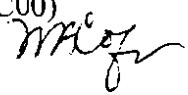



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: Transmittal Memorandum
In the Matter of: East Falls Gulf, Inc.
U.S. EPA Docket No. RCRA-3-2010-0107

FROM: Marcia Mulkey (3RC00)
Regional Counsel 

Abraham Ferdas (3LC00) 
Director
Land and Chemicals Division

TO: Renée Sarajian (3RC00)
Regional Judicial Officer

The attached Consent Agreement and Final Order ("CAFO") has been negotiated in settlement of EPA Region III's civil claims arising from violations of the Pennsylvania UST program and Section 9006 of the Resource Conservation and Recovery Act by East Falls Gulf, Inc. The filing of the CAFO will simultaneously commence and conclude this proceeding pursuant to 40 C.F.R. § 22.13(b) and 18(b)(2) and (3). The CAFO is issued for violations that occurred at East Fall's facility located in Philadelphia, Pennsylvania. Final Orders are required to be signed by the Regional Administrator, or his designee, the Regional Judicial Officer in U.S. EPA Region III. The attached CAFO will become effective upon its filing with the Regional Hearing Clerk. Respondent has agreed to permanently close the underground storage tanks at its facility in settlement of this action. We concur with the terms of the attached CAFO. Accordingly, we recommend that you sign the attached Final Order and return the CAFO to the Office of Regional Counsel for further processing.

cc: Frank Raffaele, President
East Falls Gulf, Inc.

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

| | | |
|-------------------------|---|----------------------------------|
| In the Matter of: | : | |
| | : | |
| | : | |
| East Falls Gulf, Inc. | : | Docket No. RCRA-03-2010-0107 |
| 3503 Midvale Avenue | : | |
| Philadelphia, PA 19129 | : | |
| | : | Proceeding under Section 9006 |
| Respondent, | : | of the Resource Conservation and |
| | : | Recovery Act, as amended, |
| East Falls Texaco | : | 42 U.S.C. § 6991e |
| 3503 Midvale Avenue | : | |
| Philadelphia, PA 19129, | : | |
| | : | |
| Facility. | : | |

CONSENT AGREEMENT

This Consent Agreement (“CA”) is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“EPA” or “Complainant”) and the East Falls Gulf, Inc., Philadelphia, Pennsylvania (“East Falls” or “Respondent”), pursuant to Section 9006 of the Resource Conservation and Recovery Act (“RCRA”), as amended, 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”), 40 C.F.R. Part 22, including, specifically 40 C.F.R. §§ 22.13(b) and .18(b)(2) and (3).

This CA and the accompanying Final Order (collectively “CAFO”) resolve violations of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, and the Commonwealth of Pennsylvania’s federally authorized underground storage tank program by Respondent in connection with its facility at 3503 Midvale Avenue, Philadelphia, Pennsylvania (“Facility”).

Pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the Commonwealth of Pennsylvania was granted final authorization to administer a state underground storage tank management program (“Pennsylvania Authorized UST Management Program”) *in lieu* of the Federal underground storage tank management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m. This authorization was effective on September 11, 2003. *See* 68 *Fed. Reg.* 53520 (September 11, 2003) and 40 C.F.R. § 282.88. Through this final authorization, the provisions of the Pennsylvania Authorized UST Management Program became requirements of RCRA Subtitle I and are, accordingly, enforceable by EPA pursuant to

Section 9006 of RCRA, 42 U.S.C. § 6991e. As of the date of EPA's authorization of Pennsylvania's Authorized UST Management Program, these provisions were codified in Chapter 245 of Title 25 of the Pennsylvania Code, and will be cited herein as 25 PA Code §§ 245.1 *et seq.*

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

I. GENERAL PROVISIONS

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, above.
3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order, or the enforcement of the CAFO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing on any issue of law or fact set forth in this CA and any right to appeal the accompanying FO.
5. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
6. Respondent shall bear its own costs and attorney's fees.
7. The provisions of this CAFO shall be binding upon Complainant and Respondent, its officers, directors, employees, successors and assigns.
8. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit, nor does this CAFO constitute a waiver, suspension or modification of the requirements of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m or any regulations promulgated thereunder.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

9. Respondent is a "person" as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 25 PA Code § 245.1.
10. At all times relevant to this Complaint, Respondent has been the "owner" and/or

“operator,” as those terms are defined in Section 9001(3) and (4) of RCRA, 42 U.S.C. § 6991(3) and (4), and 25 PA Code § 245.1, of the “underground storage tanks” (“USTs”) and “UST systems” as those terms are defined in Section 9001(10) of RCRA, 42 U.S.C. § 6991(10), and 25 PA Code § 245.1, located at 3503 Midvale Avenue, Philadelphia, Pennsylvania.

