



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

In Reply Refer To Mail Code: 3RC50

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUL 31 2012

Ronald D. Nichols
Pulaski County Public Schools
202 N. Washington Avenue
Pulaski, Virginia 24301

Re: Consent Agreement and Final Order
EPA Docket No.: RCRA-03-2012-0195

Dear Mr. Nichols:

Enclosed is a copy of the CONSENT AGREEMENT AND FINAL ORDER to be filed with the Regional Hearing Clerk settling the matter referenced above. For your file and enclosing a copy of the supporting memorandum from Environmental Protection Agency management to the Regional Judicial Officer. Should you have any questions or concerns, please feel free to contact me at (215) 814-2066.

Sincerely,

Jennifer M. Abramson
Senior Assistant Regional Counsel

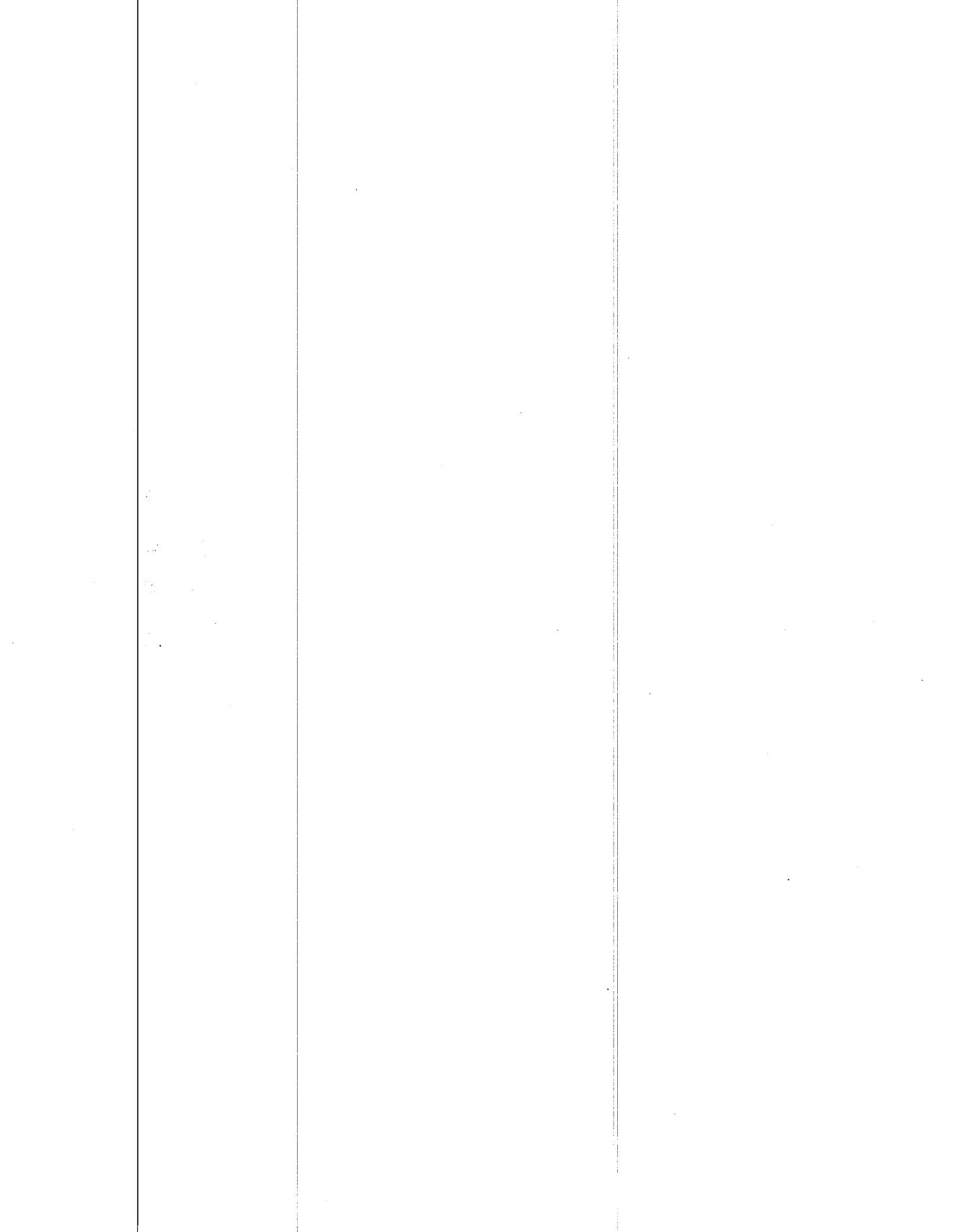
Enclosures

cc: Debbie Moody, EPA

REGIONAL HEARING CLERK
EPA REGION III, PHILADELPHIA

2012 JUL 31 PM 4:49

RECEIVED



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

In the Matter of:)

Pulaski County Public Schools)
 202 N. Washington Avenue)
 Pulaski, Virginia 24301)

RESPONDENT,)

Pulaski County School Bus Garage)
 600 Franklin Avenue)
 Pulaski, Virginia 24301)

Pulaski County High School)
 5414 Cougar Trail Road)
 Dublin, Virginia 24084)

Dublin Middle School)
 650 Giles Avenue)
 Dublin, Virginia 24084)

FACILITIES.)

Docket No.: RCRA-03-2012-0195

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

CONSENT AGREEMENT

REGIONAL HEARING CLERK
 EPA REGION III, PHILA. PA

2012 JUL 31 PM 4:49

RECEIVED

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 Pulaski County Public Schools (“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 Virginia’s federally authorized underground storage tank program by Respondent, in connection with underground storage tank systems at the Pulaski County School Bus Garage facility located at 600 Franklin Avenue in Pulaski, Virginia (“Bus Garage”); the Pulaski County High School facility located at 5414 Cougar Trail Road in Dublin, Virginia (“High School”); and the Dublin Middle School facility located at 650 Giles Avenue in Dublin, Virginia (“Middle School”), collectively, the “Facilities”.

