



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

Office of Regional Counsel  
Underground Asbestos, Lead, Pesticides Branch  
Mailcode: 3RC50

Direct dial: (215) 814-2474  
Facsimile: (215) 814-2603  
Email: thomas.donzetta@epa.gov

October 27, 2014

**REGULAR MAIL**

Heather Russell  
U.S. Environmental Protection Agency  
Cincinnati Finance Center  
26 W. MLK Drive  
Cincinnati, OH 45268

Re: Accounts Receivable  
In the Matter of Millers Service Station  
(EPA Docket No. RCRA-03-2015-0030)

Dear Ms. Russell:

Enclosed please find a true and correct copy of the Consent Agreement and Final Order, and the Enforcement Accounts Receivable Control Number Form (EARCNF) filed with the Regional Hearing Clerk today in settlement of the above referenced subject matter.

Should you have any question or require further information, please feel free to call me at (215) 814-2474.

Sincerely,

Donzetta W. Thomas  
Sr. Asst. Regional Counsel

Enclosures

cc: Lydia Guy  
Regional Hearing Clerk  
U.S. EPA, Region III



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

REGIONAL HEARING CLERK  
 EPA REGION III, PHILA. PA

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RECEIVED

In the Matter of:	)	
	)	
Millers Service Station	)	Docket Number: RCRA-03-2015-0036
127-133 N. Lehigh Avenue	)	
Frackville, PA 17931	)	
	)	Proceeding Under Section 9006 of the
RESPONDENT	)	Resource Conservation and Recovery Act,
	)	as amended, 42 U.S.C. § 6991e.

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CONSENT AGREEMENT

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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 Millers Service Station (“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 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 its underground storage tank located at 127-133 N. Lehigh Avenue, Frackville, PA 17931 (the “Facility”).

Effective September 11, 2003, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the Commonwealth of Pennsylvania was granted final authorization to administer a state 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 Commonwealth of Pennsylvania’s UST management program, through this final authorization, are enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. The Commonwealth of Pennsylvania’s authorized UST program regulations are set forth in Chapter 245 of Title 25 of the Pennsylvania Code.

**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. Further, nothing in this CA shall be construed as a determination by EPA that there has been any release of regulated substances from the UST located at the Facility
3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached 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 person signing this CA on behalf of the Respondent certifies to EPA by his signature herein that Respondent, as of the date of this CA, is in compliance with the provisions of RCRA, Subtitle I, 42 U.S.C. §§ 6991-6991m, and the Commonwealth of Pennsylvania's federally authorized underground storage tank program set forth at 25 PA Code §§ 245 *et. seq.* at the Facility referenced herein.
8. The provisions of this CAFO shall be binding upon Respondent, and its officers, directors, employees, successors and assigns.
9. 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 any regulations promulgated thereunder.
10. 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 this 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.

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. The United States Environmental Protection Agency - Region III ("EPA" or the "Region") has jurisdiction over this matter pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, and 40 C.F.R. § 22.1(a)(4).
13. Respondent is a "person" as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 25 PA Code § 245.1.
14. At all times relevant to this CAFO, Respondent has been the "owner" and/or "operator," 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 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 25 PA Code § 245.1, located at the Facility.
15. On July 11, 2012, an EPA representative conducted a Compliance Evaluation Inspection ("CEI") at the Facility pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.
16. At the time of the July 11, 2012 CEI, and at all times relevant to the applicable violations alleged herein, the following USTs were located at the Facility:
  - (A) an eight thousand (8,000) gallon single wall fiberglass tank that was installed in or about March 1, 1990, and that, at all times relevant hereto, routinely contained and was used to store regular 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 (hereinafter "UST No. 1");
  - (B) a six thousand (6,000) gallon single wall fiberglass tank that was installed in or about March 1, 1990, and that, at all times relevant hereto, routinely contained and was used to store premium 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 (hereinafter "UST No. 2"); and
  - (C) a six thousand (6,000) gallon single wall fiberglass tank that was installed in or about March 1, 1990, and that, at all times relevant hereto, routinely contained and

was used to store regular 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 (hereinafter “UST No. 3”).

