



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

Via Federal Express

Benjamin M. Cohan  
Office of Regional Counsel  
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March 19, 2013


Lisa Balderson, Esq.  
WV Department of Transportation Division of Highways  
Capital Complex Building 5  
1900 Kanawha Boulevard E  
Charleston, WV 25305-0430

Re: IN RE: West Virginia Department of Transportation Division  
Highways EPA Docket No. RCRA-03-2013-0063

Dear Ms. Balderson:

Enclosed you will find a true and correct copy of the executed settlement in the above captioned matter, which was filed with the Regional Hearing Clerk today. Please note that the settlement is effective today, March 19, 2013. Section III of the CAFO sets forth your client's Compliance Tasks and Section V sets forth the penalty payment obligations. Thank you for working with us toward resolution of this matter.

Sincerely,

  
Benjamin M. Cohan  
Senior Assistant Regional Counsel

Enclosures  
cc: Steve Forostiak (3LC62)

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

**RECEIVED**  
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**IN THE MATTER OF:**

**Consent Agreement and Final Order**

**West Virginia Department of Transportation  
Division of Highways  
1900 Kanawha Boulevard East  
Building Five, Room 110  
Charleston, WV 25305-0430**

**Docket No.: RCRA-03-2013-0063**

**RESPONDENT,**

**Proceeding under Section 9006 of the  
Resource Conservation and Recovery Act,  
42 U.S.C. § 6991e**

**District 2, Cabell County HQ  
6200 Route 60 East  
Barboursville, WV 25504**

**District 2, Logan County HQ  
127 Springfield Road  
Wilkinson, WV 25653**

**District 2, Mingo County HQ  
1 Highway Garage  
Williamson, WV 25661**

**District 3, Ritchie County HQ  
Route 16  
Harrisville, WV 26362**

**District 5, Mineral County HQ  
HC, Box 72AA  
New Creek, WV 26743**

**District 5, Morgan County HQ  
166 DOH Lane  
Berkeley Springs, WV 25411**

**District 5, Short Gap Sub Station  
Mineral County  
c/o Equipment Division  
P.O. Box 610  
Buckhannon, WV 26201**

**District 7, Braxton County HQ  
1001 State Street**

Gassaway, WV 26624

District 9, Peterstown Substation  
On WV12  
Peterstown, WV 24963

District 9, Summers County HQ  
On WV12  
Forest Hill, WV 24935

**FACILITIES,**

**CONSENT AGREEMENT**

This Consent Agreement is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("Complainant" or "EPA") and The West Virginia Department of Transportation, Division of Highways ("Respondent") pursuant to Section 9006 of the Resource Conservation and Recovery Act ("RCRA"), 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 22.18(b)(2) and (3).

This Consent Agreement and Final Order (collectively "CA/FO"), resolve violations of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, and the State of West Virginia's federally authorized underground storage tank program by Respondent in connection with the underground storage tanks at Respondent's facilities located as follows: 1) District 2, Cabell County HQ; 6200 Route 60 East; Barboursville, WV 25504 ("Cabell County HQ"); 2) District 2, Logan County HQ; 127 Springfield Road, Wilkinson, WV 25653 ("Logan County HQ"); 3) District 2, Mingo County HQ; 1 Highway Garage, Williamson, WV 25661 ("Mingo County HQ"); 4) District 3, Ritchie County HQ; Route 16, Harrisville, WV 26362 ("Ritchie County HQ"); 5) District 5, Mineral County HQ; HC, Box 72AA; New Creek, WV 26743 ("Mineral County HQ"); 6) District 5, Morgan County HQ; 166 DOH Lane, Berkeley Springs, WV 25411 ("Morgan County HQ"); 7) District 5, Short Gap Sub Station; Mineral County c/o Equipment Division, P.O. Box 610, Buckhannon, WV 26201 ("Short Gap Sub"); 8) District 7, Braxton County HQ; 1001 State Street, Gassaway, WV 26624 ("Braxton County HQ"); 9) District 9, Peterstown Substation; On WV12, Peterson WV 24963 ("Peterstown Substation"); 10) District 9, Summers County HQ; On WV12, Forest Hill WV 24935 ("Summers County HQ") (collectively referred to as the "Facilities").

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 a state underground storage tank management program ("West Virginia Authorized UST Management Program") *in lieu* of the Federal underground storage tank management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m. *See 62 Fed. Reg.* 49620 (September 23, 1997) *and 63 Fed. Reg.* 6667 (February 10, 1998). Through this final authorization, the provisions of the West Virginia Authorized UST Management Program became

requirements of RCRA Subtitle I and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e.

The factual allegations and legal conclusions in this CAFO are based upon the provisions of the West Virginia Authorized UST Management Program, as set forth in Title 33, Series 30 of West Virginia's Hazardous Waste Management Regulations, which incorporate by reference the federal underground storage tank program regulations set forth at 40 C.F.R. Part 280 (1995 ed.), with some modifications. These regulations, the West Virginia authorized underground storage tank regulations ("WVUSTR"), will hereafter be cited as WVUSTR §§ 33-30-1, *et seq.* All references to the provisions of 40 C.F.R. Part 280 which are incorporated by reference in the WVUSTR are to such regulations as set forth in the 1995 edition of the Code of Federal Regulations.

