

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Sep 23, 2025

11:36 am

**U.S. EPA REGION 3
HEARING CLERK**

In the Matter of:	:
	:
GnG VA006, Inc.	: U.S. EPA Docket No. RCRA-03-2025-0164
104 Tara Ct.	:
Chesapeake, Virginia 23320	: Proceeding under Section 9006 of the Resource
	: Conservation and Recovery Act, 42 U.S.C. Section
Respondent.	: 6991e
	:
Spirit Convenience Store	:
6862 W. Lee Highway	:
Rural Retreat, Virginia 24368	:
	:
Facility.	:
	:

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 3 ("Complainant") and GnG VA006, Inc. ("Respondent") (collectively the "Parties"), pursuant to Section 9006 of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act, 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. Section 9006 of RCRA, 42 U.S.C. § 6991e authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions to address the violations alleged herein. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. 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 Subtitle I of the Resource Conservation and Recovery Act ("RCRA" or the "Act") for the violations alleged herein.

2. 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

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a).
5. EPA has given the Commonwealth of Virginia Department of Environmental Quality (“VADEQ”) 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

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. Except as provided in Paragraph 6 above, Respondent neither admits nor denies the alleged violations of law set forth in this Consent Agreement.
9. Respondent agrees not to contest the jurisdiction of the 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.
10. 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.
11. 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.
12. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.

13. By signing this Consent Agreement, Respondent waives any rights or defenses that respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement.

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. Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d), authorizes EPA to assess civil penalties against any owner or operator of an underground storage tank (“UST”) who fails to comply with, *inter alia*, any requirement or standard of a State program that has been approved pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, for the violations alleged herein.
16. Effective October 28, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, EPA approved the Commonwealth of Virginia to administer a state UST management program *in lieu* of the Federal UST management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m. An updated Virginia UST management program was approved by EPA, and it became effective on May 3, 2021.
17. The provisions of the Virginia UST management program, which EPA approved, have become requirements of RCRA Subtitle I and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. Virginia’s authorized UST management program regulations are set forth in the Virginia Code as “Underground Storage Tanks: Technical Standards and Corrective Action Requirements” (“VA UST Regulations”), 9 VAC § 25-580 *et seq.* and 9 VAC § 25-590 *et seq.*
18. The Virginia UST management program regulates USTs used to contain “regulated substances,” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10.
19. At all times relevant to the alleged violations in this Consent Agreement and Final Order, Respondent has been a corporation in the Commonwealth of Virginia.
20. At all times relevant to the alleged violations in this Consent Agreement and Final Order, Respondent has been a “person” as defined by Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 9 VAC § 25-580-10.
21. At all times relevant to the alleged violations in this Consent Agreement and Final Order, Respondent has been the “owner” and/or “operator”, as those terms are defined by

Section 9001(3) and (4) of RCRA, 42 U.S.C. § 6991(3) and (4), and 9 VAC § 25-580-10, of “USTs” and “UST systems,” at the Spirit Convenience Store facility located at 6862 W. Lee Highway in Rural Retreat, Virginia 24368 (the “Facility”).

22. On April 17, 2024, under the authority of Section 9005(a) of RCRA, 42 U.S.C. § 6991d(a), an EPA inspector conducted a compliance evaluation inspection at the Facility (“CEI” or “Inspection”).
23. At the time of the CEI, and at all times relevant to the applicable violations alleged herein, three (3) USTs were located at the Facility, each of which contained “regulated substances,” as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10. Specifically, (i) a 10,000-gallon regular gasoline tank, (ii) an 8,000-gallon diesel fuel tank, and (iii) a 6,000-gallon premium fuel tank (jointly, the “Facility USTs”). The Facility USTs are constructed of fiberglass-reinforced plastic and equipped with pressurized fiberglass-reinforced plastic piping. See, Table 1.

Table 1. Facility USTs and Piping Details

Tank #	Material Stored	Capacity (gal.)	Installation Date	Tank Construction Material	Piping Construction Material
1	Regular	10,000	7/1/90	Fiberglass-reinforced Plastic	Fiberglass-reinforced Plastic
2	On-road Diesel	8,000	7/1/90	Fiberglass-reinforced Plastic	Fiberglass-reinforced Plastic
3	Premium	6,000	7/1/90	Fiberglass-reinforced Plastic	Fiberglass-reinforced Plastic

