

ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

IN RE.

SILKY ASSOCIATES LLC ! RCRA (9006) APEAL No. 21-02
DOCKET No. RCRA-03-2018-
-0131;

MOTION TO REQUEST RECONSIDER JUDGEMENT
SUBMITTED SOME REAL FACTS OF THIS CASE.

I have submitted all the Papers as Mixed.
Crossed asked and then on Dated Feb 21-2018 on
Attachment Paper on the Bottom of the sheet she had
Mention that on Jan 3-2018 submitted to EPA printed Paper
of JAN 1-2018 all the Text Passing All detail on EXHIBIT A
attached Here.

But Cathodic Protection Test - Done on
Sept 20. 2017 was FAILED BUT meter was Reading
is Fine But when test FAILED, I called the UST
CORROSION management, Inc. On Feb 27-2018 they Repaired
and All 5 steel tanks PASSED ATTACHED EXHIBIT "B"

EVEN I have completed Cathodic Protection Till
Jun 2021 Report Attached AS EXHIBIT "C"

~~A~~ VIOLATION of OVERFILL PREVENTION
EQUIPMENT.
AS it Describe on EXHIBIT "A1"

that Title (V) ENVIRONMENT AND EXHIBIT "A2"
9 VAC. 25-580-10 (Feb. 21-2018 FRONT PAGE & BOTTOM)
Detail EXPLANATION NEXT
PAGE

EXHIBIT "A1"

① it is the ^{same} Title Code VA9 says to prevent ~~and~~ overflowing and overfilling with product, then Operator should use Auto shut-off equipment shut-off itself when the TANK is no more than 95% Full.

OR. Operator get alert when Tank is no more than 90% Full so he can Alert with High Level ALARM so he stop flowing the product in the TANK.

IN this chapter it do not say Automatic shut-off but it also say if the Tank is 90% get Full Operator must get High Level Alarm to stop himself dropping the product or fuel in the TANK to prevent Spilling

② On July 18-2016 EPA INSPECTOR came and took some picture of all 5 TANK. HE NOT EXPLAIN what he is doing. I am not remember EXACTLY what I discuss with him ~~and~~ BECAUSE HIS behavior was little rude.

③ Here I will explain that Silby Associates is not sorted of prevention of overflow equipment for UST001 TO UST005 UP till now.

④ I do not know that how much EPA OFFICER know about "VEEDER ROOT" EQUIPMENT because I never met them NOR they came to my GAS station just talk on the phone on which I am not very good because I do not understand understand on the phone. But I know DEQ

they know very well Veeder Root - Because they use to come some time to take TANK REPORT and they know where is "Veeder Root" in my store they do not take any help from me. They just go there to Veeder Root and what ever they want they do with Veeder Root.

- Veeder Root can have all kind of Activities
- ① TANK Leak Detector
 - ② Tank Inventory
 - ③ Daily Report of Sale
 - ④ When to Order Fuel
 - ⑤ How much Fuel left in tank all TANK 5
 - ⑥ Alarm on low Fuel in tank all 5 TANK
 - ⑦ OVERFILLING TANK ALARM.

ENCLOSING EXHIBIT. B1

- ① CSLD P.D (PROBABILITY DETECTION) 95% ALL TANK.
- ② LEAK TEST EARLY STOP. ALL TANK
(When Fuel level is too low)
- ③ Fuel management Function

AS per Title 9 ENVIRONMENT.

Silby Assoul - Nat varieted of overfill PREVENTION EQUIPMENT ATTACH EXHIBIT "B2"
Here also it say Alert the Transfer Operator which is "VEEDER ROOT" give Alarm when Tank is 90%.

I Received statement From Bank say For DEQ Account. "EXHIBIT. C&F BANK."

DEQ/EPA Asking For Insurance for Undergroun All TANK, But Because of old TANK NO Body want to make Insurance I keep trying for few months but I was unsuccessful, then DEQ/EPA TOLD me to Open Fix Account under same Title VAC 9-25-590 and also Need Letter of Credit. Then I have to open Account on Dated JUNE 13-2014 Under the Title "DEQ" and this Account is still open C&F Bank letter is attached.

Here the Question arise when they know under the Title 9 ENVIRONMENTAL Water Board one is For Underground Storage TANKS and Second is For Underground Storage TANK For Financial Responsibility Requirement. These Both are for Underground Storage TANK DEQ/EPA FORCE ME to Deposit certain Amount to Protect EXPENSES of in case overflow Spilling happen happen so Government do not have to PAY.

