



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

MAY 1 2019
U.S. EPA-REGION 3-RHC
FILED 22 MAY 2019 AM 7:49

VIA UPS OVERNIGHT MAIL

Muhmmad A. Khan (Resident Agent)
Warriach Brothers International LLC
2 W. Rolling Crossroad
Suite 106
Baltimore, MD 21228

**Re: Administrative Complaint, Compliance Order,
and Notice of Opportunity for Hearing**
EPA Docket No. RCRA-03-2019-0094

Dear Mr. Khan:

The United States Environmental Protection Agency (“EPA”) hereby informs you by the attached Administrative Complaint, Compliance Order, and Notice of Opportunity for Hearing (“Complaint”) that you are in violation of a federally enforceable requirement to furnish information regarding underground storage tanks at the S & P All Gas facility located at 102 E. Main Street, Cecilton, Maryland. The Compliance Order included within the Complaint requires you to provide a full response to EPA’s Request for Information letter within fifteen (15) calendar days after the Compliance Order becomes a Final Order.

You have until 30 calendar days after receiving this Complaint to file a written Answer. The Answer must specifically address each of the factual allegations contained in the Complaint. In the written Answer, you may choose to request a hearing to contest any matter set forth in the Complaint. If you don’t file a written Answer within 30 days, the Compliance Order in this Complaint automatically becomes a Final Order, pursuant to 40 C.F.R. § 22.37(b). By failing to Answer, you admit all facts alleged in the Complaint.

For your information, EPA encloses an Information Sheet for Small Businesses. EPA has not determined whether you are a “small business” under the Small Business Regulatory Enforcement Fairness Act (“SBREFA”). The enclosed sheet provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and provides information on compliance assistance. If you decide to participate in this program or seek compliance assistance, you must still respond in a timely manner to an EPA request or other enforcement action. Participating in the program creates no new legal rights or defenses and will not affect EPA’s decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in resolving EPA’s enforcement actions.

Should you have any questions or concerns, please feel free to contact Melissa Toffel at (215) 814-2060 in the RCRA Section, Air, RCRA and Toxics Branch or, if represented by counsel, have your counsel contact Joyce Howell in the Office of Regional Counsel at (215) 814-2644.

Sincerely,



Karen Melvin, Director
Enforcement and Compliance Assurance Division

Enclosures:

SBREFA Fact Sheet
Administrative Complaint, Compliance Order, and Notice of Opportunity for Hearing
Consolidated Rules of Practice
Request for Information letter

cc: Melissa Toffel, EPA
Joyce Howell, EPA
Tom Walter, MDE

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

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FILED-22MAY2019AM7:49

In the Matter of:)	
)	Administrative Complaint, Compliance
Warriach Brothers International LLC)	Order and Notice of Opportunity for
2 W. Rolling Crossroad)	Hearing
Suite 106)	
Baltimore, MD 21228)	U.S. EPA Docket Number
)	RCRA-03-2019-0094
RESPONDENT)	
S & P All Stop Gas)	Proceeding Under Section 9006 of the
102 E. Main Street)	Resource Conservation and Recovery
Cecilton, MD 21913)	Act, as amended, 42 U.S.C. Section
)	6991e
)	
FACILITY.)	

**ADMINISTRATIVE COMPLAINT, COMPLIANCE ORDER
AND NOTICE OF OPPORTUNITY FOR HEARING**

I. INTRODUCTION

This Administrative Complaint, Compliance Order and Notice of Opportunity for Hearing (“Complaint”) is issued by the United States Environmental Protection Agency (“EPA” or “Complainant”), pursuant to Section 9006 of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as “RCRA”), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22, a copy of which is enclosed with this Complaint.

EPA hereby notifies Warriach Brothers International LLC (“Respondent”) that EPA has determined that Respondent has violated certain provisions of Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991*m*, with respect to the underground storage tanks at Respondent’s S & P All Stop Gas facility located at 102 East Main Street in Cecilton, Maryland (the “Facility”). Section 9006 of RCRA, 42 U.S.C. § 6991*e*, authorizes EPA to take an enforcement action, including issuing a compliance order, whenever it is determined that a person is in violation of any requirement of Subtitle I of RCRA and assessing a penalty if a violator fails to comply with a compliance order so issued.

Pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991*c*, and 40 C.F.R. Part 281, Subpart A, the State of Maryland was granted final authorization to administer a state underground storage tank management program (“Maryland Authorized UST Management Program”) *in lieu* of the Federal underground storage tank management program established under Subtitle I of RCRA, 42 U.S.C. § 6991-6991*m*. This authorization was effective on July 30, 1992. *See 57 Fed. Reg.* 29034 (June 30, 1992) and *57 Fed. Reg.* 8420 (March 10, 1992). Through this final authorization, the provisions of the Maryland Authorized UST Management Program became requirements of Subtitle I of RCRA and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991*e*. The Maryland Authorized UST Management Program regulations are set forth in the Code of Maryland Regulations (“COMAR”) Title 26, Subtitle 10, Chapters .02 - .11, and will be cited hereinafter as COMAR 26.10.02 *et seq.*

EPA has given the State of Maryland notice of the issuance of this action in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991*e*(a)(2).

In support of this Complaint, the Complainant makes the following allegations, findings of fact and conclusions of law:

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent, an individual, is a “person” as defined in Section 9001 of RCRA, 42 U.S.C. § 6991, and COMAR 26.10.02.04(40).
2. Respondent is, and at all times relevant to the allegations in this Complaint has been, an “owner” and/or “operator” as such terms are defined in Section 9001 of RCRA, 42 U.S.C. § 6991, and COMAR 26.10.02.04(39) and (37), of “underground storage tanks” (“USTs”) and “UST systems,” as such terms are defined in Section 9001 of RCRA, 42 U.S.C. § 6991, and COMAR 26.10.02.04(64) and (66), located at the Facility.
3. Pursuant to Section 9005(a) of RCRA, 42 U.S.C. § 6991d(a), an owner or operator of USTs must furnish information relating to the USTs, their associated equipment and contents upon the request of a duly designated employee of EPA for the purpose of enforcing the provisions of Subtitle I of RCRA.
4. On August 8, 2018, a duly designated employee of EPA mailed Respondent a Request for Information letter issued pursuant to Section 9005(a) of RCRA, 42 U.S.C. § 6991d(a) (“Request for Information letter”). The Request for Information letter required Respondent to provide information relating to the USTs, their associated equipment and contents, at the Facility for the purpose of enforcing the provisions of the Maryland Authorized UST Management Program. The Request for Information letter was received by Respondent on August 9, 2018.
5. The Request for Information letter required Respondent to provide the requested information within fifteen (15) business days from the date of Respondent’s receipt of the letter. Respondent was thus required to provide the requested information by no later than August 24, 2018.

6. Having received no response, EPA sent Respondent a follow-up letter on September 8, 2018 regarding the outstanding Request for Information letter. The September 8, 2018 follow-up letter was received by Respondent on September 9, 2018.
7. On October 10, 2018, Respondent sent, via electronic mail, a letter purporting to respond to EPA's August 8, 2018 Request for Information and a request to meet with EPA.
8. Respondent's October 10, 2018 submission was non-responsive to EPA's Information Request.
9. On November 28, 2018, via electronic mail, EPA invited Respondent to telephone EPA with any questions concerning EPA's Information Request.
10. Having received no response to EPA November 28, 2018 email, EPA communicated with Respondent via electronic email on February 4, 2019, requesting a response to EPA's Request for Information and setting a February 8, 2019 deadline for Respondent's response.
11. As of the date of this Complaint, Respondent has not provided to EPA the information requested in the EPA Request for Information letter.
12. From at least August 8, 2018 to the date of this Complaint, Respondent has violated Section 9005(a) of RCRA, 42 U.S.C. § 6991d(a), by failing to provide a response to EPA's Request for Information letter.