### **I. GENERAL PROVISIONS**

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CA/FO.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CA/FO, except as provided in Paragraph 1, above.
3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this Consent Agreement, the issuance of the attached Final Order or the enforcement of the CA/FO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing on any issue of law or fact set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
5. Respondent consents to the issuance of this CA/FO, and agrees to comply with its terms and conditions.
6. Respondent shall bear its costs and attorney's fees.
7. The provisions of this CA/FO shall be binding upon Respondent, and its officers, directors, employees, successors and assigns.
8. This CA/FO 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 CA/FO constitute a waiver, suspension or modification of the requirements of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, or any regulations promulgated there-under.
9. Complainant shall have the right to institute further actions to recover appropriate relief if Complainant obtains evidence that the information provided or representations made by Respondent to EPA regarding matters at issue in the CA/FO are false or, in any material respect, inaccurate. Respondent is aware that the submission of false or misleading

information to the United States government may subject Respondent to separate civil or criminal liability.

10. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this Consent Agreement and the attached Final Order.
11. EPA has given the State of West Virginia prior notice of the issuance of this CA/FO in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

## II. FACTUAL ALLEGATIONS AND LEGAL CONCLUSIONS

12. The United States Environmental Protection Agency - Region III ("EPA" or the "Region") and EPA's Office of Administrative Law Judges have jurisdiction over this matter pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, 40 C.F.R. Part 280 and 40 C.F.R. § 22.1(a)(4) and .4(c).
13. At all times relevant to this CA/FO, Respondent has been a Department of the State of West Virginia.
14. Respondent is a "person" as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.12.
15. At all times relevant to this CA/FO, Respondent has been an "owner" or "operator," as those terms are defined in Section 9001(3) and (4) of RCRA, 42 U.S.C. § 6991(3) and (4), and WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.12, of the "underground storage tanks" ("USTs") and "UST systems" as those terms are defined in Section 9001(10) of RCRA, 42 U.S.C. § 6991(10), and WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.12, located at the Facilities heretofore identified as: 1) Cabell County HQ; 2) Logan County HQ; 3) Mingo County HQ; 4) Ritchie County HQ; 5) Mineral County HQ; 6) Morgan County HQ; 7) Short Gap Sub; 8) Braxton County HQ; 9) Peterstown Substation; and 10) Summers County HQ.
16. Pursuant to RCRA Section 9005, 42 U.S.C. §6991(d), on 12/20/2010, 05/17/2011, and 10/20/2011, EPA issued Information Request letters to Respondent concerning its petroleum UST systems at each of the enumerated Facilities set forth herein.
17. Upon information and belief, and at all times relevant to the applicable violations alleged herein, a total of seventeen (17) USTs, as described in the following subparagraphs, were located at the Facilities.
18. With respect to the facility identified herein as *Cabell County HQ*, Respondent's UST is a 1,000-gallon capacity fiberglass-reinforced plastic tank that was installed in 1993. This UST (i.e. UST No. 3/serial no. 722-106) stored used oil.
19. With respect to the facility identified herein as *Logan County HQ*, Respondent's UST is a 1,000-gallon capacity fiberglass-reinforced plastic tank that was installed in 1993. This UST (i.e. UST No.1/serial no. 722-098) stored used oil.

20. With respect to the facility identified herein as *Mingo County HQ*, Respondent's UST is a 1,000-gallon capacity fiberglass-reinforced plastic tank that was installed in 1992. This UST (i.e. UST No. 1/serial no. 722-100) stored used oil.
21. With respect to the facility identified herein as *Ritchie County HQ*, Respondent's two (2) USTs are 10,000-gallon capacity fiberglass-reinforced plastic tanks that were installed in 1992. One of the USTs (i.e. UST No. 1/serial no. 792-302) stores Regular-grade fuel. The other UST (i.e. UST No.2/serial no. 792-303) stores Diesel-grade fuel.
22. With respect to the facility identified herein as *Morgan County HQ*, Respondent's two (2) USTs are 6,000-gallon capacity fiberglass-reinforced plastic tanks that were installed in 1996. One of the USTs (i.e. UST No. 1/serial no. 792-323) stores Regular-grade fuel. The other UST (i.e. UST No.2/serial no. 792-322) stores Diesel-grade fuel.
23. With respect to the facility identified herein as *Short Gap Sub*, Respondent's two (2) USTs are 2,000 and 4,000 gallon capacity fiberglass-reinforced plastic tanks that were installed in 1988. The 2,000 gallon UST (i.e. UST No. 1/serial no. 724-155) stores Regular- grade fuel. The other 4,000 gallon UST (i.e. UST No.2/serial no. 727-018) stores Diesel-grade fuel.
24. With respect to the facility identified herein as *Mineral County HQ*, Respondent's two (2) USTs are 6,000-gallon capacity fiberglass-reinforced plastic tanks that were installed in 1988. One of the USTs (i.e. UST No. 1/serial no. 729-196) stores Regular-grade fuel. The other UST (i.e. UST No.2/serial no. 729-206) stores Diesel-grade fuel.
25. With respect to the facility identified herein as *Braxton County HQ*, Respondent's two (2) USTs are 6,000-gallon capacity fiberglass-reinforced plastic tanks that were installed in 1990 and 1994. One of the USTs (i.e. UST No. 1/serial no. 729-265; installed in 1990) stores Regular- grade fuel. The other UST (i.e. UST No.2/serial no. 729-316; installed in 1994) stores Diesel-grade fuel.
26. With respect to the facility identified herein as *Summers County HQ*, Respondent's two (2) USTs are 10,000-gallon capacity fiberglass-reinforced plastic tanks that were installed in 1990. One of the USTs (i.e. UST No. 1/serial no. 729-0251) stores Regular- grade fuel. The other UST (i.e. UST No.2/serial no. 729-0252) stores Diesel-grade fuel.
27. With respect to the facility identified herein as *Peterstown Substation*, Respondent's two (2) USTs are 4,000-gallon capacity fiberglass-reinforced plastic tanks that were installed in 1989. One of the USTs (i.e. UST No. 1/serial no. 727-0029) stored Regular- grade fuel. The other UST (i.e. UST No.2/serial no. 727-0030) stored Diesel-grade fuel.
28. At all times relevant to the applicable violations alleged herein, all seventeen (17) USTs identified in the above paragraphs have been "petroleum UST systems" and "existing UST systems" and/or "new UST Systems" as these terms are defined in WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.12.