Effective October 28, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, the Commonwealth of Virginia was granted final authorization to administer a state UST management program ("Virginia 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 Virginia UST management program as finally authorized are enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. The Virginia UST management program regulations are set forth in the Virginia Administrative Code, Title 9, Agency 25, Chapter 580, Sections 10 *et seq.*, and will be cited hereinafter as 9 V.A.C. § 25-580-10 *et seq.*

Section 9006(d)(2)(B) of RCRA, 42 U.S.C. § 6991e(d)(2)(B), authorizes EPA to assess a civil penalty against any owner or operator of an underground storage tank who fails to comply with 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 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 Virginia's federally authorized underground storage tank program set forth at as 9 V.A.C. § 25-580-10 *et seq.* at the Facilities 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 of any regulations promulgated or authorized 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 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.
11. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this Consent Agreement and the attached Final Order.
12. EPA has given the Commonwealth of Virginia 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

13. EPA 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).
14. At all times relevant to this CAFO, Respondent has been a political subdivision of the Commonwealth of Virginia.
15. Respondent is a "person" as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 9 V.A.C. § 25-580-10.
16. At all times relevant to this CAFO, Respondent has been the "operator" or "owner", as those terms are defined in Section 9001(3) and (4) of RCRA, 42 U.S.C. § 6991(3) and (4), and 9 V.A.C. § 25-580-10, 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 9 V.A.C. § 25-580-10, at the Pulaski County School Bus Garage facility located at 600 Franklin Avenue in Pulaski, Virginia; the Pulaski County High School facility located at 5414 Cougar Trail Road in Dublin, Virginia; and the Dublin Middle

School facility located at 650 Giles Avenue in Dublin, Virginia.