III. COMPLIANCE ORDER

- A. Within fifteen (15) calendar days after the Compliance Order becomes a Final Order, Respondent must provide a full response to the Request for Information letter, certified in the manner described in the Request.
- B. Respondent must submit its response in the following manner:
 - (a) Two copies to EPA by certified mail, return receipt requested, or by overnight delivery with signature verification, to:

Melissa Toffel (3ED22)
United States Environmental Protection Agency, Region III
RCRA Section
Air, RCRA and Toxics Branch
1650 Arch Street
Philadelphia, PA 19103-2029

and

Joyce A. Howell (3RC40)
United States Environmental Protection Agency, Region III
Office of Regional Counsel
1650 Arch Street
Philadelphia, PA 19103-2029

- (b) One copy to the Maryland Department of the Environment, by regular mail, to:

Tom Walter, Program Manager
Maryland Department of the Environment
Oil Control Program
Montgomery Park Business Center, Suite 620
1800 Washington Boulevard
Baltimore, MD 21230-1701

- C. Respondent is hereby notified that failure to comply with any of the terms of this Compliance Order may subject it to the imposition of a civil penalty of up to \$58,562 for each day of continued noncompliance, pursuant to Section 9006(a)(3) of RCRA, 42 U.S.C. § 6991e(a)(3); the Federal Civil Penalties Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, and most recently, by the Federal Civil Inflation Adjustment Act Improvement Act of 2015; and the Civil Monetary Penalty Inflation Adjustment Rule, 83 Fed. Reg. 1190, 1193 (January 10, 2018).

IV. OPPORTUNITY TO REQUEST A HEARING

Respondent has the right to request a hearing to contest any matter of law or material fact set forth in this Complaint and Compliance Order or the terms of the Compliance Order. **To**

request a hearing, Respondent must file a written Answer to the Complaint with the Regional Hearing Clerk, Mail Code 3RC00, U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, within thirty (30) calendar days of receipt of this Complaint. The Answer must clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint of which Respondent has any knowledge. Where Respondent has no knowledge of a particular factual allegation, the Answer should so state. The Answer should contain: (1) the circumstances or arguments which are alleged to constitute the grounds of any defense; (2) the facts which Respondent disputes; (3) the basis for opposing any proposed relief; and (4) a statement as to whether a hearing is requested. All material facts not admitted, explained or denied in the Answer will be considered as admitted.

Pursuant to 40 C.F.R. § 22.37(b), the Compliance Order in this Complaint automatically becomes a Final Order if a written Answer requesting a hearing is not filed within 30 days after receipt of this Complaint.

Any hearing requested by Respondent will be conducted in accordance with the provisions of the Consolidated Rules of Practice. A copy of Respondent's Answer and all other documents that Respondent files in this action should be sent to the attorney assigned to represent EPA in this matter, as follows:

Joyce A. Howell (3RC40)
United States Environmental Protection Agency, Region III
Office of Regional Counsel
1650 Arch Street
Philadelphia, PA 19103-2029

V. SETTLEMENT CONFERENCE

Complainant encourages settlement of the proceedings at any time after issuance of the Complaint if such settlement is consistent with the provisions and objectives of RCRA. Whether or not a hearing is requested, Respondent may request a settlement conference with the

Complainant to discuss the allegations of the Complaint. A request for a settlement conference does not relieve Respondent of its responsibility to file a timely Answer.

The procedures in the Consolidated Rules of Practice for quick resolution of a proceeding do not apply in this case because the Complaint seeks a compliance order. *See* 40 C.F.R. § 22.18(a). In the event settlement is reached, the terms shall be expressed in a written Consent Agreement prepared by Complainant, signed by the parties, and incorporated into a Final Order signed by the Regional Administrator or his designee. The execution of such a Consent Agreement shall constitute a waiver of Respondent's right to contest the allegations of the Complaint and its right to appeal the proposed Final Order accompanying the Consent Agreement.

If you wish to arrange a settlement conference, please contact Joyce Howell, Senior Assistant Regional Counsel, at (215) 814-2644. Please note that a request for a settlement conference does not relieve Respondent of its responsibility to file an Answer within thirty (30) days following its receipt of this Complaint.

