



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 14 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Steve Juskiewicz
Vice President
Corner Pantry, Inc.
P.O. Box 50127
Columbia, South Carolina 29250

Re: Expedited Settlement Agreement and Final Order
Corner Pantry 115 (SC DHEC ID # 07017)
Corner Pantry 116 (SC DHEC ID # 10320)
Docket No. RCRA-UST-04-2015-0001

Dear Mr. Juskiewicz:

Enclosed please find a copy of the executed Expedited Settlement Agreement and Final Order as filed with the Regional Hearing Clerk (RHC) in the above-referenced matter. The Expedited Settlement Agreement and Final Order is effective on the date it is filed with the RHC.

Feel free to contact Ben Singh, of my staff, at (404) 562-8922 or by email at singh.ben@epa.gov for technical questions and for legal questions please contact Greg Luetscher at (404) 562-9677 or by email at luetscher.greg@epa.gov. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "César A. Zapata".

César A. Zapata
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosure

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IV**

IN THE MATTER OF:)
)
Corner Pantry, Inc.)
Post Office Box 50127)
Columbia, South Carolina 29250)
)
)
RESPONDENT.)
_____)

Docket No.: RCRA-UST-04-2015-0001

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

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EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Corner Pantry, Inc. (Respondent), owner of the Underground Storage Tank(s) (“USTs”) at (1) Corner Pantry 115 (SC DHEC ID# 07017), located at 1096 John C. Calhoun Dr., Orangeburg, South Carolina 29115; and, (2) Corner Pantry 116 (SC DHEC ID# 10320), located at 3229 Five Chop Rd., Orangeburg, South Carolina 29115 (the “UST Facilities”), failed to comply with the following requirement(s) of Subtitle I of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6991 *et seq.*, and its implementing regulations at 40 C.F.R. Part 280.

A. Corner Pantry 115:

- i. **Release Detection (Tanks):** Pursuant to S.C. Code Ann. Regs. 61-92.280.41(a) [40 C.F.R. § 280.41(a)], tanks must be monitored at least every 30 days using an approved release detection method. At the time of the inspection, the automatic tank gauging system (Gilbarco) used as the preferred method of release detection for Tank #5 (storing kerosene) at Corner Pantry 115, did not yield release detection monitoring results for four (4) of the twelve (12) months immediately preceding the inspection. Corner Pantry, Inc. is therefore in violation of S.C. Code Ann. Regs. 61-92.280.41(a) [40 C.F.R. § 280.41(a)], for failing to monitor Tank #5 at Corner Pantry 115 at least once every 30 days.
- ii. **Release Detection (Piping - annual line tightness test):** Pursuant to S.C. Code Ann. Regs. 61-92.280.41(b)(1) [40 C.F.R. § 280.41(b)(1)], underground piping that conveys regulated substances under pressure must be equipped with an automatic line leak detector (“ALLD”), and must have either an annual line tightness test conducted in accordance with S.C. Code Ann. Regs. 61-92.280.44(b) [40 C.F.R. § 280.44(b)], or monthly monitoring conducted in accordance with S.C. Code Ann. Regs. 61-92.280.44(c) [40 C.F.R. § 280.44(c)]. During the inspection, the EPA inspector observed that ALLDs were installed on all four (4) pressurized product lines. Annual line tightness test for the pressurized product lines were conducted within the last 12 months (specifically, on November 10, 2010) on the regular, premium and diesel tanks, but not on Tank #5 (storing kerosene). Monthly monitoring was not conducted. Therefore, Corner Pantry, Inc. is in violation of S.C. Code Ann. Regs. 61-92.280.41(b)(1) [40 C.F.R. § 280.41(b)(1)], for failing to conduct an annual line

tightness test or perform monthly monitoring on pressurized piping for Tank #5 at Corner Pantry 115.

- iii. Release Detection (Piping - annual line leak detector test): Pursuant to S.C. Code Ann. Regs. 61-92.280.44(a) [40 C.F.R. § 280.44(a)], an annual test of the ALLD must be conducted in accordance with the manufacturer's requirements. At the time of the inspection on June 7, 2011, the last annual tests of the operation of the ALLDs had been conducted on November 10, 2010, for the regular, premium and diesel tanks, but not Tank #5 (storing kerosene). Therefore, Corner Pantry, Inc. is in violation of S.C. Code Ann. Regs. 61-92.280.44(a) [40 C.F.R. § 280.44(a)], for failing to conduct an annual test of the operation of the line leak detector in accordance with the manufacturer's requirements, for Tank #5 at Corner Pantry 115.