11. On June 3, 2009, a EPA representatives conducted a Compliance Evaluation Inspection (“CEI”) of the Facility pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.
12. At the time of the CEI, and at all times relevant to the applicable violations alleged herein, three USTs, as described in the following subparagraphs, were located at the Facility:
 - A. A four thousand (4,000) gallon single wall steel tank with single wall steel pressurized piping (which was in contact with the ground and routinely contained a regulated substance) that, at all times relevant hereto, routinely contained regular gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 25 PA Code § 245.1 (hereinafter “UST No. 1”);
 - B. A four thousand (4,000) gallon single wall steel tank with single wall steel pressurized piping (which was in contact with the ground and routinely contained a regulated substance) that, at all times relevant hereto, routinely contained premium gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 25 PA Code § 245.1 (hereinafter “UST No. 2”); and
 - C. A four thousand (4,000) gallon single wall steel tank with single wall steel pressurized piping (which was in contact with the ground and routinely contained a regulated substance) that, at all times relevant hereto, routinely contained regular gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 25 PA Code § 245.1 (hereinafter “UST No. 3”) utilizing a sacrificial anode cathodic protection system.
13. USTs 1-3 are, and were, at all times relevant to the applicable violations alleged herein, “petroleum UST systems” and “existing UST systems” as these terms are defined in 25 PA Code § 245.1.
14. USTs Nos. 1-3 were, at all times relevant to applicable violations alleged in this Complaint, used to store “regulated substance(s)” at Respondent’s Facility, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 25 PA Code § 245.1, and have not been “empty” as that term is defined at 25 PA Code § 245.451.

COUNT I

(Failure to Perform Tank Release Detection)

15. The allegations of Paragraphs 1 through 14 of the CA are incorporated herein by reference.
16. Pursuant to 25 PA Code § 245.441(a) and (c), owners and operators of new and existing UST systems must provide a method or combination of methods of release detection monitoring that meets the requirements described therein.
17. With exceptions not herein applicable, 25 PA Code § 245.442(1) requires that owners and operators of USTs shall provide release detection for underground storage tanks by monitoring such tanks at least every 30 days for releases in accordance with any of the methods set forth at 25 PA Code § 245.444(4) - (9), which methods include: Automatic Tank Gauging; Vapor Monitoring; Groundwater Monitoring; Interstitial Monitoring; Statistical Inventory Reconciliation (SIR); and Other Methods (if an owner or operator has demonstrated to the Pennsylvania Department of Environmental Protection that such other type or types of release detection method or methods: (i) can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05; or (ii) can detect a release as effectively as any of the methods allowed in 25 PA Code § 245.444(3) - (8)).
18. From at least April 1, 2005 through June 26, 2009, Respondent did not use any of the release detection methods specified in 25 PA Code § 245.442(1)(i)-(iv) and/or 25 PA Code § 245.444(4)-(9) on USTs Nos. 1 - 3 at the Facility.
19. Respondent's acts and/or omissions as alleged in Paragraph 18, above, constitute violations by Respondent of 25 PA Code §§ 245.441 and .442.

COUNT II

(Failure to Perform Line Leak Detector Testing Annually)

20. The allegations of Paragraphs 1 through 19 of the CA are incorporated herein by reference.
21. 25 PA Code § 245.442(2)(i)(A) provides, in pertinent part, that underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector conducted in accordance with 25 PA Code § 245.445(1).
22. 25 PA Code § 245.445(1) provides, in pertinent part, that an annual test of the operation of the line leak detector shall be conducted in accordance with the manufacturer's requirements.
23. From at least April 1, 2005 through June 26, 2009, the piping for USTs Nos. 1 - 3 was

underground, routinely conveyed regulated substances under pressure and was equipped with automatic line leak detectors.