And Overflow Prevention EQUIPMENT is also in same Title then why EPA/DEQ not Ask me to install Any EQUIPMENT what ever available to Protect overflow of Fuel why they

NOT FORCE me that time when they Force me to Deposit
 in Bank certain Amount- in 2014 why they waited
 Till now and excuse me as not installed overflow
 Prevention EQUIPMENT. And Beside my Veeder Root-
 Which do the same Job still I had had to
 Install DROPTUBE EQUIPMENT in all my 001 TO
 005 TANK on Dated April 2018 And still EPA
 said I have violated VAC9 Title when I have not
 Violated.

If they have Force me in 2014
 There was NO Problem today. I will Not-Rune
 my my Buisness. I am on the edge of
 closing my Bank crussy Just-Because of merrle Duffe
 Anginess. I do not understand why EPA
 waited 4 years From 2014 TO 2018. Just to
 violate me to Penaltise.

Still I am innocent-As per
 Title 9 (EXHIBIT B2) that ANY EQUIPMENT
 which Alarm delivery operator Before Overflow 95%
 which I have at-uptill now which is Veeder
 Root.

I her by all this Truth full
 evidence and EXHIBITS I will get Fair Honest
 Judgement.

Silky Associates

over Bill. Page 10/18

Article No 3 R.

EXHIBIT B 2

TITLE 9. ENVIRONMENT
STATE WATER CONTROL BOARD

Proposed Regulation

Title of Regulation: 9VAC25-580. Underground Storage Tanks: Technical Standards and Corrective Action Requirements (amending 9VAC25-580-10, 9VAC25-580-20, 9VAC25-580-50, 9VAC25-580-120, 9VAC25-580-130, 9VAC25-580-140; adding 9VAC25-580-125, 9VAC25-580-370).

Statutory Authority: §§ 62.1-44.15 and 62.1-44.34:9 of the Code of Virginia; 40 CFR Parts 280 and 281.

Public Hearing Information:

December 17, 2009 - 1 p.m. - Department of Environmental Quality, 629 East Main Street, 2nd Floor Training Room, Richmond, VA

Public Comment Deadline: January 8, 2010.

Agency Contact: Russell Ellison, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4269, FAX (804) 698-4266, or email russell.ellison@deq.virginia.gov.

Basis: The legal basis is the State Water Control Law. Specifically, § 62.1-44.34:9 of the Code of Virginia authorizes the board to promulgate such regulations as may be necessary to carry out its powers and duties with regard to underground storage tanks in accordance with applicable federal laws and regulations. Section 62.1-44.34:9 of the Code of Virginia authorizes the board to apply for such funds as may become available under federal acts and transmit such funds to appropriate persons.

Purpose: The amendments are necessary to protect the health, safety, or welfare of citizens of the Commonwealth. Secondary containment for new and replaced USTs within 1,000 feet of a public water supply or potable well will help prevent future UST leaks and limit the extent and impact of contamination. A delivery prohibition program will provide added incentive for UST owner/operators to maintain compliant tank systems. Compliant tank systems reduce the likelihood and severity of petroleum leaks into the environment. An operator training program will educate UST operators about how to maintain compliant tank systems and how to recognize and respond to problems associated with leaking USTs. Operator familiarity with UST regulatory requirements and with their own UST systems will increase compliance, help prevent future UST releases, and limit the extent, impact, and cleanup costs of contamination in the event of a release.

Substance: Key changes are as follows:

1. Amend 9VAC25-580-10 to add new definitions that will apply to the new secondary containment, delivery prohibition, and operator training requirements.
2. Minor changes to 9VAC25-580-20 accommodate proper references to the other substantive changes.
3. Amend 9VAC25-580-50 and 9VAC25-580-140 to require secondary containment for all new tanks and piping within 1,000 feet of existing community water systems or other potable drinking water wells.
4. Add 9VAC25-580-125 to identify specific classes of UST operators and require training for those classes of UST operators.
5. Add 9VAC25-580-370 to prohibit delivery of petroleum products to tanks deemed ineligible by the board due to noncompliance. This new section of the regulation will contain criteria for determining what tanks are ineligible for petroleum delivery, the process for identifying a tank as ineligible, the methods for marking the tanks and providing notice to owners/operators and delivery companies that the tanks are ineligible, and the criteria for reclassifying ineligible tanks as eligible.

The board followed the U.S. Environmental Protection Agency's (EPA) grant guidelines for secondary and containment, delivery prohibition, and operator training to develop the amendments.