17. At all times relevant to the applicable violations alleged herein, UST Nos. 1-3 have each been a “petroleum system” and “new underground storage tank system” as those terms are defined in 25 PA Code § 245.1, respectively.
18. UST Nos. 1-3 were, at all times relevant to the applicable violations alleged in this CAFO, used to store a “regulated substance” at Respondent’s Facility, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 25 PA Code § 245.1, and have not been “empty” as that term is defined at 25 PA Code § 245.451.

**COUNT 1**

**(Failure to perform annual line leak detector testing)**

19. The allegations of Paragraphs 1 through 18 of the CA are incorporated herein by reference.
20. Pursuant to 25 PA Code § 245.441(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.
21. 25 PA Code § 245.442(2)(i) provides, in pertinent part, that underground piping that conveys regulated substances under pressure shall:
  - (A) Be equipped with an automatic line leak detector conducted in accordance with § 245.445(1); and
  - (B) Have an annual line tightness test conducted in accordance with § 245.445(2) or have monthly monitoring conducted in accordance with § 245.445(3).
22. 25 PA Code § 245.445(1) provides, in pertinent part, that an annual test of the operation of the leak detector shall be conducted in accordance with the manufacturer’s requirements.
23. Respondent conducted a testing of the automatic line leak detectors for the piping associated with UST Nos. 1-3 only on: November 9, 2009 and August 9, 2012.

24. From November 9, 2009 until August 9, 2012, the piping for UST Nos. 1-3 were underground and routinely conveyed regulated substances under pressure.
25. Respondent failed to perform an annual test of the automatic line leak detectors for the underground piping for UST Nos. 1-3 from November 9, 2010 until August 9, 2012.
26. Respondent's act and/or omission as alleged in Paragraph 25, above, constitutes a violation by Respondent of 25 PA Code §§ 245.442(2)(i) and 245.445(1).

**COUNT 2**

**(Failure to conduct annual line tightness testing of the piping)**

27. The allegations of Paragraphs 1 through 26 of the CA are incorporated herein by reference.
28. 25 PA Code § 245.442(2)(i) provides, in pertinent part, that underground piping that conveys regulated substances under pressure shall:
  - (A). Be equipped with an automatic line leak detector conducted in accordance with § 245.445(1); and
  - (B). Have an annual line tightness test conducted in accordance with § 245.445(2) or have monthly monitoring conducted in accordance with § 245.445(3).
29. Respondent conducted a testing of the piping associated with UST Nos. 1-3 only on: November 9, 2009 and August 9, 2012.
30. From November 9, 2009 until August 9, 2012, the piping for UST Nos. 1-3 was underground and routinely conveyed regulated substances under pressure.
31. Respondent failed to perform an annual line tightness testing in accordance with 25 PA Code § 245.445(2) or have monthly monitoring conducted in accordance with 25 PA Code § 245.445(3) for the underground piping associated with UST Nos. 1-3 from November 9, 2009 until August 9, 2012.
32. Respondent's act and/or omission as alleged in Paragraph 31, above, constitutes a violation by Respondent of 25 PA Code § 245.442(2)(i)(B).

**COUNT 3**

**(Failure to operate and maintain corrosion protection system continuously)**

33. Paragraphs 1 through 32 of this CA are incorporated by reference as if fully set forth herein.
34. 25 PA Code § 245.432 provides that all owners and operators of steel UST systems with corrosion protection shall comply with certain requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances.
35. 25 PA Code § 245.432(1) provides that all corrosion protection systems shall be operated and maintained by owners and operators of UST systems to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contains regulated substances.
36. USTs Nos. 2 and 3 are and were, at the time of the violations alleged herein, “steel UST systems with corrosion protection” within the meaning of 25 PA Code § 245.432.
37. During the July 11, 2012 CEI inspection, the inspector observed metal piping components of the piping associated with UST Nos. 2 and 3 that routinely contains regulated substances in contact with the ground.
38. From July 11, 2012 until August 9, 2012, Respondent failed to continuously provide corrosion protection to the metal components of those portions of USTs Nos. 2 and 3 that routinely contain regulated substances as required by 25 PA Code § 245.432(1).
39. Respondent’s act and/or omission as alleged in Paragraph 38, above, constitute violations by Respondent of 25 PA Code § 245.432(1).