VI. SEPARATION OF FUNCTIONS AND *EX PARTE* COMMUNICATIONS

The following Agency offices and officers, and their staffs, are designated as the trial staff to represent the Agency as a party in this case: U.S. EPA, Region III, Office of Regional Counsel; U.S. EPA, Region III, Enforcement and Compliance Assurance Division; and the EPA Assistant Administrator for Enforcement and Compliance Assurance. Commencing from the date of the issuance of this Complaint until issuance of a final agency decision in this case, neither the Administrator, members of the Environmental Appeals Board, Presiding Officer, Regional Administrator, nor the Regional Judicial Officer, may have an *ex parte* communication with the trial staff or any representative of the Respondent on the merits of any issue involved in this proceeding. Please be advised that the Consolidated Rules of Practice prohibit any unilateral

discussion or *ex parte* communication of the merits of a case with the Administrator, members of the Environmental Appeals Board, Presiding Officer, Regional Administrator, or the Regional Judicial Officer after issuance of a Complaint.

Date: MAY 21 2019



Karen Melvin, Director
Enforcement and Compliance Assurance Division

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In the Matter of:)	
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Baltimore, MD 21228)	U.S. EPA Docket Number
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S & P All Stop Gas)	Proceeding Under Section 9006 of the
102 E. Main Street)	Resource Conservation and Recovery
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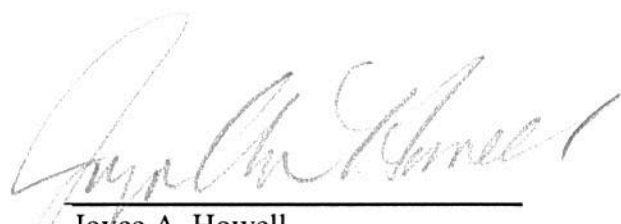
FACILITY.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of the above captioned United States Environmental Protection Agency's Administrative Complaint, Compliance Order and Notice of Opportunity for Hearing, with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that a true and correct copy of the Administrative Complaint, Compliance Order and Notice of Opportunity for Hearing, was sent by UPS Overnight mail, to:

Muhammad A. Khan (Resident Agent)
Warriach Brothers International LLC
2 W. Rolling Crossroad
Suite 106
Baltimore, MD 21228

May 22, 2019
Date



Joyce A. Howell
Senior Assistant Regional Counsel



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

U.S. EPA-REGION 3-RHC
FILED-22MAY2019AM7:50

UPS
Signature Required

AUG 08 2018

Muhammad A. Khan, Owner
The Warriach Brothers International, LLC
2 West Rolling Crossroads, Ste 106
Baltimore, MD 21228

Re: Request for Information pursuant to Section 9005 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6991d, regarding Underground Storage Tank Systems ("UST Systems") located at the S & P All Stop Gas facility, 102 East Main Street in Cecilton, MD (Facility ID # 13306) Information Request Number: I18-025

Dear Mr. Khan:

Subtitle I of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6991 et seq. (RCRA) and regulations promulgated pursuant thereto at 40 C.F.R. Part 280, regulate underground storage tanks (USTs) used to contain regulated substances including, but not limited to, petroleum products (e.g., gasoline and crude oil). In order to conduct a study, take any corrective action or enforce the provisions of Subtitle I, Section 9005(a) of RCRA, 42 U.S.C. § 6991d(a), authorizes the U.S. Environmental Protection Agency, (EPA) among other things, to require owners and/or operators of USTs to furnish information relating to such tanks, their associated equipment, and their contents.

EPA is requesting further information pursuant to the authority granted to it under Section 9005(a) of RCRA, 42 U.S.C. § 6991d(a). Section 9005(a) of RCRA provides in relevant part that "any owner or operator of an underground storage tank (or any tank subject to study under Section 6991h of this title that is used for storing regulated substances) shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such tanks, their associated equipment, their contents, . . ." EPA hereby requires that you furnish to EPA, within 15 business days of receipt of this letter, the information requested below, including all documents which contain information which is, or may be, responsive to any request set forth below.

Please provide a separate narrative response to each question. Precede each answer with the number of the question or letter of the subpart of the question to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. For each copy of a document produced in response to this request, please indicate on such copy, or in some other reasonable



manner, the following information: 1) the number of the request to which it responds; 2) the current location and custodian of the original; and, 3) the date such original was prepared and the name of the person(s) who prepared the original.