29. At all times relevant to applicable violations alleged in this CA/FO, all USTs identified in the above paragraphs were used to store "regulated substance(s)" at Respondent's Facilities, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.12, and were not "empty" as that term is defined at WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.70(a).
30. Pursuant to WVUSTR § 33-30-2.1 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.
31. Pursuant to WVUSTR § 33-30-4.2f which incorporates by reference 40 C.F.R § 280.41(a), USTs shall be monitored at least every 30 days for releases using one of the methods listed in WVUSTR Sections 33-30-2.1 which incorporates by reference 40 C.F.R. § 280.43(d) through (h), except that:
  - A. UST systems that meet the performance standards in WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.20 (Performance Standards for New UST Systems) and 40 C.F.R § 280.21 (Upgrading of Existing UST Systems), and the monthly inventory control requirements in WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.43(a) or (b) (Inventory Control or Manual Tank Gauging), and tank tightness testing, conducted in accordance with WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.43(c) (Tank Tightness Test), at least every 5 years until December 22, 1998, or until 10 years after the UST is installed or upgraded under WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.21(b) (Tank Upgrading Requirements); and
  - B. UST systems that do not meet the performance standards in WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.20 (Performance Standards for New UST Systems) or WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.21 (Upgrading of Existing UST Systems), may use monthly inventory controls, conducted in accordance with WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.43(a) or (b) (Inventory Control or Manual Tank Gauging) and annual tank tightness testing, conducted in accordance with WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.43(c) (Tank Tightness Test) until December 22, 1998, when the tank must be upgraded under WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.21 (Tank Upgrading Requirements) or permanently closed under WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.71; and
  - C. Tanks with a capacity of 550 gallons or less and not metered may use weekly tank gauging, conducted in accordance with WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.43(b).

**COUNT #1**

**RE: CABELL COUNTY HQ**

**Failure to perform release detection on UST No. 3/serial no.722-106 from June 1, 2010 to May 31, 2011**

32. The allegations of Paragraphs 1 to 31 of the CA/FO are incorporated herein by reference.
33. EPA alleges that from at least June 1, 2010 to May 31, 2011, Respondent's UST No. 3 at the *Cabell County HQ* Facility was not monitored in compliance with any of the methods set forth in WVUSTR § 33-30.2.1 which incorporated by reference 40 C.F.R § 280.43(d)-(h).
34. EPA alleges that Respondent's acts or omissions as alleged in the preceding paragraph constitute violations of WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.41(a).

**COUNT #2**

**RE: LOGAN COUNTY HQ**

**Failure to perform release detection on UST No. 1/serial no. 722-098 from June 1, 2010 to May 31, 2011**

35. The allegations of Paragraphs 1 to 34 of the CA/FO are incorporated herein by reference.
36. EPA alleges that from at least June 1, 2010 to May 31, 2011, Respondent's UST No. 1 at the *Logan County HQ* Facility was not monitored in compliance with any of the methods set forth in WVUSTR § 33-30-2.1 which incorporated by reference 40 C.F.R § 280.43(d)-(h).
37. EPA alleges that Respondent's acts or omissions as alleged in the preceding paragraph constitute violations of WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.41(a).

**COUNT #3**

**RE: MINGO COUNTY HQ**

**Failure to perform release detection on UST No. 1/serial no.722-100 from June 1, 2010 to May 31, 2011**

38. The allegations of Paragraphs 1 to 37 of the CA/FO are incorporated herein by reference.



39. EPA alleges that from at least June 1, 2010 to May 31, 2011, Respondent's UST No. 1 at the *Mingo County HQ* Facility was not monitored in compliance with any of the methods set forth in WVUSTR § 33-30-2.1 which incorporated by reference 40 C.F.R § 280.43(d)-(h).
40. EPA alleges that Respondent's acts or omissions as alleged in the preceding paragraph constitute violations of WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.41(a).

**COUNT #4**

**RE: PETERSTOWN SUBSTATION**

**Failure to perform release detection on UST No. 1/serial no. 7270029 and UST no.2/serial no.727-0030 from July 18, 2010 to August 25, 2010**

41. The allegations of Paragraphs 1 to 40 of the CA/FO are incorporated herein by reference.
42. EPA alleges that from at least July 18, 2010 to August 25, 2010, Respondent's UST Nos. 1 and 2 at the *Peterstown Substation Facility* were not monitored in compliance with any of the methods set forth in WVUSTR § 33-30-2.1 which incorporated by reference 40 C.F.R § 280.43(d)-(h).
43. EPA alleges that Respondent's acts or omissions as alleged in the preceding paragraph constitute violations of WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.41(a).

**COUNT #5**

**RE: SUMMERS COUNTY HQ**

**Failure to perform release detection on UST No. 1/serial no. 729-0251 and UST no.2/serial no.729-0252 from August 30, 2010 to September 6, 2010**

44. The allegations of Paragraphs 1 to 43 of the CA/FO are incorporated herein by reference.
45. EPA alleges that from at least August 30, 2010 to September 6, 2010, Respondent's UST Nos. 1 and 2 at the *Summers County HQ Facility* were not monitored in compliance with any of the methods set forth in WVUSTR § 33-30-2.1 which incorporated by reference 40 C.F.R § 280.43(d)-(h).

