

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the matter of:	:	Administrative Complaint and
	:	Compliance Order
Ernest and Joey Martin	:	
	:	U.S. EPA Docket No.
Respondents,	:	RCRA-03-2015-0174
	:	
Bishop's Convenience Store	:	Proceeding under Section 9006 of the
27354 George Washington Highway	:	Resource Conservation and Recovery Act,
Aurora, WV 26705,	:	as amended, 42 U.S.C. § 6991e
	:	
Facility.	:	

RECEIVED
2015 SEP 22 PM 4:04
REGIONAL HEARINGS OFFICE
ENVIRONMENTAL ACTION

1. INTRODUCTION

1. This Administrative Complaint, Compliance Order and Notice of Opportunity for Hearing (“Complaint”) is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA” or the “Agency”) by Section 9006 of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984 (collectively “RCRA”), 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*, 40 C.F.R. Part 22 (“*Consolidated Rules*”), a copy of which is enclosed with this Complaint (Enclosure “A”).

2. The Director of the Land and Chemicals Division of U.S. EPA Region III (“Complainant”), hereby notifies Joey and Ernest Martin (collectively “Respondents”) that EPA has reason to believe that Respondents have violated Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and the State of West Virginia’s federally authorized underground storage tank program with respect to the underground storage tanks (“USTs”) formerly located at Respondents’ facility, the Bishop’s Convenience Store, 27354 George Washington Highway, Aurora, WV 26705 (the “Facility”).

3. Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d), authorizes EPA to assess a civil penalty against any owner or operator of an underground storage tank who fails to comply with, *inter alia*, any requirement or standard promulgated under Section 9003 of RCRA, 42 U.S.C. § 6991b (40 C.F.R. Part 280) or 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.

4. Effective February 10, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, EPA granted the State of West Virginia final authorization to administer a state underground storage tank management program (“West Virginia Authorized UST Management Program”) in lieu of the Federal underground storage tank management program established under Subtitle I. The specific regulations that EPA has reason to believe the Respondents have violated are part of the West Virginia Authorized UST Management Program. *See*, 62 Fed. Reg. 49620 (September 23, 1997) and 63 Fed. Reg. 6667 (February 10, 1998).

5. The West Virginia Authorized UST Management Program’s regulations are set out in Title 33, Series 30 of West Virginia’s Hazardous Waste Management Regulations (cited hereinafter as “WVUSTR” with citations to §§ 33-30-1, et seq., as needed). The WVUSTR incorporates by reference the federal underground storage tank program regulations set forth at 40 C.F.R. Part 280. As a result of the final authorization of the West Virginia Authorized UST Management Program, the WVUSTR became requirements of RCRA Subtitle I and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e.

6. The EPA has cited to the WVUSTR as the legal basis for this Complaint along with the incorporated provisions of 40 C.F.R. Part 280. A copy of the authorized WVUSTR, Parts 33-30-1 through 33-30-4.6, is enclosed with this Complaint (Enclosure “B”). All references to the provisions of 40 C.F.R. Part 280 that the West Virginia Authorized UST Management Program has incorporated by reference in the WVUSTR are set forth in the 1995 edition of the Code of Federal Regulations. (Enclosure “C”)

7. EPA has given the State of West Virginia notice of the issuance of this Complaint in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

8. In support of this Complaint, the Complainant makes the following allegations, findings of fact and conclusions of law:

II. COMPLAINT

Findings of Facts and Conclusions of Law

9. The United States Environmental Protection Agency - Region III (“EPA” or the “Region”) and EPA’s Office of Administrative Law Judges have jurisdiction over this matter pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, 40 C.F.R. Part 280 and 40 C.F.R. §§ 22.1(a)(4) and 22.4(c).

