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BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

2013 SEP 23 AM 9:10

1650 Arch Street

Philadelphia, Pennsylvania 19103-2020 REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

IN THE MATTER OF:

Southport Plaza Corporation
1600 South Columbus Boulevard
Philadelphia, Pennsylvania 19148

DOCKET NO. CAA-03-2013-0117

Proceeding Under the Clean Air Act,
Section 113(a) and (d)

Respondent.

CONSENT AGREEMENT

I. Preliminary Statement

This administrative Consent Agreement (the "Consent Agreement") is entered into by and between the Complainant, the Director of the Air Protection Division, United States Environmental Protection Agency, Region III ("EPA" or "Complainant"), and the Respondent, Southport Plaza Corporation (the "Respondent"), pursuant to Section 113(a) and (d) of the Clean Air Act ("CAA" or "the Act"), 42 U.S.C. § 7413(a) and (d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22 (the "Consolidated Rules of Practice"). The Consolidated Rules of Practice at 40 C.F.R. § 22.13 provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be commenced and concluded simultaneously by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

This Consent Agreement and the accompanying Final Order (collectively referred to as the "CAFO") address alleged violations by Respondent at the gas station it owns and operates at 1600 South Columbus Boulevard, Philadelphia, PA 19148 (the "Facility") of 40 C.F.R. Part 63, Subpart CCCCCC - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facility ("Subpart CCCCCC"). This CAFO also addresses alleged violations by Respondent at the Facility of 25 PA Code, Chapter 129 (Standards for Sources), sections 129.62 (General standards for bulk gasoline terminals, bulk gasoline plants, and small gasoline storage tanks) and 129.82 (Control of VOCs from gasoline dispensing facilities (Stage II)) of the Commonwealth of Pennsylvania Regulations. See 25 PA Code Sections 129.62 and 129.82. Sections 129.62 and 129.82 of the Pennsylvania Code are included in the Commonwealth of Pennsylvania State Implementation Plan ("PA SIP") and are federally enforceable pursuant to Sections 110 and 113 of the Act, 42 U.S.C. §§ 7410 and 7413. See also

40 C.F.R. § 52.23 (Approval and Promulgation of Implementation Plans, Violation and Enforcement) (39 FR 33512, September 18, 1974, as amended at 54 FR 27285, June 28, 1989).

II. General Provisions

1. Section 113(a) and (d) of the Act, 42 U.S.C. § 7413(a) and (d), authorizes the Administrator of EPA to issue an administrative order assessing a civil administrative penalty whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement, rule, plan, order, waiver, or permit promulgated, issued, or approved under Subchapters I, IV, V and VI [also referred to as Titles I, IV, V and VI] of the Act. The authority to issue the accompanying Final Order has been duly delegated to the Regional Judicial Officer, EPA Region III.
2. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order and agrees not to contest EPA's jurisdiction with respect to the issuance, execution and enforcement of this Consent Agreement and the accompanying Final Order.
3. Except as provided in Paragraph 2 above, Respondent neither admits nor denies the specific findings of fact and the conclusions of law set forth in this Consent Agreement and the accompanying Final Order.
4. Respondent consents to the issuance of this Consent Agreement and the accompanying Final Order, agrees to comply with the terms and conditions set forth therein, and consents to the payment of a civil penalty as set forth in this CAFO.
5. Respondent agrees to pay its own costs and attorney fees.
6. Respondent agrees that this Consent Agreement and the accompanying Final Order shall apply to, and be binding upon, Respondent, its officers, directors, servants, employees, agents, successors and assigns.

III. Findings Of Fact And Conclusions Of Law

7. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), EPA alleges the following findings of fact and conclusions of law.
8. Section 129.62 of the PA Code of Regulations (PA Code) (or 25 PA Code § 129.62) is federally enforceable as this section has been incorporated into the PA SIP by EPA's approval of the regulations as revisions to the PA SIP. See 59 FR 65971 (December 22, 1994) and 40 C.F.R. §§ 52.2020 and 52.2063(c)(94).