Issues: The primary advantages to the public are the diminished impacts from leaking USTs to drinking water supplies, wells, and the reduction in the extent of any future releases. The disadvantages are the incremental cost burden to businesses that will be incurred to install and replace USTs with required secondary containment and train their operators, and the cost to UST owners who have lost the ability to accept fuel deliveries to a noncompliant UST.

The primary advantages to the agency include better deterrence against noncompliant USTs (Delivery Prohibition) and early discovery of leaking USTs in cases where secondarily contained systems exist. The primary agency disadvantage is the cost

(3) Underwriters Laboratories of Canada Guide ULC-107, "Glass Fiber Reinforced Plastic Pipe and Fittings for Flammable Liquids"; and

(4) Underwriters Laboratories of Canada Standard CAN 4-S633-M81, "Flexible Underground Hose Connectors."

b. The piping is constructed of steel and cathodically protected in the following manner:

(1) The piping is coated with a suitable dielectric material;

(2) Field-installed cathodic protection systems are designed by a corrosion expert;

(3) Impressed current systems are designed to allow determination of current operating status as required in subdivision 3 of 9VAC25-580-90; and

(4) Cathodic protection systems are operated and maintained in accordance with 9VAC25-580-90; or

NOTE: The following codes and standards may be used to comply with subdivision 2 b of this section:

(a) National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code";

(b) American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage Systems";

(c) American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems"; and

(d) National Association of Corrosion Engineers Standard RP-01-69, "Control of External Corrosion on Submerged Metallic Piping Systems."

c. The piping construction and corrosion protection are determined by the board to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements in subdivisions 2 a through b of this section.

3. Spill and overfill prevention equipment.

a. Except as provided in subdivision 3 b of this section, to prevent spilling and overfilling associated with product transfer to the UST system, owners and operators must use the following spill and overfill prevention equipment:

(1) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin); and

(2) Overfill prevention equipment that will:

(a) Automatically shut off flow into the tank when the tank is no more than 95% full;

(b) Alert the transfer operator when the tank is no more than 90% full by restricting the flow into the tank or triggering a high-level alarm; or

(c) Restrict the flow 30 minutes prior to overfilling, alert the operator with a high level alarm one minute before overfilling, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling.

b. Owners and operators are not required to use the spill and overfill prevention equipment specified in subdivision 3 a of this section if:

(1) Alternative equipment is used that is determined by the board to be no less protective of human health and the environment than the equipment specified in subdivision 3 a (1) or (2) of this section; or

(2) The UST system is filled by transfers of no more than 25 gallons at one time.

4. Installation. All tanks and piping must be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.

NOTE: Tank and piping system installation practices and procedures described in the following codes may be used to comply with the requirements of subdivision 4 of this section:

a. American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage System";

b. Petroleum Equipment Institute Publication RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems"; or

c. American National Standards Institute Standard B31.3, "Petroleum Refinery Piping." and American National Standards Institute Standard B31.4 "Liquid Petroleum Transportation Piping System."

EXHIBIT
B3.

9VAC25-590-60. Financial test of self-insurance.

A. An owner or operator and/or guarantor, may satisfy the requirements of 9VAC25-590-40 by passing a financial test as specified in this section. To pass the financial test of self-insurance, the owner or operator and/or guarantor shall meet the requirements of subsection B or C and subsection D of this section based on year-end financial statements for the latest completed financial reporting year.

B. 1. The owner or operator and/or guarantor shall have a tangible net worth at least equal to the total of:

- a. The applicable aggregate financial responsibility amount required by 9VAC25-590-40 B for which a financial test is used to demonstrate financial responsibility, except as provided in 9VAC25-590-210; and
- b. The aggregate aboveground storage tank financial responsibility amount required under 9VAC25-640, for which a financial test is used to demonstrate financial responsibility.

2. In addition to the requirements set forth in subdivision 1 of this subsection, the owner or operator and/or guarantor shall also have a tangible net worth of at least 10 times:

- a. The sum of the corrective action cost estimates, the current closure and postclosure care cost estimates, and amount of liability coverage for which a financial test for self-insurance is used in each state of business operations to demonstrate financial responsibility to the EPA under 40 CFR §§ 264.101(b), 264.143, 264.145, 265.143, 265.145, 264.147, and 265.147, to another state implementing agency under a state program authorized by EPA under 40 CFR Part 271 or the Virginia Waste Management Board under 40 CFR 264.143, 264.145 and 264.147 (as incorporated by reference in 9VAC20-60-264) and 40 CFR 265.143, 265.145 and 265.147 (as incorporated by reference in 9VAC20-60-265) of the Virginia Hazardous Waste Management Regulations; and
- b. The sum of current plugging and abandonment cost estimates for which a financial test for self-insurance is used in each state of business operations to demonstrate financial responsibility to EPA under 40 CFR 144.63 or to a state implementing agency under a state program authorized by EPA under 40 CFR Part 145 (Underground Injection Control Program).

