

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

SEP 19 AM 11:15

COMPLAINT FILED

IN RE: :
:
:
Brownsville Bus Lines, Inc. :
524 National Pike East :
Brownsville, PA 15417 : **Docket No. RCRA-03-2008-0128**
:
Respondent. :
:
524 National Pike East :
Brownsville, PA 15417 :
:
Facility. :

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

This Consent Agreement and Final Order (“CA/FO”) is entered into by the Director of the Waste and Chemicals Management Division, U.S. Environmental Protection Agency, Region III (“EPA” or “Complainant”) and Brownsville Bus Lines, Inc. (“Brownsville” 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 of Practice*”), 40 C.F.R. Part 22, including, specifically 40 C.F.R. §§ 22.13(b) and .18(b)(2) & (3).

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.* Violations occurring prior to the date of authorization (September 11, 2003) are violations of the federal regulations published at 40 C.F.R. Part 281, Subpart A, while violations occurring after that date are violations of the Pennsylvania Authorized UST Management Program.

RCRA Section 9006(a)-(e), 42 U.S.C. § 6991e(a)-(e), authorizes the U. S. Environmental Protection Agency (“EPA” or the “Agency”) to take an enforcement action whenever it is determined that a person is in violation of any requirement of RCRA Subtitle I, EPA’s regulations thereunder, or any regulation of a federally-authorized state UST program. Under RCRA Section 9006(d), 42 U.S.C. § 6991e(d), EPA may assess a civil penalty against any person who, among other things, violates any requirement of an applicable federal or federally-authorized state UST program.

In accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2), EPA has notified the Commonwealth of Pennsylvania of EPA’s intent to commence this administrative action in response to the violations set forth herein.

II. GENERAL PROVISIONS

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CA/FO.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CA/FO, except as provided in Paragraph 1, immediately 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 CA/FO.
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 Consent Agreement and any right to appeal the accompanying Final Order.
5. Respondent consents to the issuance of this CA/FO and agrees to comply with its terms and conditions.
6. Respondent shall bear its own costs and attorney’s fees.
7. Respondent certifies to EPA by its signature herein that it is presently in compliance with all relevant provisions of the Pennsylvania Authorized UST Management Program which are the subject of the allegations set forth in Section III (“EPA’s Findings of Fact and Conclusions of Law”), below.
8. The provisions of this CA/FO shall be binding upon Complainant and Respondent, its officers, directors, employees, successors and assigns.
9. Nothing in this CA/FO shall relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor does this CA/FO constitute a waiver, suspension or modification of the requirements of RCRA Subtitle I, 42 U.S.C.

§§ 6991-6991m, or any regulations promulgated or authorized thereunder.

III. EPA'S FINDINGS OF FACT AND CONCLUSIONS OF LAW

10. In accordance with the *Consolidated Rules of Practice* at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the following findings of fact and conclusions of law:
- a. Respondent is a Pennsylvania corporation and is a "person" as defined by Section 9001 of RCRA, 42 U.S.C. § 6991.
 - b. At all times relevant to the violations set forth in this CA, Respondent has been an "owner" and "operator" of each of the following "underground storage tanks" (USTs), as defined in Section 9001 of RCRA, 42 U.S.C. § 6991, and 25 PA Code § 245.1, and associated "underground storage tank systems" (UST systems), as defined in 25 PA Code § 245.1, at the facility located at 524 National Pike East, Brownsville, PA 15417 ("the Facility").
 - c. On November 14, 2006, an EPA representative conducted a Compliance Evaluation Inspection ("CEI") of the Facility pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d.
 - c. At the time of the November 14, 2006 CEI, and at all times relevant to the applicable violations alleged herein, 3 USTs, as described in the following subparagraphs, were located at the Facility:
 - i. two (2) five thousand (5,000) gallon manifolded, cathodically-protected steel tanks that were installed in September of 1973, 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 "USTs Nos. 1 and 2").
 - i. a ten thousand (10,000) gallon fiberglass-coated steel tank that was installed in August of 1989 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. 3"), and
 - d. At all times relevant to the applicable violations alleged herein, UST No. 3 has been a "petroleum UST system" and "new tank system" as these terms are defined in 25 PA Code § 245.1, respectively.

