

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

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In the Matter of :
 :
QuickChek Corporation : **CONSENT AGREEMENT/ FINAL ORDER**
 : **Docket No. RCRA-02-2021-7503**
 :
 :
Respondent :
 :
Proceeding Under Section 9006 of :
the Solid Waste Disposal Act, as :
amended. :
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PRELIMINARY STATEMENT

This is a civil administrative proceeding instituted pursuant to Section 9006 of the Solid Waste Disposal Act, as amended, 42 U.S.C. §6901 et seq. (hereinafter referred to as the “Act” or “RCRA”) and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22 (hereinafter “CROP”). Complainant in this proceeding is the Director of the Enforcement & Compliance Assurance Division, United States Environmental Protection Agency, Region 2 (“EPA”). Section 9006 of RCRA, 42 U.S.C. § 6991(e), authorizes the Administrator to enforce violations of the Act and the regulations promulgated pursuant to it. The Respondent, QuickChek Corporation, has been the owner and/or operator of “underground storage tanks” (“USTs”) that are located at nineteen (19) facilities in New York State and seventy (70) facilities in New Jersey.

Pursuant to Section 22.13(b) of the CROP, where the parties agree to settlement of one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by issuance of a Consent Agreement and Final Order (“CA/FO”) pursuant to 40 C.F.R. Sections 22.18(b)(2) and 22.18(b)(3) of the CROP. The Complainant and the Respondent have reached an amicable resolution of this matter and agree that settlement of this matter by entering into this CA/FO pursuant to 40 C.F.R. subsections 22.18(b)(2) and (3) is an appropriate means of resolving this case without further litigation.

No adjudicated findings of fact or conclusions of law have been made. Respondent neither admits nor denies the EPA Findings of Fact and Conclusions of Law set forth below.

EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is QuickChek Corporation (hereinafter “Respondent” or “Respondent QuickChek”), and is located at 3 Old Highway 28, Whitehouse, New Jersey. QuickChek

is a wholly owned subsidiary of Murphy USA, 200 E. Peach Street, El Dorado, Arkansas 71730.

2. The Respondent is a “person” within the meaning of Section 9001(5) of the Act, 42 U.S.C. § 6991(5), and 40 C.F.R. § 280.12.
3. The Respondent was and remains the “owner” and/or “operator” of underground storage tanks (“USTs”) or “UST systems,” as those terms are defined in Section 9001 of the Act, 42 U.S.C. § 6991, and in 40 C.F.R. § 280.12 that are located at nineteen (19) facilities in the State of New York and seventy (70) facilities in the State of New Jersey.
4. Pursuant to 40 C.F.R. § 280.12, EPA is the “implementing agency” responsible for enforcing the requirements of the Act and the regulations promulgated pursuant thereto which are the subject of this case.
5. Pursuant to Sections 2002, 9002, and 9003 of the Act, 42 U.S.C. §§ 6912, 6991a, and 6991b, EPA promulgated rules setting forth requirements applicable to owners and operators of UST systems, codified at 40 C.F.R. Part 280.
6. Forty C.F.R. § 280.12 defines an “underground storage tank or UST” as “any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground.”
7. Pursuant to 40 C.F.R. §§280.21(d) and 280.20(c)(1)(ii), owners and operators of USTs are required to provide overfill prevention for USTs that they own or operate.
8. Pursuant to 40 C.F.R. Section 280.41(a), owners and operators of USTs are required to monitor UST systems for releases at least every 30 days.
9. Pursuant to 40 C.F.R. Section 280.35(a)(1)(ii), owners and operators of USTs are required to test the spill prevention equipment at least once every three years, with the initial test conducted not later than October 13, 2018.
10. Pursuant to 40 C.F.R. Section 280.41(b)(1)(i)(A), owners and operators of USTs are required to equip pressurized lines with automatic line leak detectors.
11. Pursuant to Section 9005 of the Act, 42 U.S.C. § 6991d, on various dates between December 2018 and August 2019, an authorized representative of EPA inspected ten of the Respondent’s eighty-nine facilities which have underground storage tanks in the States of New York and New Jersey to determine their compliance with the Act and 40 C.F.R Part 280.

