

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

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EPA REGION III, PHILA. PA

In the Matter of:)
)
Scotland Fuels, Inc.) Docket No.: RCRA-03-2013-0177
)
RESPONDENT,) Proceeding Under Section 9006 of the
) Resource Conservation and Recovery Act,
"Wise Guys Exxon") as amended, 42 U.S.C. Section 6991e
3322 Black Gap Road)
Chambersburg, PA 17202)
)
FACILITY.)
)
)
)
)
)

CONSENT AGREEMENT

CONSENT AGREEMENT

This Consent Agreement ("CA") is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("EPA" or "Complainant") and Scotland Fuels, Inc. ("Respondent"), pursuant to Section 9006 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6991e, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. Part 22, including, specifically 40 C.F.R. §§ 22.13(b) and .18(b)(2) and (3).

This CA and the Final Order (collectively "CAFO") resolve alleged violations of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, and the Commonwealth of Pennsylvania's federally authorized underground storage tank program by Respondent in connection with underground storage tanks at Respondent's Wise Guys Exxon gas station located at 3322 Black Gap Road, Chambersburg, PA 17202 (the "Facility").

Effective September 11, 2003, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, the Commonwealth of Pennsylvania was granted final authorization to administer a state UST management program ("Pennsylvania UST management program") *in lieu* of the Federal UST management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m. The provisions of the Pennsylvania UST management program, through this

final authorization, are enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. The Pennsylvania UST management program regulations are set forth in the Pennsylvania Code, Title 25, Chapter 245, Sections 245.1 *et seq.*, and will be cited hereinafter as 25 Pa. Code 245.1 *et seq.*

Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d), authorizes EPA to assess a civil penalty against any owner or operator of an underground storage tank who fails to comply with, *inter alia*, any requirement or standard of a State underground storage tank program that has been approved by EPA pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c.

GENERAL PROVISIONS

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, above.
3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order ("FO"), or the enforcement of the CAFO.
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 CA and any right to appeal the accompanying FO.
5. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
6. Respondent shall bear its own costs and attorney's fees.
7. The provisions of this CAFO shall be binding upon Respondent, and its officers, directors, employees, successors and assigns.
8. This CAFO 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 CAFO constitute a waiver, suspension or modification of the requirements of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, or of any regulations promulgated or authorized thereunder.

9. Complainant shall have the right to institute further actions to recover appropriate relief if Complainant obtains evidence that the information provided and/or representations made by Respondent to EPA regarding matters at issue in the CAFO 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 and/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 Commonwealth of Pennsylvania prior notice of the issuance of this CAFO in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

FACTUAL ALLEGATIONS AND CONCLUSIONS OF LAW

12. EPA has jurisdiction over this matter pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, 40 C.F.R. Part 281 and 40 C.F.R. § 22.1(a)(4).
13. At all times relevant to this CAFO, Respondent has been a Subchapter S corporation incorporated and doing business in the Commonwealth of Pennsylvania.
14. Respondent is a "person" as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 25 PA Code § 245.1.
15. At all times relevant to this CAFO, Respondent has been the "operator" and/or "owner", as those terms are defined in Section 9001(3) and (4) of RCRA, 42 U.S.C. § 6991(3) and (4), and 25 PA Code § 245.1, of "underground storage tank(s)" and "underground storage tank system(s)" as those terms are defined in Section 9001(10) of RCRA, 42 U.S.C. § 6991(10), and 25 PA Code § 245.1, at the Facility located at 3322 Black Gap Road, Chambersburg, PA 17202.
16. On August 10, 2011, an EPA representative conducted a Compliance Evaluation Inspection ("CEI") of the Facility pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.
17. **At the time of the August 10, 2011 CEI, and at all times relevant to the applicable violations alleged herein, five (5) USTs were located at the Facility, as described in the following subparagraphs:**

- A. **A ten thousand (10,000) gallon cathodic-protected steel tank**

[ANDREW – IS THIS RIGHT? WE CANT SAY “STIP3”) that was installed in or about 1999, and that, at all times relevant hereto, routinely contained and was used to store regular grade gasoline fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 25 PA Code § 245.1 (hereafter “UST No.1”)

- B. A ten thousand (10,000) gallon cathodic-protected steel tank that was installed in or about 1999, and that, at all times relevant hereto, routinely contained and was used to store regular grade gasoline fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 25 PA Code § 245.1 (hereafter “UST No.2”);
- C. A ten thousand (10,000) gallon cathodic-protected steel tank that was installed in or about 1999, and that, at all times relevant hereto, routinely contained and was used to store supreme grade gasoline fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 25 PA Code § 245.1 (hereafter “UST No.3”);
- D. A twelve thousand (12,000) gallon cathodic-protected steel tank that was installed in or about 1999, and that, at all times relevant hereto, routinely contained and was used to store diesel fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 25 PA Code § 245.1 (hereafter “UST No.4”);
- E. An eight thousand (8,000) gallon cathodic-protected steel tank that was installed in or about 1999, and that, at all times relevant hereto, routinely contained and was used to store kerosene fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 25 PA Code § 245.1 (hereafter “UST No.5”);

