



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

05/05/2021

VIA UPS OVERNIGHT MAIL

Timothy M. Miller, President
930 Port Street, Inc.
28102 Baileys Neck Road
Easton, MD 21601

Re: Administrative Complaint and Notice of Opportunity for Hearing
EPA Docket No. RCRA-03-2021-0090

Dear Mr. Miller:

The United States Environmental Protection Agency, Region III ("EPA"), hereby informs you, by the attached Administrative Complaint and Notice of Opportunity for Hearing ("Complaint") that your company, 930 Port Street, Inc., is in violation of applicable federally enforceable underground storage tank requirements pursuant to the Resource Conservation and Recovery Act, Subtitle I, 42 U.S.C. §§ 6991-6991m.

In accordance with 40 C.F.R. § 22.15 of the Consolidated Rules of Practice ("Consolidated Rules"), you, on behalf of your company, have until 30 days after receiving this Complaint to file a written Answer. The Answer must specifically address each of the factual allegations contained in the Complaint. In the written Answer, you may choose to request a hearing to contest any matter set forth in the Complaint. If you do not file a written Answer within 30 days, a Default Order may be issued imposing the penalties proposed by EPA without further proceedings. By failing to Answer, you admit all facts alleged in the Complaint and waive your rights to a hearing on the alleged facts. (Consolidated Rules set forth at 40 C.F.R. §§ 22.15 and .17, which can be found at <https://www.epa.gov/enforcement/consolidated-rules-practice-40-cfr-part-22-administrative-assessment-civil-penalties-1>.)

In addition, pursuant to the enclosed May 7, 2020 Standing Order: Designation of EPA Region III Part 22 Electronic Filing System and May 20, 2020 Standing Order: Order Authorizing Electronic Service of Certain Part 22 Documents, you have the ability to file by electronic mail to r3_hearing_clerk@epa.gov in lieu of hard copy. If you choose to file by electronic mail, the transmittal email must identify the case name and docket number above and contact information for yourselves or for your attorney if you have one, including name, telephone number, mailing address and email address. The response must be in .pdf format and signed either by wet signature (i.e., pen and ink) or by a valid electronic signature. Other instructions related to filing by electronic mail are set forth in the enclosed May 7, 2020 and May 20, 2020 Standing Orders. Regardless of whether you file by mail or email, you must also include a certificate of service demonstrating that you have sent a copy to the attorney assigned to this matter, Louis F. Ramalho, at Ramalho.Louis@epa.gov. Please see the Attachment B to the Complaint.

Re: *Administrative Complaint and Notice of Opportunity for Hearing*
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In addition, the Small Business Resources and the Small Business Regulatory Enforcement and Fairness Act ("SBREFA") information link (<https://www.dol.gov/agencies/oasam/centers-offices/business-operations-center/osdbu/compliance-assistance/resources>) provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and provides information on compliance assistance. If you decide to participate in this program or seek compliance assistance, you must still file an Answer in a timely manner. Participating in the program creates no new legal rights or defenses and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in resolving EPA's enforcement actions.

Should you have any questions or concerns, please feel free to contact Mr. Louis F. Ramalho, Sr. Assistant Regional Counsel, in the Office of Regional Counsel at (215) 814-2681.

Sincerely,

KAREN
MELVIN

Digitally signed by
KAREN MELVIN
Date: 2021.05.05
12:34:22 -04'00'

Karen Melvin, Director
Enforcement and Compliance Assurance Division

Enclosures

cc: Melissa Toffel, Mail Code 3ED22
Louis F. Ramalho, Mail Code 3RC40
Charles R. Schaller, Esq., Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
Timothy M. Miller, Registered Agent