

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

**TO BE FILLED OUT BY ORIGINATING OFFICE:**

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Joyce Harrell 3/17/2009  
Name of Contact person Date

in the Office of Regional Counsel at X 2644  
Office Phone number

Non-SF Jud. Order/Consent Decree. DOJ COLLECTS  
 Administrative Order/Consent Agreement FMD COLLECTS PAYMENT  
 SF Jud. Order/Consent Decree. FMD COLLECTS

This is an original debt  This is a modification

Name of Person and/or Company/Municipality making the payment  
Handee Martz, etc  
The Total Dollar Amount of Receivable \$22,758.10  
(If in installments, attach schedule of amounts and respective due dates)  
The Case Docket Number ACRA-03-2009-0074  
The Site-Specific Superfund Acct. Number \_\_\_\_\_  
The Designated Regional/HQ Program Office \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

The IFMS Accounts Receivable Control Number \_\_\_\_\_  
If you have any questions call: \_\_\_\_\_  
Name of Contact Date  
in the Financial Management Office, phone number: \_\_\_\_\_

**JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:**

- |   |   |
|---|---|
| 1. U.S. Environmental Protection Agency<br>Cincinnati Finance Center<br>26 W. Martin Luther King Drive (MS-002)<br>Cincinnati, OH 45268<br><br>Attn: Lori Weidner | 2. Originating Office (ORC)<br>3. Designated Program Office |
|---|---|

**ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:**

- |  |   |
|--|---|
| 1. Originating Office<br>3. Regional Hearing Clerk | 2. Designated Program Office<br>3. Regional Counsel |
|--|---|



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

March 17, 2009

Lori Weidner  
U.S. Environmental Protection Agency  
Cincinnati Finance Center  
26 W. Martin Luther King Drive  
Cincinnati, OH 45268

Re: In the Matter of: Handee Marts. Inc., d/b/a 7-Eleven  
Docket No. RCRA-03-2009-0074

Dear Ms. Weidner:

Enclosed please find a stamped copy of the SCAFO filed in this matter, together with a completed EARCNF. Thank you.

Sincerely,

Joyce A. Howell  
Senior Assistant Regional Counsel

RCRA  
MAR 17 11:15:59  
05



THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III

In the Matter of:

Handee Marts, Inc., d/b/a  
7-Eleven  
714 Warrendale Road, Suite 1  
Gibsonia, PA 15044

Respondent,

7-Eleven # 171  
1559 Route 228  
Cranberry Township, PA 16066

7 -Eleven #182  
1101 Brookline Blvd.  
Pittsburgh, PA 15226

Facilities.

U.S. EPA Docket No. RCRA-03-2009-0074

Proceeding under Section 9006  
of the Resource Conservation and  
Recovery Act, as amended,  
42 U.S.C. § 6991e

**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 Handee Marts, Inc., d/b/a 7-Eleven, with its principal place of business located in Gibsonia, Pennsylvania ("Handee Marts" 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 two of its

facilities: 1) 7-Eleven # 171, 1559 Route 228, Cranberry Township, Pennsylvania and 2) 7 - Eleven #182, 1101 Brookline Boulevard, Pittsburgh, Pennsylvania.

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 CAFO 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 CAFO, 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 7-Eleven # 171, 1559 Route 228, Cranberry Township, Pennsylvania (“171 Facility”) and 7 -Eleven #182, 1101 Brookline Boulevard, Pittsburgh, Pennsylvania (“182 Facility”).
11. On August 22, 2007, an EPA representative conducted a Compliance Evaluation Inspection (“CEI”) of the 171 Facility and 182 Facility pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.
12. At the time of the August 22, 2007 CEI of the 171 Facility, and at all times relevant to the applicable violations alleged herein, five USTs, as described in the following subparagraphs, were located at such Facility:
  - A. An eight thousand (8,000) gallon fiberglass tank that was installed in or about February 1988 and that, at all times relevant hereto, routinely contained 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”), and
  - B. An eight thousand (8,000) gallon fiberglass tank that was installed in or about February 1988 and that, at all times relevant hereto, routinely contained 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. An eight thousand (8,000) gallon fiberglass tank that was installed in or about February 1988 and 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. 3”), and