17. On July 21, 2011, an EPA representative conducted Compliance Evaluation Inspections ("CEIs") at the Facilities pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.
18. At all times relevant to the applicable violations alleged herein:
 - (a). two (2) "petroleum UST system(s)" with connected underground piping that routinely contained "regulated substance(s)", as those terms are defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 V.A.C. § 25-580-10, were located at the Bus Garage;
 - (b). a "petroleum UST system" with connected underground piping that routinely contained "regulated substance(s)", as those terms are defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 V.A.C. § 25-580-10, was located at the High School; and
 - (c). two (2) "petroleum UST system(s)" with connected underground piping that routinely contained "regulated substance(s)", as those terms are defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 V.A.C. § 25-580-10, were located at the Middle School.
19. At all times relevant to the applicable violations alleged herein, the piping associated with each of the petroleum UST systems described in Paragraph 18, above, conveyed regulated substances under pressure.
20. Pursuant to RCRA Section 9005, 42 U.S.C. § 6991d, EPA issued an Information Request letter to Respondent on November 29, 2011 concerning the petroleum UST systems at its Facilities.

COUNT 1

FAILURE TO CONDUCT LINE LEAK DETECTOR TESTING

21. Paragraphs 1 through 20 are incorporated by reference as if fully set forth herein.
22. At all times relevant to the applicable violations alleged herein, the piping associated with each of the petroleum UST systems described in Paragraph 18, above, was equipped with automatic line leak detectors.
23. Pursuant to 9 V.A.C. § 25-580-170(1), an annual test of the operation of the automatic line leak detector must be conducted in accordance with the manufacturer's requirements.

24. Respondent failed to conduct required annual operational testing of automatic line leak detectors on pressurized piping associated with the two (2) petroleum UST systems at the Bus Garage from at least July 31, 2007 through December 14, 2011.
25. Respondent failed to conduct required annual operational testing of automatic line leak detectors on pressurized piping associated with the petroleum UST system at the High School from November 19, 2009 through December 14, 2011.
26. Respondent failed to conduct required annual operational testing of automatic line leak detectors on pressurized piping associated with the two (2) petroleum UST systems at the Middle School from at least July 31, 2007 through December 14, 2011.
27. Respondent's acts and/or omissions as alleged in Paragraphs 24 through 26, above, constitute violations by Respondent of 9 V.A.C. § 25-580-170(1).

COUNT 2

FAILURE TO CONDUCT LINE TIGHTNESS TESTING OR MONITORING

28. Paragraphs 1 through 20 are incorporated by reference as if fully set forth herein.
29. Pursuant to 9 V.A.C. § 25-580-140(2)(a)(2), underground piping that routinely contains regulated substances and that conveys regulated substances under pressure must have an annual line tightness test conducted in accordance with 9 V.A.C. § 25-580-170(2) or have monthly monitoring conducted in accordance with 9 V.A.C. § 25-580-170(3).
30. Respondent failed to conduct required annual line tightness testing or monthly monitoring of the pressurized piping associated with the underground piping associated with the petroleum UST system at the High School, during the time period from November 19, 2009 through July 19, 2011.
31. Respondent's act and/or omission as alleged in Paragraph 30, above, constitutes a violation by Respondent of 9 V.A.C. § 25-580-140(2)(a)(2).

COUNT 3

FAILURE TO DEMONSTRATE FINANCIAL RESPONSIBILITY

32. Paragraphs 1 through 20 are incorporated by reference as if fully set forth herein.
33. Pursuant to 9 V.A.C. § 25-590-40, owners or operators of underground storage tanks must demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental

releases arising from the operation of underground storage tanks

34. Pursuant to 9 V.A.C. § 25-590-50, a local government owner or operator may use any one or combination of the mechanisms listed in 9 V.A.C. § 25-590-60 through 9 V.A.C. § 25-590-110 and 9 V.A.C. § 25-590-250 to demonstrate financial responsibility.
35. Respondent failed to demonstrate financial responsibility for each of the Facilities using any of one or combination of the mechanisms listed in 9 V.A.C. § 25-590-60 through 9 V.A.C. § 25-590-110 and 9 V.A.C. § 25-590-250 from at least July 31, 2007 through June 30, 2010.
36. Respondent's acts and/or omissions as alleged in Paragraph 35, above, constitute violations by Respondent of 9 V.A.C. § 25-590-40.

