b)(1) provides, in pertinent part, that underground piping that conveys regulated substances under pressure shall:
- (i) Be equipped with an automatic line leak detector conducted in accordance with subdivision 1 of WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.44(a); and
 - (ii) Have an annual line tightness test conducted in accordance with WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.44(b) or have monthly monitoring conducted in accordance with WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.44(c).
20. WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.44(a) provides, in pertinent part, that an annual test of the operation of the leak detector must be conducted in accordance with the manufacturer's requirements.
21. From June 1, 2006 until June 30, 2008, the piping for USTs Nos. 1 and 2 was underground and routinely conveyed regulated substances under pressure.
22. Respondent failed to perform an annual test of the automatic line leak detectors for the underground piping for USTs Nos. 1 and 2 from June 1, 2006 until June 30, 2008.
23. Respondent's acts and/or omissions as alleged in Paragraph 22, above, constitute violations by Respondent of WVUSTR Section 33-30-2.2.1 which incorporates

by reference 40 C.F.R § 280.41(b)(1)(i) and WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.44(a).

COUNT 2

(Failure to perform line tightness testing or monthly monitoring on piping for USTs Nos. 1 and 2)

24. The allegations of Paragraphs 1 through 23 of the CA are incorporated herein by reference.
25. From June 1, 2006 until June 30, 2008, Respondent failed to perform an annual line tightness testing in accordance with WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.44(b) or have monthly monitoring conducted in accordance with WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.44(c) for the underground piping associated with USTs Nos. 1 and 2.
26. Respondent's acts and/or omissions as alleged in Paragraph 25, above, constitute violations by Respondent of WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.41(b)(1)(ii).

COUNT 3

(Failure to meet the UST system performance standards for spill and overfill prevention on UST No. 3)

27. The allegations of Paragraphs 1 through 26 of the CA are incorporated herein by reference.
28. WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.20 provides, in pertinent part, that all owners and operators of new UST systems shall meet certain requirements in order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances.
29. WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.20(c) provides that owners and operators of new UST systems shall use certain spill and overfill prevention equipment to prevent spilling and overfilling associated with product transfer to the UST system as follows:
 - (i) Spill prevention equipment that will prevent release of product into the environment when the transfer hose is detached from the fill pipe - for example a spill catchment basin; and
 - (ii) Overfill prevention equipment that will do one or more of the following:

(A) Automatically shut off flow into the tank when the tank is more than 95 percent full, or

(B) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high level alarm.

30. The requirements set forth at WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.20(c), above, have been incorporated by reference into WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.21(d), and are therefore applicable to existing UST systems as well as new UST systems.
31. From June 1, 2006 until March 12, 2011, Respondent failed to install certain spill and/or overflow prevention equipment for UST No. 3 as described in WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.20(c), and such USTs did not fall within the exception in WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.20(c)(2) and such UST was not in compliance with the closure requirements of WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.71.
32. Respondent's acts and/or omissions as alleged in Paragraph 31, above, constitute violations by Respondent of WVUSTR Section 33-30-2.2.1 which incorporates by reference 40 C.F.R § 280.20(c).

CIVIL PENALTY

33. In settlement of EPA's claims for civil monetary penalties assessable for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty of Twenty Three Thousand One Hundred Eighty-Eight Dollars (\$23,188.00), which Respondent agrees to pay in accordance with the terms set forth below.
34. The civil penalty of Twenty Three Thousand One Hundred Eighty-Eight Dollars (\$23,188.00) set forth in Paragraph 33, above, shall be paid in four (4) installments with interest at the rate of one percent (1%) per annum on the outstanding principal balance in accordance with the following schedule:
- 1st Payment: The first payment in the amount of Five Thousand Seven Hundred Ninety-Seven Dollars (\$5,797.00), consisting of a principal payment of \$5,797.00 and an interest payment of \$0.00, shall be paid within thirty (30) days of the date on which this CAFO is mailed or hand-delivered to Respondent;

2nd Payment: The second payment in the amount of Five Thousand Eight Hundred Eleven Dollars and Twenty-Nine Cents (\$5,811.29), consisting of a principal payment of \$5,797.00 and an interest payment of \$14.29, shall be paid within sixty (60) days on which this CAFO is mailed or hand-delivered to Respondent;

3rd Payment: The third payment in the amount of Five Thousand Eight Hundred Six Dollars and Fifty-Three Cents (\$5,806.53), consisting of a principal payment of \$5,797.00 and an interest payment of \$9.53, shall be paid within ninety (90) days of the date on which this CAFO is mailed or hand-delivered to Respondent; and

4th Payment: The fourth and final payment in the amount of Five Thousand Eight Hundred One Dollars and Seventy-Six Cents (\$5,801.76), consisting of a principal payment of \$5,797.00 and an interest payment of \$4.76, shall be paid within one hundred twenty (120) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

35. Pursuant to the above schedule, Respondent will remit total principal payments for the civil penalty in the amount of Twenty Three Thousand One Hundred Eighty-Eight Dollars (\$23,188.00) and total interest payments in the amount of Twenty Eight Dollars and Fifty-Eight Cents (\$28.58) for a total civil penalty payment in the amount of Twenty Three Thousand Two Hundred Sixteen Dollars and Fifty-Eight Cents (\$23,216.58).
36. If Respondent fails to make one of the installment payments in accordance with the schedule set forth in paragraph 34, above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described below in the event of any such failure or default.
37. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth in Paragraph 34, above, Respondent may pay the entire civil penalty of Twenty Three Thousand One Hundred Eighty-Eight Dollars (\$23,188.00) within thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a) as calculated in Paragraph 34, above, and as described in Paragraph 38. In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance, together with accrued interest to the date of such full payment.

38. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of Respondents' violations and any good faith efforts by Respondents to comply with all applicable requirements as provided in RCRA Section 9006(c), 42 U.S.C. § 6991e(c), and in accordance with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.
39. Respondent shall remit each installment payment for the civil penalty and interest, pursuant to Paragraph 34, above, and/or the full penalty pursuant to Paragraph 37, above, and/or any administrative fees and late payment penalties, in accordance with Paragraphs 40 through 42, below, in the following manner:
40. a. All payments made by check and sent by U.S. Postal Service regular mail shall be addressed to:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

The customer service contact for this address may be reached at 513-487-2105

- b. All payments made by check and sent by UPS, FedEx, or overnight mail delivery service (except as noted in section c, below) shall be addressed to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

The U.S. Bank customer service contact for overnight delivery is 314-418-1028.

- c. All payments made by check in any currency drawn on banks with no branches in the United States shall be addressed for delivery to the following address:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- d. All payments made by electronic funds transfer ("EFT") shall be directed to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

The Federal Reserve customer service contact may be reached at 212-720-5000.

- e. All electronic payments made through the Automated Clearinghouse ("ACH"), also known as Remittance Express ("REX"), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Customer service contact: John Schmid, at 202-874-7026, or REX at 1-866-234-5681

- f. On-line payment option

WWW.PAY.GOV

Enter "sfo 1.1" in the search field. Open and complete the form.

- g. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/payment_instructions.htm

41. All payments by Respondent shall include Respondent's full name and address and the EPA Docket Number of this Consent Agreement (RCRA-03-2011-0124).
42. At the time of payment, Respondent shall send a notice of such payment, including a copy of the check, EFT authorization or ACH authorization, as appropriate to:

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

and

Louis F. Ramalho
Sr. Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

RESERVATION OF RIGHTS

43. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including the Respondents, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment, nor shall anything in this Consent Agreement and the attached Final Order be construed to limit the United States' authority to pursue criminal sanctions against any person or entity. In addition, Complainant reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this CA/FO, following its filing with the Regional Hearing Clerk.

FULL AND FINAL SATISFACTION

44. EPA hereby agrees and acknowledges that the settlement of the proposed penalty as set forth above shall be in full and final satisfaction of all civil claims for penalties which EPA may have under Sections 9006(a) of RCRA for the violations alleged herein.

EFFECTIVE DATE

45. The effective date of this CA/FO is the date on which the Final Order, signed by the Regional Administrator or the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

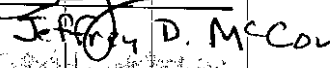
For Respondent:

21 Country Market, Inc.

Date: MAR 23 2011

By:


JM James C. McCoy
President


JEFFREY D. MCCOY

For Complainant:

United States Environmental Protection Agency, Region III

Date: MAR 24 2011

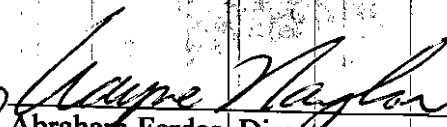
By:


Louis F. Ramalho
Sr. Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Waste and Chemicals Management Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

3/30/11
Date

By:


for Abraham Ferdas, Director
Land and Chemicals Division, EPA Region III

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

In the Matter of:

**21 Country Market, Inc.
425 N. Church Road
Ripley, West Virginia 25271**

Respondent,

**J-Mart
8610 Point Pleasant Road
Millwood, West Virginia 25262**

Facility.

**U.S. EPA Docket Number
RCRA-03-2011-0124**

FINAL ORDER

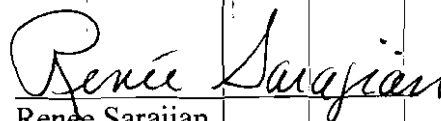
Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, 21 Country Market, Inc., have executed a document entitled "Consent Agreement" which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice 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. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO Section 22.18(b)(3) of the *Consolidated Rules of Practice* and Section 9006(a) of the Resource Conservation and Recovery Act, 42 U.S.C.

§ 6991e(a) ("RCRA"), and having determined, based on the representations of the parties in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the factors set forth in Section 9006(c), 42 U.S.C. § 6991e(c), **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of Twenty One Thousand One Hundred Eighty-Eight Dollars (\$21,188.00) in accordance with the terms and conditions of the Consent Agreement.

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or the Regional Judicial Officer, is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

Date: 3/31/11


Renee Sarajian
Regional Judicial Officer
U.S. EPA, Region III

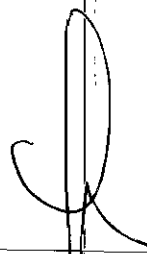
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date listed below, the original of the foregoing Consent Agreement and Final Order, Docket No. **RCRA-03-2011-0124** was filed with the Regional Hearing Clerk, U.S. EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and that a true and correct copy was sent to the following parties:

Mr. Jeff McCoy
President
21 Country Market, Inc.
d/b/a JMart
8610 Point Pleasant Road
Millwood, WV 25262

Date

3/31/14



Louis F. Ramalho
Sr. Assistant Regional Counsel
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103-2029