24. At all times relevant to the alleged violations in this Consent Agreement and Final Order, the Facility USTs are “new tank systems,” as defined in 9 VAC § 25-580-10, which states that a “new tank system” means a tank system used to contain an accumulation of regulated substances for which installation has commenced after December 22, 1988.
25. At all times relevant to the alleged violations in this Consent Agreement and Final Order, the Facility USTs used a Veeder-Root TLS-350 automatic tank gauge system (“ATG system”) to monitor release detections. To detect leaks in the Facility USTs, the ATG system performed a static 0.20 gallon-per-hour tightness test at least monthly.
26. At all times relevant to the alleged violations in this Consent Agreement and Final Order, the Facility USTs, and each respective underground piping associated with each UST, were a “petroleum UST system,” as defined in 9 VAC § 25-580-10.
27. On February 12, 2025 the EPA issued Respondent a Notice to Show Cause outlining the alleged violations described herein.
28. On March 24, 2025 the EPA and Respondent participated in a conference to discuss the

alleged violations in the February 12, 2025 Notice to Show Cause.

Count 1

Failure to Conduct Tank Release Detection at Least Every 30 Days on the Facility USTs

29. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
30. 9 VAC §25-580-140.1.a states, in relevant part, that “[t]anks installed before September 15, 2010, must be monitored for releases at least every 30 days for releases using one of the methods listed in subdivisions 4 through 9 of 9 VAC § 25-580-160,” unless such tank meets the exceptions listed in 9 VAC § 25-580-140.1.a(1)&(2).
31. At the time of the Inspection, the EPA noted that from January 2023 through April 2024 Respondent failed to perform tank release detection monitoring at least every 30 days on the Facility USTs. See, Table 2.¹

Table 2. Facility’s ATG System Monitor Release Activity

Release Detection Month	Monitoring Date & Result UST #1 (10,000gal) Regular	Monitoring Date & Result UST #2 (8,000gal) On-Road Diesel	Monitoring Date & Result UST #3 (6,000gal) Premium
May 2023	No Data Provided	No Data Provided	5/1/23 – P
June 2023	6/5/23 - P	6/5/23 - P	No Data Provided
July 2023	7/3/23 - INV	7/3/23 - INV	7/3/23 – INV
Aug 2023	8/7/23 - INV	8/7/23 - INV	8/7/23 – INV
Sep 2023	No Data Provided	No Data Provided	No Data Provided
Oct 2023	No Data Provided	No Data Provided	10/2/23 – P
Nov 2023	No Data Provided	11/6/23 - P	No Data Provided
Dec 2023	12/4/23 - P	12/4/23 - INV	12/4/23 – INV
Jan 2024	1/1/24 - P	1/1/24 – INV	1/1/24 – P
Feb 2024	2/5/24 - INV	2/5/24 – INV	2/5/24 – INV
Mar 2024	3/4/24 – P	3/4/24 – INV	3/4/24 – INV
Apr 2024	4/4/24 - INV	4/1/24 - INV	4/1/24 - INV
May 2024	5/20/24 - P	No Data Provided	No Data Provided
June 2024	6/24/24 - P	No Data Provided	6/24/24 - P
July 2024	No Data Provided	7/2/24 - P	No Data Provided

P – Pass

INV – Invalid

32. In failing to monitor for releases on the Facility USTs at least every 30 days, Respondent was in violation of 9 VAC § 25-280-140.1.a.

¹ Table 2 includes invalid or incomplete tank release detection records submitted by Respondent after the CEI, in response to the EPA’s follow-up request on April 22, 2024.

33. In failing to comply with 9 VAC §25-280-140.1.a., Respondent has violated Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

Count 2

Failure to Perform Walkthrough Inspections Every 30 Days

34. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
35. 9 VAC § 25-580-85.A.1.a states, in relevant part:

A. To properly operate and maintain UST systems, not later than January 1, 2021, owners and operators must meet one of the following:

1. Conduct a walkthrough inspection that, at a minimum, checks the following equipment as specified below:

a. Every 30 days (Exception: spill prevention equipment at UST systems receiving deliveries at intervals greater than every 30 days may be checked prior to each delivery):

(1) Spill prevention equipment – visually check for damage; remove liquid or debris; check for and remove obstructions in the fill pipe; check the fill cap to make sure it is securely on the fill pipe; and, for double walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area; and

(2) Release detection equipment – check to make sure the release detection equipment is operating with no alarms or other unusual operating conditions present and ensure records of release detection testing are reviewed and current;...

36. At the time of the Inspection, Respondent provided the EPA walkthrough inspection checklists dating from January 2023 through April 2024. Upon review of the walkthrough inspection records, the EPA observed nine (9) instances when walkthrough inspections conducted at the Facility were greater than 30 days apart. See, Table 3.