3. The owner or operator, and/or guarantor shall comply with either subdivision a or b of this subdivision:

- a. (1) The financial reporting year-end financial statements of the owner or operator

a. The financial test requirements for self insurance of the corrective action cost estimates, the current closure and post-closure care cost estimates, and amount of liability coverage in each state of business operations to the EPA under 40 CFR 264.101(b), 264.143, 264.145, 265.143, 265.145, 264.147, and 265.147, to another state implementing agency under a state program authorized by EPA under 40 CFR Part 271 or the Virginia Waste Management Board under 40 CFR 264.143, 264.145 and 264.147 (as incorporated by reference in 9VAC20-60-264) and 40 CFR 265.143, 265.145, and 265.147 (as incorporated by reference in 9VAC20-60-265) of the Virginia Hazardous Waste Management Regulations; and

b. The financial test requirements for self-insurance of current plugging and abandonment cost estimates in each state of business operations to EPA under 40 CFR 144.63 or to a state implementing agency under a state program authorized by EPA under 40 CFR Part 145 (Underground Injection Control Program).

3. The financial reporting year-end financial statements of the owner or operator and/or guarantor shall be examined by an independent certified public accountant and be accompanied by the accountant's report of the examination.

4. The financial reporting year-end financial statements of the owner or operator and/or guarantor cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

5. If the financial statements of the owner or operator and/or guarantor are not submitted annually to the U.S. Securities and Exchange Commission, the Energy Information Administration or the Rural Utilities Service, the owner or operator and/or guarantor shall obtain a special report by an independent certified public accountant stating that:

a. The accountant has compared the data that the letter from the chief financial officer specified as having been derived from the latest financial reporting year-end financial statements of the owner or operator and/or guarantor with the amounts in such financial statements; and

b. In connection with that comparison, no matters came to the accountant's attention which caused him to believe that the specified data should be adjusted.

6. The owner or operator and/or guarantor shall have a letter signed by the chief financial officer, worded identically as specified in Appendix I/Alternative II or Appendix XI.

D. To meet the financial demonstration test under subsection B or C of this section, the chief financial officer of the owner or operator and/or guarantor shall sign, within 120 days of the close of each financial reporting year, as defined by the 12-month period for which financial statements used to support the financial test are prepared, a letter worded identically as specified in Appendix I with the appropriate alternative or Appendix XI, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted.

E. If an owner or operator using the financial test to provide financial assurance finds that he

no longer meets the requirements of the financial test based on the financial reporting year-end financial statements, the owner or operator shall obtain alternative coverage within 150 days of the end of the year for which financial statements have been prepared.

F. The board may require reports of financial condition at any time from the owner or operator and/or guarantor. If the board finds, on the basis of such reports or other information, that the owner or operator and/or guarantor no longer meets the financial test requirements of subsection B or C and subsection D of this section, the owner or operator shall obtain alternate coverage within 30 days after notification of such finding.

G. If the owner or operator fails to obtain alternate assurance within 150 days of finding that he no longer meets the requirements of the financial test based on the financial reporting year-end financial statements, or within 30 days of notification by the board that he or she no longer meets the requirements of the financial test, the owner or operator shall notify the board of such failure within 10 days.

Statutory Authority

§§ 62.1-44.15 and 62.1-44.34:9 of the Code of Virginia; 42 USC § 6901 et seq.; 40 CFR Parts 280 and 281.

Historical Notes

Derived from VR680-13-03 § 6, eff. May 9, 1990; amended, Virginia Register Volume 10, Issue 1, eff. November 3, 1993; Volume 14, Issue 23, eff. September 2, 1998; Volume 21, Issue 8, eff. January 26, 2005; Volume 34, Issue 1, eff. January 1, 2018.

Virginia Administrative Code

Title 9. Environment

Agency 25. State Water Control Board

Chapter 590. Petroleum Underground Storage Tank Financial Responsibility Requirements

9VAC25-590-250. Local government financial responsibility demonstration.

A. Except as otherwise provided, the U.S. Environmental Protection Agency regulations on local government financial responsibility demonstration contained in the Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST) (40 CFR 280.104 through 280.107) are incorporated by reference into this chapter as amended by the word or phrase substitutions given in 9VAC25-590-260.