12. Pursuant to Section 9005(a) of the Act, 42 U.S.C. § 6991d(a), and 40 C.F.R. § 280.34, EPA sent three Information Request Letters (IRLs) dated July 17, 2019, December 4, 2019, and June 23, 2020, via email to Respondent in order to determine the company's compliance with the Act and 40 C.F.R. Part 280.
13. Respondent submitted IRL responses on August 16, 2019, October 21, 2019, February 7, 2020, March 2, 2020, July 21, 2020 and July 30, 2021.
14. Based on EPA's UST inspections and Respondent's replies to the IRLs, EPA has determined that the Respondent has failed to satisfy the overfill prevention requirements in 40 C.F.R. Section 280.21(d) and 40 CFR Section 280.20 (c)(1)(ii) for USTs at the following five facilities for the following time periods: 172 North Main Street, Florida, NY 10921 (August 8, 2018 to July 15, 2020); 79 Matthews Street, Goshen, NY 10924 (August 2, 2018 to March 26, 2020); 1-9 County Highway 108, Middletown, NY 10940 (August 1, 2018 to August 29, 2018); 383 Route 17 M, Monroe, NY 10950 (August 5, 2018 to November 29, 2018); and 132 Hamburg Turnpike, Bloomingdale, NJ 07403 (August 13, 2018 to December 25, 2018)(these facilities are among those listed in Attachment A to this CA/FO, which attachment is incorporated by reference into this Consent Agreement).
15. Based on EPA's UST inspections and Respondent's replies to the IRLs, EPA has determined that the Respondent failed to monitor its UST system every 30 days pursuant to 40 C.F.R. Section 280.41(a)(1) for the following facility: 172 North Main Street, Florida, NY 10921 for the period August 2, 2018 to March 9, 2020.
16. Based on EPA's UST inspections and Respondent's replies to the IRLs, EPA has determined that the Respondent failed to test its spill prevention equipment at least once every three years, not later than October 13, 2018, as required by 40 C.F.R. Section 280.35(a)(1)(ii) for the following facility: 5258 Route 9W, Newburgh, NY 12550 for the period October 13, 2018 to December 5, 2018.
17. Based on EPA's UST inspections and Respondent's replies to the IRLs, EPA has determined that the Respondent failed to have its pressurized piping equipped with automatic line leak detectors in accordance with 40 C.F.R. Section 280.41(b)(1)(i)(A) at the following facility for the following time periods: 640 Washington Avenue, Kingston, NY 12401 (2 regular and 2 premium tanks) for the time period August 6, 2018 to November 27, 2018; and (one Diesel tank) for the time period August 6, 2018 to June 24, 2019.
18. As of July 30, 2021, Respondent has provided documentation of its current compliance with all the UST requirements that have been determined to have been violated in paragraphs 14 to 17 above.

CONSENT AGREEMENT

Based upon the foregoing, and pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991(e), and 40 C.F.R. § 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22, it is hereby agreed by and between Complainant and the Respondent and voluntarily and knowingly accepted by the Respondent, that the Respondent, for purposes of this Consent Agreement: (a) admits that EPA has jurisdiction pursuant to Section 9006(a)(1) of the Act, 42 U.S.C. Section 6991e(a)(1) to commence a civil administrative proceeding based on the information described in the EPA Findings of Fact and Conclusions of Law above; (b) neither admits nor denies any determination in the EPA Findings of Fact and Conclusions of Law section set out above; (c) consents to the assessment of the EPA civil penalty as set forth below; (d) consents to the issuance of the Final Order incorporating this Consent Agreement; and (e) waives its right to contest or appeal that Final Order.

It is further hereby agreed by and between Complainant and the Respondent, and voluntarily and knowingly accepted by the Respondent, that the Respondent shall comply with the following terms and conditions:

1. Commencing on the effective date of the Final Order, Respondent shall hereinafter maintain compliance at its facilities with all regulations applicable to owners and operators of USTs as set forth at 40 C.F.R. Part 280 including but not limited to complying with the spill prevention, overfill prevention, and release detection monitoring requirements for tanks and pressurized piping for its UST systems at all of its facilities listed in Attachment B of this CA/FO. (Attachment B lists the 89 facilities in NY and NJ where Respondent owns and/or operates UST systems, and this attachment is incorporated by reference into this Consent Agreement).
2. Respondent shall conduct and complete a self-audit for each UST system that it owns and/or operates at the Facilities listed in Attachment B (in order to ensure that the UST systems are in compliance with the requirements of this Paragraph). This self-audit will be completed on or before One Hundred and Eighty (180) days after the date of the EPA Regional Administrator's signature of the Final Order. Respondent shall thereafter continue to operate and maintain each UST system in accordance with the requirements described in this Paragraph:
 - a. Each UST system must have a fully automated release detection system that meets the performance standards under 40 CFR Sections 280.41(a)-(b), 280.43, and 280.44.
 - b. For each new dispenser system installed after April 11, 2016 or for each UST system acquired or replaced after April 11, 2016, the Respondent shall have installed an under-dispenser containment system, in accordance with 40 C.F.R. Section 280.20(f). Respondent shall also install electronic sensors and conduct electronic release detection monitoring of the under-dispenser containment system.