9. Section 129.62(a) of the PA Code provides, in relevant part, that: “Gasoline may not be stored in open containers or handled in a manner that would result in uncontrolled evaporation to the atmosphere.”
10. Section 129.82 of the PA Code is federally enforceable as this section has been incorporated into the PA SIP by EPA’s approval of the regulations as revisions to the PA SIP. *See* 59 Fed. Reg. 30302 (June 13, 1994) and 40 C.F.R. §§ 52.2020 and 52.2063(c)(89), as amended. *See also* 42 U.S.C. § 7413(d)(1) and 40 C.F.R. §§ 52.2020 and 52.2063(c)(153).
11. Pursuant to 25 PA Code § 129.82(a)(1), any facility for which construction commenced prior to November 15, 1990 and which dispenses less than 100,000 gasoline per month, shall achieve compliance with such section by November 15, 1993.
12. 25 PA Code § 129.82(b)(4) and (5) provides in relevant part: “Owners or operators, or both, of gasoline dispensing facilities subject to this section shall: . . .
 - (4) Conspicuously post-operating instructions for the system in the gasoline dispensing area which, at a minimum, include: (iii) A telephone number established by the department for the public to report problems experienced with the system.”
13. Subpart CCCCCC “establishes national emission limitations and management practices for hazardous air pollutants (HAP) emitted from the loading of gasoline storage tanks at gasoline dispensing facilities (GDF).” 40 C.F.R. § 63.11110.
14. Pursuant to 40 C.F.R. § 63.11111, Subpart CCCCCC applies to each GDF that is located at an area source. The affected source includes each gasoline cargo tank during the delivery of product to a GDF and also includes each storage tank. GDFs which have a monthly throughput of 10,000 gallons of gasoline or more must comply with the requirements in 40 C.F.R. § 63.11117.
15. Pursuant to Section 112(a) of the Act, 42 U.S.C. § 7412(a), a “major source” is a stationary source that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant (“HAP”) or 25 tons per year or more of any combination of HAPs. The term HAP means any air pollutant listed pursuant to Section 112(b) of the Act, 42 U.S.C. § 7412(b). An “area source” pursuant to Section 112(a) of the Act, 42 U.S.C. § 7412(a), means any stationary source of HAP that is not a major source.
16. The Facility is an area source of HAPs because it is a stationary source which emits benzene, toluene, ethyl benzene, xylene and methyl tertiary butyl ether at levels below major source thresholds.
17. Pursuant to C.F.R. § 63.11132, the following definitions apply to Subpart CCCCCC:

“*Gasoline*” means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals or greater, which is used as a fuel for internal combustion engines.

“*Gasoline dispensing facility (GDF)*” means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline-fueled engines and equipment.

“*Monthly throughput*” means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.

18. Existing GDFs subject to Subpart CCCCCC were required to comply with the requirements set forth at 40 C.F.R. § 63.11115(a) no later than January 10, 2011. *See* 40 C.F.R. § 63.11113(b).

19. 40 C.F.R. § 63.11115 provides that:

Each owner or operator of an affected source under this subpart must comply with the requirements of paragraphs (a) and (b) of this section.

(a) You must, at all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(b) You must keep applicable records and submit reports as specified in §63.11125(d) and §63.11126(b).

20. Respondent is a corporation organized under the laws of the Commonwealth of Pennsylvania and doing business at 1600 South Columbus Boulevard, Philadelphia, PA 19148.

21. Respondent is a "person" as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and within the meaning of Section 113(d) of the Act, 42 U.S.C. § 7413(d).

22. Respondent is the owner and operator of the Facility, the Liberty Gas station, which is located at 1600 South Columbus Boulevard, Philadelphia, PA 19148. The Facility has underground storage tanks (“UST”) and gasoline dispensing pumps.
23. The Facility constitutes a gasoline dispensing facility (“GDF”) with a monthly throughput greater than 50,000 gallons and is located in an area classified as moderate, serious or severe ozone nonattainment area under section 181 of the CAA (42 U.S.C. § 7511), and, therefore, is subject to the requirements of the federal Stage I and Stage II Vapor Recovery Program or the appropriate approved State or local program (see Sections 182(b)(3) and 324(a) of the Act, 42 U.S.C. §§ 7511a(b)(3) and 7625(a), and Section 129.82 of the Commonwealth of Pennsylvania Regulations which are federally enforceable as part of the approved PA SIP).
24. The Facility dispenses gasoline to fuel tanks of motor vehicles. The Facility is an existing GDF with a monthly throughput of gasoline greater than 10,000 gallons and was required to comply with Subpart CCCCCC by January 10, 2011.
25. On August 24, 2011, EPA conducted a compliance evaluation at the Facility to determine compliance with relevant and applicable provisions of the CAA including Subpart CCCCCC and the PA SIP.
26. At the time of the August 24, 2011 inspection, an EPA inspector observed, and through testing confirmed, the presence of standing liquid gasoline in the overfill protection portions of three UST (UST #1, #2 and #3). Due to the debris clogged drains in the overfill protection portion of each UST, accumulated gasoline in the overfill protection portion of the system was not draining into the respective UST.
27. At the time of the August 24, 2011 inspection, Respondent stored or handled liquid gasoline in a manner which would result in uncontrolled evaporation to the atmosphere.
28. Respondent's failure to ensure that liquid gasoline was not stored or handled in a manner which would result in uncontrolled evaporation to the atmosphere and is not consistent with safety and good air pollution control practices for minimizing emissions constitutes a violation of 25 PA Code § 129.62(a), 40 C.F.R. §§ 52.23 and 63.1115(a).
29. At the time of the August 24, 2011 inspection, an EPA inspector observed that there were no operating instructions conspicuously posted in the gasoline dispensing area which included a telephone number established by the Pennsylvania Department of the Environment for the public to report problems experienced with the system.
30. Respondent’s failure to ensure that operating instructions were conspicuously posted in the gasoline dispensing area which included a telephone number established by the Pennsylvania Department of the Environment for the public to report problems experienced with the system constitutes a violation 25 PA Code § 129.82(b)(4)(iii) and 40 C.F.R. § 52.23.