- D. An eight thousand (8,000) gallon fiberglass tank that was installed in or about February 1988 and that, at all times relevant hereto, routinely contained diesel fuel, 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. 4"), and
  - E. A five thousand (5,000) gallon fiberglass tank that was installed in or about February 1988 and that, at all times relevant hereto, routinely contained kerosene, 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. 5").
13. At all times relevant to the applicable violations alleged herein, the USTs described in paragraph 12(A)-(E) above have been "petroleum UST systems" and "existing UST systems" as these terms are defined in 25 PA Code § 245.1.
14. USTs Nos. 1- 5 at the 171 Facility are and were, at all times relevant to applicable violations alleged in this CAFO, used to store "regulated substance(s)" at such 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.
15. At the time of the August 22, 2007 CEI of the 182 Facility, and at all times relevant to the applicable violations alleged herein, five USTs, as described in the following subparagraphs, were located at such Facility:
- A. An eight thousand (8,000) gallon steel tank that was installed in or about November 1979 and that, at all times relevant hereto, routinely contained 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"), and
  - B. An eight thousand (8,000) gallon steel tank that was installed in or about November 1979 and that, at all times relevant hereto, routinely contained 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. An eight thousand (8,000) gallon steel tank that was installed in or about November 1979 and that, at all times relevant hereto, routinely contained 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"), and
  - D. An eight thousand (8,000) gallon steel tank that was installed in or about November 1979 and 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. 4"),

and

- E. An eight thousand (8,000) gallon steel tank that was installed in or about November 1979 and that, at all times relevant hereto, routinely contained kerosene, 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. 5").
16. At all times relevant to the applicable violations alleged herein, the USTs described in paragraph 15(A)-(E) above have been "petroleum UST systems" and "existing UST systems" as these terms are defined in 25 PA Code § 245.1.
17. USTs Nos. 1- 5 at the 182 Facility are and were, at all times relevant to applicable violations alleged in this CAFO, 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 automatic line leak detector testing annually - 171 Facility)

18. The allegations of Paragraphs 1 through 17 of the CA are incorporated herein by reference.
19. 25 PA Code § 245.442(2)(i) provides, in pertinent part, that underground piping that routinely contains regulated substances and conveys such regulated substances under pressure shall be equipped with an automatic line leak detector conducted in accordance with 25 PA Code § 245.445(1).
20. 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.
21. From at least December 1, 2003 until the November 27, 2007, the piping for USTs Nos. 1 - 5 at the 171 Facility were underground and routinely contained and conveyed regulated substances under pressure.
22. Respondent failed to perform an annual test of the automatic line leak detectors for the underground piping for USTs Nos. 1 though 5 at the 171 Facility from May 6, 2006 through November 27, 2007.
23. Respondent's acts and/or omissions as alleged in Paragraph 22, above, constitute violations by Respondent of 25 PA Code §§ 245.442(2)(i) and 245.445(1).

**COUNT II**

(Failure to perform automatic line tightness test of underground piping - 171 Facility)

24. The allegations of Paragraphs 1 through 23 of the CA are incorporated herein by reference.
25. 25 PA Code § 245.442(2)(i) provides, in pertinent part, that underground piping that routinely contains regulated substances and conveys such regulated substances under pressure shall 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).
26. From at least December 1, 2003 until the November 27, 2007, the piping for USTs Nos. 1 - 5 at the 171 Facility were underground and routinely contained and conveyed regulated substances under pressure.
27. Respondent failed to timely perform an annual test of the automatic line leak detectors for the underground piping for USTs Nos. 1 through 5 at the 171 Facility from August 22, 2007 through November 27, 2007.
28. Respondent's acts and/or omissions as alleged in Paragraph 27, above, constitute violations by Respondent of 25 PA Code §§ 245.442(2)(i) and 245.445(2).

**COUNT III**

(Failure to perform automatic line leak detector testing annually - 182 Facility)

29. The allegations of Paragraphs 1 through 28 of the CA are incorporated herein by reference.
30. 25 PA Code § 245.442(2)(i) provides, in pertinent part, that underground piping that routinely contains regulated substances and conveys such regulated substances under pressure shall be equipped with an automatic line leak detector conducted in accordance with 25 PA Code § 245.445(1).
31. 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.
32. From at least December 1, 2003 until August 22, 2007, the piping for USTs Nos. 1 - 5 at the 182 Facility were underground and routinely contained and conveyed regulated substances under pressure.
33. Respondent failed to timely perform an annual test of the automatic line leak detectors for the underground piping for USTs Nos. 1 through 5 at the 182 Facility from May 16, 2006



through July 18, 2006 and July 19, 2007 through August 22, 2007.

