



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

OCT 25 2016

Honorable Susan L. Biro
Chief Administrative Law Judge (1900L)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Re: Tanay, LLC and Swami, LLC
Docket No. RCRA-03-2016-0225
Complaint filed – 9/26/2016
Proposed Penalty – Statutory Maximum

Dear Judge Biro,

Pursuant to 40 C.F.R. 22.21(a) of the Consolidated Rules of Practice, I am today transmitting copies of Complaint and Notice of Opportunity for Hearing in the above captioned matter, along with Respondent's Answer and Request for Hearing. Please assign an Administrative Law Judge to serve as Presiding Officer.

Counsel for Respondent and Complainant are listed below. Thank you for your Cooperation.

Sincerely yours,

A handwritten signature in cursive script that reads "Lydia A. Guy".

Lydia A. Guy
Regional Hearing Clerk

Counsel for Respondent:

Rudrax Patel
For Tanay LLC and Swami LLC.
407, Lorton Ct,
Chesapeake, Virginia, 23323
Telephone No. (757) 553-8797



Tanay, LLC and Swami, LLC
Docket No. RCRA-03-2016-0225

Counsel for Complainant:

Louis F. Ramalho, Esq.
Senior Assistant Regional Counsel (3RC50)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Telephone No. (215) 814-2681

RE: U.S. EPA Docket No. RCRA-0302016-0225

Answers to the factual allegations contained in the Compliant.

1. I agree to this statement.
2. I agree to this statement.
3. I agree to this statement.
4. I agree to this statement.
5. I agree to this statement.
6. I agree to this statement.
7. I agree to this statement.
8. I am unaware of this fact, as I was not notified before evaluation.
9. I agree to this statement.
10. I agree to this statement.
11. I agree to this statement. We didn't regard this with seriousness as there are lots of fraudulent letters and phone calls are received at the business (e.g., dominion power, insurance, IRS). Also we and other fellow business owner's never received any communication for EPA. We are always in contact with Va DEQ. To our knowledge we where in compliance as we never received any communication for them.
12. I agree to this statement.
13. I agree to this statement. After talking to Ms. Owens on the phone, we confirmed the legitimacy of such notice and did rectify the situation.
14. I agree to this statement.
15. I agree to this statement.
16. I understand this statement.
17. I understand this statement and I am aware of this requirement.
18. I understand this statement and I am aware of this requirement. We installed the latest Veedor Root (TLS-450) monitoring system and were under the assumption that we do not have to conduct such tests after installing the system as far as we get a faulty reading. There was a Va DEQ inspection at this property after the installation of this system and the inspector did get few reports printed from the Veedor Root and we where not asked to submit any other tests, this made us think that our assumption was true and we are in compliance.
19. I agree to this statement.
20. I understand and agree to this statement. I have the same argument as I have it in "ANSWER 18".
21. I understand this statement.
22. I understand this statement.
23. I understand and agree to this statement. I have the same argument as I have it in "ANSWER 18"
24. I agree to this statement.
25. I agree to this statement.
26. I understand and agree to this statement. I have the same argument as I have it in "ANSWER".
27. I agree to this statement.

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EPA REGION 4 OFFICE
ATLANTA

On behalf of Tanay LLC and Swami LLC, I do believe that a mistake had happened unknowingly. It has happened because of a miscommunication and misbelief that what our Veedor Root was capable of performing. We also believe that this would have been avoided if we had any sort of guidance from the Va DEQ during our routine inspection. This site was on automatic testing schedule with BESTEST under previous landlord. During the transition we where not notified of cancellation of such agreement with BESTEST by the previous landlord which compounded with our misbelief in Veedor Root capabilities led us in violation of annual testing required by DEQ.

We rectified our mistake by immediately ordering the required tests and reestablishing automatic annual testing with Bestest. We did not find any leak during our testing that proves we did not contribute to polluting the environment, which is of utmost importance.

I hereby, on behalf of Tanay LLC and Swami LLC, request you to take in account our sincerity to rectify the problem that can pollute our environment and let us off with a warning. We promise to educate ourselves to better understand our responsibilities and the requirements of compliances and will do our best to protect our environment.

Also, I would like to request EPA to abate any civil penalty proposed as unknowingly failing to comply hasn't benefited neither of the companies. Also there is no environmental damage done during the period of noncompliance as the tanks where still monitored using CSLD and no leaks where found on subsequent testing. We have also placed the mechanism of automatic testing schedule so that this violation does not occur again.

We have also submitted documents to determine "inability to pay" the proposed civil penalty. As per the exchange of information with EPA, I believe we are not able to pay proposed penalty as both the companies are not doing well because of the giants like WAWA and 7-eleven in the vicinity has essentially brought our business down on its knees.

On behalf of Tanay LLC and Swami LLC, I will like to request a hearing before an EPA Administrative Law Judge should there be any penalty imposed on the companies. I would like to put forward my arguments and ask for forgiveness of the penalty as the violation occurred unknowingly and those actions have not affected the environment and the appropriate actions has been put in place in order to avoid any future violations. I will be glad to resubmit any and all the documents needed to determine our inability to pay claim.

Rudrax Patel
For Tanay LLC and Swami LLC.
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Rudrax@gmail.com