B. A local government demonstrating financial responsibility pursuant to 40 CFR 280.106 shall demonstrate using the guarantee arrangement entitled "Local Government Guarantee Without Standby Trust Made by a Local Government."

Statutory Authority

§§ 62.1-44.15 and 62.1-44.34:9 of the Code of Virginia; 42 USC § 6901 et seq.; 40 CFR Parts 280 and 281.

Historical Notes

Derived from Virginia Register Volume 14, Issue 23, eff. September 2, 1998; amended, Virginia Register Volume 21, Issue 8, eff. January 26, 2005; Volume 34, Issue 1, eff. January 1, 2018.

Virginia Administrative Code
Title 9. Environment
Agency 25. State Water Control Board
Chapter 590. Petroleum Underground Storage Tank Financial Responsibility Requirements

EXHIBIT B3

9VAC25-590-110. Trust fund.

A. An owner or operator may satisfy the requirements of 9VAC25-590-40 by establishing an irrevocable trust fund that conforms to the requirements of this section. The trustee shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency or the State Corporation Commission.

B. The trust fund shall be irrevocable and shall continue until terminated at the written direction of the grantor and the trustee, or by the trustee and the State Water Control Board, if the grantor ceases to exist. Upon termination of the trust, all remaining trust property, less final trust administration expenses, shall be delivered to the owner or operator. The wording of the trust agreement shall be identical to the wording specified in Appendix VII, and shall be accompanied by a formal certification of acknowledgment as specified in Appendix VIII.

C. The irrevocable trust fund, when established, shall be funded for the full required amount of coverage, or funded for part of the required amount of coverage and used in combination with other mechanism or mechanisms that provide the remaining required coverage.

D. If the value of the trust fund is greater than the required amount of coverage, the owner or operator may submit a written request to the board for release of the excess.

E. If other financial assurance as specified in this chapter is substituted for all or part of the trust fund, the owner or operator may submit a written request to the board for release of the excess.

F. Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsection D or E of this section, the board will instruct the trustee to release to the owner or operator such funds as the board specifies in writing.

Statutory Authority

§§ 62.1-44.34:9 and 62.1-44.34:12 of the Code of Virginia.

Historical Notes

Derived from VR680-13-03 § 11, eff. May 9, 1990; amended, Virginia Register Volume 10, Issue 1, eff. November 3, 1993; Volume 14, Issue 23, eff. September 2, 1998.

Virginia Administrative Code
Title 9. Environment
Agency 25. State Water Control Board
Chapter 590. Petroleum Underground Storage Tank Financial Responsibility Requirements

9VAC25-590-50. Allowable mechanisms and combinations of mechanisms.

A. Subject to the limitations of subsection B of this section, an owner or operator may use any one or combination of the mechanisms listed in 9VAC25-590-60 through 9VAC25-590-110 to demonstrate financial responsibility under this chapter for one or more underground storage tanks. A local government owner or operator may use any one or combination of the mechanisms listed in 9VAC25-590-60 through 9VAC25-590-110 and 9VAC25-590-250 to demonstrate financial responsibility under this chapter for one or more underground storage tanks.

B. An owner or operator may use self-insurance in combination with a guarantee only if, for the purpose of meeting the requirements of the financial test under this chapter, the financial statements of the owner or operator are not consolidated with the financial statements of the guarantor.

Statutory Authority

§§ 62.1-44.34:9 and 62.1-44.34:12 of the Code of Virginia; 40 CFR Part 280.

Historical Notes

Derived from VR680-13-03 § 5, eff. May 9, 1990; amended, Virginia Register Volume 10, Issue 1, eff. November 3, 1993; Volume 14, Issue 23, eff. September 2, 1998; Volume 21, Issue 8, eff. January 26, 2005.

EXHIBIT, C&F



July 28, 2021

To Whom It May Concern,

Silky Assoc LLC established an account with C&F Bank on June 13, 2014, under the title of "DEQ." This account is open and in good standing with C&F Bank.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Brandon Campbell', is written over the printed name.

Brandon Campbell
Relationship Banker
NMLS# 1744685
C&F Bank
100 E Williamsburg Rd.
Sandston, VA 23150
804.737.7005



Corrosion Management, Inc.