34. Respondent's acts and/or omissions as alleged in Paragraph 33, above, constitute violations by Respondent of 25 PA Code §§ 245.442(2)(i) and 245.445(1).

#### **COUNT IV**

(Failure to perform automatic line tightness test of underground piping - 182 Facility)

35. The allegations of Paragraphs 1 through 34 of the CA are incorporated herein by reference.
36. 25 PA Code § 245.442(2)(i) provides, in pertinent part, that underground piping that routinely contains regulated substances and conveys such regulated substances under pressure shall 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).
37. Respondent failed to timely perform an annual test of the automatic line leak detectors for the underground piping for USTs Nos. 1 through 5 at the 182 Facility from May 16, 2006 through July 18, 2006 and July 19, 2007 through August 22, 2007.
38. Respondent's acts and/or omissions as alleged in Paragraph 37, above, constitute violations by Respondent of 25 PA Code §§ 245.442(2)(i) and 245.445(2).

#### **COUNT V**

(Failure to test cathodic protection system every three years-182 Facility)

39. The allegations of Paragraphs 1 through 38 of the CA are incorporated herein by reference.
40. 25 PA Code § 245.432(1) requires that corrosion protection for steel underground tanks be operated and maintained by the owners and operators of such tanks to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances.
41. 25 PA Code § 245.432(2)(i) requires owners and operators of steel underground storage tank systems equipped with cathodic protection systems to inspect such systems for proper operation by a qualified cathodic protection tester within six months of installation and at least once every three years thereafter.
42. Respondent failed to timely perform a three-year test of the cathodic protection for the five steel underground storage tanks located at the 182 Facility that routinely contain regulated substances from April 22, 2007 through August 22, 2007.

43. Respondent's acts and/or omissions as alleged in Paragraph 42, above, constitute violations by Respondent of 25 PA Code § 245.432(2)(i).

### **III. CIVIL PENALTY**

44. In settlement of Complainant's claims for civil penalties for the violations alleged in this CA, Respondent agrees to pay a civil penalty in the amount of **\$22,758**. The civil penalty amount is due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO. If Respondent pays the entire civil penalty of within thirty (30) calendar days of the date on which this CAFO is mailed or hand-delivered to Respondent, no interest will be assessed against Respondent pursuant to 40 C.F.R. § 13.11(a)(1).
45. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs 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.
46. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such 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).
47. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a 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.
48. A late payment penalty of six percent per year will be assessed monthly on any portion of a civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
49. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of Respondent's violations, Respondent's compliance history and any good faith efforts by Respondent to comply with all applicable requirements as provided in RCRA Section 9006(c) - (e), 42 U.S.C. § 6991e(c) - (e), and with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.

50. Respondent agrees that the penalty in this matter is not deductible for federal tax purposes.
51. Respondent shall pay the amount described in Paragraph 44, above, by sending a certified or cashier's check payable to the "United States Treasury," as follows:

CHECK PAYMENTS:

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

WIRE TRANSFERS:

Wire transfers should be directed to the Federal Reserve Bank of New York

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"

OVERNIGHT MAIL:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: Natalie Pearson  
314-418-4087

ACH (also known as REX or remittance express)

Automated Clearinghouse (ACH) for receiving US currency  
PNC Bank  
808 17<sup>th</sup> Street, NW  
Washington, DC 20074

Contact – Jesse White 301-887-6548  
ABA = 051036706  
Transaction Code 22 - checking  
Environmental Protection Agency  
Account 310006  
CTX Format

ON LINE PAYMENT:

There is now an On Line Payment Option, available through the Dept. of Treasury.  
This payment option can be accessed from the information below:

WWW.PAY.GOV  
Enter sfo 1.1 in the search field

Open form and complete required fields.

All payments by Respondent shall reference its name and address and the Docket Number of this action (RCRA-03-2009-0074).