CIVIL PENALTY

37. 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 twenty thousand two hundred dollars (\$20,200). The civil penalty amount is due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO. If Respondent pays the entire civil penalty of twenty thousand two hundred dollars (\$20,200) 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).
38. 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.
39. In accordance with 40 C.F.R. § 13.11(a)(1), 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)(3).
40. Except those owed by State and local governments, 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.

41. Except those owed by State and local governments, 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).
42. 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 Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), and with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.
43. Respondent shall pay the amount described in Paragraph 37, above, by sending a certified or cashier's check payable to the "United States Treasury," as follows:

a. Mailing (*via first class U.S. Postal Service Mail*) a certified or cashier's check, made payable to the "United States Treasury" to the following address

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

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

b. Via Overnight Delivery of a certified or cashier's check, made payable to the "United States Treasury", sent to the following address:

U.S. Bank
Government Lockbox 979077
US EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
314-418-1028

c. All payment 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

d. By electronic funds transfer ("EFT") to the following account:

Federal Reserve Bank of New York
ABA 021030004
Account No. 68010727
SWIFT Address FRNYUS33
33 Liberty Street
NY, NY 10045
(Field tag 4200 of Fedwire message should read "D
68010727 Environmental Protection Agency")

e. By automatic clearinghouse ("ACH") to the following account:

U.S. Treasury REX/Cashlink ACH Receiver
ABA 051036706
Account No. 310006
Environmental Protection Agency
CTX Format
Transaction Code 22 - checking

Contact: John Schmid
202-874-7026

f. Online payments can be made at WWW.PAY.GOV by entering "sfo 1.1" in the search field, and opening the form and completing the required fields.

g. Additional payment guidance is available at:

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

All payments shall also reference the above case caption and docket number, DOCKET NO.: RCRA-03-2012-0195. At the same time that any payment is made, Respondent shall mail copies of any corresponding check, or provide written notification confirming

any electronic wire transfer, automated clearinghouse or online payment to Lydia A. Guy, Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029 and to Debbie Moody (3LC70), U.S. Environmental Protection Agency, Region III, Office of Land Enforcement, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029.

FULL AND FINAL SATISFACTION

44. 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

45. 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

46. 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

47. 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

48. 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.

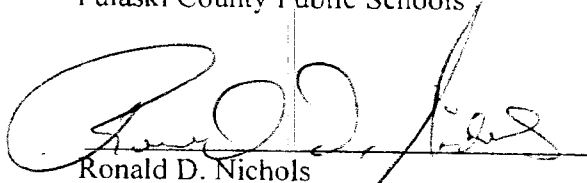
EFFECTIVE DATE

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

For Respondent:

Pulaski County Public Schools

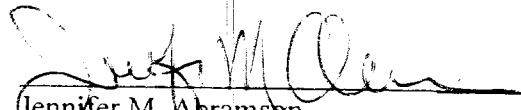
7/3/2012
Date


Ronald D. Nichols
Director of Operations

For Complainant:

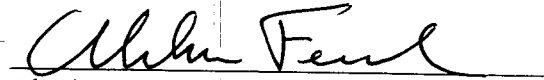
U.S. Environmental Protection Agency,
Region III

7/17/12
Date


Jennifer M. Abramson
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.

7/25/12
Date


Abraham Ferdas, Director,
Land and Chemicals Division
EPA Region III

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

In the Matter of:

Pulaski County Public Schools
202 N. Washington Avenue
Pualski, Virginia 24301

RESPONDENT,

Pulaski County School Bus Garage
600 Franklin Avenue
Pulaski, Virginia 24301

Pulaski County High School
5414 Cougar Trail Road
Dublin, Virginia 24084

Dublin Middle School
650 Giles Avenue
Dublin, Virginia 24084

FACILITIES.