EPA alleges that Respondent's acts or omissions as alleged in the preceding paragraph constitute violations of WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.41(a).

**COUNT # 6**

**RE: RITCHIE COUNTY HQ**

**Failure to maintain every record of release detection for UST no.1/serial no. 792-302 and UST no. 2/serial no. 792-303 from September 2, 2010 to October 4, 2010**

46. The allegations of Paragraphs 1 to 45 of the CA/FO are incorporated herein by reference.
47. WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34(b)(4) provides that UST system owners and operators shall maintain information of current compliance with release detection requirements pursuant to WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.45.
48. Pursuant to WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.45, owners and operators of UST systems must maintain records in accordance with WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34 demonstrating compliance with all applicable requirements of WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R Subpart D. These records must include the following:
  - A. Written performance claims pertaining to a release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, shall be maintained for 5 years, or for another reasonable period of time determined by the "implementing agency" within the meaning of WVUSTR § 33-30-2.1.a., from the date of installation;
  - B. The results of any sampling, testing, or monitoring shall be maintained for at least 1 year, or for another reasonable period of time determined by the "implementing agency" within the meaning of WVUSTR § 33-30-2.1.a.; and
  - C. Written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site shall be maintained for at least 1 year after the service work is completed, and any schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be retained for 5 years from the date of installation.
49. EPA alleges that, from at least September 2, 2010 until October 4, 2010, Respondent performed release detection for USTs Nos. 1 and 2 at the *Ritchie County HQ* Facility.
50. EPA alleges that, from at least September 2, 2010 until October 4, 2010, Respondent failed to maintain records of release detection monitoring for USTs Nos. 1 and 2 in accordance with WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34(b)(4) and 40 C.F.R § 280.45.

51. EPA alleges that Respondent's acts or omissions as alleged in the preceding paragraph constitute violations by Respondent of WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34(b)(4) and 40 C.F.R § 280.45.

**COUNT # 7**

**RE: MINERAL COUNTY HQ**

**Failure to maintain every record of release detection for UST no.1/serial no. 729-196 and UST no. 2/serial no. 729-206 from August 27, 2010 to September 26, 2010**

52. The allegations of Paragraphs 1 to 51 of the CA/FO are incorporated herein by reference.
53. WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34(b)(4) provides that UST system owners and operators shall maintain information of current compliance with release detection requirements pursuant to WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.45.
54. Pursuant to WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.45, owners and operators of UST systems must maintain records in accordance with WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34 demonstrating compliance with all applicable requirements of WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R Subpart D. These records must include the following:
- A. Written performance claims pertaining to a release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, shall be maintained for 5 years, or for another reasonable period of time determined by the "implementing agency" within the meaning of WVUSTR § 33-30-2.1.a., from the date of installation;
  - B. The results of any sampling, testing, or monitoring shall be maintained for at least 1 year, or for another reasonable period of time determined by the "implementing agency" within the meaning of WVUSTR § 33-30-2.1.a.; and
  - C. Written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site shall be maintained for at least 1 year after the service work is completed, and any schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be retained for 5 years from the date of installation.
55. EPA alleges that, from at least August 27, 2010 until September 26, 2010, Respondent performed release detection for USTs Nos. 1 and 2 at the *Mineral County HQ* Facility.
56. EPA alleges that, from at least August 27, 2010 until September 26, 2010, Respondent failed to maintain records of release detection monitoring for USTs Nos. 1 and 2 in

accordance with WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34(b)(4) and 40 C.F.R § 280.45.

57. EPA alleges that Respondent's acts or omissions as alleged in the preceding paragraph constitute violations by Respondent of WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34(b)(4) and 40 C.F.R § 280.45.

**COUNT # 8**

**RE: MORGAN COUNTY HQ**

**Failure to maintain every record of release detection for UST no.1/serial no. 729-323 and UST no. 2/serial no. 729-322 from August 28, 2010 to September 27, 2010**

58. The allegations of Paragraphs 1 to 57 of the CA/FO are incorporated herein by reference.
59. WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34(b)(4) provides that UST system owners and operators shall maintain information of current compliance with release detection requirements pursuant to WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.45.
60. Pursuant to WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.45, owners and operators of UST systems must maintain records in accordance with WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34 demonstrating compliance with all applicable requirements of WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R Subpart D. These records must include the following:
- A. Written performance claims pertaining to a release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, shall be maintained for 5 years, or for another reasonable period of time determined by the "implementing agency" within the meaning of WVUSTR § 33-30-2.1.a., from the date of installation;
  - B. The results of any sampling, testing, or monitoring shall be maintained for at least 1 year, or for another reasonable period of time determined by the "implementing agency" within the meaning of WVUSTR § 33-30-2.1.a.; and
  - C. Written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site shall be maintained for at least 1 year after the service work is completed, and any schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be retained for 5 years from the date of installation.
61. EPA alleges that, from at least August 28, 2010 until September 27, 2010, Respondent performed release detection for USTs Nos. 1 and 2 at the *Morgan County HQ* Facility.

62. EPA alleges that, from at least August 28, 2010 until September 27, 2010 , Respondent failed to maintain records of release detection monitoring for USTs Nos. 1 and 2 in accordance with WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34(b)(4) and 40 C.F.R § 280.45.
63. EPA alleges that Respondent's acts or omissions as alleged in the preceding paragraph constitute violations by Respondent of WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34(b)(4) and 40 C.F.R § 280.45.

