

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

In the Matter of:

**Chatha, Inc.
565 W. Mahoning Street
Punxsutawney, PA 15767**

Respondent.

**Unimart 04077
Punxsutawney, PA**

**Unimart 04075
Punxsutawney, PA**

Facilities.

:
:
: **U.S. EPA Docket No. RCRA-03-2021-0107**
:
: **CONSENT AGREEMENT**
:
:
: **Proceeding under Section 9006 of the Resource**
: **Conservation and Recovery Act, as amended,**
: **42 U.S.C. Section 6991e**
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CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Chatha, Inc. (“Respondent”) (collectively the “Parties”), 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 of Practice”), 40 C.F.R. Part 22. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, and the Commonwealth of Pennsylvania’s federally authorized underground storage tank program for the violations alleged herein.
2. Effective September 11, 2003, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, the Commonwealth of Pennsylvania was granted final authorization to administer a state underground storage tank (“UST”) management program (“Pennsylvania UST management program”) *in lieu* of the Federal UST management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m. The provisions of the Pennsylvania UST management program, through this final authorization, are enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. The Pennsylvania UST management program regulations are set forth in the

Pennsylvania Code, Title 25, Chapter 245, Sections 245.1 *et seq.*, and will be cited hereinafter as 25 Pa. Code 245.1 *et seq.*

3. Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d), authorizes the Administrator of the U.S. Environmental Protection Agency to assess a civil penalty against any owner or operator of an underground storage tank who fails to comply with, *inter alia*, any requirement or standard of a State underground storage tank program that has been approved by EPA pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated it to the Complainant.
4. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

5. The U.S. Environmental Protection Agency has jurisdiction over the above-captioned matter, as described in Paragraphs 1 - 4.
6. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).
7. EPA has given the Commonwealth of Pennsylvania prior notice of the issuance of this Consent Agreement and Final Order in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

GENERAL PROVISIONS

8. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
9. Except as provided in Paragraph 8, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement. Respondent has agreed to resolve the violations alleged herein in an effort to avoid litigation and litigation expenses.
10. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
11. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
12. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.

13. Each party shall bear its own costs and attorney's fees in connection with this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

14. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
15. At all times relevant to this Consent Agreement and Final Order, Respondent has been a Pennsylvania corporation with a principle place of business located at 565 W. Mahoning Street in Punxsutawney, Pennsylvania.
16. Respondent is a "person" as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 25 Pa. Code § 245.1.
17. At all times relevant to violations alleged in this Consent Agreement and Final Order, Respondent has been the "operator", as this term is defined in Section 9001(3) of RCRA, 42 U.S.C. § 6991(3), and 25 Pa. Code § 245.1, of "underground storage tank(s)" and "underground storage tank system(s)" as those terms are defined in Section 9001(10) of RCRA, 42 U.S.C. § 6991(10), and 25 Pa. Code § 245.1, at the *Unimart 04077* facility located at 512 E. Mahoning Street in Punxsutawney, Pennsylvania, and the *Unimart 04075* facility located at 565 W. Mahoning Street in Punxsutawney, Pennsylvania.
18. On January 24, 2017, an inspection of the *Unimart 04077* facility was conducted by or on behalf of the Pennsylvania Department of Environmental Protection ("PADEP") pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.
19. At the time of the January 24, 2017 inspection, and at all times relevant to the applicable violations alleged herein, a 4,000 gallon kerosene UST installed in 1985 ("Unimart 04077 UST-004"), and two 10,000 gallon gasoline USTs installed in 1995 ("Unimart 04077 UST-005" and "Unimart 04077 UST-006", respectively), all used to contain "regulated substance[s]" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 25 Pa. Code § 245.1, were located at the *Unimart 04077* facility.
20. On January 31, 2017, an inspection of the *Unimart 04075* facility was conducted by or on behalf of the Pennsylvania Department of Environmental Protection ("PADEP") pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.
21. At the time of the January 31, 2017 inspection, and at all times relevant to the applicable violations alleged herein, two 10,000 gallon gasoline USTs installed in 1983 ("Unimart 04075 UST-001" and "Unimart 04075 UST-002", respectively), a 10,000 gallon diesel UST installed in 1983 ("Unimart 04075 UST-003"), and a 4,000 gallon kerosene UST installed in 1985 ("Unimart 04075 UST-004"), all used to contain "regulated substance[s]" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 25 Pa. Code § 245.1, were located at the *Unimart 04075* facility.

22. Pursuant to RCRA Section 9005, 42 U.S.C. § 6991d, EPA issued an Information Request letter to Respondent on April 11, 2019 concerning the USTs and UST systems at the *Unimart 04077* and *Unimart 04075* facilities.

