

Respond to Docket #RCRA03-201

From Ernest Martin }  
Joey Martin } Collectively

-0174

RCRA-03-2015-0174

Bishop's Convenience Store

Aurora WVA #1 - if we need to request a hearing on this matter this is to request a hearing as maybe the truth of the matter will come out & you can find out who violated the rules of the epa in removal of 3 large tanks from our property on Rt 50 about 3 years, or more ago.

#2 - with respect of who removed the 3 tanks. No one has of yet said they saw us over the state line from md. & in WVA digging or dragging out 3 large fuel tanks & filling in the hole. As large as the tanks was told to be in size, there had to be someone with very large machinery to dig or drag them out & lots of dirt or gravel or rock or something to fill the holes where they came out - I was told by a fuel co. in the area that the 4000 gallon tank is 24' long & 5 or 6 feet tall - that would have taken a long time to dig out even with big machinery to help them

#3 - Find who took them out & tell them of the penalties of taking them out Not us. as we were no where near the site the day they were supposedly taken out or removed

~~#4~~

## Complaint # 2

#14 From accumulated info. the tanks were 28 Years Old - burried in 1987 by someone & never changed or discarded in 28 years who would want 3 old Tanks 28 Years old because to dig them up cost someone a large sum or lots of dollars? I would think.

15- We never used the Tanks because we were told at, & before the auction, that the tanks & pumps & plumbing were seperate from the land & mineral Rights & Buildings on property. Don Ringer was the auctioneer for the bank & if he remembers after 9 years, he could ~~have~~ tell you of the reservations. That is if he is Sober

If you need his phone # I can get it for you so you can verify that.

on checking further - it has been 11 years, or near to it of our purchase of the property mineral Rts. & Buildings there-on

- 21- If we owned the tanks we would have had to have Ins. on the tanks, Pumps, & plumbing & also would have had to have the tanks permitted & pay the permit fee each year on each tank
- 23- If they thought I owned the tanks & a question was if I did or didnt, why didnt they notify me they were coming to conduct a study & have me there at the premises when they were there
- 25- Prove that we were the owner or leaser of

# Count 1

#28 - At on or near Apr. 7-2012 the WVA-DEI called + ask if I would come up to the property in WVA at the convenience store + I was amazed that the tanks were gone - the site was backfilled with something, the retaining fence around the tanks that had been locked since the <sup>Property</sup> purchase was gone, the gate + lock gone, + the plumbing + pumps gone - They never was ours so I didnt really care but the DEP people were furious about it. I told them that day, to go ask all the 6 neighbors to give them all they knew about who + why the tanks were dug up. They just laughed at me + said if they needed my advise they would ask for it. This made me about 1/2 mad so I just left + drove home. They wanted me to sign a paper that I had something to do with digging them up, but I told them that they were crazy if they thought I would sign a false statement of any kind

29 Later on a person was interested in the property but we couldn't agree on price. After a while we decided to lose money on the place + sell it to him. When signing the deed Joey signed that he knew someone had taken the 3 tanks out because they were no longer there

04/22-2012

(3)

## Count 2

There is no question that someone did remove 3 tanks but it sure wasn't us. With a pick & shovel, we would have been 6 months digging those 3 - Large size tanks out besides we have no way of getting them out of the hole & I would guess a large large machine was there to pick them up to load them on something to haul them to somewhere to sell or give them away

In ending this fact sheet I - we want a hearing, so we can bring the facts to clear ourselves. We were not there the day or days or weeks it took to remove the 3 tanks

I am at present trying to find out all the information I can about what took place on our property - we live in Md. & this took place up in WVA - Hard to think someone just stole the tanks because they were 28 yrs old & no good to ever use. I don't know how long a tank is good for but after 28 yrs I'm sure they were only good for junk

The people next door & neighbors won't cooperate with me because they heard from DED that a court case was pending on this matter & they want no part of a court case, especially where the EPA is involved

Ernest R. Martin



Ernest Martin  
4906 Garrett Hwy.  
Oakland, MD 21550

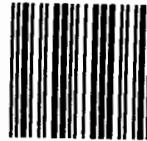
**REGISTERED MAIL**



7015 0640 0004 3845 0500



1000



19103

U.S. POSTAGE  
PAID  
OAKLAND, MD  
21550  
OCT 20, 15  
AMOUNT  
**\$6.74**  
R2305K141999-23

Philip Yeany  
Senior Assistant Regional Council  
1650 Arch Street  
Philadelphia, Pa. III

OCT 22 2015

~~19103~~ - 2029  
19103

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

FIRST CLASS MAIL

Ernest Martin  
4906 Garret Highway  
Oakland, MD 21550

November 5, 2015

Re: In the Matter of Ernest and Joey Martin  
EPA Docket No. RCRA-03-2015-0174

Dear Mr. Martin:

I have received a copy of your and Joey Martin's Answer to EPA's Complaint for this case. According to my copy, you have requested a hearing. My understanding from discussing with Melissa Toffel your conversations with her that you and Jody Martin intend to contest EPA's Complaint.

Paragraph 72 of the Complaint states in part: "Respondents must send any Answer and request for a hearing to the attention of [the Regional Hearing Clerk]." I understand from checking with the Regional Hearing Clerk that she has not received your Answer requesting a hearing. Today, I have today given a copy of the Answer that you sent to me to the Regional Hearing Clerk so that she can send it to EPA's Office of Administrative Law Judges and an Administrative Law Judge can be assigned to this case.

I have enclosed a copy of the Answer that I gave to the Regional Hearing Clerk along with a Certificate of Service. If I have misunderstood your intentions, please contact Melissa Toffel as soon as possible.

If you retain an attorney in this matter, your attorney can reach me at (215) 814-2495. You can reach Melissa Toffel at 215-814-2060.

Sincerely,



Philip Yeany  
Senior Assistant  
Regional Counsel

Enclosures

cc: Melissa Toffel  
Joey Martin

REGIONAL HEARING CLERK  
EPA REGION III, PHILA. PA

2015 NOV -5 PM 12:00

RECEIVED

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, I filed with the Regional Hearing Clerk, EPA Region III, a copy of the Respondents' Answer. I also sent a copy of these documents to the following individuals in the manner described below:

By first class mail:

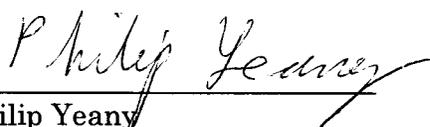
Ernest Martin  
4906 Garret Highway  
Oakland, MD 21550

and

Joey Martin  
4906 Garret Highway  
Oakland, MD 21550

Date: \_\_\_\_\_

11/5/15

  
\_\_\_\_\_  
Philip Yeany  
Senior Assistant Regional Counsel  
US EPA Region III