**COUNT # 9**

**RE: SHORT GAP SUB**

**Failure to maintain every record of release detection for UST no.1/serial no. 724-155 and UST no. 2/serial no. 727-018 from August 27, 2010 to September 26, 2010**

64. The allegations of Paragraphs 1 to 63 of the CA/FO are incorporated herein by reference.
65. WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34(b)(4) provides that UST system owners and operators shall maintain information of current compliance with release detection requirements pursuant to WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.45.
66. Pursuant to WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.45, owners and operators of UST systems must maintain records in accordance with WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34 demonstrating compliance with all applicable requirements of WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R Subpart D. These records must include the following:
  - A. Written performance claims pertaining to a release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, shall be maintained for 5 years, or for another reasonable period of time determined by the "implementing agency" within the meaning of WVUSTR § 33-30-2.1.a., from the date of installation;
  - B. The results of any sampling, testing, or monitoring shall be maintained for at least 1 year, or for another reasonable period of time determined by the "implementing agency" within the meaning of WVUSTR § 33-30-2.1.a.; and
  - C. Written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site shall be maintained for at least 1 year after the service work is completed, and any schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be retained for 5 years from the date of installation.

67. EPA alleges that, from at least August 27, 2010 until September 26, 2010, Respondent performed release detection for USTs Nos. 1 and 2 at the *Short Gap Sub* Facility.
68. EPA alleges that, from at least August 27, 2010 until September 26, 2010, Respondent failed to maintain records of release detection monitoring for USTs Nos. 1 and 2 in accordance with WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34(b)(4) and 40 C.F.R § 280.45.
69. EPA alleges that Respondent's acts or omissions as alleged in the preceding paragraph constitute violations by Respondent of WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34(b)(4) and 40 C.F.R § 280.45.

**COUNT # 10**

**RE: BRAXTON COUNTY HQ**

**Failure to maintain every record of release detection for UST no.1/serial no. 729-265 and UST no. 2/serial no. 729-316 from May 31, 2010 to July 6, 2010 and August 8, 2010 to September 1, 2010**

70. The allegations of Paragraphs 1 to 69 of the CA/FO are incorporated herein by reference.
71. WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34(b)(4) provides that UST system owners and operators shall maintain information of current compliance with release detection requirements pursuant to WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.45.
72. Pursuant to WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.45, owners and operators of UST systems must maintain records in accordance with WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34 demonstrating compliance with all applicable requirements of WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R Subpart D. These records must include the following:
  - A. Written performance claims pertaining to a release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, shall be maintained for 5 years, or for another reasonable period of time determined by the "implementing agency" within the meaning of WVUSTR § 33-30-2.1.a., from the date of installation;
  - B. The results of any sampling, testing, or monitoring shall be maintained for at least 1 year, or for another reasonable period of time determined by the "implementing agency" within the meaning of WVUSTR § 33-30-2.1.a.; and
  - C. Written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site shall be maintained for at least 1 year after the service work is completed, and any schedules of required calibration

and maintenance provided by the release detection equipment manufacturer shall be retained for 5 years from the date of installation.

73. EPA alleges that, from at least May 31, 2010 to July 6, 2010 and August 8, 2010 to September 1, 2010, Respondent performed release detection for USTs Nos. 1 and 2 at the *Braxton County HQ* Facility.
74. EPA alleges that, from at least May 31, 2010 to July 6, 2010 and August 8, 2010 to September 1, 2010, Respondent failed to maintain records of release detection monitoring for USTs Nos. 1 and 2 in accordance with WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34(b)(4) and 40 C.F.R § 280.45.
75. EPA alleges that respondent's acts or omissions as alleged in the preceding paragraph constitute violations by Respondent of WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.34(b)(4) and 40 C.F.R § 280.45.

### **III. COMPLIANCE TASKS**

76. Pursuant to the authority of Section 9006 of RCRA, 42 U.S.C. § 6991e, Respondent must complete the following Compliance Tasks in accordance with the terms and conditions set forth herein.
77. At the Facilities where Respondent is currently performing Groundwater Monitoring (GWM) and/or Vapor Monitoring (VM), Respondent shall completely discontinue GWM and/or VM as the method of release detection for the UST systems identified in Appendix "A" of this CA/FO by no later than *December 1, 2014*; and *in lieu* thereof, Respondent shall choose and perform an alternative method of release detection in accordance with WVUSTR § 33-30-2.1 which incorporates by reference 40 C.F.R § 280.43 ("Methods of release detection for tanks"). Any and all alternative methods of release detection must commence no later than December 1, 2014 – the date by which Respondent must discontinue GWM and/or VM as set forth herein.
78. Effective immediately, Respondent agrees not to perform GWM and/or VM as the method of release detection for UST systems not identified in Appendix A hereto, which Respondent currently owns and/or operates, or which it may come to own and or operate at any time after the effective date of this CA/FO.
79. 90 days after the effective date of this CA/FO, and for every 90 days thereafter until December 1, 2014, Respondent shall file quarterly status reports with respect to its compliance efforts to meet the obligations and deadline set forth in paragraph 77, above. The quarterly reports should detail the contracting process, solicitation of bids, potential problems and any relevant information pertaining to Respondent's commitment to comply with the compliance tasks set forth above.
80. By no later than December 10, 2014, Respondent shall submit to EPA a final report that documents and certifies Respondent's compliance with these Compliance Tasks.