System Designs • Resurveys • Troubleshooting • Repairs

March 9, 2018

Lakhmir Bagga
Lucky Mart
200 E. Williamsburg Rd.
Sandston, VA 23150

EXHIBIT "B"

RE: Impressed Current Cathodic Protection System Repair and Resurvey Report
Lucky Mart, 200 E. Williamsburg Rd., Sandston, VA
Job #RP-2656

On February 27, 2018, we were at the subject location to repair/resurvey the Impressed Current Cathodic Protection System on 5 Steel Tanks and Steel Product Lines as recommended in our troubleshoot report dated January 10, 2018.

The repair work consisted of the installation of 4 new ICCP anodes. The new anodes were installed in the same locations as the existing inoperable anodes. We also had to install 60' of new CP cable. A site drawing showing the location of the new anodes and all operating anodes in the system is included in the attached VADEQ Cathodic Protection System Evaluation Forms.

As of May 26, 2006, Virginia requires that all Cathodic Protection testing be completed according to their document titled "Guidelines for Underground Storage Tank Cathodic Protection Evaluation". The resurvey test data must be recorded on the states forms and include a site drawing. These documents are attached to this letter.

The 5 Steel Tanks and Steel Product Lines passed the Impressed Current System resurvey for corrosion protection according to the requirements in the VADEQ document referenced above.

We greatly appreciate your business. If you have any questions or need more information, do not hesitate to call me at (888) 822-2431.

Sincerely,

Rick Rogers
NACE Cathodic Protection Specialist #4394

PART I: REASONS FOR POTENTIAL DELIVERY PROHIBITION**UST Identifying Information:**

Tank #	Material Stored	Capacity (gal.)	Installation Date	Tank Construction Material	Piping Construction Material
UST-001	Premium gas	10,000	5/73	Cathodically-protected steel	Cathodically-protected galvanized steel
UST-002	Regular gas	10,000	5/73	Cathodically-protected steel	Cathodically-protected galvanized steel
UST-003	Regular gas	10,000	5/78	Cathodically-protected steel	Cathodically-protected galvanized steel
UST-004	Kerosene	4,000	5/83	Cathodically-protected steel	Cathodically-protected galvanized steel
UST-005	Diesel	4,000	5/85	Cathodically-protected steel	Cathodically-protected galvanized steel

Violations¹:Overfill Prevention Equipment

EXHIBIT "A1"

- Pursuant to 9 V.A.C. § 25-580-60(4) and 9 V.A.C. § 25-580-50(3), to prevent spilling and overfilling associated with product transfer to the UST system, owners and operators must use overfill prevention equipment that will either automatically shut off flow into the tank when the tank is no more than 95% full or alert the transfer operator when the tank is no more than 90% full by restricting the flow into the tank or triggering a high-level alarm.
- The inspector did not observe overfill prevention equipment (e.g., drop tube shut off devices, visual/audible alarms) for UST-001, UST-002, UST-003, UST-004 and UST-005 during EPA's July 18, 2016 inspection. The inspector was unable to determine whether UST-001, UST-002, UST-003, UST-004 or UST-005 were equipped with ball floats during EPA's July 18, 2016 inspection. Silky Associates was unable to provide any information verifying overfill prevention equipment during EPA's July 18, 2016 inspection.
- In materials received by EPA on January 9, 2018, Silky Associates provided a picture depicting a "71SO-400C Vapor-tight overfill valve" with handwritten notations "For new installation" and "Do not know the floating (sic) ball."
- Silky Associates has not provided any additional information verifying overfill prevention equipment for UST-001, UST-002, UST-003, UST-004 and UST-005 since EPA's July 18, 2016 inspection.
- Silky Associates is in violation of the overfill prevention requirements of 9 V.A.C. § 25-580-60(4) and 9 V.A.C. § 25-580-50(3) for UST-001, UST-002, UST-003, UST-004 and UST-005.

EXHIBIT "A"

¹ In a January 3, 2018 submission to EPA, Silky Associates provided an Automatic Tank Gauge (ATG) printout of a January 1, 2018 tank release detection test showing passing results, a Line/LD Test Data Sheet for September 20, 2017 line leak detector and line tightness tests showing passing results, and a Cathodic Protection System Evaluation Form for a December 6, 2017 cathodic protection test showing a failing result. This information demonstrated that Silky Associates addressed the *Tank Release Detection, Piping Release Detection – Line Leak Detector Testing, Piping Release Detection – Line Tightness Testing or Monthly Monitoring*, and *Corrosion Protection* (testing) violations identified in the NIPD. However, this information also documented Silky Associates' noncompliance with other cathodic protection requirements of the Virginia UST management program which is a basis for issuing this Amended NIPD.