**CIVIL PENALTY**

40. 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 Nine Thousand Seven Hundred Eleven Dollars (\$39,711.00)**. The civil penalty amount is due and payable immediately upon Respondent’s receipt of a true and correct copy of this CA and attached FO. If Respondent pays the entire civil penalty of \$39,711.00 within thirty (30) calendar days of the date on which this CAFO is mailed or hand-delivered to Respondent, no interest will be assessed against Respondent pursuant to 40 C.F.R. § 13.11(a)(1).
41. Respondent has asserted that it will not be able to pay the civil penalty amount in full within thirty (30) calendar days of the date on which this CAFO is mailed or hand-delivered. As a result, it is the understanding of the Parties that Respondents will pay the

civil penalty in 12 monthly installments and will pay interest at the rate of 1% per annum on the outstanding principal balance according to the following schedule:

1<sup>st</sup> payment is due within 30 days of the date on which the CAFO is mailed to the Respondents = \$3,309.25;

2<sup>nd</sup> payment is due within 60 days of the date on which the CAFO is mailed to the Respondents = \$3,355.85;

3<sup>rd</sup> payment is due within 90 days of the date on which the CAFO is mailed to the Respondents = \$3,326.06;

4<sup>th</sup> payment is due within 120 days of the date on which the CAFO is mailed to the Respondents = \$3,326.06;

5<sup>th</sup> payment is due within 150 days of the date on which the CAFO is mailed to the Respondents = \$3,326.06;

6<sup>th</sup> payment is due within 180 days of the date on which the CAFO is mailed to the Respondents = \$3,326.06;

7<sup>th</sup> payment is due within 210 days of the date on which the CAFO is mailed to the Respondents = \$3,326.06;

8<sup>th</sup> payment is due within 240 days of the date on which the CAFO is mailed to the Respondents = \$3,326.06;

9<sup>th</sup> payment is due within 270 days of the date on which the CAFO is mailed to the Respondents = \$3,326.06;

10<sup>th</sup> payment is due within 300 days of the date on which the CAFO is mailed to the Respondents = \$3,326.06;

11<sup>th</sup> payment is due within 330 days of the date on which the CAFO is mailed to the Respondents = \$3,326.06; and

12<sup>th</sup> payment is due within 360 days of the date on which the CAFO is mailed to the Respondents = \$3,326.06;

Under this proposed repayment schedule, Respondents will pay the civil penalty of \$39,711.00 plus interest of \$214.70 as further outlined in the chart below:



Payment	Principal	Interest	Payment Amount
1	\$3,309.25	\$0.00	\$3,309.25
2	\$3,295.73	\$60.12	\$3,355.85
3	\$3,297.55	\$28.51	\$3,326.06
4	\$3,301.22	\$24.84	\$3,326.06
5	\$3,303.23	\$22.83	\$3,326.06
6	\$3,306.08	\$19.98	\$3,326.06
7	\$3,310.58	\$15.48	\$3,326.06
8	\$3,311.78	\$14.28	\$3,326.06
9	\$3,315.00	\$11.06	\$3,326.06
10	\$3,317.48	\$8.58	\$3,326.06
11	\$3,320.52	\$5.54	\$3,326.06
12	\$3,322.58	\$3.48	\$3,326.06
<b>Total:</b>	<b>\$39,711.00</b>	<b>\$214.70</b>	<b>\$39,925.70</b>

42. 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.
43. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO 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).
44. 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.
45. A late payment penalty of six percent 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).

46. 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 with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.