- c. Each UST system shall be upgraded to meet the performance standards of 40 CFR Section 280.21.
- d. For each UST system with overfill prevention equipment that was installed or replaced after October 13, 2015, the ball float overfill devices may not be used for overfill prevention in accordance with 40 C.F.R. Section 280.20(c)(3). Instead, the overfill prevention equipment must have either auto-shutoff valves or high-level alarms in accordance with 280.20(c)(1)(ii)(A) or (B).
- e. Respondent shall operate and maintain the automated release detection system and equipment on each UST system in accordance with 40 C.F.R. Section 280.40(a)(3).
- f. Respondent shall conduct inspection and testing of the spill prevention equipment and containment sumps used for interstitial monitoring of piping, and the overfill prevention equipment, in accordance with 40 C.F.R. Section 280.35(a), (b), and (c).
- g. For any piping that was installed on or before April 11, 2016, Respondent shall perform annual line tightness tests or monthly monitoring of pressurized piping at each UST system in accordance with 40 C.F.R. Section 280.41(b)(1)(i)(B). For any piping installed or replaced after April 11, 2016, Respondent shall meet the requirements of 40 C.F.R. Section 280.41(b)(2)
- h. *Release Investigation and Confirmation:* Respondent shall conduct release investigation and confirmation of suspected releases or unusual operating conditions in accordance with 40 C.F.R. Section 280.52, Respondent shall immediately report to EPA (in addition to the New York State Department of Environmental Conservation and the New Jersey State Department of Protection) any suspected or unusual operating condition as provided by 40 C.F.R. Section 280.50.
- i. *Periodic Operation and Maintenance Walkthrough Inspections.* Respondent shall conduct monthly and annual operation and maintenance walkthrough inspections at each Facility listed in Attachment B in accordance with 40 C.F.R. Section 280.36(a)&(b). For monthly inspections, Respondent shall check spill prevention equipment and release detection equipment. For the annual inspections, Respondent shall check containment sumps and hand-held release detection equipment, including tank gauge sticks or groundwater bailers, for operability and serviceability.
- j. Respondent shall operate and maintain the spill and overfill controls at each UST in accordance with 40 C.F.R. Section 280.30.
- k. Respondent shall implement repairs at each UST system in accordance with 40 C.F.R. Section 280.33.

- l. Respondent shall operate and maintain corrosion protection for any steel tanks and piping in accordance with 40 C.F.R. Sections 280.31(a)-(d) and 280.70(a).
 - m. Respondent shall cap and secure UST systems that are temporarily closed for three months or longer in accordance with 40 C.F.R. Section 280.70(b)(2).
 - n. Respondent shall perform release detection monitoring for UST systems that are temporarily closed in accordance with 40 C.F.R. Section 280.70(a).
 - o. Respondent shall comply with the requirements of 40 C.F.R. Section 280.70(b) for any UST system that has been temporarily closed for three months or longer.
 - p. *Financial Responsibility*: Respondent shall comply with the Financial Responsibility requirements in accordance with 40 C.F.R. Sections 280.90 through 280.116.
 - q. *Operator Training*: Respondent shall provide operator training in accordance with 40 C.F.R. Section 280.240-280.245
 - r. *Recordkeeping Requirements*: Respondent shall maintain, for each UST system, all records required under 40 C.F.R. Sections 280.34 and 280.45, including release detection monitoring reports, and line leak detector test data.
 - s. Respondent shall maintain records of monthly and annual operation and maintenance walkthrough inspections in accordance with 40 C.F.R. Section 280.36(a) and (b).
 - t. Respondent shall maintain documentation of operator training or comparable examination in accordance with 40 C.F.R. Section 280.245. Upon request by EPA, Respondent shall provide documentation of any retraining in accordance with 40 C.F.R. Section 280.244.
 - u. *Closure*: Respondent may, in lieu of bringing an UST system into compliance with the requirements of this Paragraph, permanently close the UST system in accordance with 40 C.F.R. Part 280, Subpart G, and submit a written certification to EPA of the closure of the UST system
3. **Initial Certification**: Respondent shall submit to EPA, by Two Hundred and Ten (210) Days of the date of the EPA Regional Administrator's signature of the Final Order, a written certification (with the language in paragraph 17 below) that each UST that Respondent owns and/or operates at the Facilities listed in Attachment B is in compliance with the requirements of Paragraph 2 (a)-(u) above. For any UST system that Respondent is unable to so certify, it shall submit a Report in accordance with the next Paragraph.
4. **Report in Lieu of Certification**: If Respondent is unable to submit the certification required under paragraph 3 of this CA/FO for any UST system, Respondent shall instead submit to EPA, by the due date of the certification, a Report: (i) identifying the UST