)
) Docket No.: RCRA-03-2012-0195
)
) 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, Pulaski County Public Schools, 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.

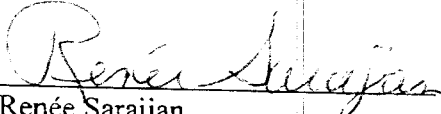
NOW, THEREFORE, PURSUANT TO Section 22.18(b)(3) of the *Consolidated Rules of Practice* and Section 9006(c) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6991e(c) ("RCRA"), and having determined, based on the representations of the parties in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a

of the factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), **IT IS** **ORDERED** that Respondent pay a civil penalty of twenty thousand two hundred dollars (\$20,200), 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:

7/31/12



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

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

In the Matter of:)	
)	Docket No.: RCRA-03-2012-0195
Pulaski County Public Schools)	
202 N. Washington Avenue)	Proceeding Under Section 9006 of the
Pulaski, Virginia 24301)	Resource Conservation and Recovery
)	Act, as amended, 42 U.S.C. Section
RESPONDENT,)	6991e
)	
Pulaski County School Bus Garage)	
600 Franklin Avenue)	
Pulaski, Virginia 24301)	
)	
Pulaski County High School)	
5414 Cougar Trail Road)	
Dublin, Virginia 24084)	
)	
)	
Dublin Middle School)	
650 Giles Avenue)	
Dublin, Virginia 24084)	
)	
FACILITIES.)	

CERTIFICATE OF SERVICE

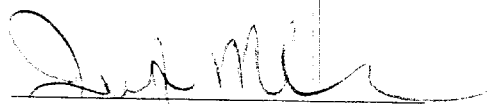
I certify that the foregoing CONSENT AGREEMENT AND FINAL ORDER in the above referenced matter was sent this day in the following manner to the below addressees.

Original and one copy by hand-delivery: Lydia Guy, Regional Hearing Clerk

Copy by Certified Mail: Ronald D. Nichols, Pulaski County Public Schools, 202 N. Washington Avenue, Pulaski, Virginia 24301

JUL 31 2012

 Date



 Jennifer M. Abramson (3RC50)
 Senior Assistant Regional Counsel
 U.S. EPA, Region III



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

MEMORANDUM

SUBJECT: Consent Agreement and Final Order
Docket No.: RCRA-03-2012-0195

FROM: Marcia E. Mulkey
Regional Counsel (3RC00)

Abraham Ferdas, Director
Land and Chemicals Division (3LC00)

TO: Renée Sarajian
Regional Judicial Officer (3RC00)

The attached Consent Agreement and Final Order ("CAFO") have been negotiated with Pulaski County Public Schools ("Respondent") in settlement of actionable Resource Conservation and Recovery Act ("RCRA") violations. The compliance issues addressed in the CAFO involve the failure to comply with requirements of the Commonwealth of Virginia's federally authorized underground storage tank program for conducting leak detector testing, conducting line tightness testing or monitoring, and demonstrating financial responsibility, which subject Respondent to civil penalties under Section 9006(d)(2)(B) of RCRA, 42 U.S.C. § 6991e(d)(2)(B).

The litigation team calculated a civil penalty of twenty thousand two hundred (\$20,200) in accordance with 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 Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), and with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.

We recommend that you sign the attached Final Order assessing twenty thousand two hundred (\$20,200) in civil penalties against Respondent. After you execute the Final Order, please return the documents to Jennifer M. Abramson of Office of Regional Counsel for further processing.

Attachments

cc: Ronald D. Nichols

2012 JUL 31 PM 4:49
REGIONAL HEARINGS CLERK
EPA REGION III, PHILADELPHIA, PA

RECEIVED