IV. Settlement Recitation, Settlement Conditions, and Civil Penalty

31. Respondent herein certifies to Complainant that upon investigation, to the best of its knowledge and belief, all violations alleged in the Consent Agreement will be remedied in accordance with a checklist set forth in Enclosure #1 (Stage I and II Gasoline Dispensing Facility Checklist and Self-Certification Statement) of the Consent Agreement and Final Order within thirty (30) days of the effective date of this Consent Agreement and the accompanying Final Order.
32. Complainant and Respondent enter into this Consent Agreement and the accompanying Final Order in order to settle fully and resolve all violations set forth in Section III (Paragraphs 7 through 30) of this Consent Agreement.
33. In full and final settlement of the alleged violations enumerated above in Section III of this Consent Agreement, Respondent consents to the assessment and agrees to pay a civil penalty in the amount of One Thousand Five Hundred Dollars (\$1,500.00) within the time and manner specified herein.
34. The settlement amount of One Thousand Five Hundred Dollars (\$1,500.00) is based upon Complainant's consideration of and application of the statutory penalty factors set forth in Section 113(e), of the Act, 42 U.S.C. § 7413(e), (which include the size of the business, economic impact of the penalty, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, the economic benefit of noncompliance, the payment of penalties previously assessed for same violation, the seriousness of violation and such other matters as justice may require), and EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as indexed for inflation in keeping with 40 C.F.R. Part 19 (Adjustment to Civil Monetary Penalties for Inflation). Complainant has determined that Respondent's payment of this civil penalty shall constitute full and final satisfaction of the violations set forth in Section III of this Consent Agreement.
35. Respondent shall pay the civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) no later than thirty (30) days after the effective date of this Consent Agreement and accompanying Final Order in order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this Consent Agreement and accompanying Final Order.
36. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. §13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this Consent Agreement and Final Order shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
37. Interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of this executed Consent Agreement and Final Order is mailed or

hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

38. The cost of EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. §13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
39. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent for more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
40. Thus, in accordance with the above provisions, to avoid the assessment of interest, late payment penalties, and handling charges on the penalty set forth herein, Respondent must pay the full amount of the civil penalty, in the manner directed, within thirty (30) days of the effective date of this Consent Agreement and accompanying Final Order.
41. Payment of the penalty in Paragraph 33 shall be made by cashier's check, certified check, or electronic wire transfer, Automated Clearing House ("ACH"), or an on line, internet payment as specified below. All payments are payable to Treasurer, United States of America and shall reference the above case caption and docket number (CAA-03-2013-0117). All checks shall be made payable to Treasurer, United States of America and shall be mailed to the attention of:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P. O. Box 979077
St. Louis, MO 63197-9000
Contact: Heather Russell at (513) 487-2044.

Overnight deliveries shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. Environmental Protection Agency
Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: (314) 418-1028.

All electronic wire transfer payments shall be directed to:

Federal Reserve Bank of New York

ABA = 021030004

Account = 68010727

SWIFT address = FRNYUS33

33 Liberty Street

New York NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

Payments through ACH (also known as REX or remittance express) shall be directed to:

U.S Treasury REX/Cashlink ACH Receiver

ABA = 051036706

Account 310006, Environmental Protection Agency

CTX Format Transaction Code 22 - checking

33 Liberty Street

New York, N.Y. 10045

Physical location of U.S. Treasury facility:

5700 Rivertech Court

Riverdale, MD 20737

Contact: John Schmid, at 202-874-7026, or REX at 1-866-234-5681

An on-line, internet payment option, is also available through the United States Department of Treasury. This payment option can be accessed from www.pay.gov. Enter "sfo 1.1" in the search field. Open form and complete required fields.

Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

42. All payments made by check also shall reference the above case caption and docket number, CAA-03-2013-0117. At the same time that any payment is made, copies of any corresponding check or written notification confirming any electronic transfer through wire transfer, ACH, or internet payment shall be mailed to Lydia A. Guy, Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, to Kathleen Root, Esq., Senior Assistant Regional Counsel (3RC10), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and to Zelma Maldonado (3AP20), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029.

43. Respondent agrees not to deduct for federal tax purposes the civil penalty specified in, and any civil penalty amount paid pursuant to, this Consent Agreement and accompanying Final Order.
44. Payment of the penalty specified in Paragraph 33 in the manner set forth in this Consent Agreement and payment of any applicable interest, handling costs and/or late payment charges as set forth above shall constitute full and final satisfaction of all civil claims for penalties for the specific violations alleged in Section III of this Consent Agreement. Compliance with this Consent Agreement and accompanying Final Order shall not be a defense to any action commenced at any time for any other violation of any federal laws and regulations administered by EPA.
45. Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in referral of this matter to the United States Attorney for enforcement of this Consent Agreement and the accompanying Final Order in the appropriate United States District Court. Additionally, Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in the assessment of additional interest, penalties and/or late payment penalty charges.

V. Reservation of Rights

46. This Consent Agreement and the accompanying Final Order resolve only the civil claims for the specific violations alleged in Section III of this Consent Agreement. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. Nor shall anything in this Consent Agreement and Final Order be construed to limit the United States' authority to pursue criminal sanctions. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, Complainant reserves any rights and remedies available to it under the Act, the regulations promulgated there under, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this Consent Agreement and accompanying Final Order following its filing with the Regional Hearing Clerk.

VI. Effective Date

47. The effective date of this Consent Agreement and the accompanying Final Order is the date on which the Consent Agreement and Final Order is filed with the Regional Hearing Clerk of EPA Region III.

VII. Waiver of Hearing and Pre-enforcement Review

48. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing pursuant to Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), with respect to any issue of law or fact set forth in this CAFO. Respondent also waives its right to appeal the accompanying Final Order.
49. Respondent waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the Respondent may have with respect to any issue of fact or law set forth in this Consent Agreement, including, but not limited to, any right of judicial review of this Consent Agreement under the Administrative Procedure Act, 5 U.S.C. §§ 701-708."

VIII. Entire Agreement

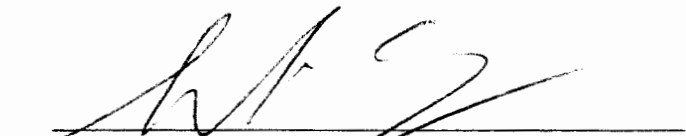
50. This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Agreement and the accompanying Final Order. Nothing in this Consent Agreement or the accompanying Final Order shall be construed to affect or limit in any way the obligation of Respondent to comply with all federal, state and local laws and regulations governing any activity required by this Consent Agreement and the accompanying Final Order.

IX. Execution

51. The person signing this Consent Agreement on behalf of Respondent acknowledges and certifies by his/her signature that he/she is fully authorized to enter into this Consent Agreement and to legally bind Respondent, to the terms and conditions of this Consent Agreement and the accompanying Final Order.

For the Respondent:

1/18/13
Date



Mr. Steve Zarwin
Southport Plaza Corporation

For the Complainant:

2/27/2013
Date

Kathleen L. Root
Kathleen Root
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III

Accordingly, the Air Protection Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator of EPA Region III or his designee, the Regional Judicial Officer, ratify this Consent Agreement and issue the accompanying Final Order. The amount of the recommended civil penalty assessment is One Thousand Five Hundred Dollars (\$1,500.00).

9/16/2013
Date

Diana Esher
Diana Esher, Director
Air Protection Division
U.S. Environmental Protection Agency, Region III

ENCLOSURE 1

Stage I and II Gasoline Dispensing Facility Checklist

Results from an EPA air compliance inspection show that your facility violated: 1) requirements of Title 025 Section 129 of the PA Code of Regulations ("PA Code") which contain the requirements for gasoline dispensing facilities subject to the Stage I and Stage II Vapor Recovery Program which are part of the federally enforceable PA SIP and 2) requirements of 40 C.F.R. Part 63 Subpart CCCCCC (referred to as "GACT standards"). Below you will find a checklist indicating some important provisions from both PA Code 129 and the GACT standards.

EPA is requiring that you sign the self-certification located at the end of this checklist acknowledging that your facility has addressed compliance with 025 PA Code Section 129 and with the GACT standards applicable to your gas dispensing facility.