47. Respondent shall pay the amount(s) described in Paragraph 40 or 41 above, by sending a certified or cashier's check, for each payment, payable as follows:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, **RCRA-03-2015-0030**;
- 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. EPA - Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

Contact: Eric Volck, 513-487-2105 or  
Craig Steffen 513-487-2091

- d. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

U.S. EPA - Fines and Penalties  
U.S. Bank  
Government Lockbox 979077  
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  
US EPA, MS-NWD  
26 W. M.L. King Drive  
Cincinnati, OH 45268-0001

48. Respondent may also pay the amount(s) described in Paragraph 40 or 41, above, electronically or on-line as follows:

- a. 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 wire transfer message should read:  
"D 68010727 Environmental Protection Agency")

- b. 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  
Environmental Protection Agency, Account No. 310006  
CTX Format Transaction Code 22 - checking

Physical location of U.S. Treasury facility:  
5700 Rivertech Court  
Riverdale, MD 20737

Contact: Jessie White 301-887-6548 or  
REX 1-866-234-5681

- c. On-Line Payment Option:

[www.pay.gov/paygov](http://www.pay.gov/paygov)

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

- d. 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)

A copy of Respondent's check or a copy of Respondent's electronic transfer shall be sent simultaneously to:

Regional Hearing Clerk (3RC00)  
EPA Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103 - 2029, and

Donzetta Thomas (3RC50)  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

#### **FULL AND FINAL SATISFACTION**

49. 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**

50. 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**

51. 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**

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

**ENTIRE AGREEMENT**

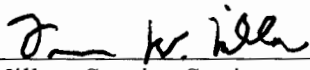
53. This CA and the attached FO constitute the entire Agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CA and the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

**EFFECTIVE DATE**

54. This CA and attached FO shall become effective upon filing with the Regional Hearing Clerk.

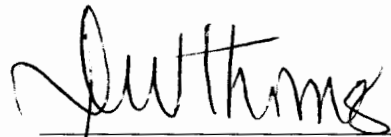
**For Respondent:**

SEPTEMBER 25, 2014  
Date

  
Millers Service Station  
Fran Miller, Owner

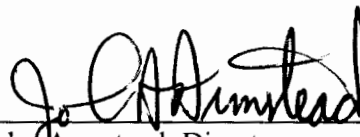
**For Complainant:**

10/14/14  
Date

  
Donzetta W. Thomas (3RC50)  
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.

10.14.14

By:   
John Armstead, Director  
Land and Chemicals Division,  
U.S. EPA, Region III

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

In the Matter of:	)	
	)	
	)	Docket Number: RCRA-03-2015-0030
Millers Service Station	)	
127-133 N. Lehigh Avenue	)	Proceeding Under Section 9006 of the
Frackville, PA 17931	)	Resource Conservation and Recovery Act,
	)	as amended, 42 U.S.C. § 6991e.
RESPONDENT	)	

**FINAL ORDER**

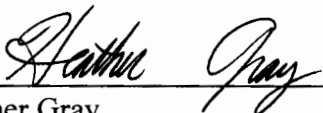
Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, Millers Service Station, have executed a document entitled "Consent Agreement" which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice 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 of \$39,711.00 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 **Thirty Nine Thousand Seven Hundred Eleven Dollars (\$39,711.00)** in accordance with the payment provisions set

forth in the attached Consent Agreement, including payment of any applicable interest, 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 CAFO is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

Date: 10-27-14

  
\_\_\_\_\_  
Heather Gray  
Regional Judicial Officer  
U.S. EPA, Region III

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CERTIFICATE OF SERVICE

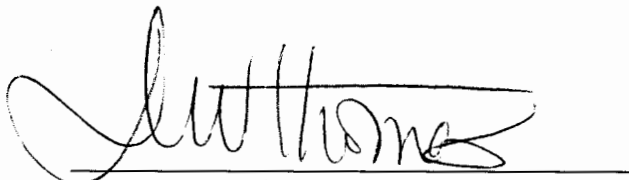
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I hereby certify that, on the date listed below, the original and one copy of the foregoing Consent Agreement and Final Order, Docket No. RCRA-03-2015-0030 was filed with the EPA Region III Regional Hearing Clerk, and that a correct copy of the same was sent in the following manner to the person listed below:

Via United Parcel Service to:

Paul J. Datte, Esquire  
Cerullo, Datte & Burke, P.C.  
Garfield Square  
450 West Market Street  
P.O. Box 450  
Pottsville, PA 17901  
570-622-0767

10/27/14  
Date



Donzetta W. Thomas (3RC50)  
Counsel for Complainant  
U.S. Environmental Protection Agency, Region III  
(215) 814-2474