

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

<b>IN THE MATTER OF:</b>	)	<b>DOCKET NO.: RCRA-03-2021-0014</b>
	)	
<b>Om Shiva Management, Inc.</b>	)	
	)	
<b>and</b>	)	<b>EXPEDITED SETTLEMENT</b>
	)	<b>AGREEMENT AND FINAL ORDER</b>
	)	
<b>Shriji Group Enterprises, LLC,</b>	)	
	)	
<b>Respondents</b>	)	
	)	
<b>Valero McKeesport</b>	)	
<b>231 Fifth Ave.</b>	)	
<b>McKeesport, PA 15132</b>	)	
	)	
<b>Facility</b>	)	

**EXPEDITED SETTLEMENT AGREEMENT**

1. Om Shiva Management, Inc. and Shriji Group Enterprises, LLC (collectively, “Respondents”) and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) enter into this Expedited Settlement Agreement (“Agreement”) 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 of Practice”), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region III (“EPA”) has jurisdiction over this matter pursuant to 9006 of RCRA, 42 U.S.C. § 6991e, and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.
3. Complainant alleges that, at all times relevant to the allegations described in this Agreement, each Respondents was and continues to be a “person,” and the “operator” and/or “owner” of “underground storage tanks” (“USTs”) and “UST systems,” located at Valero McKeesport, 231 Fifth Ave., McKeesport, PA 15132 (“Facility”). Shriji Group Enterprises, LLC was and continues to be the “owner” of the Facility property. Om Shiva Management, Inc. was and continues to be the “owner” and “operator” of the USTs and UST systems described below.

4. Complainant alleges that Respondents failed to comply with specific requirements of Subtitle I of RCRA, 42 U.S.C. §§ 6991 *et seq.*, its implementing regulations at 40 C.F.R. Part 280, and the federally-authorized State of Pennsylvania’s UST management program regulations set forth in the Pennsylvania Code, Title 25, Chapter 245, Sections 245.1 *et seq.*
5. On September 12, 2019, a representative of EPA conducted a Compliance Evaluation Inspection, and observed the following USTs located at the Facility:
  - a. A 12,000-gallon tank that was installed in or about October 2007, and that, at all times relevant hereto, routinely contained regular-grade gasoline, a “regulated substance” as that term is defined in 25 Pa. Code § 245.1 (hereinafter “UST No. “5”).
  - b. An 8,000-gallon tank that was installed in or about October 2007, and that, at all times relevant hereto, routinely contained premium-grade gasoline, a “regulated substance” as that term is defined in 25 Pa. Code § 245.1 (hereinafter “UST No. “6”).
  - c. A 4,000-gallon tank that was installed in or about October 2007, and that, at all times relevant hereto, routinely contained diesel, a “regulated substance” as that term is defined in 25 Pa. Code § 245.1 (hereinafter “UST No. “7”).
  - d. A 4,000-gallon tank that was installed in or about October 2007, and that, at all times relevant hereto, routinely contained kerosene, a “regulated substance” as that term is defined in 25 Pa. Code § 245.1 (hereinafter “UST No. “8”).
6. Complainant has identified the following violations:
  - a. From at least December 11, 2018 until September 24, 2019, Respondents failed to conduct functionality testing of line leak detectors, in violation of 40 C.F.R. § 280.44(a) and 25 Pa. Code § 245.445(1).
7. Complainant and Respondents agree that settlement of this matter for a total penalty of **THREE THOUSAND SEVEN HUNDRED SIXTY DOLLARS (\$3,760.00)** is in the public interest. In calculating this amount, Complainant considered 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. Respondents agree that, within 30 days of the effective date of this Agreement, Respondents shall make a payment of **THREE THOUSAND SEVEN HUNDRED SIXTY DOLLARS (\$3,760.00)** by one of four methods: 1) electronic funds transfer (“EFT”), 2) Automated Clearinghouse, 3) Pay.gov, or 4) a cashier’s check or certified check made out to **“United States Treasury”** with the case name, address and docket number of this Agreement (RCRA-03-2021-0014), for the amount specified above:

a. Payment of the penalty amount by EFT:

Federal Reserve Bank of New York  
ABA 021030004  
Account 68010727  
SWIFT address FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Beneficiary: Environmental Protection Agency

b. Payment of the penalty amount by Automated Clearinghouse (“ACH”):

U.S. Treasury REX/Cashlink ACH Receiver

ABA: 051036706  
Account Number: 310006, Environmental Protection Agency

CTX Format Transaction Code 22- Checking

Physical Location of the U.S. Treasury Facility  
5700 Rivertech Court  
Riverdale, MD 20737

Remittance Express (REX): 1-866-234-5681

c. Payments made through Pay.gov:

Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account information to make payments. Follow these steps to make a payment:

- (1) You **DO NOT** need a user name and password or account.
- (2) Enter **SFO 1.1** in the form search box on the top left side of the screen.
- (3) Open the form and follow the on-screen instructions.
- (4) Select your method of payment from the “Type of Payment” drop down menu.
- (5) Based on your selection, the corresponding line will open and no longer be shaded grey.
- (6) Enter the docket number of this Agreement into the field.

d. Payment of the penalty amount by regular U.S. Postal Service shall be sent via **certified mail** to:

U.S. Environmental Protection Agency  
P.O. Box - Cincinnati Finance Center Box 979077  
St. Louis, MO 63197-9000

- e. Payment of the penalty amount by overnight mail (FedEx or other non-U.S. Postal Service express mail) shall be sent to:
- U.S. Environmental Protection Agency  
Government Lock Box - Cincinnati Finance Center Box 979077  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101
- f. A list of the payment methods is also provided at this website  
<https://www.epa.gov/financial/makepayment>.
9. Within 24 hours of payment, the Respondents shall also send proof of payment (a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by hard copy and by electronic mail to:

Caitlin Stormont, UST Compliance Officer (3ED22)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103  
stormont.caitlin@epa.gov

and,

Regional Hearing Clerk (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
R3\_Hearing\_Clerk@epa.gov

10. In signing this Agreement, each Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations 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 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; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
11. By its signature below, each Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) he or she has corrected the alleged violations, and (2) any documentation or information that he or she provided to EPA was true and accurate.
12. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.

13. EPA reserves the right to commence action against any person, including Respondents, 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 Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.
14. Late payment of the agreed upon penalty may subject Respondents to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
15. This Agreement is binding on the parties signing below and is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
16. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Om Shiva Management, Inc., and Shriji Group Enterprises, LLC.

**For Respondent:** Om Shiva Management, Inc.

Date: 10-27-2020

By:   
\_\_\_\_\_  
Danny A. Patel  
President and Secretary

**For Respondent:** Shriji Group Enterprises, LLC.

Date: 10-27-2020

By:   
\_\_\_\_\_  
Danny A. Patel

Title: OWNER

**For Complainant: U.S. Environmental Protection Agency, Region III**

After reviewing the Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: 12/10/2020

By: **KAREN  
MELVIN**  Digitally signed by  
KAREN MELVIN  
Date: 2020.12.10  
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\_\_\_\_\_  
Karen Melvin, Director  
Enforcement and Compliance Assurance Division

*In the matter of: Om Shiva Management, Inc. and  
Shriji Group Enterprises, LLC*

*Docket No: RCRA-03-2021-0014*

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

**IN THE MATTER OF:**

**Om Shiva Management, Inc.**

**and**

**Shriji Group Enterprise, LLC**

**Respondents**

**Valero McKeesport**

**231 Fifth Ave.**

**McKeesport, PA 15132**

**Facility**

**DOCKET NO.: RCRA-03-2021-0014**

**EXPEDITED SETTLEMENT  
AGREEMENT AND FINAL ORDER**

**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region III, and Respondents, Om Shiva Management, Inc. and Shriji Group Enterprise, LLC have executed a document entitled "Expedited Settlement 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, (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Expedited Settlement Agreement, the penalty agreed to therein took into account 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.

**NOW, THEREFORE, 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)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondents pay a civil penalty in the amount of **THREE THOUSAND SEVEN HUNDRED SIXTY DOLLARS (\$3,760.00)**, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondents' obligation to comply with all applicable provisions of Subtitle I of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6991 et seq., and the regulations promulgated thereunder.

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.

Date: 12/11/2020

By: **JOSEPH LISA**  
Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region III

Digitally signed by  
JOSEPH LISA  
Date: 2020.12.11  
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<b>Valero McKeesport</b>	)	
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<b>McKeesport, PA 15132</b>	)	
	)	
<b>Facility</b>	)	
	)	
	)	

**CERTIFICATE OF SERVICE**

I certify that on 12/11/20, the original and one (1) copy of the 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 Electronic Delivery to:

Danny A. Patel, President and Secretary  
 Om Shiva Management, Inc.  
 231 Fifth Ave.  
 McKeesport, PA 15132  


Danny A. Patel, Owner  
 Shriji Group Enterprises, LLC  
 11682 Dartmore Drive  
 Irwin, PA 15642  


Copy served via Electronic Delivery to:

Caitlin Stormont  
 UST Compliance Officer  
 U.S. EPA Region III  
 Enforcement and Compliance Assurance Division (Mail Code 3ED22)  
 1650 Arch Street  
 Philadelphia, PA 19103-2029  
[stormont.caitlin@epa.gov](mailto:stormont.caitlin@epa.gov)

Dated: 12/11/20

**BEVIN**  
**ESPOSITO**

Digitally signed by  
BEVIN ESPOSITO  
Date: 2020.12.11  
13:25:52 -05'00'



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