81. If activities undertaken by Respondent in connection with these Compliance Tasks indicate the release of a regulated substance from any UST systems at the Facility may have occurred, Respondent may be required to undertake responsive action pursuant to applicable regulations in 40 C.F.R. Part 280, Subpart F.
82. Any notice, report, certification, data presentation, or other document submitted by Respondent pursuant to these Compliance Tasks which discusses, describes, demonstrates, supports any finding or makes any representation concerning Respondent's compliance or noncompliance with any requirement of these Compliance Tasks must be certified by an individual authorized to represent Respondent.
83. The certification required above must be in the following form:

I certify that the information contained in or accompanying this [type of submission] is true, accurate, and complete. As to [the/those] identified portions of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [type of submission] and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

84. All documents and reports to be submitted pursuant to this CA/FO must be sent to the following persons:
- A. Documents to be submitted to EPA must be sent via overnight delivery, signature required, to:
- |   |  |
|---|--|
| Benjamin Cohan<br>Sr. Assistant Regional Counsel<br>U.S. Environmental Protection Agency<br>Region III (Mail Code 3RC50)<br>1650 Arch Street<br>Philadelphia, PA 19103-2029 | Stephen Forostiak<br>Office of Land Enforcement<br>U.S. Environmental Protection Agency<br>Region III (Mail Code 3LC70)<br>1650 Arch Street<br>Philadelphia, PA 19103-2029 |
|---|--|
- B. Documents required to be submitted to WVDEP, and one copy of all documents required to be submitted to EPA, must be sent by overnight delivery or regular mail to:



Ruth M. Porter, Program Manager  
West Virginia Department of Environmental Protection  
601 57th Street SE  
Charleston, WV 25304

85. Respondent is hereby notified that failure to comply with any of the terms of this CA/FO may subject them to imposition of a civil penalty of up to \$37,500 for each day of continued noncompliance, pursuant to Section 9006(a)(3) of RCRA, 42 U.S.C. §6991e(a)(3).
86. The term "days" as used herein means calendar days unless specified otherwise.

#### **IV. FORCE MAJEURE**

87. The Respondent's obligations under the Compliance Tasks section of this CA/FO must be performed as set forth in this CA/FO unless performance is prevented or delayed by a force majeure event. For purposes of this CA/FO, "force majeure" is defined as any event arising from causes beyond the control of the Respondent or of entities controlled by the Respondent, including, but not limited to, contractors and sub-contractors, which could not be overcome by the due diligence of the Respondent or the entities controlled by the Respondent, which delays or prevents the performance of any obligation under this CA/FO, including acts of God or war, labor unrest, civil disturbance and any judicial orders which prevent compliance with the provisions of this CA/FO. Force majeure may not include increased costs of performance of any activity required by this CA/FO, the failure of any customers to fund any activity necessary to achieve compliance with this CA/FO or the failure to apply for any required permits or approvals or to provide all information required therefore in a timely manner, nor may it include the failure of contractors or employees to perform or the avoidable malfunction of equipment.
88. If the Respondent is having difficulty meeting its obligations as set forth in this CA/FO due to a force majeure event, it will notify EPA promptly by telephone of any change in circumstances giving rise to the suspension of performance or the non-performance of any obligation under this CA/FO. In addition, within 14 calendar days of the occurrence of circumstances causing such difficulty, it will provide a written statement to EPA of the reason(s), the anticipated duration of the event and delay, the measures taken and to be taken to prevent or minimize the time and effects of failing to perform or delaying any obligation, and the timetable for the implementation of such measures. Failure to comply with the notice provisions will constitute a waiver of any claims of force majeure. The Respondent must take all reasonable steps to avoid and/or minimize any such delay.
89. The burden of proving that any delay is caused by circumstances beyond the control of the Respondent will rest with the Respondent.
90. If the parties agree that the delay or anticipated delay in compliance with the Compliance Tasks has been or will be caused by circumstances beyond the control of Respondent, and that all reasonable measures have been adopted to avoid or minimize such delay, EPA will

notify Respondent in writing of the additional time period which EPA determines is justified beyond the deadlines set forth in Section III (Compliance Tasks) of this CAFO.

91. In the event that Complainant does not agree that a delay in achieving compliance with the Compliance Tasks has been or will be caused by circumstances beyond the control of the Respondent and that all reasonable measures have been adopted to avoid or minimize such delay, Complainant will notify Respondent in writing of its decision, and any delays in the completion of the Compliance Tasks shall not be excused under this Section IV.

## V. CIVIL PENALTY

92. In settlement of Complainant's claims for civil penalties for the violations alleged in this CA, Respondent agrees to pay a civil penalty in the amount of thirty thousand dollars (\$30,000). The civil penalty amount is due and payable within thirty (30) days of Respondent's receipt of both a true and correct copy of this Consent Agreement signed by all parties and the Final Order signed by the Regional Judicial Officer.
93. The aforesaid settlement amount is based upon Complainant's consideration of a number of factors, including the statutory factors provided in RCRA Section 9006(c) - (e), 42 U.S.C. § 6991e(c) - (e), and in accordance with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.
94. Payment of the civil penalty amount shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
- A. All payments by Respondents shall reference its name and address, and the Docket Number of this action, RCRA-03-2013-0063;
  - B. All checks shall be made payable to "United States Treasury";
  - C. All payments made by check and sent by regular mail shall be addressed and mailed to:
    - U.S. Environmental Protection Agency
    - Fines and Penalties
    - Cincinnati Finance Center
    - P.O. Box 979077
    - St. Louis, MO 63197-9000
    - Contact: Eric Volck, 513-487-2105
  - D. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:
    - U.S. Bank
    - Government Lockbox 979077
    - U.S. EPA, Fines and Penalties
    - 1005 Convention Plaza
    - Mail Station SL-MO-C2-GL