- e. At all times relevant to the applicable violations alleged herein, USTs Nos. 1 and 2 have been “petroleum UST systems” and “existing tank systems” as these terms are defined in 25 PA Code § 245.1, respectively.
- f. USTs Nos. 1, 2, and 3 are and were, at all times relevant to applicable violations alleged in this Complaint, used to store “regulated substance(s)” at Respondent’s Facility, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 25 PA Code § 245.1, and have not been “empty” as that term is defined at 25 PA Code § 245.451.
- g. Pursuant to RCRA Section 9005, 42 U.S.C. § 6991d, on February 7, 2007 and on October 1, 2007, EPA issued Information Requests to Respondent concerning its petroleum UST systems at the Facility.

COUNT # 1

Failure to Operate and Maintain Corrosion Protection System Continuously on USTs Nos. 1, 2, and 3 and Associated Underground Piping

- 11. Paragraphs 1 through 10 of this Complaint are incorporated by reference as if fully set forth herein.
- 12. 25 PA Code § 245.432 provides that all owners and operators of steel UST systems with corrosion protection shall comply with certain requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances.
- 13. 25 PA Code § 245.432(1) provides that all corrosion protection systems shall be operated and maintained by owners and operators of UST systems to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contains regulated substances.
- 14. USTs Nos. 1, 2, and 3 and the underground piping associated with such USTs are and were, at the time of the violations alleged herein, “steel UST systems with corrosion protection” within the meaning of 25 PA Code § 245.432.
- 15. The Pennsylvania Department of Environmental Protection (“PaDEP”) conducted an inspection of the Facility on June 8, 2006. At the time of such inspection, the cathodic protection system for USTs 1, 2, and 3 and the underground piping associated with such USTs was out of order due to new construction and the cutting of cables.
- 16. A private contractor hired by the Respondent tested the impressed current system on September 8, 2006. At such time, the cathodic protection system was in working order.

17. From June 8, 2006 until September 8, 2006 Respondent failed to continuously provide corrosion protection to the metal components of those portions of USTs Nos. 1, 2, and 3 and the underground piping associated with such USTs that routinely contain regulated substances as required by 25 PA Code § 245.432(1).
18. EPA conducted a CEI on November 14, 2006. At that time, the rectifier to the cathodic protection system for USTs Nos. 1, 2, and 3 the underground piping associated with such USTs was not in operation at the time of the inspection. The main power switch was off at the time of inspection; therefore, there was no voltage or amperage in the system to protect the tanks from corrosion.
19. Respondent stated in its March 13, 2007 reply to EPA's February 7, 2007 9005 Request for Information that the rectifier was turned off accidentally.
20. The sixty day inspection log submitted in response to EPA's October 1, 2007 9005 Request for Information states that the impressed current system was inspected and was working properly on November 21, 2006.
21. From November 14, 2006 until November 21, 2006, Respondent failed to continuously provide corrosion protection to the metal components of those portions of USTs Nos. 1, 2, and 3 the underground piping associated with such USTs that routinely contain regulated substances, as required by 25 PA Code § 245.432(1).
22. Respondent's act and/or omission as alleged in Paragraphs 17 and 21, above, constitute violations by Respondent of 25 PA Code § 245.432(1).

COUNT # 2

Failure to Test Cathodic Protection System on USTs Nos. 1, 2, and 3 the Underground Piping Associated with such USTs

23. Paragraphs 1 through 22 of this CA/FO are incorporated by reference as if fully set forth herein.
24. 40 C.F.R. § 280.31(b)(1) provides that all owners and operators of steel UST systems with cathodic protection systems must test such cathodic protection systems within 6 months of installation and at least every 3 years thereafter.
25. 25 PA Code § 245.432(2)(i) provides that all owners and operators of steel UST systems equipped with cathodic protection system shall test such systems for proper operation within 6 months of installation and at least 3 years thereafter by a qualified cathodic protection tester.

