

Kentucky (hereinafter "Facility").

3. On or about April 5, 1986, Respondent filed a Notification for Underground Storage Tanks with the Kentucky Department of Environmental Protection, pursuant to Section 9002 of RCRA, 42 U.S.C. §6991a and 40 C.F.R. §280.22, which indicated three underground storage tanks, including the piping connected thereto, at the Facility were installed in 1972.

4. On or about August 21, 1991, a release detection compliance inspection of Respondent's Facility was performed by an authorized employee of Complainant U.S. Environmental Protection Agency pursuant to Section 9005 of the Resource Conservation and Recovery Act (hereinafter "RCRA"), 42 U.S. C. §6991d.

5. At the time of the August 21, 1991 inspection, Respondent had not conducted a line tightness test or monthly monitoring on the pressurized lines in accordance with the requirements of 40 C.F.R. §280.44(c).

6. The U.S. Environmental Protection Agency Penalty guidance for violations of UST [underground storage tanks] regulations, November, 1990, were followed by complainant in proposing the penalty sought herein, i.e. \$9,166.00.

Conclusions of Law

1. Respondent failed to provide release detection for three pressurized piping systems at the Facility subject to the December 22, 1990, underground storage tank release detection requirements in accordance with 40 C.F.R. §§280.40(c) and 380.41(b)(1)(ii).

2. Respondent's acts or omissions alleged in Paragraph 1 of this section constitute a violation by Respondent of Section 9003

of RCRA, 42 U.S.C. §6991b, and 40 C.F.R. §§280.40(c) and 280.41(b)(1)(ii).

3. The penalty proposed by complainant, and assessed in this Default Order, is reasonable in the circumstances.

The Penalty

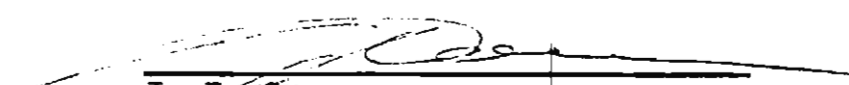
Pursuant to Section 9006 of RCRA, 42 U.S.C. §6991e, a civil penalty of \$9,166 is hereby assessed against Respondent, G.F. Moyer, d/b/a Moyer Chevron Service, for violations of RCRA and its implementing regulations found herein.

Payment of the full amount of the penalty assessed shall be made in accordance with the schedule set forth below:

Within 30 days of the effective date of the Final Order:	\$1,000.00
Within 60 days of the effective date of the Final Order:	\$1,000.00
Within 90 days of the effective date of the Final Order:	\$1,000.00
Within 120 days of the effective date of the Final Order:	\$1,000.00
Within 150 days of the effective date of the Final Order:	\$1,000.00
Within 180 days of the effective date of the Final Order:	\$1,000.00
Within 210 days of the effective date of the Final Order:	\$1,000.00
Within 240 days of the effective date of the Final Order:	\$1,000.00
Within 270 days of the effective date of the Final Order:	\$1,166.00

Payment shall be made by submitting a certified or cashier's
check payable to the United States of America and mailed to:

United States Environmental Protection Agency
Region IV (Regional Hearing Clerk)
P. O. Box 100142
Atlanta, Georgia 30384




J. E. Greene
Administrative Law Judge

Dated: September 11, 1972
Washington, D.C.

CERTIFICATE OF SERVICE

I hereby certify that the original of this Order was sent to the Regional Hearing Clerk and copies were sent to the counsel for the complainant and counsel for the respondent on



Shirley Smith
Secretary to Judge J. F. Greene

NAME OF RESPONDENT: MOYER CHEVRON SERVICE
DOCKET NUMBER: RCRA-UST-LD-KY-92-007

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Regional Hearing Clerk
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