24. Respondent failed to perform an annual test of the automatic line leak detectors for the underground piping for USTs Nos. 1 - 3 during calendar years 2005, 2006, 2007, 2008 and 2009.
25. Respondent's acts and/or omissions as alleged in Paragraph 24, above, constitute violations by Respondent of 25 PA Code §§ 245.442(2)(i) and 245.445(1).

COUNT III

(Failure to Perform Pipe Release Detection)

26. The allegations of Paragraphs 1 through 25 of the CA are incorporated herein by reference.
27. Pursuant to 25 Pa. Code § 245.442(2)(i)(B), underground piping which is part of a petroleum UST system that routinely contains regulated substances and conveys regulated substances under pressure must have an annual line tightness test conducted in accordance with 25 Pa. Code § 245.445(2) or have monthly monitoring conducted in accordance with 25 Pa. Code § 245.445(3). 25 Pa. Code § 245.445(3) allows the use of a monthly monitoring method set forth in 25 Pa. Code § 245.444(5)-(9) so long as the method used is designed to detect a release from any portion of the underground piping that routinely contains regulated substances.
28. From at least April 1, 2005 through June 26, 2009, the underground piping associated with USTs Nos. 1 - 3 at the Facility has routinely contained regulated substances and conveyed regulated substances under pressure.
29. From at least April 1, 2005 through June 26, 2009, the underground piping associated with USTs Nos. 1 - 3 at the Facility has not been line tightness tested annually or monitored monthly in accordance with 25 Pa. Code § 245.442(2)(i)(B).
30. From at least April 1, 2005 through June 26, 2009, Respondent violated 25 Pa. Code § 245.442(2)(i) by failing to provide methods of release detection for the underground piping associated with UST systems for USTs Nos. 1 - 3 at the Facility which meet the requirements referenced in such regulations, i.e., by failing to conduct either annual line tightness testing or monthly monitoring.

COUNT IV

(Failure to Inspect the Cathodic Protection System)

31. The allegations of Paragraphs 1 through 30 of the CA are incorporated herein by reference.

32. 25 PA Code § 245.432(2)(i) provides, in pertinent part, that steel underground storage tank systems equipped with cathodic protection systems shall be inspected for proper operation by a qualified cathodic protection tester within six (6) months of installation and at least every three (3) years thereafter.
33. 25 PA Code § 245.432(2)(ii) provides, in pertinent part, that the inspection shall be in accordance with a code of practice developed by a nationally recognized association.
34. For a period of greater than three (3) years immediately prior to May 19, 2008, Respondent failed to have an inspection performed for proper operation by a qualified cathodic protection tester of the underground storage tank systems for UST Nos. 1 - 3 at the Facility.
35. Respondent's acts and/or omissions as alleged in Paragraph 34, above, constitute a violation by Respondent of 25 PA Code § 245.432(2)(i).

COUNT V

(Failure to Inspect the Impressed Current Every Sixty Days)

36. The allegations of Paragraphs 1 through 35 of the CA are incorporated herein by reference.
37. 25 PA Code § 245.432(3) provides that steel underground storage tank systems equipped with impressed current cathodic protection systems shall be inspected every sixty (60) days to ensure the equipment is running properly.
38. From at least April 1, 2005 through May 19, 2008, Respondent failed to inspect the impressed current cathodic protection systems to ensure the equipment was running properly at the Facility.
39. Respondent's acts and/or omissions as alleged in Paragraph 38, above, constitute a violation by Respondent of 25 PA Code §§ 245.432(3).

COUNT VI

(Failure to Provide Corrosion Protection for USTs Nos. 1-2)

40. The allegations of Paragraphs 1 through 39 of the CA are incorporated herein by reference.
41. 25 Pa. Code § 245.422(a) provides, in pertinent part, no later than December 22, 1998, existing underground storage tank systems shall comply with one of the following requirements:

- (1) The new underground storage tank performance standards under 25 Pa. Code § 245.421;
 - (2) The upgrading requirements of 25 Pa. Code § 245.422(b)-(d); or
 - (3) The closure requirements under 25 Pa. Code §§ 245.451-.452.
42. 25 Pa. Code § 245.422(b) provides, in pertinent part, that existing steel tanks shall be upgraded to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:
- (1) Interior lining, as described in 25 Pa. Code § 245.422(b)(1);
 - (2) Cathodic protection, as described in 25 Pa. Code § 245.422(b)(2); or
 - (3) Internal lining combined with cathodic protection, as described in 25 Pa. Code § 245.422(b)(3).
43. From at least May 19, 2008 through the date of this CA, USTs Nos. 1 and 2 at the Facility were not in compliance with the requirements of either 25 Pa. Code § 245.422(a)(1), (2) or (3) or (b)(1), (2) or (3) and were not closed in accordance with 25 Pa. Code §§ 245.451-.452.
44. Respondent's acts and/or omissions as alleged in Paragraph 43, above, constitute a violation by Respondent of 25 Pa. Code § 245.422.