At the time of payment, Respondent shall send a notice of such payment, including a copy of any check or electronic transfer, as appropriate, to:

Lydia Guy  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region III (Mail Code 3RC00)  
1650 Arch Street  
Philadelphia, PA 19103-2029

and

Joyce A. Howell  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region III (Mail Code 3WC31)  
1650 Arch Street  
Philadelphia, PA 19103-2029

**IV. FULL AND FINAL SATISFACTION**

52. EPA hereby agrees and acknowledges that the settlement set forth herein shall be in full and final satisfaction of EPA's civil claims for penalties under Section 9006(a) of RCRA, 42 U.S.C. § 6991e(a), for the violations alleged in this CAFO.

**V. OTHER APPLICABLE LAWS**

53. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed upon it by applicable federal, state, or local law and/or regulation.

**VI. RESERVATION OF RIGHTS**

54. Full payment of the civil penalty set forth in Paragraph 44 of this Consent Agreement, above, shall resolve only Respondent's liability for federal civil penalties for the specific violations of RCRA Subtitle I and the Pennsylvania Authorized UST Management Program alleged herein. 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. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in the Consolidated Rules of Practice at 40 C.F.R. § 22.18(c). Complainant reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.

**VII. PARTIES BOUND**

55. 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.

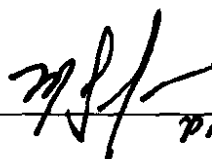

**VIII. EFFECTIVE DATE**

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

For Respondent:

Handee Marts, Inc.

Date: 2/9/09

By:  \_\_\_\_\_  
PR ES AND COO 

For Complainant:

United States Environmental Protection Agency, Region III

Date: 2/20/09

By: Joyce A. Howell  
Joyce A. Howell  
Sr. Assistant Regional Counsel

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

2/27/09  
Date

By: Abraham Ferdas  
Abraham Ferdas, Director  
Land and Chemicals Division  
EPA Region III

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

In the Matter of: :

Handee Marts, Inc., d/b/a :

7-Eleven :

Respondent, :

7-Eleven # 171 :

1559 Route 228 :

Cranberry Township, PA 16066 :

7 -Eleven #182 :

1101 Brookline Blvd. :

Pittsburgh, PA 15226 :

Facilities. :

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U.S. EPA Docket No.  
 RCRA-03-2009-0074

Proceeding under Section 9006  
 of the Resource Conservation and  
 Recovery Act, as amended,  
 42 U.S.C. § 6991e

RECEIVED  
 REGION III  
 PHILADELPHIA  
 APR 17 11:10:39

**FINAL ORDER**

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, Handee Marts, Inc., d/b/a 7-Eleven, 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

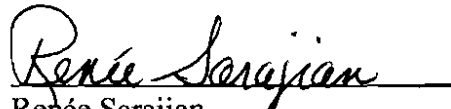


Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO the Consolidated Rules of Practice and, based on the representations in the Consent Agreement, having determined 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), it is hereby ordered that Respondent pay a civil penalty in the amount of \$22,758.00 in accordance with the Consent Agreement and comply with the terms and conditions of this Consent Agreement.

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

Date: 3/5/09

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

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

In the Matter of: :  
:  
:  
Handee Marts, Inc., d/b/a :  
7-Eleven :  
:  
Respondent, :  
:  
:  
7-Eleven # 171 :  
1559 Route 228 :  
Cranberry Township, PA 16066 :  
:  
:  
7 -Eleven #182 :  
1101 Brookline Blvd. :  
Pittsburgh, PA 15226 :  
:  
Facilities. :

U.S. EPA Docket No.  
RCRA-03-2009-0074

Proceeding under Section 9006  
of the Resource Conservation and  
Recovery Act, as amended,  
42 U.S.C. § 6991c

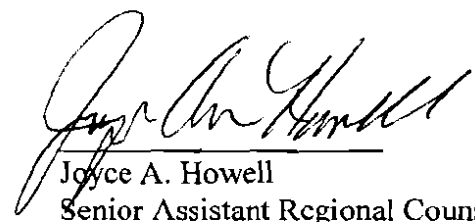
RECEIVED  
MARCH 17 10:39 AM '09

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by Federal Express, a copy of the CONSENT AGREEMENT AND FINAL ORDER to the addressee listed below. The original and two copies of the same were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

Mr. Ed Szalankiewicz  
Handee Marts, Inc.  
714 Warrendale Road, Suite 1  
Gibsonia, PA 15044

Date: March 17, 2009



Joyce A. Howell  
Senior Assistant Regional Counsel  
United States Environmental Protection Agency