- 18. At all times relevant to the applicable violations alleged herein, UST Nos.1-5, together with respective connected piping, ancillary equipment and containment systems, were each “petroleum system(s)” and “new underground storage tank system(s)” as these terms are defined in 25 PA Code § 245.1.
- 19. At all times relevant to the applicable violations alleged herein, UST Nos.1-5, together with respective connected piping, ancillary equipment and containment systems, were each used to store “regulated substance(s)”, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 25 PA Code § 245.1, and were not “empty” as that term is defined at 25 PA Code § 245.451.
- 20. Pursuant to RCRA Section 9005, 42 U.S.C. § 6991d, EPA issued an Information Request letter to Respondent on February 1, 2012, concerning its petroleum underground storage tank systems at the Facility.

COUNT 1

FAILURE TO PERFORM RELEASE DETECTION ON UST NOS. 1, 2, 3, 4, AND 5

21. Paragraphs 1 through 20 are incorporated by reference as if fully set forth herein.
22. Pursuant to 25 PA Code § 245.441(a) and (c), owners and operators of new and existing underground storage tank systems must provide a method or combination of methods of release detection monitoring that meets the requirements described therein.
23. 25 PA Code § 245.442(1) provides, in pertinent part, that petroleum underground storage tank systems shall be monitored at least every 30 days for releases using one of the methods listed in 25 PA Code § 245.444(4)-(9), except that:
 - (i) Underground storage tank systems that meet the performance standards in 25 PA Code §§ 245.421 and .422, and the monthly inventory control requirements in 25 PA Code § 245.444(1) or (2), may use tank tightness testing at least every 5 years until December 22, 1998, or until 10 years after the UST is installed or upgraded under 25 PA Code § 245.422(b), whichever is later.
 - (ii) Underground storage tank systems that do not meet the performance standards in 25 PA Code §§ 245.421 or .422 may use monthly inventory controls, conducted in accordance with § 245.444(1) or (2), and annual tank tightness testing until December 22, 1998, when the tank shall be upgraded under 25 PA Code § 245.422 or permanently closed under 25 PA Code § 245.452.
 - (iii) Tanks with a capacity of 550 gallons or less may use manual tank gauging, conducted in accordance with 25 PA Code § 245.444(2).
 - (iv) Tanks with capacity of 551 to 1,000 gallons using the longer test times specified may use manual tank gauging, conducted in accordance with 25 PA Code § 245.444(2).
24. **From January 2007 until at least February 1, 2012[OR FROM AT LEAST MAY 30 2009 to AT LEAST December 9, 2009 – THE PERIOD OF VIOLATION ONLY????], the method of release detection selected by Respondent for UST Nos.1-5 was Statistical Inventory Reconciliation (SIR) monitoring pursuant to 25 PA Code § 245.444(8).**
25. Respondent was unable to establish that, from May 30, 2009 until July 27, 2009, it

monitored UST Nos. 1, 3, 4, and 5 at least every 30 days for releases using SIR monitoring in accordance with 25 PA Code § 245.444(8).

26. Respondent was unable to establish that, from May 30, 2009 until December 9, 2009, it monitored UST No. 2 at least every 30 days for releases using SIR monitoring in accordance with 25 PA Code § 245.444(8).
27. During the periods of time indicated in Paragraphs 25 and 26, above, Respondent was unable to establish that it used any of the release detection methods allowed under 25 PA Code § 245.442(1)(i)-(iv) or that it monitored at least every 30 days for releases using other methods under 25 PA Code § 245.444(4)-(9) for UST Nos.1-5.
28. Respondent's acts and/or omissions as alleged in Paragraphs 25 through 27, above, constitute violations by Respondent of 25 PA Code §§ 245.441 and .442.

COUNT 2

FAILURE TO HAVE THE REQUIRED OVERFILL PREVENTION EQUIPMENT FOR UST NO.2

29. Paragraphs 1 through 28 are incorporated by reference as if fully set forth herein.
30. Pursuant to 25 PA Code § 245.421(3)(i)(B) (“*spill and overfill prevention equipment*”), and in relevant part only, owners and operators of underground storage tank systems must, *inter alia*, ensure that their overfill prevention equipment will do one or more of the following: (I) Automatically shut off flow into the tank when the tank is no more than 95% full; (II) 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; (III) Restrict flow 30 minutes prior to overfilling, alert the operator with a high level alarm 1 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. (Roman numerals I-III, above, are hereinafter referred to as “performance standards”).
31. From August 10, 2011 to September 10, 2012, Respondent failed to ensure that its overfill prevention equipment (i.e. “flapper valves”) for UST No.2 complied with one or more of the performance standards set forth in paragraph 30, above.
32. Respondent's acts and/or omissions as alleged in Paragraph 31, above, constitute violations by Respondent of 25 PA Code §§ 245.421(3)(i)(B).