As used herein, the term "document" or "record" means: writings (handwritten, typed, electronically stored or otherwise produced or reproduced) and includes, but is not limited to, any mail, invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, computer discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6991 et seq., or 40 C.F.R. Part 280 shall have the meanings set forth therein.

Requested Information

General

1. Based on information provided by the Maryland Department of the Environment (MDE), it is EPA's understanding that there are currently four (4) USTs located at the Facility (hereinafter referred to as "the USTs"), which may be described as follows:

Tank #s	Capacity (gallons)	Substance Stored	Material of Tank	Material of Piping	Piping System	Date of Installation
1	6,000	Gasoline	Cathodically-protected Steel	FRP*	Pressure	8/89
2	6,000	Gasoline	Cathodically-protected Steel	FRP	Pressure	8/89
3	6,000	Gasoline	Cathodically-protected Steel	FRP	Safe Suction	8/89
4	4,000	Diesel	Cathodically-protected Steel	FRP	Pressure	8/89

* FRP = Fiberglass-reinforced plastic

If the table above has incorrect information, please: a) state which points are incorrect and why. For each such correction: b) describe in detail your reasons as to why such point is inaccurate; and c) provide documentation supporting any assertion of inaccuracy.

2. Please state the name and address of each owner ("owner" is defined in 40 C.F.R. § 280.12) of all USTs and/or UST systems located at the Facility, and the dates of their respective

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ownership of such USTs and/or UST systems ("USTs" and "UST systems" are defined in 40 C.F.R. § 280.12) presently at the Facility.

3. Please state the name and address of the owner of the Facility property, and the dates of their respective ownership of the Facility property.
4. Please state the name and address of each operator ("operator" is defined in 40 C.F.R. § 280.12) of the USTs and/or UST systems located at the Facility, and the dates of their respective operation of such USTs and/or UST systems.
5. Information provided to EPA by MDE states that all the USTs at the facility are in Temporarily Out of Use status (see enclosure). Please state the date that the USTs were placed in this status, and provide any documentation showing that the tanks were pumped empty.

Tank Release Detection

6. Up until the date that the USTs were pumped empty, tank release detection was required to be conducted at least every 30 days, as stated in COMAR § 26.10.05.02(B).

Please answer, and provide information for, the following questions:

- a. State what method of tank release detection was in use at the facility to monitor the USTs at least every 30 days.
- b. Provide tank release detection records for each tank for the time period of July 2014 up until the time that the tanks were pumped empty.
- c. For months where there are no records of tank release detection for an UST, please state the reason why no record is able to be provided, and provide an explanation, if any, as to what the facility did for those months to conduct tank release detection. EPA does not consider "Invalid" as a VALID release detection result (i.e. EPA considers a "Pass" or "Fail" as VALID tank release detection results. Or, as in the case of interstitial monitoring, a "Normal" sensor status report would be sufficient to demonstrate that release detection was being conducted).

Piping Release Detection

7. It is stated in the MDE Facility Summary that three (3) of the tanks at your facility utilize a pressurized piping system (the remaining UST, #3, is stated to utilize a safe suction method). Tanks utilizing pressurized piping are required to have Line Leak Detectors (LLDs) installed to be able to detect leaks, and those LLDs are required to be annually tested for functionality, as stated in COMAR § 26.10.05.02(C)(2)(a).



Please answer, and provide information for, the following questions:

- a. Please state "Yes" or "No": have the three (3) tanks that utilize pressurized piping (Tank #s 1, 2, and 4) been equipped with LLDs from at least July 2014 up to the present?
- b. Please state "Yes" or "No": has functionality testing of the LLDs been completed annually from 2014 up to the present?
- c. Please provide documentation of functionality testing of the LLDs for each year it was conducted from 2014 up to the present. If no testing of the LLDs has occurred, or if there are years for which no documentation of LLD testing is available, please explain why.

Pressurized piping is not only required to have LLDs installed that are tested annually, but **also** have a Line Tightness Test conducted annually, or have monthly monitoring of the piping conducted, as required by COMAR § 26.10.05.02(C)(2)(b). The facility does not appear to be utilizing sump sensors for any of the tanks, which would mean that Line Tightness Testing would be required to be performed on Tanks 1, 2, and 4.