COUNT VII

(Failure to Provide Corrosion Protection for Steel Piping on USTs)

45. The allegations of Paragraphs 1 through 44 of the CA are incorporated herein by reference.
46. 25 PA Code § 245.422(c) provides, in pertinent part, that metal piping and fittings that routinely contain regulated substances and are in contact with the ground shall be cathodically protected in a manner that meets the requirements of 25 PA Code § 245.421(2)(i)(B)-(D) and shall be installed at a site that is determined not to be corrosive enough to cause a release due to corrosion for the remaining operating life of the piping under 25 PA Code § 245.421(3).
47. From at least May 19, 2008 through the date of this CA, Respondent failed to provide corrosion protection for the steel piping associated with the USTs at the Facility in that the steel piping associated with USTs Nos. 1 - 3 at the Facility was not cathodically protected in a manner that meets the requirements set forth in 25 PA Code § 245.421(2)(i)(B)-(D)

and was not installed at a site that was determined not to be corrosive enough to cause a release due to corrosion for the remaining operating life of the piping under 25 PA Code § 245.421(3).

48. Respondent's acts and/or omissions as alleged in Paragraph 47, above, constitute a violation by Respondent of 25 Pa. Code § 245.422(c).

COUNT VIII

(Failure to Provide Overfill Protection for UST No. 2)

49. The allegations of Paragraphs 1 through 48 of the CA are incorporated herein by reference.
50. 25 PA Code § 245.422(d) and 25 PA Code § 245.421(3) provide, in pertinent part, that UST systems must be equipped with overfill prevention equipment which shall (1) automatically shut off flow into the tank when the tank is no more than 95 percent full, or (2) alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high level alarm.
51. On at least June 3, 2009, Respondent failed to provide overfill protection for UST No. 2 at the Facility pursuant to 25 PA Code § 245.422(d) and 25 PA Code § 245.421(3), due to a stick that was wedged in the overfill tube on said UST, rendering the overfill prevention equipment for this UST inoperable.
52. Respondent's acts and/or omissions as alleged in Paragraph 51, above, constitute a violation by Respondent of 25 PA Code § 245.422(d) and 25 PA Code § 245.421(3).

III. COMPLIANCE ORDER

Pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, Respondent is hereby ordered to:

53. Complete the closure procedures for the USTs at the Facility within ninety (90) days after the effective date of this CA as set forth in 25 Pa. Code §§ 245.452-.455:
- a. Submit to EPA, within fifteen (15) calendar days after the effective date of this CA, a notice of intent to permanently close the USTs. Such notice shall be sent to Ms. Melissa Toffel at the address set forth below. A copy of such notice shall be sent to PADEP at the address set forth below;
 - b. Within ninety-five (95) days of the effective date of this Compliance Order, submit to EPA a report which documents and certifies Respondent's compliance with the terms of this Compliance Order;
 - c. Any notice, report, certification, data presentation, or other document submitted by Respondent pursuant to this Compliance Order which discusses, describes,

demonstrates, supports any finding or makes any representation concerning Respondent's compliance or noncompliance with any requirement of this Compliance Order shall be certified by a responsible representative of Respondent, as provided in 40 C.F.R. § 270.11(a).

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: _____

54. All documents and reports to be submitted pursuant to this Compliance Order shall be sent to the following persons:

A. Documents to be submitted to EPA shall be sent certified mail, return receipt requested to the attention of:

Melissa Toffel
Office of Land Enforcement (3LC70)
Land and Chemicals Division
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

and

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

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

Mr. Walt Nagel
PA Department of Environmental Protection
Division of Storage Tanks
P.O. BOX 8763
Harrisburg, PA 17105-8763

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

IV. CIVIL PENALTY

56. In settlement of the above-captioned action, the parties hereto have agreed to the assessment of a civil penalty in the amount of \$0.00.
57. The aforesaid settlement amount is reasonable, based upon a consideration of a number of factors, including, but not limited to, EPA's November 1990 U.S. EPA Penalty Guidance for Violations of UST Regulations ("UST Penalty Guidance"), the factors set forth in Section 9006(c) - (e), of RCRA, 42 U.S.C. § 6991e(c) - (e), and an analysis of, among other things, information provided by the Respondent to EPA including financial statements and federal tax returns.