COUNT 3

**FAILURE TO PROVIDE FINANCIAL ASSURANCE/RESPONSIBILITY FOR USTS
NOS. 1-5**

33. Paragraphs 1 through 32 are incorporated by reference as if fully set forth herein.
34. Pursuant to 25 PA Code § 245, Subchapter H, owners/operators of an underground storage tank must comply with the obligation to have adequate financial responsibility as set forth therein.
35. Pursuant to 25 PA Code § 245.704 (“*General Requirements*”), and with exceptions not relevant here, Respondent must “continuously participate” in the Commonwealth’s Underground Storage Tank Indemnification Fund (USTIF) by, inter alia, paying the requisite fees in order to be properly insured by the USTIF.
36. Respondent failed to continuously participate in the USTIF by remitting the requisite payments/fees for the period February 1, 2008 to May of 2013.
37. Respondent's acts and/or omissions as alleged in Paragraph 36, above, constitute violations by Respondent of 25 PA Code §§ 245.704.

CERTIFICATION OF COMPLIANCE

38. As to all relevant provisions of RCRA and the Commonwealth of Pennsylvania Authorized UST management program allegedly violated as set forth herein, Respondent certifies to EPA that, upon investigation, to the best of Respondent’s knowledge and belief, Respondent is currently in compliance with all such relevant provisions and regulations.

CIVIL PENALTY

39. In settlement of EPA’s claims for civil monetary penalties assessable for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty of Three Thousand Dollars (\$3,000.00), which Respondent agrees to pay in accordance with the terms set forth below.
40. The civil penalty of Three Thousand Dollars (\$3,000.00) set forth in Paragraph 39, above, shall be paid in six (6) installments with interest at the rate of one percent (1%) per annum on the outstanding principal balance in accordance with the following schedule:

- 1st Payment: The first payment in the amount of Five Hundred Dollars (\$ 500.00), consisting of a principal payment of \$500.00 and an interest payment of \$0.00, shall be paid within thirty (30) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- 2nd Payment: The second payment in the amount of Five Hundred and One Dollars and Seventy-Nine Cents (\$ 501.79), consisting of a principal payment of \$ 497.06 and an interest payment of \$4.73, shall be paid no later than sixty (60) days after the date on which this CAFO is mailed or hand-delivered to Respondent;
- 3rd Payment: The third payment in the amount of Five Hundred and One Dollars and Seventy-Nine Cents (\$ 501.79), consisting of a principal payment of \$ 500.12 and an interest payment of \$1.67, shall be paid no later than ninety (90) days after the date on which this CAFO is mailed or hand-delivered to Respondent;
- 4th Payment: The fourth payment in the amount of Five Hundred and One Dollars and Seventy-Nine Cents (\$ 501.79), consisting of a principal payment of \$ 500.50 and an interest payment of \$ 1.29, shall be paid no later than one hundred and twenty (120) days after the date on which this CAFO is mailed or hand-delivered to Respondent.
- 5th Payment: The fifth payment in the amount of Five Hundred and One Dollars and Seventy-Nine Cents (\$ 501.79), consisting of a principal payment of \$ 500.96 and an interest payment of \$ 0.83, shall be paid no later than one hundred and fifty (150) days after the date on which this CAFO is mailed or hand-delivered to Respondent.
- 6th Payment: The sixth and final payment in the amount of Five Hundred and One Dollars and Seventy-Nine Cents (\$ 501.79), consisting of a principal payment of \$ 501.36 and an interest payment of \$ 0.43, shall be paid no later than one hundred and eighty (180) days after the date on which this CAFO is mailed or hand-delivered to Respondent.

41. Pursuant to the above schedule, Respondent will remit total principal payments for the

civil penalty in the amount of Three Thousand Dollars (\$3,000.00) and total interest payments in the amount of Eight Dollars and Ninety-Five Cents (\$8.95) for a total payment in the amount of Three Thousand Eight Dollars and Ninety-Five Cents (\$3,008.95).