system and Facility (listed in Attachment B) for which a certification was unable to be provided; (ii) describing the requirement with which Respondent has not complied; (iii) describing the likely cause of the noncompliance; and (iv) describing any required task(s) to achieve compliance. Respondent shall promptly correct all non-compliances and submit a follow-up report to EPA certifying (with the language in paragraph 17 below) to its completion of the original compliance obligation within ninety (90) days of the due date for the certification required in paragraph 3 above.

5. **A. Semi-Annual Reports.** Every six months following the Initial Certification described in Paragraph 3 above, and up until two years after the date of the EPA Regional Administrator's signature of this CA/FO, Respondent shall submit semi-annual reports covering its compliance with this CAFO for the preceding six month period. Each semi-annual report shall include a certification (with the language in paragraph 17 below) covering the USTs attesting that Respondent has been in compliance with the requirements of Paragraph 2 with respect to each UST for the six month reporting period. For any UST that Respondent is unable to certify, it shall include with the Semi-Annual Report a report in accordance with Paragraph 4 above. Each semi-annual report shall describe the activities undertaken to comply with the requirements set out in this CA/FO. Respondent may use a third party (vendor/contractor) to help it prepare these reports, but the Respondent shall remain responsible for the reports. The semi-annual reports shall also include failed tests or deviant sensor readings, any reading other than "normal" of the spill and overfill prevention equipment and the release detection system for tanks and piping (e.g., inconclusive results), and any other non-compliance with release detection requirements for tanks and piping.

B. Records Retention for Audit Records. Respondent shall maintain the results of the audit conducted under paragraph 2 of this CA/FO, as well as maintain any other audit records, for a period of three (3) years from the date of the EPA Regional Administrator's signature of the CA/FO.

6. Respondent shall pay a civil penalty to EPA in the total amount of NINETY FIVE THOUSAND DOLLARS (\$95,000.00). Such payment shall be made by cashier's or certified check or by Electronic Fund Transfer (EFT). If the payment is made by check, then the check shall be made payable to the "Treasurer, United States of America," and shall be mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

7. The check shall be identified with a notation thereon listing the following: "In the Matter of QuickChek Corporation," and shall bear the Docket Number RCRA-02-2021-7503. **Payment of the penalty must be received at the above address on or before thirty**

(30) calendar days after the date of the Regional Administrator’s signature on the Final Order, which is located at the end of this CA/FO (the date by which payment must be received shall hereafter be referred to as the “Due Date”).

If Respondents choose to make the payment by EFT, then they shall provide the following information to its remitter bank:

- 1) Amount of Payment (\$95,000.00)
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045.
- 3) Account Code for Federal Reserve Bank of New York receiving payment: 68010727.
- 4) Federal Reserve Bank of New York ABA routing number: 021030004.
- 5) Field Tag 4200 of the Fedwire message should read “D 68010727 Environmental Protection Agency.”
- 6) Name of Respondent: QuickChek Corporation
- 7) Case Number: RCRA-02-2021-7503

Such EFT must be received on or before thirty (30) calendar days after the date of the Regional Administrator’s signature on the Final Order.

- a. Failure to pay the amount in full within the time period set forth above may result in referral of this matter to the United States Department of Justice or the United States Department of the Treasury for collection or other appropriate action.
- b. Furthermore, if payment is not made on or before the Due Date, interest for said payment shall be assessed at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, on the overdue amount from the Due Date said payment was to have been made through the date said payment has been received. In addition, a late payment handling charge of \$15.00 will be assessed for each thirty (30) calendar day period or any portion thereof, following the date the payment was to have been made, in which payment of the amount remains in arrears. In addition, a 6% per annum penalty will be applied to any principal amount that has not been received by the EPA within ninety (90) calendar days of the date by which the payment was required hereto to have been made.