26. USTs Nos. 1, 2, and 3 and the underground piping associated with such USTs are and were, at the time of the violations alleged herein, “steel UST systems” with “cathodic protection” and were used to store regulated substances within the meaning of 25 PA Code § 245.432 and 40 C.F.R. § 280.31(b)(1).
27. The Respondent conducted a three year test of the cathodic protection system for USTs 1, 2, and 3 and the underground piping associated with such USTs on April 8, 2003.
28. The Respondent conducted a test of the cathodic protection system on September 8, 2006. This test was 153 days late, as it was due no later than three years from the date of the previous test, or April 8, 2006.
29. Respondent’s act and/or omission as alleged in Paragraph 28, above, constitute a violation by Respondent of 25 PA Code § 245.432(2)(i).

Count # 3

Failure to Perform Annual Line Tightness Tests or Monthly Monitoring on Underground Piping Associated with USTs Nos. 1, 2, and 3

30. Paragraphs 1 through 29 of this CA/FO are incorporated by reference as if fully set forth herein.
31. 40 C.F.R. § 280.41(b)(1)(ii) requires that owners and operators of petroleum UST systems with underground piping that routinely contains a regulated substance and conveys such regulated substances under pressure shall perform an annual line tightness test conducted in accordance with 40 C.F.R. § 280.44(b) or perform monthly monitoring in accordance with 40 C.F.R. § 280.44(c).
32. 25 PA Code § 245.442(2)(i)(B) requires that owners and operators of petroleum UST systems with underground piping that routinely contains a regulated substance and conveys a regulated substance under pressure must have an annual line tightness test conducted in accordance with 25 PA Code § 245.445(2) or have monthly monitoring conducted in accordance with 25 PA Code § 245.445(3).
33. The underground piping associated with UST Nos. 1, 2, and 3, has, at all times relevant to the violations alleged in this Count, routinely contained regulated substances and conveyed such regulated substances under pressure.
34. From at least January 1, 2003 through at least June 11, 2006, the Respondent failed to perform annual line tightness testing or monthly monitoring for the pressurized underground piping associated with USTs Nos. 1, 2, and 3, as required by 40 C.F.R. § 280.41(b)(1)(ii) and 25 PA Code § 245.442(2)(i)(B).

35. Respondent violated 40 C.F.R. § 280.41(b)(1)(ii) and 25 PA Code § 245.442(2)(i)(B), as applicable, by failing to conduct annual line tightness testing of the underground piping associated with USTs Nos. 1, 2, and 3 for at least three years.

Count # 4

Failure to Perform Annual Line Leak Detection Tests on Underground Piping Associated with UST Nos. 1, 2, and 3.

36. Paragraphs 1 through 35 of this CA/FO are incorporated by reference as if fully set forth herein.
37. 40 C.F.R. § 280.41(b)(1)(i) requires that petroleum UST systems with underground piping that routinely contains a regulated substance and conveys a regulated substance under pressure must be equipped with an automatic line leak detector in accordance with 40 C.F.R. § 280.44(a) (relating to methods of release detection for piping).
38. 40 C.F.R. § 280.44(a) pertains to automatic line leak detectors and requires, in relevant part, that “[a]n annual test of the operation of the leak detector shall be conducted in accordance with the manufacturer’s requirements.”
39. 25 PA Code § 245.442(2)(i)(A) requires that petroleum UST systems with underground piping that routinely contains a regulated substance and conveys a regulated substance under pressure must be equipped with an automatic line leak detector in accordance with 25 PA Code § 245.445(1) (relating to methods of release detection for piping).
40. 25 PA Code § 245.445(1) pertains to automatic line leak detectors and requires, in relevant part, that “[a]n annual test of the operation of the leak detector shall be conducted in accordance with the manufacturer’s requirements.”
41. The underground piping associated with USTs Nos. 1, 2, and 3, has, at all times relevant to the violations alleged in this Count, routinely contained regulated substances and conveyed such regulated substances under pressure.
42. The piping that conveys regulated substances under pressure from USTs Nos. 1, 2, and 3, is, and at all times relevant to the violations alleged in this Count, has been equipped with an automatic line leak detector, as required pursuant to 40 C.F.R. § 280.41, 40 C.F.R. § 280.44(a), 25 PA Code § 245.442(2)(i)(A), and 25 PA Code § 245.445(1).
43. From at least January 1, 2003 through at least June 11, 2006, the Respondent failed to perform annual testing of the operation of the line leak detectors for the pressurized underground piping associated with USTs 1, 2, and 3, as required by 40 C.F.R. § 280.44(a) and 25 PA Code § 245.445(1).

