

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

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In the Matter of :  
Valvo Convenience and Gas, Inc. :  
And Stephen Valvo, Individually :  
: :  
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: :  
: :  
Proceeding under Section 9006 the :  
Solid Waste Disposal Act, as amended :  
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**MOTION FOR CHANGE IN NAME  
OF CORPORATE RESPONDENT**

Docket No. RCRA-02-2011-7507

REGIONAL HEARING  
CLERK  
2011 DEC - 8 P 4: 23  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II

Pursuant to 40 C.F.R. § 22.16, §22.1(c), 22.4(c)(10), and the attached Stipulation of the Parties, Complainant hereby moves for an Order to make a minor technical change in the name of the corporate Respondent in this case. The Presiding Officer is authorized, under Section 22.1(c), to resolve questions arising at any stage of the proceeding that are not addressed in the Consolidated Rules of Practice, and under Section 22.4(c)(10), to take all measures needed for proper adjudication of issues.

On June 3, 2011, Complainant filed a Complaint, Compliance Order and Notice of Opportunity for Hearing that alleged Respondents Valvo Convenience and Gas, Inc. and Stephen M. Valvo, individually, violated certain provisions of the underground storage tank (“UST”) regulations at 40 C.F.R. Part 280 at three facilities in Silver Creek, New York. The parties participated in two mediations sessions. When mediation terminated, Respondents filed an Answer with Affirmative Defenses on July 12, 2011. After the Answer was filed, counsel for Respondents informed counsel for Complainant that the name of the corporate Respondent was Valvo’s Convenience & Gas, Inc., not Valvo Convenience and Gas, Inc.

The parties jointly request a slight change in the corporate Respondent’s name to Valvo’s Convenience & Gas, Inc.

Respectfully submitted,  
Beverly Kolenberg  
Beverly Kolenberg  
Assistant Regional Counsel  
Counsel for Complainant  
U.S. Environmental Protection Agency, Region 2  
290 Broadway  
New York, New York 10007-1866

Dated: 12-8-2011

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

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In the Matter of :  
Valvo Convenience and Gas, Inc. :  
And Stephen Valvo, Individually :  
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Proceeding under Section 9006 the :  
Solid Waste Disposal Act, as amended :  
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**MOTION FOR CHANGE IN NAME  
OF CORPORATE RESPONDENT**

Docket No. RCRA-02-2011-7507

**ORDER**

In consideration of Complainant's motion pursuant to 40 C.F.R. § 22.16, §22.1(c), 22.4(c)(10), and the Stipulation of the Parties in this case, it is hereby ordered that Respondent's full name be changed to Valvo's Convenience & Gas, Inc., and the caption be changed to "In the Matter of Valvo's Convenience & Gas, Inc. and Stephen M. Valvo, Individually" in all the pleadings in this case.

Dated: \_\_\_\_\_, 2011

\_\_\_\_\_  
Hon. Barbara A. Gunning  
Administrative Law Judge  
EPA Office of Administrative Law Judges  
1200 Pennsylvania Avenue, NW  
Mail Code 1900L  
Washington, DC 20460

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 2**

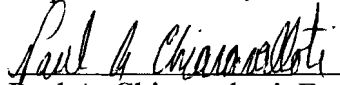
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In the Matter of : **Honorable Barbara A. Gunning,**  
Valvo Convenience and Gas, Inc. : Administrative Law Judge  
And Stephen Valvo, Individually :  
Respondents : **Docket No. RCRA-02-2011-7507**  
Proceeding Under Section 9006 of the :  
Solid Waste Disposal Act, as amended. :  
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**STIPULATION OF THE PARTIES**

It is hereby stipulated and agreed by and among counsel for all parties as follows:

1. The correct names for Respondents are Valvo's Convenience & Gas, Inc. and Stephen M. Valvo.
2. The caption and all references to the corporate Respondent's full name in the Complaint, Compliance Order and Notice of Opportunity for Hearing, ("Complaint"), filed June 6, 2011, Respondents' Answer, Complainant's Prehearing Exchange and all future documents filed in this action should state Valvo's Convenience & Gas, Inc.
3. Respondents do not dispute the jurisdictional basis for this action and confirm that Complainant secured personal jurisdiction over both Respondents.
4. With the exception of the corrected caption and references to the corporate Respondent's full name, the Complaint is unchanged.
5. Respondents' Answer and Affirmative Defenses are unchanged. Respondents waive their right, under Section 22.14(c), to file a separate Answer to the Amended Complaint.
6. The parties propose that the requested correction of the caption and references to the corporate Respondent's full name shall become effective upon the filing of an Order signed by the Honorable Barbara A. Gunning .

Counsel for Respondents  
Valvo's Convenience & Gas, Inc. and  
Stephen M. Valvo, Individually



Paul A. Chiaravalotti, Esq.  
1967 Wehrle Drive, Suite 1  
Williamsville, New York 14221  
(716) 250-2764

Date: 12-06-2011

Counsel for Complainant  
U.S. Environmental Protection Agency, Region 2



Beverly Kolenberg, Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region 2  
290 Broadway, New York 10007-1866  
(212) 637-3167

Date: 12-8-2011

**Re: In the Matter of Valvo Convenience and Gas, Inc. and  
Stephen M. Valvo, individually  
Docket Number RCRA-02-2011-7507**

**CERTIFICATE OF SERVICE**

This is to certify that I have this day caused (or am causing) to be sent Complainant's Motion for Change in Name of Corporate Respondent and Stipulation bearing Docket Number RCRA-02-2011-7507 in the following manner to the respective addressees below:

**Original and One Copy**

**By Hand:**

Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 2  
290 Broadway  
New York, New York 10007

**Copy by Pouch Mail:**

Hon. Barbara A. Gunning  
EPA Office of Administrative Law Judges  
1200 Pennsylvania Avenue, N.W.  
Mail Code 1900L  
Washington, D.C. 20160-2001

**Copy by Regular Mail:**

Valvo Convenience and Gas, Inc.  
Stephen M. Valvo, individually  
1271 Routes 5 and 20  
Silver Creek, New York 14136

Paul A. Chiaravalotti, Esq.  
Attorney for Respondents  
1967 Wehrle Drive, Suite 1  
Williamsville, New York 14221

Dated: New York, New York

12-8-2011

Beverly Kolenberg