St. Louis, MO 63101  
Contact: 314-418-1028

- E. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

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

- F. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 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"

- G. 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  
Contact: Jesse White 301-887-6548 or REX, 1-866-234-5681

- H. Online Payment Option:

WWW.PAY.GOV  
Enter sfo 1.1 in the search field. Open and complete the form.  
Additional payment guidance is available at:  
[http://www.epa.gov/ocfo/finservices/make\\_a\\_payment.htm](http://www.epa.gov/ocfo/finservices/make_a_payment.htm)

- I. Payment by the Respondent shall reference Respondent's name(s) and address, and the EPA Docket Number of this CA/FO (RCRA-03-2013-0063). A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

Benjamin Cohan  
Assistant Regional Counsel

U.S. Environmental Protection Agency  
Region III (Mail Code 3RC50)  
1650 Arch Street  
Philadelphia, PA 19103-2029

And

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

**VI. FULL AND FINAL SATISFACTION**

95. This CA/FO constitutes a settlement by EPA of its claims for civil penalties pursuant to 9006(a) of RCRA, 42 U.S.C. § 6991e(a), for the violations alleged in this Consent Agreement.

**VII. RESERVATION OF RIGHTS**

96. EPA reserves the right to commence action against any person, including Respondent, 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 Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated there-under, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CA/FO, following its filing with the Regional Hearing Clerk.

**VIII. OTHER APPLICABLE LAWS**

97. Nothing in this CA/FO shall relieve Respondent of any duties otherwise imposed on it by applicable federal, state or local law or regulations.

**IX. AUTHORITY TO BIND THE PARTIES**

98. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and bind Respondent hereto.

**X. ENTIRE AGREEMENT**

99. This Consent Agreement and the attached Final Order constitute the entire agreement and understanding between EPA and Respondent concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between EPA and Respondent other than those expressed in this Consent Agreement and the attached Final Order.

**XI. EFFECTIVE DATE**

100. This CA/FO shall become effective upon filing with the Regional Hearing Clerk.

**XIII. SIGNATURES**

For Respondent:

Date 2-8-13

West Virginia Dept. of Transportation  
Division of Highways

By: Paul A. Mattox, Jr.

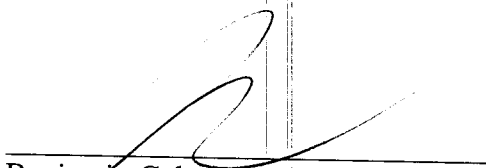
Name: Paul A. Mattox, Jr.

Title: Secretary/Commissioner

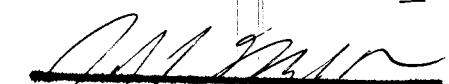
For Complainant:

Date 2/14/13

U.S. Environmental Protection Agency, Region III

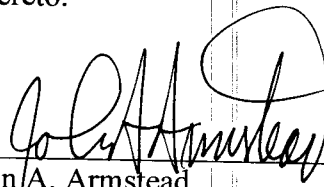
  
Benjamin Cohan  
Sr. Assistant Regional Counsel

APPROVED AS TO FORM THIS  
6<sup>th</sup> DAY OF Feb 20 13

  
ATTORNEY LEGAL DIVISION  
WEST VIRGINIA DIVISION  
OF HIGHWAYS

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

Date 2.25.13



\_\_\_\_\_  
John A. Armstead  
Director, Land and Chemicals Division  
U.S. Environmental Protection Agency, Region III

**WVDOH Statewide Active UST List**

District	Facility	City	County	WV ID #	E.D. #	Capacity (K)			Installed	Leak Detection Method	Remarks
						D	G	K			
1 (2)	I-64 Scary Creek Substation	Scary Creek	Putnam	2-002611	727-0056	4			5/8/91	GWM	GWM - Groundwater Monitoring
					727-0057		4		5/8/91		
	I-79 Amma Substation	Amma	Roane	4-405349	727-0071		4		9/28/92	GWM	
					727-0072	4			9/28/92		
3 (5)	Calhoun Co. HQ.	Millstone	Calhoun	0-700790	729-0270		10		12/6/90	GWM	
					729-0271	10			12/6/90		
	I-77 Section 1	Mill Run	Wood	5-406085	729-0247		10		9/7/90	GWM	
					729-0259	10			9/7/90		
	I-77 Section 2	Medina	Jackson	1-801951	729-0264		10		9/26/90	GWM	
					729-0263	10			9/26/90		
	Ritchie Co. HQ.	Harrisville	Ritchie	4-305293	729-0303		10		9/14/92	GWM	
					729-0302	10			9/14/92		
4 (5)	I-79 Lost Creek	Lost Creek	Harrison	1-701858	724-0161		2		8/1989	GWM	
					727-0031	4			8/1989		
	Pentress Substation	Pentress	Monongalia	3-104096	724-0172		2		8/1990	GWM	
					727-0044	4			8/1990		
	Preston Co. HQ.	Albright	Preston	3-906607	729-0307		6		9/1993	GWM	
					729-0308	6			9/1993		
	Terra Alta Substation	Terra Alta	Preston	3-904739	724-0173		2		11/1990	GWM	
					727-0045	4			11/1990		

APPENDIX "A"



United States Environmental Protection Agency, Region III, Consent Agreement and Final Order Docket No.: RCRA-03-2013-0063, Appendix A