44. Respondent violated 40 C.F.R. § 280.41, 40 C.F.R. § 280.44(a), 25 PA Code § 245.442(2)(i)(A) and 25 PA Code § 245.445(1) as applicable, by failing to conduct annual testing of the operation of the line leak detectors for the pressurized underground piping associated with USTs Nos. 1, 2, and 3 for at least three years.

IV. CIVIL PENALTIES

45. In settlement of the above-captioned action, Respondent agrees to pay a civil penalty of **Twenty-Three Thousand Dollars (\$23,000.00)** in satisfaction of all claims for civil penalties which Complainant may have under RCRA Section 9006(a), 42 U.S.C. § 6991e(a), for the violations alleged herein. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of the CA/FO. In order to avoid the assessment of interest, administrative costs and late payment penalties in connection with such civil penalty, as described in the attached Final Order, Respondent must pay such civil penalty no later than thirty (30) calendar days after the date on which this CA/FO is mailed or hand-delivered to Respondent. Respondent agrees to pay the above civil penalty in full plus accrued interest by remitting installment payments in accordance with Paragraph 48, below.
46. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors set forth in Section 9006(c) and (e) of RCRA, 42 U.S.C. § 6991e(c) and (e).
47. 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.
- a. 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 Consent Agreement and Final Order is mailed or hand-delivered to Respondent. 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 on the portion of the civil penalty not paid within 30 calendar days 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). Accordingly, interest payments on the outstanding portion of the civil penalty to be paid in installments as set forth in the payment schedule, to which Respondent agrees, are shown in Paragraph 48, below.
- b. The costs of the Agency'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.

- c. A penalty charge of six percent per year will be assessed monthly on any portion of the 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 the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
 - d. In order to avoid the assessment of administrative costs for overdue debts, as described above, Respondent must remit installment payments for the civil penalty and accrued interest in accordance with the payment schedule set forth in Paragraph 48, below. In order to avoid the assessment of late payment penalty charges, as described above, Respondent must remit all payments not later than 90 days after they become delinquent.
48. The civil penalty of twenty-three thousand dollars (\$23,000.00) set forth in Paragraph 45, above, shall be paid in nine (9) installments with interest at the rate of five percent (5%) per annum on the outstanding principal balance in accordance with the following schedule:
- a. 1st Payment: The first payment in the amount of two thousand five hundred and fifty-five dollars and fifty-six cents (\$2,555.56), consisting of a principal payment of \$2,555.56 and an interest payment of \$0.00, shall be paid within thirty (30) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.
 - b. 2nd Payment: The second payment in the amount of two thousand seven hundred and twenty-three dollars and sixty cents (\$2,723.60), consisting of a principal payment of \$2,555.56 and an interest payment of \$168.04, shall be paid within sixty (60) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.
 - c. 3rd Payment: The third payment in the amount of two thousand six hundred and twenty-nine dollars and eight cents (\$2,629.08), consisting of a principal payment of \$2,555.56 and an interest payment of \$73.52, shall be paid within ninety (90) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.