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

FEB 21 2018

VIA UPS OVERNIGHT

Mr. Lakhmir Bagga
Silky Associates, LLC
200 E. Williamsburg Road
Sandston, VA 23150

Re: Lucky Mart, Notice of Intent to Prohibit Deliveries
Amendment No. 1 NIPD NO. RCRA-03-2018-0001

Dear Mr. Bagga:

Enclosed please find Amendment No.1 to the Underground Storage Tank Notice of Intent to Prohibit Deliveries referenced above (Amended NIPD) issued pursuant to Section 9012 of the Resource Conservation and Recovery Act, as amended (RCRA), 42 U.S.C. § 6991k. (Enclosure 1).

On November 30, 2017, the U.S. Environmental Protection Agency (EPA) issued an Underground Storage Tank (UST) Notice of Intent to Prohibit Deliveries (NIPD) to Silky Associates, LLC (Silky Associates) based on a determination that Silky Associates, as owner and operator of petroleum UST and petroleum UST Systems at the Lucky Mart facility located at 200 E. Williamsburg Road in Sandston, Virginia (Facility), was in violation of Subtitle I of RCRA and of Commonwealth of Virginia's UST management program regulations set forth in the Virginia Administrative Code, Title 9, Agency 25, Chapter 580, Sections 10 *et seq.*¹ The November 30, 2017 NIPD provided Silky Associates thirty (30) calendar days to resolve violations identified in Part I and also provide the required certification and documentation in Part II to avoid having the Facility's five (5) USTs determined to be ineligible to receive deliveries of regulated substances and "red tagged." In a January 3, 2018 submission to EPA, Silky Associates provided information which documented compliance with some of the violations identified in Part I of the NIPD, but which also documented the existence of a new violation not previously identified.

The Amended NIPD enclosed with this letter reflects changes to the NIPD based on the materials provided by Silky Associates, and identifies the violations that subject the Facility's five (5) USTs to prohibition of delivery of regulated substances. Together with the instructions, the Amended NIPD

EXHIBIT "A2"

¹ Effective October 28, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the Commonwealth of Virginia was granted final authorization to administer a State UST management program (Virginia UST management program) in lieu of the Federal underground storage tank management program established under Subtitle I of RCRA. The provisions of the Virginia UST management program, through this final authorization, are enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. A copy of the Virginia UST management program regulations, 9 VAC 25-580-10 *et seq.*, has previously been provided to Silky Associates along with the November 30, 2017 NIPD.

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Customer Service Hotline: 1-800-438-2474

712 6600



Corrosion Management, Inc.

System Designs • Resurveys • Troubleshooting • Repairs

EXHIBIT "C"

June 3, 2021

Lakhmir Bagga
Lucky Mart
200 E. Williamsburg Rd.
Sandston, VA 23150

Location: Lucky Mart
200 E. Williamsburg Rd.
Sandston, VA
Job #RS-3870

On June 2, 2021, we were at the subject location to resurvey the Impressed Current Cathodic Protection System on 5 Steel Tanks and Steel Product Lines.

As of May 26, 2006, Virginia requires that all Cathodic Protection testing be completed according to their document titled "Guidelines for Underground Storage Tank Cathodic Protection Evaluation". The resurvey test data must be recorded on the states forms and include a site drawing. These documents are attached to this letter.

The 5 Steel Tanks and Steel Product Lines passed the Impressed Current System resurvey for corrosion protection according to the requirements in the VADEQ document referenced above.

We greatly appreciate your business. If you have any questions or need more information, do not hesitate to call me at (888) 822-2431.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Rogers", written over a horizontal line.

Rick Rogers
NACE Cathodic Protection Specialist #4394

TLS-3XX Series Consoles

FRONT PAGE

System Setup Manual

to know EXHIBIT. see Veeder Root

Press ENTER to confirm your choice:

AUTOMATIC
PRESS <STEP> TO CONTINUE

If you are setting up the test for All Tanks, the setup is complete. Press FUNCTION to exit.

If you are setting up the test for Single Tanks, the setup is complete for the tank you are setting up. Press STEP and press TANK to choose the next tank. Return to the beginning of the section "Leak Test Frequency" on page 8-2 and repeat the procedure for the next tank.

CSLD - OPTION

NOTE: The CSLD option appears only when the tank is equipped with a 0.1 gph (0.38 lph) Mag probe, and the system has the CSLD software module key installed.

If necessary, press STEP until you see the message:

TEST ALL TANK:
ON DATE

To run the test using the CSLD frequency option, press CHANGE repeatedly until you see CSLD on the display.