District	Facility	City	County	WV ID #	E.D. #	Capacity (K)			Installed	Leak Detection	Remarks
						D	G	K			
5 (9)	Grant Co. HQ.	Petersburg	Grant	1-201132	727-0028		4		1989	GWM	
					729-0222	8			1989		
	Mt. Storm Substation	Mt. Storm	Grant	1-201131	729-0328		6		1997	GWM	
					729-0329	6			1997		
	Capon Bridge Substation	Capon Bridge	Hampshire	1-401372	722-0065		1		1991	GWM	
					727-0108	4			1991		
	Slanesville Substation	Slanesville	Hampshire	1-401370	724-0212		2		1998	GWM	
					729-0213	2			1998		
	Baker Substation	Baker	Hardy	1-601256	727-0066	4			1992	GWM	
	Mineral Co. HQ.	New Creek	Mineral	2-903805	729-0196		6		1988	GWM	
					729-0206	8			1988		
	Short Gap Substation	Short Gap	Mineral	2-903804	724-0155		2		1988	GWM	
					727-0018	4			1988		
	Morgan Co. HQ.	Berkeley Springs	Morgan	3-304176	729-0323		6		1996	GWM	
					729-0322	6			1996		
	D-5 HQ.	Burlington	Mineral	2-903806	729-0201		10		1990	GWM	
					729-0213		10		1990		
					729-0214	10			1990		

United States Environmental Protection Agency, Region III, Consent Agreement and Final Order Docket No.: RCRA-03-2013-0063, Appendix A

District	Facility	City	County	WV ID #	E.D. #	Capacity (K)			Installed	Leak Detection	Remarks
						D	G	K			
7 (8)	Barbour Co. HQ.	Philippi	Barbour	0-100054	727-0236		6		01/1990	GWM	
					727-0237	6			01/1990		
	Belington Substation	Belington	Barbour	0-100055	727-0060		4		10/1990	GWM	
					727-0061	4			10/1990		
	Heaters Sub-Station	Heaters	Braxton	0-400379	729-0540	4			03/1991	GWM	
	Braxton Co. HQ.	Gassaway	Braxton	0-400380	729-0265		6		11/1990	GWM	
					729-0316	6			06/1994		
	I-79 Coon Knob	Coon Knob	Braxton	0-406608	729-0275		6		06/1991	GWM	
					729-0726	6			06/1991		
	I-79 Burnsville	Burnsville	Braxton	0-406609	729-0273		6		03/1991	GWM	
					729-0267	6			03/1991		
	Gilmer Co. HQ.	Glennville	Gilmer	1-1011047	723-0315		6		06/1995	GWM	
					723-0233	6			08/1989		
	Lewis Co. HQ.	Weston	Lewis	2-102721	729-0277		10		08/1991	GWM	
					729-0272	10			08/1990		
	Webster Co. HQ.	Webster Springs	Webster	5-105752	729-0244		6		04/1990	GWM	
729-0243					6			04/1990			

United States Environmental Protection Agency, Region III, Consent Agreement and Final Order Docket No.: RCRA-03-2013-0063, Appendix A

District	Facility	City	County	WV ID #	E.D. #	Capacity (K)			Installed	Leak Detection Method	Remarks
						D	G	K			

8 (13)	Randolph Co. HQ.	Midland	Randolph	4-205227	729-0279		6		06/1991	GWM	
					729-0278	6		06/1991			
	District 8 HQ.	Elkins	Randolph	4-206866	729-0230		10		01/1990	GWM	STI-P3 Steel
					729-0231	10		01/1990			
					724-0169			2	01/1990		
	Mill Creek Substation	Mill Creek	Randolph	4-205224	724-0156		2		06/1988	GWM	
					724-0157	2		06/1988			
	Pickens Substation	Pickens	Randolph	4-305223	727-0070		4		10/1992	GWM	
					727-0069	4		10/1992			
	Valley Head Substation	Valley Head	Randolph	4-205222	727-0047		4		08/1990	GWM	
					727-0048	4		08/1990			
	Pendleton Co. HQ.	Franklin	Pendleton	3-604494	729-0284		6		09/1991	GWM	
					729-0285	6		09/1991			
Judy Gap Substation	Judy Gap	Pendleton	3-604493	727-0024		4		07/1989	GWM		
				727-0025	4		07/1989				
Sugar Grove Substation	Sugar Grove	Pendleton	3-604492	727-0035		4		09/1989	GWM		
				727-0034	4		09/1989				
Pocahontas Co. HQ.	Marlinton	Pocahontas	3-804584	727-0046		4		06/1990	GWM		
				729-0246	6		06/1990				
Tucker Co. HQ.	Parsons	Tucker	4-705480	727-0055		4		03/1991	GWM		
				729-0274	6		03/1991				

9 (3)	Lookout Substation	Lookout	Fayette	1-000995	729-0304		6		09/1993	GWM	
					729-0305	6		09/1993			
	Muddlety APD	Muddlety	Nicholas	3-404308	729-0294		6		02/1992	GWM	
					729-0295	6		02/1992			
	Summers Co. HQ.	Forest Hill	Summers	4-505397	729-0251		10		10/1990	GWM	
729-0252					10		10/1990				

United States Environmental Protection Agency, Region III, Consent Agreement and Final Order Docket No.: RCRA-03-2013-0063, Appendix A

District	Facility	City	County	WV ID #	E.D. #	Capacity (K)			Installed	Leak Detection	Remarks
						D	G	K			
10 (2)	Raleigh Co. HQ.	Beckley	Raleigh	4-105081	729-0249	10			1990	GWM	
					729-0250		10		1990		
	Bolt Substation	Bolt	Raleigh	4-105082	724-0211	2			1994	GWM	
					724-0210		2		1994		

**44 facilities (85 USTs)**