8. **Compliance Milestones:** The following stipulated penalties shall accrue per violation per day for each violation of the requirements of Paragraph 2 (a)-(u) of the CA/FO that is not promptly corrected as required within the timeframe specified in Paragraph 4 of the CA/FO:

<u>Penalty Per Violation Per Day</u>	<u>Period of Non-Compliance</u>
\$1,000	1 st through 20 th day
\$2,000	21 st through 45 th day
\$4,500	46 th day and beyond

9. **Reporting and Recordkeeping Requirements.** The following stipulated penalties shall accrue per violation per day for each violation of the reporting requirements of Paragraphs 3, 4 and 5 of this CA/FO:

<u>Penalty Per Violation Per Day</u>	<u>Period of Non-Compliance</u>
\$1,000	1 st through 20 th day
\$2,000	21 st through 45 th day
\$3,000	46 th day and beyond

10. If in the future, EPA believes that the information which Respondent certified to, pursuant to paragraphs 3, 4, and 5 above, was inaccurately or falsely certified, EPA will so advise Respondent of its belief and basis and will afford the Respondent thirty (30) days to submit comments to EPA. After review of any comments submitted, EPA shall provide to the Respondent a written statement of its decision on whether the information was inaccurately or falsely certified, which decision shall be final and binding upon Respondent. Respondent agrees that false certification(s) shall constitute a violation of this CA/FO and Respondent shall be liable to EPA for a stipulated penalty of \$10,000 for each false certification. This stipulated penalty shall be due and payable by Respondent to EPA within thirty days of EPA's decision in accordance with the payment instructions set out in paragraphs 6 and 7 above. Such payment shall not preclude EPA from initiating a separate criminal investigation pursuant to 18 U.S.C. Section 1001 et seq. or any other applicable law.
11. Nothing in this document is intended or shall be construed to waive, prejudice, or otherwise affect the right of EPA, or the United States, from pursuing any appropriate remedy, sanction or penalty prescribed by law against Respondent, if Respondent makes any material misrepresentations or provides materially false information herein or in any document submitted pursuant to this Consent Agreement.
12. Unless Respondent provides EPA with a written explanation in accordance with paragraph 13 below, all stipulated penalties being paid pursuant to paragraphs 8 and/or 9 are due and payable within thirty (30) calendar days of the Respondent's receipt from EPA of a written demand for payment of the penalties. Respondent agrees that such demand may be sent by electronic mail to Suzanne Delvecchio at sdelvecchio@qchek.com and rwisler@qchek.com. All stipulated penalty payments shall be made in accordance with the payment instructions in paragraphs 6 and 7 of this Consent Agreement. Penalties shall accrue as provided above regardless of whether EPA has notified the Respondent of the violation or made a demand for payment but need only be paid upon demand. Any payment of stipulated penalties shall be in addition to any other payments required under any other paragraph of this Consent Agreement. Failure to pay any stipulated penalty in full will result in referral of this matter to the United States Department of Justice or the United States Department of Treasury for collection and/or other appropriate action.
13. After receipt of a demand from EPA for stipulated penalties pursuant to paragraph 12 above, Respondent shall have thirty (30) calendar days in which to provide Complainant

with a written explanation of why it believes a stipulated penalty is not appropriate for the cited violation(s) of the Consent Agreement (including any technical, financial, or other information that Respondent deems relevant). Pursuant to paragraph 14 below, EPA shall evaluate the written explanation provided by Respondent.

14. The Complainant may, in her sole discretion, reduce or eliminate any stipulated penalty due under the CA/FO if Respondent has, in writing, demonstrated to EPA's satisfaction good cause for such action by EPA. If, after review of Respondent's submission, if any, pursuant to the preceding paragraph, Complainant determines that Respondent has failed to comply with the provisions of this Consent Agreement, and Complainant does not, in her sole discretion, eliminate the stipulated penalties demanded by EPA, Complainant will notify Respondent, in writing, that either the full stipulated penalty or a reduced stipulated penalty must be paid by Respondent. Respondent shall pay the stipulated penalty amount indicated in EPA's notice within thirty (30) calendar days of its receipt of such written notice from EPA. Failure of the Respondent to pay any stipulated penalty demanded by EPA pursuant to this Consent Agreement will result in the referral of this matter to the United States Department of Justice or the United States Department of Treasury for collection and/or other appropriate action.
15. At any time prior to Respondent's payment of stipulated penalties, the Complainant, may, for good cause as independently determined by her, reduce, or eliminate the stipulated penalty(ies). If the Complainant makes such determination, EPA shall notify Respondent in writing of any such action.
16. The civil penalty provided for herein and any stipulated penalties provided for herein are penalties within the meaning of Title 26, Section 162(f) of the United States Code, 26 U.S.C. § 162(f), and are not deductible expenditures for purposes of federal or state taxes.
17. Each report and certification submitted by Respondent under this CA/FO shall be signed by an official of Respondent and shall include the following certification:
I certify under penalty of law that this document and any attachments were prepared under my direction or supervision 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 have no personal knowledge that the information submitted is other than true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
18. Any responses, documentation, and other communications submitted in connection with this Consent Agreement shall be sent to:

Hiep Tran, Physical Scientist
RCRA Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 21st Floor
New York, N.Y. 10007-1866
Tran.hiep@epa.gov

Bruce Aber, Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, Room 1650
New York, N.Y. 10007-1866
Aber.bruce@epa.gov

19. EPA shall address any written communications concerning the CA/FO (including any correspondence related to payment of the penalty) to Respondent at the following addresses:

Suzanne DelVecchio
Counsel
3 Old Highway 28
P.O. Box 749
Whitehouse Station, NJ 08889
sdelvecchio@qchek.com

Rick Wisler
rwisler@qchek.com

20. Within 30 days of any written request by EPA, or by another date approved by EPA in writing, Respondent shall provide to EPA some or all of the following records and/or reports (as requested by EPA) for the UST systems at the locations specified by EPA:
- a. Monthly and annual operation and maintenance walkthrough inspection reports.
 - b. Monthly release detection for any UST system, including any UST system(s) that are in temporary closure;
 - c. A site assessment report for any UST permanently closed or removed.
 - d. Records showing that it tested overfill and/or spill prevention equipment and containment sumps used for interstitial monitoring of piping.
 - e. Records showing inspection of overfill and/or spill prevention equipment and containment sumps;
 - f. The results of the most recent integrity assessment, cathodic protection inspection, and/or lining inspection;
 - g. The results of the most recent annual line leak detector test
 - h. Any known or suspected releases or unusual operating conditions
 - i. Any information (including records and reports, including those of the audit

conducted) needed by EPA to verify Respondent's compliance with the requirements of this CA/FO.

21. This Consent Agreement is being voluntarily and knowingly entered into by the Complainant and Respondent to resolve (conditional upon full payment of the civil penalty and any applicable stipulated penalties herein, and the accuracy of the Respondent's representations in this proceeding), the civil and administrative claims described in the paragraphs 14 through 17 of EPA Findings of Fact and Conclusions of Law section in this Consent Agreement. Nothing herein shall be read to preclude EPA or the United States, on behalf of EPA, however, from pursuing appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
22. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable and consent to the issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all the terms of the settlement are set forth herein.
23. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement and agrees to pay the civil penalty in accordance with the terms of the Consent Agreement.
24. The Respondent explicitly and knowingly waives its right to request or to seek any Hearing on this Consent Agreement or on the EPA Findings of Fact and Conclusions of Law, or on the accompanying Final Order.
25. Respondent agrees not to contest the validity or any term of this CA/FO in any action brought: a) by the United States, including EPA, to enforce this CA/FO; or b) to enforce a judgment relating to this CA/FO.
26. Respondent waives its right to appeal this Consent Agreement and the accompanying Final Order.
27. For purposes of the identification requirement of Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), performance of the work described in paragraphs 1-5 of this Consent Agreement is restitution or required to come into compliance with law.
28. This Consent Agreement and any provision herein shall not be construed as an admission of liability in any criminal or civil action or other administrative proceeding, but Respondent agrees not to contest the terms of this Consent Agreement and Final Order in an action or proceeding to enforce or seek compliance with this Consent Agreement and its accompanying Final Order.
29. This CA/FO is not intended, and shall not be construed, to waive, extinguish or otherwise affect Respondent's obligation to comply with all federal, state, and local laws and regulations applicable to owners and operators of USTs. Nor shall the CA/FO be

construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect Respondent's obligation to comply with applicable provisions of the Act and the regulations promulgated thereunder.

30. The provisions of this Consent Agreement and final Order shall be binding upon both EPA and the Respondent, its officers, agents, authorized representatives, and successors or assigns.
31. Any failure by Respondent to perform fully any requirement herein will be considered a violation of this CA/FO and may subject Respondent to a civil action by the United States to enforce the provisions of this CA/FO.
32. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.
33. Respondent consents to the service of this Consent Agreement and Final Order by email and by an EPA employee other than the Regional Hearing Clerk.
34. Pursuant to 40 CFR Section 22.13(b), the effective date of this Consent Agreement and Final Order shall be the date when it is filed with the Regional Hearing Clerk of the United States Environmental Protection Agency, Region 2.
35. Each party hereto agrees to bear its own costs and fees in this matter.