Facility:

Address:

Federal GACT Standards¹

If your gasoline throughput is < 10,000 gallons gasoline per month:

- Minimize gasoline spills/ clean up spills expeditiously
- Functional underground storage tank (UST) cap for each UST
- Liquid gasoline drained from sump of the gasoline underground storage tank
- Debris not present in underground storage tank sump drain
- Keep records of initial and every three year pressure test for Stage I vapor balance system
- Keep records of testing at station for at least 2 years and maintain off-site at least 5 years
- Have records available within 24 hours of request by EPA to document gasoline throughput

If your gasoline throughput is \geq 10,000 gallons per month and < 100,000 gallons per month:

- All of the requirements applicable with throughput < 10,000 gallons per month
- For storage tanks \geq 250 gallons capacity, load storage tank using submerged fill pipe that extends to no more than a) 12 inches from the tank bottom if installed on or before 11/9/2006 or b) 6 inches from the tank bottom if installed after 11/9/2006

If your gasoline throughput is \geq to 100,000 gallons per month:

- All of the requirements applicable with gasoline throughput less than 100,000 gallons per month apply, plus:
- Operation of an **appropriate** vapor balance system detailed in 40 CFR § 63.11118

PA Code Section 129 Requirements

- Vapor balance system in good working order

¹ Applicable federal regulations may be found at 40 C.F.R. Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities beginning at 40 C.F.R. § 63.11110.

- _____ Avoidable leaks are minimized during loading/unloading operations at USTs
- _____ No visually or audibly detectable leaks in vapor/liquid lines during loading/unloading operations
- _____ Stage II vapor collection and control systems are installed at the facility
- _____ Stage II vapor recovery system designed to collect at least 90% by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel take during refueling and captured vapors are returned to a vapor-tight holding system or vapor control system
- _____ Adequate training and written instructions provided to the operator of the facility to assure proper operation of the system
- _____ Any defective nozzle or dispensing system is removed from service and tagged immediately, effective until the component is replaced or repaired
- _____ Maintain records of system test results, monthly throughput, type and duration of any failures of the system and maintenance and repair records on the premises of the affected gasoline dispensing facility for minimum of 2 years and are available upon request by inspectors

Conspicuously post-operating instructions for the system in the gasoline dispensing area which, at a minimum, include:

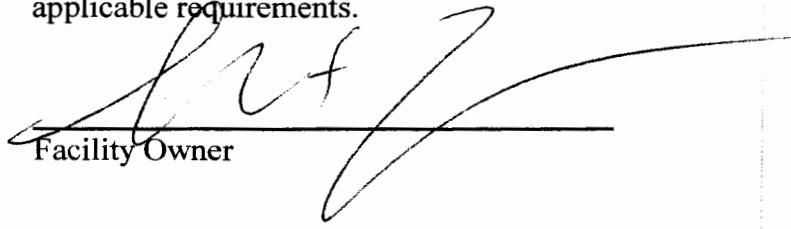
_____ A clear description of how to correctly dispense gasoline with the vapor recovery nozzles utilized at the site

_____ A warning that continued attempts to dispense gasoline after the system indicates that the vehicle fuel tank is full may result in spillage or recirculation of the gasoline into the vapor collection system

_____ A telephone number established by the Department for the public to report problems experienced with the system: _____.

Self-Certification Statement

My facility has conducted an objective assessment of its compliance with the federally enforceable Pennsylvania Stage I and Stage II Vapor Recovery Program requirements and with federal GACT standards in 40 C.F.R. Part 63, Subpart CCCCCC. Based on this assessment, I certify under penalty of law that, to the best of my knowledge and belief, the facility is in compliance with these applicable requirements.



 Facility Owner

RECEIVED

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

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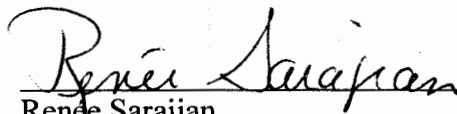
FINAL ORDER

The terms of the forgoing Consent Agreement are hereby accepted by the undersigned and incorporated into this Final Order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT, pursuant to Section 113 of the Clean Air Act, 42 U.S.C. § 7413, and 40 C.F.R. § 22.18(b)(3) of the Consolidated Rules of Practice, Respondent, Southport Plaza Corporation, is assessed a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00).

The effective date of this Final Order is the date that it is filed with the Regional Hearing Clerk.

Date: 9/19/13


Renee Sarajian
Regional Judicial Officer
U.S. Environmental Protection Agency, Region III