Count I - Failure to Conduct Line Leak Detector Testing

23. The allegations of Paragraphs 1 through 22 of his Consent Agreement are incorporated herein by reference.
24. Pursuant to 25 Pa. Code § 245.445(1), owners and operators of petroleum underground storage tank systems with pressurized piping equipped with automatic line leak detectors are required to conduct an annual test of the operation of the leak detectors in accordance with manufacturer's requirements.
25. At the time of the January 24, 2017 inspection, and at all times relevant to the applicable violations alleged herein, the piping associated with Unimart 04077 UST-004, Unimart 04077 UST-005, and Unimart 04077 UST-006 at the *Unimart 04077* facility conveyed regulated substances under pressure, and were equipped with automatic line leak detectors.
26. Respondent failed to conduct annual operational testing of the automatic line leak detectors on pressurized piping associated with the Unimart 04077 UST-004, Unimart 04077 UST-005, and Unimart 04077 UST-006 UST systems at the *Unimart 04077* facility from at least January 1, 2015 through January 30, 2017; and with the Unimart 04077 UST-004 and Unimart 04077 UST-006 UST systems at the *Unimart 04077* facility from January 22, 2019 through September 2, 2019.
27. At the time of the January 31, 2017 inspection, and at all times relevant to the applicable violations alleged herein, the piping associated with Unimart 04075 UST-001 and Unimart 04075 UST-002 at the *Unimart 04075* facility conveyed regulated substances under pressure, and were equipped with automatic line leak detectors.
28. Respondent failed to conduct annual operational testing of the automatic line leak detectors on pressurized piping associated with the Unimart 04075 UST-001 and Unimart 04075 UST-002 UST systems at the *Unimart 04075* facility from at least January 1, 2015 through January 21, 2018 and from January 22, 2019 through September 2, 2019.
29. Respondent's role as operator in the acts or omission as alleged in Paragraphs 25, 26, 27, and 28 constitute violations by Respondent of 25 Pa. Code ' 245.445(1).
30. In failing to comply with 25 Pa. Code § 245.445(1), Respondent is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

Count II – Failure to Conduct Cathodic Protection Testing

31. The allegations of Paragraphs 1 through 30 of his Consent Agreement are incorporated herein by reference.

32. Pursuant to 25 Pa. Code § 245.432(2)(i), owners and operators of steel UST systems equipped with cathodic protection systems are required to test for proper operation within 6 months of installation and at least 3 years thereafter by a qualified cathodic protection tester for as long as the UST system is used to store regulated substances.
33. Respondent failed to conduct 3 year tests of the cathodic protection system for the steel Unimart 04077 UST-004, Unimart 04077 UST-005, and Unimart 04077 UST-006 UST systems at the *Unimart 04077* facility from at least January 1, 2015 through January 31, 2017.
34. Respondent's role as operator in the acts or omission as alleged in Paragraph 33 constitute violations by Respondent of 25 Pa. Code § 245.432(2)(i).
35. In failing to comply with of 25 Pa. Code § 245.432(2)(i), Respondent is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

Count III – Failure to Have a Line Leak Detector

36. The allegations of Paragraphs 1 through 35 of his Consent Agreement are incorporated herein by reference.
37. Pursuant to 25 Pa. Code § 245.442(2)(i)(A), owners and operators of petroleum UST systems monitor underground piping that routinely contains regulated substances under pressure for releases by equipping the piping with an automatic line leak detector in accordance with 25 Pa. Code § 245.445(1).
38. Respondent failed to equip the underground piping associated with the Unimart 04075 UST-003 UST system at the *Unimart 04075* facility with an automatic line leak detector from at least January 1, 2015 through September 3, 2019.
39. Respondent's role as operator in the acts or omission as alleged in Paragraph 38 constitute violations by Respondent of 25 Pa. Code § 245.442(2)(i)(A).
40. In failing to comply with 25 Pa. Code § 245.442(2)(i)(A), Respondent is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

CIVIL PENALTY

41. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of TWELVE THOUSAND SIX HUNDRED AND TWENTY dollars (\$12,620), which Respondent shall be liable to pay in accordance with the terms set forth below.
42. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), including, the following: the seriousness of the violation and any good faith

efforts to comply with the applicable requirement. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA’s October 5, 2018 *Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank (UST) Regulations and Revised Field Citation Program and ESA Pilot* and November 1990 *U.S. EPA Penalty Guidance for Violations of UST Regulations* which reflects the statutory penalty criteria and factors set forth at Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.