10. WVUSTR Section 33-30-2.1 incorporates by reference the definitions in 40 C.F.R. § 280.12.

11. Each Respondent is an individual.

12. Each Respondent is a “person” as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 40 C.F.R § 280.12.

13. Section 9001(10) of RCRA, 42 U.S.C. § 6991(10), and 40 C.F.R § 280.12 defines the terms “underground storage tanks” (“USTs”) and “UST systems.”

14. At all times relevant to the applicable violations alleged herein, three regulated USTs, as described in the following subparagraphs, were located at the Facility:

- a. A four thousand (4,000) gallon cathodically protected steel tank that was installed in or about 1987 and that, at all times relevant hereto, routinely contained gasoline (hereinafter “UST No. 1”);
- b. A four thousand (4,000) gallon cathodically protected steel tank that was installed in or about 1987 and that, at all times relevant hereto, routinely contained gasoline (hereinafter “UST No. 2”); and
- c. A four thousand (4,000) gallon cathodically protected steel tank that was installed in or about 1987 and that, at all times relevant hereto, routinely contained gasoline, (hereinafter “UST No. 3”).

15. Gasoline is a “regulated substance as that term is defined at Sections 9001(6) and (7), 42 U.S.C. §§ 6991(6) and (7), and 40 C.F.R. § 280.12.

16. Section 9001(3) and (4) respectively of RCRA, 42 U.S.C. § 6991(3) and (4), and 40 C.F.R § 280.12 define the terms “owner” and “operator.”

17. On February 25, 2005, Joey Martin purchased the property where the USTs were located.

18. The deed transferring the ownership of the property on February 25, 2005, names Joey Martin as the new property owner.

19. The deed transferring ownership of the Facility to Joey Martin stated that the USTs Nos. 1, 2 and 3, described in Paragraph 14, above, were located on the property.

20. On or about September 13, 2006, Ernest Martin submitted a Notification for Underground Storage Tanks form to the West Virginia Department of Environmental Protection (“WVDEP”) stating that the three USTs described in Paragraph 14, above, were located at the Facility.

21. The September 13, 2006 Notification for Underground Storage Tanks form listed Ernest Martin as the owner of the Facility’s USTs.

22. The September 13, 2006 Notification for Underground Storage Tanks form listed Ernest Martin’s address as 4906 Garrett Hwy, Oakland Maryland, 21550.

23. On April 1, 2005, August 11, 2008 and September 9, 2010, inspectors from the WVDEP visited the Facility to determine whether the USTs located at the Facility were in compliance with the WVUSTR.

24. In their inspection reports for the 2005, 2008 and 2010 inspections, each inspector noted that the three regulated USTs described in Paragraph 14, above, were at the Facility.

25. At all times relevant to this Complaint, Respondents have been the “owner” and/or “operator” of the USTs and UST systems located at the Facility.

Count 1

(Failure to Notify the Authorized State of the Intent to Close the UST Systems)

26. The allegations in Paragraphs 1 through 25 , above, are incorporated by reference herein as though fully set forth at length in this Paragraph.

27. In order to permanently close an UST system, pursuant to WVUSTR Section 33-30-2.1 which incorporates by reference 40 C.F.R § 280.71(a), the owner or operator of the UST system must, at least 30 days before the closure or within a reasonable time period (as determined by the authorized State), notify the authorized State of their intent to permanently close the UST. There are exceptions to this requirement not relevant to these proceedings.

28. On April 7, 2012, a WVDEP inspector observed that the three regulated USTs had been removed from the Facility.

29. In a questionnaire dated April 19, 2012 that was part of a report evaluating the environmental conditions of the Facility, Joey Martin stated that the USTs had been removed.

30. In the questionnaire dated April 19, 2012, Joey Martin stated that his address was 4906 Garrett Highway, Oakland, Maryland 21550.

31. On May 22, 2012, Joey Martin sold the Facility to Frederick and Doris Tichnell.

32. As the grantor to the Tichnells, Joey Martin stated in the deed that there were no longer any underground storage tanks at the facility.

33. As part of the sale of the property to the Tichnells, Joey Martin signed an affidavit stating that there were no longer any underground storage tanks at the facility.