In the Matter of QuickChek Corporation., Docket No. RCRA-02-2021-7503

ATTACHMENT A

LIST OF 7 FACILITIES AT WHICH VIOLATIONS OF FEDERAL UST
REQUIREMENTS HAVE BEEN DETERMINED IN EPA'S FINDINGS OF FACT
AND CONCLUSIONS OF LAW SECTION OF THE CA/FO

<u>#</u>	<u>Store</u>	<u>Street</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>
1	109	172 North Main Street	Florida	New York	10921
2	67	79 Matthews Street	Goshen	New York	10924
3	98	1-9 James P Kelly Way	Middletown	New York	10940
4	103	383 Route 17M	Monroe	New York	10950
5	21	132 Hamburg Turnpike	Bloomington	New Jersey	07403
6	131	5258 NYSH 9W	Newburgh	New York	12550
7	7	640 Washington Avenue	Kingston	New York	12401

ATTACHMENT B

LIST OF 89 FACILITIES AT WHICH QUICKCHEK OWNS/OPERATES UST SYSTEMS IN THE STATES OF NEW YORK AND NEW JERSEY

<u>#</u>	<u>Store</u>	<u>Street</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>
1	7	640 Washington Avenue	Kingston	New York	12401
2	13	630 Washington Avenue	Kingston	New York	12401
3	38	601 East Main Street	Middletown	New York	10941
4	67	79 Matthews Street	Goshen	New York	10924
5	98	1-9 James P Kelly Way	Middletown	New York	10940
6	103	383 Route 17M	Monroe	New York	10950
7	109	172 North Main Street	Florida	New York	10921
8	115	170 Windsor Highway, Rt. 32	New Windsor	New York	12553
9	125	1646 Ulster Avenue (Rt. 9W)	Lake Katrine	New York	12449
10	126	751-753 Route 211 East	Middletown	New York	10941
11	131	5258 NYSH 9W	Newburgh	New York	12550
12	134	3048 Rt. 9W	Saugerties	New York	12477
13	138	539 Albany Ave.	Kingston	New York	12401
14	141	2686 Middle Country Rd	Lake Grove	New York	11755
15	181	6233 Jericho Turnpike	Commack	New York	11725
16	182	3540 Veteran's Memorial Hwy.	Bohemia	New York	11716
17	158	648 Motor Parkway	Brentwood	New York	11717
18	164	3965 Hempstead Turnpike	Bethpage	New York	11714
19	169	1147 Sunrise Hwy	Copiague	New York	11726
20	5	567 County Road 519	Belvidere	New Jersey	07823
21	16	175 East 22nd St	Bayonne	New Jersey	07002
22	17	40 Lakeside Blvd	Hopatcong	New Jersey	07843
23	21	132 Hamburg Turnpike	Bloomington	New Jersey	07403
24	22	1100 South Olden Avenue	Trenton	New Jersey	08610
25	35	273 Route 206	Hillsborough	New Jersey	08844
26	43	270 Route 23S	Wantage	New Jersey	07461
27	51	853 Convery Blvd.	Perth Amboy	New Jersey	08861
28	62	317 Durham Avenue	S. Plainfield	New Jersey	07080
29	63	410 Route 31 South	Ringoes	New Jersey	08551
30	68	1 Hampton House Road	Newton	New Jersey	07860
31	69	600 New Brunswick Avenue	Phillipsburg	New Jersey	08865
32	74	2 Parsippany Road	Whippany	New Jersey	07981
33	75	1170 Highway 36	Hazlet	New Jersey	07730