Table 3. Summary of Facility's 30-Day Walkthrough Inspections

Date of Walkthrough Inspection	Number of Days Past the 30-day Mark
1/3/23	Unknown
2/11/23	9 days
3/3/23	0 days
4/8/23	6 days
5/17/23	9 days
6/20/23	4 days
7/3/23	0 days
8/20/23	18 days
9/13/23	0 days
10/10/23	0 days
11/1/23	0 days
12/30/23	29 days
1/3/24	0 days
2/4/24	2 days
3/11/24	6 days
4/17/24	7 days

37. In failing to conduct walkthrough inspections at the Facility every 30 days, Respondent failed to comply with periodic operation and maintenance walkthrough requirements, in violation of 9 VAC § 25-580-85.A.1.a.
38. In failing to comply with 9 VAC § 25-580-85.A.1.a., Respondent has violated Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

CIVIL PENALTY

39. Considering the appropriateness of a penalty pursuant to the factors specified in Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2), the EPA has determined that the appropriate civil penalty for the violations alleged herein is Thirty-Four Thousand Sixty-Four dollars (\$34,064.00). Under RCRA, the ability of a violator to pay a proposed penalty is not a factor that the Agency must consider in assessing a penalty. However, because it is a mitigating factor set forth in EPA's November 1990 *U.S. E.P.A. Penalty Guidance for Violations of UST Regulations* ("UST Penalty Policy"), and the 2023 *Revised Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations* ("Enforcement Penalty Policy") (collectively the "UST Penalty Policies") which reflects the statutory penalty criteria and factors set forth Section 9006(c) of the Resource Conservation and Recovery Act ("RCRA"), the EPA concludes that Respondent is unable, and is therefore not required, to pay any penalty in this matter. This was based upon an

analysis of Respondent's ability to pay the civil penalty. The analysis was based upon financial information submitted by the Respondent to the EPA, which included: S Corporation Federal Tax Returns from 2020 through 2024, Profit and Loss Statements from January 2022 through March 2025, the company's Balance Sheet from December 2022 through March 2025, a Completed Financial Statement for Business Form, an Asset Report (Accurint), and a letter from Respondent detailing why the company is unable to pay the civil penalty.

GENERAL SETTLEMENT CONDITIONS

40. 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.
41. Respondent certifies that any information or representation it has supplied or made to the 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. The EPA shall have the right to institute further actions to recover appropriate relief if the 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 the 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.
42. Respondent certifies to the 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

43. 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 the 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 Subtitle I, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

44. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the 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). The EPA reserves any rights and remedies available to it under RCRA Subtitle I, 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

45. 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 providing the signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that the person signing 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

46. The effective date of this Consent Agreement and Final Order ("Effective Date") is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or the Regional Administrator's 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

47. 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: GnG VA006, Inc.

Date: 9/17/25

By:



Dharmendra Patel
President

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

By: **ANDREA BAIN** Digitally signed by ANDREA BAIN
Date: 2025.09.23 07:48:34 -04'00'

[Digital Signature and Date]
Andrea Bain, Acting Division Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: **Keishla M. Negrón-Acevedo** Digitally signed by Keishla M. Negrón-Acevedo
Date: 2025.09.18 10:24:20 -04'00'

[Digital Signature and Date]
Keishla Negrón-Acevedo
Assistant Regional Counsel
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, GnG VA006, 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 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.

NOW, THEREFORE, PURSUANT TO Section 9006 of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act 9006, 42 U.S.C. § 6991e, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent complies 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 Subtitle I 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.

By: **DONZETTA
THOMAS**  Digitally signed by DONZETTA
THOMAS
Date: 2025.09.23 11:24:11
-04'00'

Regional Judicial and Presiding Officer
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
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Facility.	

CERTIFICATE OF SERVICE

I certify that the foregoing ***Consent Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Consent Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Dharmendra Patel, President
GnG VA006, Inc.
104 Tara Ct.
Daleville, Virginia 24083
drpatel@samipmanagement.com

Keishla Negrón-Acevedo
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U.S. EPA, Region 3
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Melissa Toffel
UST Enforcement Compliance Officer
U.S. EPA, Region 3
Toffel.Melissa@epa.gov

BEVIN
ESPOSITO

Digitally signed by BEVIN ESPOSITO
Date: 2025.09.23 11:38:29 -0400

[Digital Signature and Date]
Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 3