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BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

76 X-PRESS, LLC
Tigard, Oregon

Respondent.

DOCKET NO. RCRA-10-2015-0108

ANSWER

To whom it may concern,

The following itemized list is the answer to the above mentioned docket. I apologize in advance for any errors in salutation, or formatting that may not be consistent with due respect to the court presiding over this matter.

1. Information was mailed out after the first request. I did not mail it registered mail, but it was mailed end of July.
2. Agree to no financial responsibility from July 13, 2012, through February 28, 2013, due to a misunderstanding that policy does not auto-renew. Next policy was effective March 01, 2013, through Mar 01, 2014. Do not agree to no financial responsibility from March 1, 2014 to Sept 4, 2014 as we were unable to obtain insurance due to the open LUST from ODEQ until No Further Action letter was obtained. I contacted 5 different insurance companies that issued policies in Oregon and all of them refused to insure. Companies contacted were Zurich, Crumb & Foster, American Safety Indemnity Company, Monroe And Monroe, and American Safety Insurance.
3. As our underground testing was performed annually, there was no indication that there were any leaks, other than the one discovered in March 2013. There were liquid in the sumps, but no smell of gasoline was ever detected. As the rains continued, the rainwater gathered in the sumps due to rusted out gutters, which have since been repaired and are in good condition.
4. During the rainy season, the alarms indicated on 3.24.1 and 3.24.2 were 1-day alarms that had been tripped by rainwater. Manager had checked and emptied out the rain

water. There was no gasoline in those liquids as there was no sheen or any smells. 3.26 is a separate matter than the alarms indicated above.

5. The line testing was done within 15 months (Feb 2012 - May 2013) of each other. Additionally, the next set of tests were done for Regular and Diesel on 5/22/2014, and Super on 8/22/2014 since we were working on getting the Super product ready for compliance.

I would respectfully like to ask the court for an ADR process, in addition to the formal hearings that have already begun. There is nothing more important than to put this matter behind us, as we have already put in processes, and check-points to mitigate the failures we did have in our day-to-day operations. All personnel are trained properly based on required standards, and by a certified professional (Petroleum Compliance LLC).

Respectfully submitted this 15th day of July, 2015.



Signature of Respondent