34. As evidenced by Paragraphs 28 through 33, above, by May 22, 2012, Respondents had permanently closed the USTs within the meaning of 40 C.F.R. § 280.71(a).

35. From September 9, 2010, until the date of this Complaint, the WVDEP has not received any notification from the Respondents that they were permanently closing the USTs.

36. The EPA has not received any notification from the Respondents that they were permanently closing the USTs.

37. From September 9, 2010, until the date of this Complaint, the Respondents did not notify the WVDEP or EPA of the Respondents' intent to permanently close the USTs at the Facility as required by WVUSTR Section 33-30-2.1, which incorporates by reference 40 C.F.R § 280.71(a).

38. Respondents' acts and/or omissions as alleged in Paragraphs 26 through 37, above, constitute a violation by Respondents of WVUSTR Section 33-30-2.1, which incorporates by reference 40 C.F.R § 280.71(a).

Count 2

(Failure to Assess the Facility for Contamination)

39. The allegations in Paragraphs 1 through 38, above, are incorporated herein by reference as though fully set forth at length in this Paragraph.

40. In order to permanently close an UST system, pursuant to WVUSTR Section 33-30-2.1 which incorporates by reference 40 C.F.R § 280.72, the owner or operator of the UST system must, prior to permanent closure, conduct an assessment that measures for a release where contamination is most likely to be present at the UST site.

41. Pursuant to WVUSTR Section 33-30-2.1, which incorporates by reference 40 C.F.R § 280.74, the owners and operators of USTs that are permanently closed must maintain records of the assessment required by 40 C.F.R. § 280.72 by a) keeping the records themselves, b) keeping the records with the current owners and operators of the facility, or c) sending the records to the State if the records cannot be maintained at the facility.

42. Section 9005 of RCRA, 42 U.S.C. § 6991d, authorizes EPA to send owners and operators of UST systems letters requesting information about the operations of their facilities, often referred to as Information Request Letters or “IRLs.”

43. On January 22, 2015, EPA sent an IRL to both Joey and Ernest Martin asking whether they had conducted an assessment of the regulated UST Systems at the Facility before permanently closing the three regulated USTs and, in addition, requesting copies of records of any assessment.

44. On January 24, 2015, sheriffs from the Garrett County Sheriff's Office (Maryland) attempted to serve the IRL to Ernest Martin (“Ernest Martin IRL”).

45. The address for service was 4906 Garrett Highway, Oakland, Maryland 21550.

46. Ernest Martin refused to accept service of the Ernest Martin IRL.

47. On January 27, 2015, sheriffs from the Garrett County Sheriff's Office (Maryland) attempted to serve the IRL to Joey Martin (“Joey Martin IRL”).

48. The address for service was 4906 Garrett Highway, Oakland, Maryland

21550.

49. Joey Martin refused to accept service of the Joey Martin IRL.

50. From September 9, 2010, until the date of this Complaint, WVDEP has not received from the Respondents any records of the assessment required by WVUSTR Section 33-30-2.1, which incorporates by reference 40 C.F.R. § 280.72.

51. From September 9, 2010, until the date of this Complaint, the EPA has not received from the Respondents any records of the assessment required by WVUSTR Section 33-30-2.1, which incorporates by reference 40 C.F.R. § 280.72.

52. On January 23, 2015, EPA sent an Information Request Letter to Frederick Tichnell in care of Mr. Tichnell's attorney ("Tichnell IRL").

53. Mr. Tichnell is one of the current owners of the Facility and is a member of and organizer of Fast Freddy's LLC.

54. According to the West Virginia Department of State, Fast Freddy's is currently situated at the Facility and the Facility's address is the address for service of process to Fast Freddy's.

55. In response to the Tichnell IRL, Mr. Tichnell stated that he did not have any records of the assessment required by WVUSTR Section 33-30-2.1, which incorporates by reference 40 C.F.R. § 280.72 and, with the possible exception of the WVDEP, he was not aware of their location anywhere else.