- d. 4th Payment: The fourth payment in the amount of two thousand six hundred and eighteen dollars and fifty-seven cents (\$2,618.57), consisting of a principal payment of \$2,555.56 and an interest payment of \$63.01, shall be paid within one hundred twenty (120) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.
- e. 5th Payment: The fifth payment in the amount of two thousand six hundred and eight dollars and seven cents (\$2,608.07), consisting of a principal payment of \$2,555.56 and an interest payment of \$52.51, shall be paid within one hundred fifty (150) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.
- f. 6th Payment: The sixth payment in the amount of two thousand five hundred and ninety-seven dollars and fifty-seven cents (\$2,597.57), consisting of a principal payment of \$2,555.56 and an interest payment of \$342.01, shall be paid within one hundred eighty (180) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.
- g. 7th Payment: The seventh payment in the amount of two thousand five hundred and eighty-seven dollars and seven cents (\$2,587.07), consisting of a principal payment of \$2,555.56 and an interest payment of \$31.51, shall be paid within two hundred ten (210) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.
- h. 8th Payment: The eighth payment in the amount of two thousand five hundred and seventy-six dollars and fifty-six cents (\$2,576.56), consisting of a principal payment of \$2,555.56 and an interest payment of \$21.00, shall be paid within two hundred forty (240) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.
- i. 9th Payment: The ninth and final payment in the amount of two thousand five hundred and sixty-six dollars and six cents (\$2,566.06), consisting of a principal payment of \$2,555.56 and an interest payment of \$10.50, shall be paid within two hundred seventy (270) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.

Pursuant to the above schedule, Respondent will remit total principle payments for the civil penalty in the amount of twenty-three thousand dollars (\$23,000.00) and total interest payments in the amount of four hundred sixty-two dollars and ten cents (\$462.10).

49. **If Respondent fails to make one of the installment payments in accordance with the schedule set forth in Paragraph 48, above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall *immediately* pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment.** In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described in Paragraph 47, above, in the event of any such failure or default.
50. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with Paragraph 48, above, Respondent may pay the entire civil penalty of twenty-three thousand dollars (\$23,000.00) within thirty (30) calendar days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a)(1), as described in Paragraph 47, above.
51. Respondent shall remit the full penalty, each installment payment for the civil penalty and interest, and any administrative fees and late payment penalties, in accordance with Paragraphs 45, 47 and 48, above, by sending a certified check or cashier's check, or by electronic funds transfer, in the following manner:
 - A. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2008-0128;
 - B. All checks shall be made payable to "**United States Treasury**";
 - C. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency—Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Contact: Natalie Pearson, 314-418-4087

- D. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

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

Contact: Natalie Pearson, 314-418-4087

- E. All payments made by electronic wire transfer 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”

- F. All electronic payments made through the automated clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact: Jesse White 301-887-6548

ABA = 051036706
Transaction Code 22 - Checking
Environmental Protection Agency
Account 310006
CTX Format

G. On-Line Payment Option:

WWW.PAY.GOV

Enter sfo 1.1 in the search field. Open and complete the form.

H. The customer service phone numbers for the above payment centers are:

212-720-5000 (wire transfers, Federal Reserve Bank of New York)
800-762-4224 (ACH/Wire Info, PNC Bank)

Additional payment guidance is available at:

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

I. Payment by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this CA/FO. A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

Brianna Tindall
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

and

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

52. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this CA/FO.

V. RESERVATION OF RIGHTS

53. This CA/FO resolves only EPA's claims for civil penalties for the specific violations which are alleged in this CA. Nothing in this CA/FO shall be construed as limiting the authority of EPA to undertake action against any person, including the 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 Section 22.18(c) of the *Consolidated Rules of Practice*, 40 C.F.R. § 22.18(c). Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CA/FO following its filing with the Regional Hearing Clerk.

VI. FULL AND FINAL SATISFACTION

54. Payment of the civil penalty as specified in Section IV ("Civil Penalties"), above, shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have under RCRA Section 9006(a), 42 U.S.C. § 6991e(a), for the violations alleged in this CA.

VII. PARTIES BOUND

55. This CA/FO shall apply to and be binding upon the EPA and Respondent. By his signature below, Respondent acknowledges his intent to be bound by the terms and conditions of this CA/FO. By his signature below, the person signing this CA on behalf of Respondent acknowledges that he is fully authorized to enter into this CA and to bind the Respondent to the terms and conditions of this CA/FO.