- d. Please state "Yes" or "No": has Line Tightness Testing been conducted annually from 2014 up to the present on Tanks 1, 2, and 4? If "Yes", please provide documentation of all the testing from 2014 up to the present. If the answer is "No" please explain why.

Spill Prevention

8. Spill prevention equipment is required to be installed and maintained on each UST system, as stated in COMAR § 26.10.03.01(D)(a)(a). Please provide verification that each fill port is equipped with spill prevention equipment (e.g., photos or third-party verification).

Overfill Protection

9. Since a physical inspection was not able to be conducted at the facility, overfill was not able to be observed. Please provide documentation (e.g., photographs, contractor verification, etc.) to confirm that overfill protection (e.g., ball float valves, flappers, audible/visual alarm) is installed on **each UST system** as required by COMAR § 26.10.03.01(D)(1)(b). If ball floats are used as the method for overfill protection, provide a verification dated within the last three (3) years that the functionality of the ballfloats were checked. If the ballfloats were not inspected within the last three (3) years, please pull them and take a picture of each one and provide those labeled photos. If an audible/visual alarm is in use, provide verification that the alarm is functioning as required.



Corrosion Protection

10. It is stated in MDE's Facility Summary that all the USTs at this site are constructed of cathodically-protected steel. COMAR § 26.10.04.02(D)(1) states that all cathodic protection systems must be tested within six (6) months of installation and at least every year after thereafter. Also, the last two (2) tests of the cathodic protection system are required to be maintained as stated in COMAR § 26.10.04.02(G)(2).

- a. Please state "Yes" or "No": has consistent testing of the cathodic protection system taken place annually since 2014?
- b. If "Yes" provide documentation of the last two (2) tests conducted.
- c. If "No", provide ANY tests of the cathodic protection system that have been maintained for the last five (5) years, and explain the reasons for any gaps in testing.

If an impressed current cathodic protection system is in use at your facility, then records of checks of the rectifier must also be maintained, as required by COMAR § 26.10.04.02(G)(1).

- d. Have checks of the rectifier been conducted at least every 60 days, from the time period of July 2014 up to the present? If "Yes", provide the most recent three (3) logs from the checks of the rectifier. If "No", please explain why.

Financial Responsibility

11. Pursuant to COMAR § 26.10.11.01 (40 C.F.R. § 280.113), an owner or operator is no longer required to maintain financial responsibility (FR) for an underground storage tank after the tank has been properly closed or, if corrective action is required and corrective action has been completed and the tank has been properly closed, as required by 40 C.F.R Part 280, Subpart G. As of the date of this notice, you have not properly closed the USTs at your Facility as described in COMAR § 26.10.10.02 (40 C.F.R § 280.71).

Until such time as your tanks are properly closed or, if corrective action is required and corrective action has been completed and the tanks have been properly closed, you must continue to maintain FR for your USTs.

- a. Provide copies of the financial responsibility mechanism used for all four (4) USTs from 2014 to the present.
- b. If FR has not been maintained, or maintained continuously, explain any gaps in missing coverage.



Your responses to the above listed questions must also include the following signed and dated certification:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.

Signature: _____
Name: _____
Title: _____

Please send, or otherwise ensure delivery of the requested information within 15 business days of your receipt of this letter to:

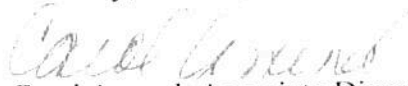
Ms. Melissa A. Toffel
U.S. Environmental Protection Agency, Region III
RCRA Underground Storage Tank Branch (3LC31)
1650 Arch Street
Philadelphia, PA 19103-2029

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to you.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

If you have any questions concerning this matter, please contact Melissa Toffel at (215) 814-2060.

Sincerely,


Carol Amend, Associate Director
Land and Chemicals Division
Office of RCRA Programs

cc: M. Toffel (3LC31)
P. Belgiovane (3LC30)
T. Walter (MDE)

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