56. From September 9, 2010, until the date of this Complaint, the Respondents did not conduct an assessment of the UST Systems at the Facility before permanently closing the three USTs as required by WVUSTR Section 33-30-2.1, which incorporates by reference 40 C.F.R. § 280.72.

57. Respondents' acts and/or omissions as alleged in Paragraphs 39 through 56, above, constitute a violation by Respondents of WVUSTR Section 33-30-2.1 which incorporates by reference 40 C.F.R. § 280.72.

IV. PROPOSED CIVIL PENALTY

58. Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2), provides, in relevant part, that any owner or operator of an underground storage tank who fails to comply with

any requirement or standard that is either promulgated by EPA under Section 9003 of RCRA, 42 U.S.C. § 6991c, or is part of an authorized state underground storage tank program shall be liable for a civil penalty for their violations. In accordance with 40 C.F.R. Part 19, the Adjustment of Civil Monetary Penalties for Inflation rule (promulgated pursuant to the Debt Collection Improvement Act of 1996) all violations of RCRA Section 9006(d)(2), 42 U.S.C. § 6991e(d)(2), occurring after January 12, 2009, are subject to a civil penalty not to exceed \$16,000 for each tank for each day of violation.

59. For purposes of determining the amount of any penalty that EPA assesses, Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), requires EPA to take into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements. To assist with calculating a proposed penalty and to take into account the particular facts and circumstances of this case, the Complainant has utilized the U.S. EPA Penalty Guidance for Violations of UST Regulations (November 1990) ("UST Penalty Guidance") (Enclosure "D"). The UST Penalty Guidance provides a rational, consistent and equitable methodology for applying the statutory penalty factors enumerated above to particular cases.

60. Therefore, taking into account the seriousness of Respondents' violations as alleged in this Complaint and any good faith efforts by Respondents to comply with applicable legal requirements, and pursuant to Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2), EPA proposes the assessment of a civil penalty of \$36,198.00 against Respondents for the violations alleged in this Complaint. Set out below, EPA has provided an explanation for the proposed penalty.

61. To the extent that facts and circumstances, which are unknown to Complainant at the time of issuance of this Complaint, become known after EPA issues the Complaint, such facts and circumstances may be considered as a basis for adjusting the civil penalty.

62. In addition to the statutory factors cited above as a basis for calculating a penalty, Complainant may also consider, among other factors, Respondents' ability to pay a civil penalty. It is the Respondents' burden to raise an inability to pay the penalty as an issue and to demonstrate such an inability.

63. This Complaint does not constitute a "demand" as that term is defined in the Equal Access to Justice Act, 28 U.S.C. § 2412.

PENALTY EXPLANATION

64. Pursuant to 40 C.F.R. § 22.14(a)(4)(ii), an explanation of the number and severity of the violations alleged in this Complaint is set forth below.

Failure to notify the Authorized State of the intent to close the USTs systems

65. The “potential for harm” for this violation is “major”. It is essential to the success of the UST program that the authorized agency, in this case the WVDEP, receives notification prior to the removal of UST systems so that the agency can ensure that the owners and operators take the proper steps throughout the removal process and perform remediation of any contamination according to regulation. Respondents’ failure to notify the WVDEP of the intent to close the UST systems at the Facility substantially limited the WVDEP’s ability to protect human health and/or the environment by not allowing WVDEP to be involved in the removal process.

66. The “extent of deviation” for this violation is “major”. Respondents’ violation presented a substantial deviation from the requirements of the RCRA regulatory program.