42. If Respondent fails to make one of the installment payments in accordance with the schedule set forth in paragraph 40, above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described below in the event of any such failure or default.
43. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth in Paragraph 40, above, Respondent may pay the entire civil penalty of Three Thousand Dollars (\$3,000.00) within thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a) as calculated in Paragraph 40, above, and as described in Paragraph 40. In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance, together with accrued interest to the date of such full payment.
44. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of Respondent's violations and any good faith efforts by Respondent to comply with all applicable requirements as provided in RCRA Section 9006(c), 42 U.S.C. § 6991e(c), and in accordance with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.
45. Respondent shall remit each installment payment for the civil penalty and interest, pursuant to Paragraph 40, above, and/or the full penalty pursuant to Paragraph 43, above, and/or any administrative fees and late payment penalties, in accordance with Paragraphs 51 and 52, below, in the following manner:
46. a. All payments shall be made to the "United States Treasury" by cashier's or certified check and sent by U.S Postal Service regular mail shall be addressed to:

US Environmental Protection Agency
Fines and Penalties

Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

The customer service contact for this address may be reached at 513-487-2105

- b. All payments made by check and sent by UPS, FedEx, or overnight mail delivery service (except as noted in section c, below) shall be addressed to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

The U.S. Bank customer service contact for overnight delivery is 314-418-1028.

- c. All payments made by check in any currency drawn on banks with no branches in the United States shall be addressed for delivery to the following address:

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

- d. All payments made by electronic funds transfer ("EFT") shall be directed to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 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"

The Federal Reserve customer service contact may be reached at 212-720-5000.

- e. 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

Customer service contact: John Schmid, at 202-874-7026, or REX at 1-866-234-5681

- f. On-line payment option

WWW.PAY.GOV

Enter “sfo 1.1” in the search field. Open and complete the form.

- g. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/payment_instructions.htm

47. All payments by Respondent shall include Respondent’s full name and address and the EPA Docket Number of this Consent Agreement (**RCRA-03-2013-0177**).
48. At the time of payment, Respondent shall send a notice of such payment, including a copy of the check, EFT authorization or ACH authorization, as appropriate to:

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

and

Benjamin M. Cohan
Sr. Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC50)
1650 Arch Street
Philadelphia, PA 19103-2029

49. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below.
50. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a Consent Agreement and Final Order begins to accrue on the date that a copy of the Consent Agreement and Final Order is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
51. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
52. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of a civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

FULL AND FINAL SATISFACTION

53. This CAFO 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.

RESERVATION OF RIGHTS

54. 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 thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.

OTHER APPLICABLE LAWS

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

AUTHORITY TO BIND THE PARTIES

56. 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.

ENTIRE AGREEMENT

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

EFFECTIVE DATE

58. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

For Respondent:

Scotland

Fuels, Inc.

7/26/13
Date

S. a m c k
Mr. Steve A. McKenzie, President

For Complainant:

U.S. Environmental Protection Agency,
Region III

8/11/13
Date

[Signature]
Benjamin M. Cohan
Senior Assistant Regional Counsel

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.

8/14/13
Date

[Signature]
John A. Armstead, Director,
Land and Chemicals Division
EPA Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

1650 Arch Street
Philadelphia, Pennsylvania 19103

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REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

In the Matter of:)

Scotland Fuels, Inc.)

RESPONDENT,)

“Wise Guys Exxon”)
3322 Black Gap Road)
Chambersburg, PA 17202)

FACILITY.)

) Docket No.: RCRA-03-2013-0177

) Proceeding Under Section 9006 of the
) Resource Conservation and Recovery
) Act, as amended, 42 U.S.C. Section
) 6991e

) Final Order
)
)
)
)

FINAL ORDER

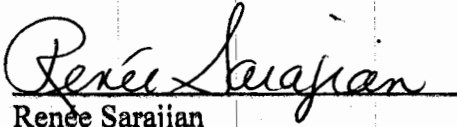
Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, Scotland Fuels, Inc., have executed a document entitled “Consent Agreement” which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO Section 22.18(b)(3) of the *Consolidated Rules of Practice* and Section 9006(c) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6991e(c)(“RCRA”), and having determined, based on the representations of the parties in the

attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of three thousand dollars (\$3,000) in accordance with the payment provisions set forth in the attached Consent Agreement, and comply with each of the additional terms and conditions as specified in the attached Consent Agreement.

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or the Regional Judicial Officer, is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

Date: 8/26/13


Renee Sarajian
Regional Judicial Officer
U.S. EPA, Region III

RCRA-03-2013-0177

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

IN RE:

Scotland Fuels, Inc.

Docket No: RCRA-03-2013-0177

Respondent

“Wise Guys Exxon”
3322 Black Gap Road
Chambersburg, PA 17202

Consent Agreement and
Final Order

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original and one copy of the above captioned United States Environmental Protection Agency’s Consent Agreement and Final Order, with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Consent Agreement and Final Order, along with its enclosures and/or attachments, were sent by US mail and E-mail to:

Steve McKensie
P.O. Box 562
Chambersburg, PA 17201

Steve McKensie
Scotland Fuels, Inc.
3322 Black Gap Road
Chambersburg, PA 17201

Email: profitthere@hotmail.com

RCRA-03-2013-0177

Date: 8/27/13

Sincerely,


Benjamin M. Cohan
Senior Assistant Regional Counsel