B. Corner Pantry 116:

- i. Release Detection (Tanks): Pursuant to S.C. Code Ann. Regs. 61-92.280.41(a) [40 C.F.R. § 280.41(a)], tanks must be monitored at least every 30 days using an approved release detection method. The automatic tank gauging system (Veeder-Root TLS -350) used as the preferred method of release detection for Tank #4 (storing premium gasoline) at Corner Pantry 116, did not yield release detection monitoring results for two (2) of the twelve (12) months immediately preceding the inspection. Corner Pantry, Inc. is therefore in violation of S.C. Code Ann. Regs. 61-92.280.41(a) [40 C.F.R. § 280.41(a)], for failing to monitor Tank #4 at Corner Pantry 116 at least once every 30 days.
- ii. Spill Prevention (Spill Bucket): Pursuant to S.C. Code Ann. Regs. 61-92.280.21(d) [40 C.F.R. § 280.21(d)], to prevent spilling associated with product transfer to the UST system, all existing UST systems must comply with UST system spill prevention equipment requirements specified in S.C. Code Ann. Regs. 61-92.280.20(c) [40 C.F.R. § 280.20(c)], requiring spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe. At the time of the inspection, Tank #1 (storing regular unleaded gasoline) at Corner Pantry 116 had a broken spill bucket which could cause product to release to the environment during transfer of product into Tank # 1. Corner Pantry, Inc. is therefore in violation of S.C. Code Ann. Regs. 61-92.280.21(d) [40 C.F.R. § 280.21(d)], for failing to provide an adequate method of spill prevention for Tank # 1 at Corner Pantry 116.
- iii. Overfill Prevention (Flapper Valve): Pursuant to S.C. Code Ann. Regs. 61-92.280.21(d) [40 C.F.R. § 280.21(d)], to prevent overfilling associated with product transfer to the UST system, all existing UST systems must comply with UST system overfill prevention equipment requirements specified in S.C. Code Ann. Regs. 61-92.280.20(c) [40 C.F.R. § 280.20(c)], requiring overfill prevention equipment that will, inter alia, automatically shut-off flow into the tank when the tank is no more than 95 percent full. At the time of the inspection, Tank #4 (storing regular unleaded gasoline) at Corner Pantry 116 had a Drop Tube Shut Off ("DTSO") (a/k/a flapper valve) installed as the preferred method of overfill protection. The DTSO appeared inoperable, as the tube had separated from the top collar that holds it in place and was sitting on the bottom of the tank. Corner Pantry, Inc. is therefore in violation of S.C. Code Ann. Regs. 61-92.

280.21(d) [40 C.F.R. § 280.21(d)], for failing to provide an adequate method of overfill prevention for Tank 4 at Corner Pantry 116.

2. The EPA and the Respondent agree that settlement of this matter for a penalty of **\$8,940.00** is in the public interest.
3. The EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (“Agreement”) pursuant to section 9006 of RCRA and 40 C.F.R. § 22.13(b).
4. In signing this Agreement, the Respondent: (1) admits that the Respondent is subject to requirements listed above in Paragraph 1; (2) admits that the EPA has jurisdiction over the Respondent and the Respondent’s conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to contest the allegations contained herein.
5. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that he or she has: (1) corrected the alleged violations; (2) submitted true and accurate documentation of such corrections; (3) provided a deposit for payment of the civil penalty in Paragraph 2 above, in accordance with the EPA penalty collection procedures provided to the Respondent; (4) submitted true and accurate proof of deposit for payment of the civil penalty with this Agreement; and (5) agrees to release the deposit for payment to the EPA upon entry of this Order.
6. Upon filing, this Agreement shall constitute full settlement of the violation(s) alleged herein.
7. The EPA reserves the rights to take enforcement action for any other past, present, or future violations by the Respondent of RCRA, any other federal statute or regulation, or against any violations alleged to have been corrected pursuant to this Agreement that were not adequately corrected.
8. Upon signing and returning this Agreement to the EPA, the Respondent waives the opportunity for a hearing or appeal pursuant to section 9006(b) of RCRA or 40 C.F.R. Part 22.
9. Each party shall bear its own costs and fees, if any.
10. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

[THIS SPACE INTENTIONALLY LEFT BLANK]

In the Matter of Corner Pantry, Inc., Respondent; Docket No.: RCRA-UST-04-2015-0001; Expedited Settlement Agreement and Final Order

IT IS SO AGREED,

**FOR
CORNER PANTRY, INC.:**

Name (print): H. B. Sprott, III
(Please type or print)

Title (print): General Manager
(Please type or print)

Signature: H. B. Sprott, III

Date 3/10/15

APPROVED BY EPA:

[Signature]

G. Alan Farmer
Director
Resource Conservation and Restoration Division
U.S. EPA Region 4

Date 3/24/15

IT IS SO ORDERED:

~~_____~~
Carol F. Baschon
Acting Regional Judicial Officer
United States Environmental Protection Agency,
Region 4

Date _____


**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF)	DOCKET NO.: RCRA-UST-04-2015-0001
)	
Corner Pantry, Inc.)	
Post Office Box 50127)	Proceeding Under Section 3008(a) of the
Columbia, South Carolina 29250)	Resource Conservation and Recovery Act
)	42 U.S.C. § 6928(a)
)	
<u>Respondent.</u>)	

FINAL ORDER

The foregoing Expedited Settlement Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with 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. The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 13th day of April, 2015

BY: 
Carol F. Baschon
Acting Regional Judicial Officer
U.S. EPA, Region 4

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2015 APR 14 AM 8:47
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Expedited Settlement Agreement and the attached Final Order, in the Matter of Corner Pantry, Inc., **Docket Number: RCRA-UST-04-2015-0001** on the parties listed below in the manner indicated:

Gregory D. Luetscher
Associate Regional Counsel
U.S. Environmental Protection Agency,
Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9677

(Via EPA's internal mail)

Tammye Cross
Enforcement and Compliance Branch
U.S. Environmental Protection Agency
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

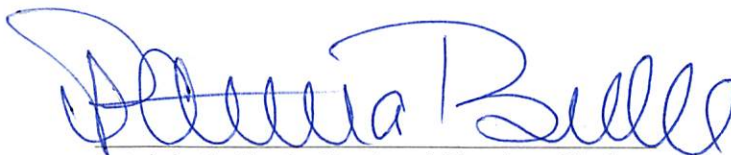
(Via EPA's internal mail)

Mr. Steve Juskiewicz
Vice President
Corner Pantry, Inc.
P.O. Box 50127
Columbia, South Carolina 29250

(Via Certified Mail - Return Receipt
Requested)

4-14-15

Date



Patricia Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-9511