Press ENTER to confirm your choice:

CSLD
PRESS <STEP> TO CONTINUE

Press STEP to display the message:

CSLD Pd: ALL TANKS
Pd = 95%

EXHIBIT "B1"

You can set the Pd (Probability of Detection) to 95% or 99%. To accept the 95% value, press STEP. (The system displays the CLIMATE FACTOR message.) If "Custom" appears in this field, a special value has been entered remotely. Do not change the selection from Custom. This selection is used primarily for European operations.

To change the value to 99%, press CHANGE, then press ENTER to confirm your choice:

Pd = 99%
PRESS <STEP> TO CONTINUE

Press STEP to display the message:

CLIMATE FACTOR: ALL TANKS
MODERATE

The default is Moderate and the other choice is Extreme.

Climate Factor - set to Moderate

Press STEP to display the message:

TEST ALL TANKS
CSLD

If you are setting up the CSLD test frequency for All Tanks, the setup is complete. Press FUNCTION to exit.

To set the test rate to 0.1 gph (0.38 lph), press CHANGE, then press ENTER to confirm your choice. The system displays the following message:

TEST RATE: 0.10 GAL/HR
PRESS <STEP> TO CONTINUE

Press STEP to continue.

Leak Test Duration

If necessary, press STEP until you see the following message:

TEST DURATION: ALL TANK
DURATION: 02

To accept the displayed duration, press STEP. To set another test duration, press CHANGE. The maximum duration is 6 hours. We recommend a minimum duration of two hours for 0.2 gph (0.76 lph) tests and three hours for 0.1 gph tests.

Note: If you have Leak Test Early Stop enabled and the console determines that an in-tank leak test has after the first two hours of the test, the test is completed, even though you had entered a Leak Test Dur more than 2 hours.

Enter the test duration in hours and press ENTER to confirm your choice:

DURATION: XX
PRESS <STEP> TO CONTINUE

Press STEP to continue.

EXHIBIT "B1"

Leak Test Early Stop

If necessary, press STEP until you see the following message:

TST EARLY STOP: ALL TANKS
DISABLED

Disabled is the default setting. When enabled this feature will prevent an In-Tank Leak Test from starting following conditions:



1. Fuel level is less than Leak Min Periodic (0.2 gph test rate) or Leak Min Annual (0.1 gph test rate).
2. It is less than 8 hours from a delivery.
3. The product temperature is less than 0°F (-17.6°C) or more than +100°F (+37.4°C).
4. The fuel level is too low.

To accept the disabled condition, press STEP. To enable Leak Test Early Stop, press CHANGE and then ENTER and the system displays:

TST EARLY STOP: ALL TANKS
ENABLED

Press STEP to continue.

9 Fuel Management

The Fuel Management Setup function lets you estimate the number of days remaining before the tank reaches the programmed low product level. The Low Product alarm activates when the amount of fuel falls below the Low Product Limit set during In-Tank Setup (see "Low Product" on page 7-16 for information on how to set this value.)

This function also keeps track of each product's average daily sales, which you can display or print. The starting inventory minus ending inventory, plus deliveries determine the sales for each day of the week. Using this data, the system calculates the estimated number of days of product remaining.

NOTE: The system assumes tanks with the same product code contain the same product. All information displayed is for products, not tanks. The product name is the product label of the lowest tank number containing the product (see "Product Labels" on page 7-2 and "Product Code" on page 7-2).

Selecting the Fuel Management Function

To select Fuel Management Setup, press FUNCTION until you see the message:

FUEL MANAGEMENT SETUP
PRESS <STEP> TO CONTINUE

Press STEP until you see the setup screen that you want.

EXHIBIT B1

Delivery Warning Days

If necessary, press STEP until you see the message:

FUEL MANAGEMENT SETUP
DELIVERY WARN DAYS: ##.#

You can set a threshold number of days of fuel remaining. When any product falls below this threshold, the system posts a Delivery Needed warning for the product.

To set the threshold number of days of fuel remaining, press CHANGE in response to the DELIVERY WARN DAYS message. Enter the threshold number of days of fuel remaining. This number can be up to 99.9 days. Enter 0 if you want to disable the warning. Press ENTER to confirm your entry:

DELIVERY WARN DAYS: XX.X
PRESS <STEP> TO CONTINUE

Press STEP to continue.

Daily Time to Print Fuel Management Report

If necessary, press STEP until you see the message:

FUEL MGT AUTO PRINT
TIME: 12:00 AM PM

This display lets you set a daily time when the system will automatically print a fuel management report. The report printed is a "Short Report" (see the system Operator's Manual).