43. The civil penalty is also based upon an analysis of Respondent’s ability to pay a civil penalty. This analysis was based upon information submitted to EPA by Respondent. Based upon this analysis EPA has determined that the Respondent is unable to pay a civil penalty in excess of the dollar amount set forth in Paragraph 41, above, in settlement of the above-captioned action.
44. Complainant has relied upon the financial information provided by Respondent and, based upon that information, it is Complainant’s conclusion that the Respondent has established that it is unable to pay the full amount of the civil penalty identified and set forth in Paragraph 41, above, within thirty (30) days of the effective date of this Consent Agreement and that a payment plan of the nature and duration set forth below is necessary and appropriate.
45. Pursuant to the provisions of this Consent Agreement, Respondent will remit a total civil penalty (principal) of \$12,620 and interest (calculated at the rate of 2% per annum on the outstanding principal balance) in the amount of \$36.95, in accordance with the installment payment schedule set forth in the chart, immediately below:

Payment No.	Principal Amount	Interest	Date Payment Due from Effective Date of Consent Agreement and Final Order	Payment Amount Due
1	\$ 2,000		<i>Within 30 Days</i>	\$2,000
2	\$ 2,000	\$17.70	<i>Within 60 Days</i>	\$2,017.70
3	\$ 2,000	\$7.18	<i>Within 90 Days</i>	\$ 2,007.18
4	\$ 2,000	\$5.52	<i>Within 120 Days</i>	\$ 2,005.52
5	\$ 2,000	\$3.85	<i>Within 150 Days</i>	\$ 2,003.85
6	\$ 2,000	\$2.18	<i>Within 180 Days</i>	\$ 2,002.18
7	\$620	\$0.52	<i>Within 210 Days</i>	\$ 620.52
Total:	\$ 12,620	\$ 36.95		\$ 12,656.95

46. If Respondent fails to make timely payment of any one of the required installment payments in accordance with the installment payment schedule set forth in Paragraph 45, immediately above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the

entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for, and shall pay, applicable interest, administrative handling charges and late payment penalty charges as described in Paragraphs 49 through 53, below, in the event of any such failure or default.

47. Respondent may, at any time after commencement of payments under the installment payment schedule, elect to pay the entire principal balance, together with accrued interest to the date of such full payment.
48. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, Docket No.: RCRA-03-2021-0107;
- b. All checks shall be made payable to the "United States Treasury";
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

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

- d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously to:

Jennifer M. Abramson
Senior Assistant Regional Counsel
Abramson.Jennifer@epa.gov

And

U.S. EPA Region III Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

49. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest 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. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
50. Payment of the civil penalty, in accordance with the above terms and provisions, is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
51. INTEREST: In accordance with 40 C.F.R. § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of the fully executed and filed Consent Agreement and Final Order is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties 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).
52. ADMINISTRATIVE COSTS: The costs of the EPA'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 – Case 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.
53. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
54. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.

GENERAL SETTLEMENT CONDITIONS

55. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not

contain any confidential business information or personally identifiable information from Respondent.

56. To the best of its knowledge, Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

57. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

58. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of RCRA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

59. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violation[s] alleged against Respondent in this Consent Agreement and Final Order. 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. 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, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

60. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

61. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

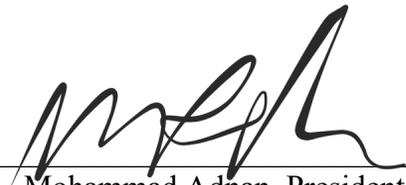
ENTIRE AGREEMENT

62. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent:

Chatha, Inc.

Date: August 11, 2021

By: 

Mohammad Adnan, President
Chatha, Inc.

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: _____

By: _____

Karen Melvin
Director, Enforcement and Compliance
Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

Date: _____

By: _____

Jennifer M. Abramson
Senior Assistant Regional Counsel
U.S. EPA – Region III

In the Matter of: Chatha, Inc.

EPA Docket No. RCRA-03-2021-0107

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the Matter of:	:	
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Chatha, Inc.	:	U.S. EPA Docket No. RCRA-03-2021-0107
565 W. Mahoning Street	:	
Punxsutawney, PA 15767	:	FINAL ORDER
	:	
Respondent.	:	
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Unimart 04077	:	Proceeding under Section 9006 of the Resource
Punxsutawney, PA	:	Conservation and Recovery Act, as amended,
	:	42 U.S.C. Section 6991e
	:	
Unimart 04075	:	
Punxsutawney, PA	:	
	:	
Facilities.	:	

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Chatha, Inc., have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's October 5, 2018 *Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank (UST) Regulations and Revised Field Citation Program and ESA Pilot* and November 1990 *U.S. EPA Penalty Guidance for Violations of UST Regulations*; the statutory factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c); the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19; and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.

NOW, THEREFORE, PURSUANT TO Section 9006 of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C. § 6991e, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of ***TWELVE THOUSAND SIX HUNDRED AND TWENTY DOLLARS (\$12,620)***, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent’s obligation to comply with all applicable provisions of RCRA and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date

Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III