34	77	180 Route 23 North	Franklin	New Jersey	07416
35	79	1 Cliffwood Ave	Matawan	New Jersey	07747
36	90	1999 Route 1 & 9 North	Rahway	New Jersey	07065
37	96	1 Wilson Avenue	Englishtown	New Jersey	07726
38	97	312 Sparta Avenue	Sparta	New Jersey	07871
39	100	5 Heller Lane	Lake Hopatcong	New Jersey	07849
40	101	40 N.J. State Route 17 North	Ramsey	New Jersey	07446
41	102	3001 Ridgeway Ave.	Manchester	New Jersey	08759
42	107	303 Brunswick Circle Ext.	Lawrenceville	New Jersey	08648
43	108	918-920 County 517	Hackettstown	New Jersey	07838
44	110	2333 Hamburg Turnpike	Wayne	New Jersey	07470
45	118	35 Highway 15	Lafayette	New Jersey	07848
46	123	460 Highway 36	Highlands	New Jersey	07732
47	124	53rd Street	Bayonne	New Jersey	07002
48	127	2432 Route 130	Dayton	New Jersey	08810
49	130	107 Harris Avenue	Middlesex	New Jersey	08846
50	135	768 Route 9	Bayville	New Jersey	08721
51	136	5 Leesville Road	Jackson	New Jersey	08527
52	137	120 Route 46	Lodi	New Jersey	07644
53	139	350 Route 57 West	Washington	New Jersey	07882
54	140	500 US Highway Route 130	Bordentown	New Jersey	08505
55	142	1196 How Lane	North Brunswick	New Jersey	08902
56	143	720 Washington Avenue	Carlstadt	New Jersey	07072
57	144	55 Main St	S. Bound Brook	New Jersey	08880
58	145	1180 State Route 33	Farmingdale	New Jersey	07727
59	146	2 South Jefferson Road	Hanover	New Jersey	07981
60	147	483A NJSH Route 79	Morganville	New Jersey	07751
61	148	442 Pompton Rd	Wayne	New Jersey	07470
62	150	533 Atlantic City Blvd	Beachwood	New Jersey	08722
63	151	4253 US Highway 9	Howell	New Jersey	07731
64	152	901 Cedar Bridge Avenue	Lakewood	New Jersey	08701
65	153	347 Hwy 35	Eatontown	New Jersey	07724
66	154	281 South New Prospect Rd.	Jackson	New Jersey	08527
67	155	3104 Rt 37	Toms River	New Jersey	08753
68	156	7-9 Howard Blvd.	Mt. Arlington	New Jersey	07856
69	157	384 Passaic Ave.	Fairfield	New Jersey	07004
70	159	1268 Highway 23	Butler	New Jersey	07405
71	160	715 NJSH Rt. 70	Brick Twp.	New Jersey	08723
72	161	239 Forsgate Drive	Jamesburg	New Jersey	08831
73	162	1435 Route 23	Butler	New Jersey	07405

74	163	1505 Route 1	North Brunswick	New Jersey	08902
75	165	250 Ridgedale Ave.	Cedar Knolls	New Jersey	07927
76	166	2 Gateway Blvd.	Monroe	New Jersey	08831
77	167	1364 Route 23NB	Wayne	New Jersey	07470
78	168	156 Hackensack Ave	Hackensack	New Jersey	07601
79	170	77 US Hwy 206	Frankford	New Jersey	07822
80	171	300 Route 206	Raritan	New Jersey	08869
81	172	956 NJSW 22 East	North Plainfield	New Jersey	07060
82	173	255 Robbinsville-Allentown Rd.	Robbinsville	New Jersey	08691
83	174	370 North Ave. East	Cranford	New Jersey	07016
84	175	1001 Rt. 1 South	Avenel	New Jersey	07001
85	176	581 Shrewsbury Ave	Shrewsbury	New Jersey	07702
86	178	270 Monmouth Rd.	Manalapan	New Jersey	07726
87	179	280 State Hwy 17	Mahwah	New Jersey	07430
88	180	164 Hwy 35	Eatontown	New Jersey	07724
89	183	26 Rt 206	Byram	New Jersey	07874

In the Matter of QuickChek Corporation., Docket No. RCRA-02-2021-7503

RESPONDENT: QUICKCHEK CORPORATION

BY: _____
(signature)

NAME Donald Leach

TITLE: VP Marketing & Operations

DATE: 9/27/21

In the Matter of QuickChek Corporation, Docket No. RCRA-02-2021-7503

**COMPLAINANT: United States Environmental Protection Agency
Region 2**

BY: _____
For Dore LaPosta, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection
Agency - Region 2
290 Broadway
New York, N.Y. 10007-1866

DATE: _____

In the Matter of QuickChek Corporation, Docket No. RCRA-02-2021-7503

FINAL ORDER

The Regional Administrator of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Consent Agreement. The Consent Agreement, entered into by the Complainant and the Respondent, is hereby approved, incorporated herein, and issued as an Order pursuant to Section 9006 of the Act and 40 C.F.R. § 22.18(b)(3). The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, U.S. EPA, Region 2, New York, New York. 40 C.F.R. Section 22.31(b).

Walter E. Mugdan
Acting Regional Administrator
U.S. Environmental Protection
Agency – Region 2
290 Broadway
New York, New York 10007-1866

DATE: _____

In the Matter of QuickChek Corporation, Docket No. RCRA-02-2021-7503

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing fully executed CONSENT AGREEMENT and FINAL ORDER, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original by E-Mail

Office of Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Copy by E-Mail

Suzanne DelVecchio
Counsel
3 Old Highway 28
P.O. Box 749
Whitehouse Station, NJ 08889
sdelvecchio@qchek.com

Dated: _____, 2021
New York, New York