V. PARTIES BOUND

58. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent, Respondent's officers and directors (in their official capacity) and Respondent's successors and assigns. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent acknowledges that he or she is fully authorized to enter into this Consent Agreement and to bind the Respondent to the terms and conditions of this Consent Agreement and the accompanying Final Order.

VI. EFFECTIVE DATE

59. The effective date of this Consent Agreement and Final Order is the date on which it is

In re: East Falls Gulf, Inc.

RCRA-03-2010-0107

filed with the Regional Hearing Clerk after signature by the Regional Judicial Officer or Regional Administrator.

For Respondent East Falls Gulf, Inc.:

Date: 3/28/10

By: Frank Raffaele
Frank Raffaele, President
East Falls Gulf, Inc.

For Complainant United States Environmental Protection Agency, Region III:

Date: 4/7/10

By: J.S. Nast
Jeffrey S. Nast
Sr. Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Director, Land and Chemical Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached, hereto.

Date: 4/14/10

By: Abraham Ferdas
Abraham Ferdas, Director
Land and Chemicals Division

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

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|-------------------------|---|----------------------------------|
| In the Matter of: | : | |
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| | : | |
| East Falls Gulf, Inc. | : | Docket No. RCRA-03-2010-0107 |
| 3503 Midvale Avenue | : | |
| Philadelphia, PA 19129, | : | |
| | : | |
| Respondent, | : | Proceeding under Section 9006 |
| | : | of the Resource Conservation and |
| | : | Recovery Act, as amended, |
| East Falls Texaco | : | 42 U.S.C. § 6991e |
| 3503 Midvale Avenue | : | |
| Philadelphia, PA 19129, | : | |
| | : | |
| Facility. | : | |

FINAL ORDER


The Director, Land and Chemicals Division, U.S. Environmental Protection Agency - Region III (“Complainant”), and East Falls Gulf, Inc. (“Respondent”), 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. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW THEREFORE, pursuant to Section 9006(a) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6991e(a), and based on representations in the Consent Agreement that the penalty agreed to in the Consent Agreement is based on a consideration of the

factors set forth in Section 9006(c) - (e) of RCRA, 42 U.S.C. § 6991e(c) - (e), Respondent is hereby ordered to comply with the terms and conditions of the Consent Agreement.

The effective date of this document is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Administrator or Regional Judicial Officer.

Date: 4/20/10



Renée Sarajian
Regional Judicial Officer
U.S. EPA, Region III

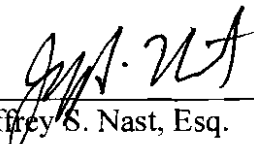
In re: US EPA Docket No. RCRA-03-2010-0107

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on the date indicated below, the original and one true and correct copy of the Consent Agreement was hand-delivered to and filed with the Regional Hearing Clerk (3RC00), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, and that, a true and correct copy of same was sent via USPS First Class Mail to the following:

Frank Raffaele, President
East Falls Gulf, Inc.
3503 Midvale Avenue
Philadelphia, PA 19129

4/20/10
Date



Jeffrey S. Nast, Esq.
Sr. Assistant Regional Counsel
U.S. EPA - Region III
Counsel for Complainant

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

VIA USPS First Class Mail

Mr. Frank Raffaele, President
East Falls Gulf, Inc.
3503 Midvale Avenue
Philadelphia, PA 19129

Re: Resource Conservation and Recovery Act
Consent Agreement and Final Order
In the Matter of East Falls Gulf, Inc.
Docket No. RCRA-03-2010-0107

Dear Mr. Raffaele:

Enclosed is the Consent Agreement/Final Order ("CAFO") filed in the above named action pursuant to Section 9006 of the Resource Conservation and Recovery Act, as amended, 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, including, specifically, 40 C.F.R. §§ 22.13(b) and .18(b)(2) and (3).

Sincerely,



for Abraham Ferdas
Director
Land and Chemicals Division

Enclosure