Failure to Assess the Facility for Contamination

67. The “potential for harm” for this violation is “major”. This facility had a prior release of petroleum products in 2004. At the time, an inspector for WVDEP discovered almost a foot of free product in an existing monitoring well in the front of the store. It does not appear that the cause of this free product was ever discovered, and, by failing to conduct a site assessment after the removal of the USTs, there is potential that contamination was not discovered and has not been cleaned up. Given that the USTs are, by definition, underground, it is critically important that facility owners and operators perform assessments at closure to ensure a clean environment. The prevention and detection of releases are the cornerstones of the UST regulatory program. Respondents’ failure to have the site assessed at closure by licensed professionals posed a substantial risk to the protection of human health and/or the environment.

68. The “extent of deviation” for this violation is “major”. Respondents’ violation presented a substantial deviation from the requirements of the RCRA regulatory program

V. NOTICE OF RIGHT TO REQUEST A HEARING

69. Respondents may request a hearing before an EPA Administrative Law Judge and at such hearing may contest any material fact upon which the Complaint is based, contest the appropriateness of any compliance order or proposed penalty, and/or assert that Respondents are entitled to judgment as a matter of law. To request a hearing,

Respondents must file a written answer ("Answer") within thirty (30) days after service of this Complaint. The Answer should clearly and directly admit, deny or explain each of the factual allegations contained in this Complaint of which Respondents have any knowledge. Where Respondents have no knowledge of a particular factual allegation and so states, such a statement is deemed to be a denial of the allegation. The Answer should contain: (1) the circumstances or arguments that are alleged to constitute the grounds of any defense; (2) the facts that Respondents disputes; (3) the basis for opposing any proposed relief; and (4) a statement of whether a hearing is requested. All material facts not denied in the Answer will be considered to be admitted.

70. Failure of the Respondents to admit, deny or explain any material allegation in the Complaint shall constitute an admission by Respondents of such allegation.

71. Failure to file an Answer may result in the filing of a Motion for Default Order and the possible issuance of a Default Order imposing the penalties proposed herein without further proceedings.

72. Any hearing requested and granted will be conducted in accordance with the *Consolidated Rules*. Respondents must send any Answer and request for a hearing to the attention of:

Regional Hearing Clerk (3RC00)
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

73. In addition, the Respondents shall also send a copy of any Answer and/or request for a hearing to the attention of:

Philip Yeany
Senior Assistant Regional Counsel
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

VI. COMPLIANCE ORDER

Pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, Respondents are hereby ordered to do the following:

74. Within thirty (30) days of the effective date of this Compliance Order,

Respondents shall measure for the presence of a release of contamination where it is most likely to be present at the UST site. Such measurement shall comply with WVUSTR Section 33-30-2.1, which incorporates by reference 40 C.F.R § 280.72(a).

75. Within sixty (60) days of the effective date of this Compliance Order, Respondents shall submit to the EPA and WVDEP a report evidencing that they have measured for the presence of a release of contamination where it is most likely to be present at the UST site.

76. If contaminated soils, contaminated ground water, or free product as a liquid or vapor is discovered as a result of the measurements required by Paragraph 74, or by any other manner, the Respondents shall begin corrective action in accordance with WVUSTR Section 33-30-2.1, which incorporates by reference 40 C.F.R. §§ 280.60 to 280.67.

77. Within seventy-five (75) days of the effective date of this Compliance Order, submit to EPA a report that documents and certifies Respondents' compliance with the terms of this Compliance Order.

78. Any notice, report, certification, data presentation, or other document submitted by Respondents pursuant to this Compliance Order which discusses, describes, demonstrates, supports any finding or makes any representation concerning Respondents' compliance or noncompliance with any requirement of this Compliance Order shall be certified by a Respondent.