VIII. EFFECTIVE DATE

56. The effective date of this CA/FO is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his designee, the Regional Judicial Officer, is filed with the Regional Hearing Clerk, pursuant to the *Consolidated Rules of Practice*.

IX. ENTIRE AGREEMENT

57. This CA/FO constitutes 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 CA/FO.

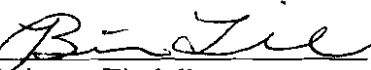
For the Respondent, Brownsville Bus Lines, Inc.:

Date: 2-12-08

By: 
Richard Ricco
President

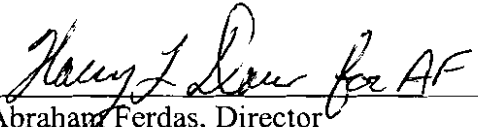
For the Complainant:

Date: 3-3-08

By: 
Brianna Tindall
Assistant Regional Counsel

After reviewing the foregoing Findings of Fact, Conclusions of Law and other pertinent matters, the Director, Waste and Chemicals Management Division of the United States Environmental Protection Agency, Region III, recommends that the Regional Administrator or his designee, the Regional Judicial Officer, issue the attached Final Order.

Date: 3/6/2008

By: 
Abraham Ferdas, Director
Waste and Chemicals Management Division

In the Matter of:
Brownsville Bus Lines, Inc.

Consent Agreement
Docket No. RCRA-03-2008-0128

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

RECEIVED
MARCH 15 2008
PHILADELPHIA, PA

IN RE: :
: :
Brownsville Bus Lines, Inc. :
524 National Pike East :
Brownsville, PA 15417 : Docket No. RCRA-03-2008-0128
: :
Respondent. :

FINAL ORDER

Complainant, the Director of the Waste and Chemicals Management Division, U.S. Environmental Protection Agency ("EPA"), Region III, and Respondent, Brownsville Bus Lines, Inc., have executed a document entitled "Consent Agreement", which I 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*"), published at 40 C.F.R. Part 22.

NOW, THEREFORE, PURSUANT TO Section 9006 of the Resource Conservation and Recovery Act of 1976, as amended by, *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as "RCRA"), 42 U.S.C. § 6991e, and the *Consolidated Rules of Practice*, and upon representations in the Consent Agreement that the penalty agreed to therein is based upon a consideration of the factors set forth in Section 9006(c) and (e) of RCRA, 42 U.S.C. § 6991e(c) and (e), **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of Twenty-Three Thousand Dollars (\$ 23,000.00) in the manner set forth in the Consent Agreement and in accordance with the provisions, terms and conditions of thereof.

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA, Region III or by his designee, the Regional Judicial Officer, is filed with the Regional Hearing Clerk of U.S. EPA, Region III.

Date: 3/18/08

By: Renée Sarajian
Renée Sarajian
Regional Judicial Officer
United States Environmental Protection Agency
Region III

In the Matter of:
Brownsville Bus Lines, Inc.

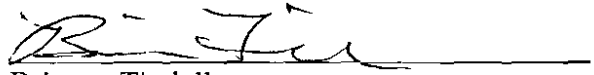
Consent Agreement
Docket No. RCRA-03-2008-0128
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CERTIFICATE OF SERVICE PHILADELPHIA, PA

I certify that on the date noted below, I sent by Overnight Delivery Service, a copy of the Consent Agreement and Final Order, **In the Matter of: Brownsville Bus Lines, Inc., U.S. EPA Docket Number RCRA-03-2008-0128**, to the person and address listed below. The original Consent Agreement and Final Order were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III.

Mr. Richard Ricco, President
Brownsville Bus Lines, Inc.
524 National Pike East
Brownsville, PA 15417

Dated: 3/18/2008


Brianna Tindall
Assistant Regional Counsel
Office of Regional Counsel
EPA, Region III
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