79. The certification required above shall be in the following form:

I certify that the information contained in or accompanying this [type of submission] is true, accurate, and complete. As to [the/those] identified portions of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [type of submission] and all attachments were prepared 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 am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____

80. All documents and reports to be submitted to EPA pursuant to this Compliance Order shall be sent certified mail, return receipt requested to the attention of:

Melissa Toffel
UST Compliance Officer
RCRA Compliance and Enforcement Branch (3WC31)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

and

Philip Yeany
Senior Assistant Regional Counsel (3RC30)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

81. One copy of all documents submitted to EPA shall also be sent by regular mail to the attention of:

Ruth Porter
UST Program Manager
West Virginia Department of Environmental Protection
601 57th Street, SW
Charleston, WV 25304-2345

82. Respondents are hereby notified that failure to comply with any of the terms of this Compliance Order may subject them to imposition of a civil penalty of up to \$37,500 for each day of continued noncompliance, pursuant to Section 9006(a)(3) of RCRA, 42 U.S.C. § 6991e(a)(3), and 40 C.F.R. Part 19, the Adjustment of Civil Monetary Penalties for Inflation rule ((Enclosure "E")), promulgated pursuant to the Debt Collection Improvement Act of 1996.

83. Pursuant to 40 C.F.R. § 22.37(b), this Compliance Order automatically becomes a final order unless, no later than 30 days after the order is served, a respondent requests a hearing pursuant to 40 C.F.R. § 22.15.

84. The term "days" as used herein shall mean calendar days unless specified otherwise.

VII. SETTLEMENT CONFERENCE

85. Complainant encourages settlement of this proceeding at any time after issuance of the Complaint if such settlement is consistent with the provisions and objectives of RCRA. Whether or not a hearing is requested, either Respondent may request a settlement conference with the Complainant to discuss the allegations of the Complaint, and the amount of the proposed civil penalty. **HOWEVER, A REQUEST FOR A SETTLEMENT CONFERENCE DOES NOT RELIEVE THE RESPONDENTS OF THEIR RESPONSIBILITY TO FILE A TIMELY ANSWER.**

86. In the event settlement is reached, its terms shall be expressed in a written Consent Agreement prepared by Complainant, signed by the parties, and incorporated into a Final Order signed by the Regional Administrator or his designee. The execution of such a Consent Agreement shall constitute a waiver of Respondents' right to contest the allegations of the Complaint and their right to appeal the proposed Final Order accompanying the Consent Agreement.

87. If you wish to arrange a settlement conference, please contact Mr. Yeany at (215) 814-2495 prior to the expiration of the thirty (30) day period following service of this Complaint. Once again, however, such a request for a settlement conference does not relieve Respondents of their responsibility to file an Answer(s) within thirty (30) days following service of this Complaint.

88. Please note that the Quick Resolution settlement procedures set forth in 40 C.F.R. § 22.18 do not apply to this proceeding because the Complaint seeks a compliance order. See 40 C.F.R. § 22.18(a)(1).

VII. SEPARATION OF FUNCTIONS AND *EX PARTE* COMMUNICATIONS

89. The following Agency officers, and the staffs thereof, are designated as the trial staff to represent the Agency as the party in this case: the Region III Office of Regional Counsel, the Region III Land & Chemicals Division, and the Office of the EPA Assistant Administrator for Enforcement and Compliance Assurance. Commencing from the date of issuance of this Complaint until issuance of a final agency decision in this case, neither the Administrator, members of the Environmental Appeals Board, Presiding Officer, Regional Administrator, nor Regional Judicial Officer, may have an *ex parte* communication with the trial staff or the merits of any issue involved in this proceeding. Please be advised that the *Consolidated Rules* prohibit any *ex parte* discussion of the merits of a case with, among others, the Administrator, members of the Environmental Appeals Board, Presiding Officer, Judicial Officer, Regional Administrator, Regional Judicial

Officer, or any other person who is likely to advise these officials on any decision in this proceeding after issuance of this Complaint.

Dated: 9.22.15



John Armstead
Director
Land & Chemicals Division
U.S. EPA Region III

- Enclosures:
- A. Consolidated Rules of Practice, 40 C.F.R. Part 22
 - B. WVUSTR, Parts 33-30-1 through 33-30-4.6
 - C. 40 C.F.R. Part 280
 - D. UST Penalty Guidance
 - E. Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19