



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

Certified Mail:

May 11, 2010

Charles Williams, Esq.
Gentry Locke Rakes & Moore, LLP
SunTrust Plaza, 10 Franklin Road, S.E.
Suite 800
Roanoke, Virginia 24001-0013

Saurin Patel, President
Shree Ganesh, Incorporated
4101 Plantation Road
Roanoke, VA 24012

Shital S. Patel, Registered Agent
for Shree Ganesh, Incorporated
4782 Chippenham Drive
Roanoke, VA 24018

**Re: In the Matter of: Eagle Petroleum - Plantation Road, LLC
EPA Docket No. RCRA-03-2009-0206
First Amended Complaint,
Notice of Right to Request Hearing**

Dear Mr. Williams and Mr. and Mrs. Patel:

This letter is addressed to Mr. Williams as counsel for both Respondents Eagle Petroleum - Plantation Road, LLC and VRH, LLC, and to Saurin Patel as president and Shital Patel as registered agent for Shree Ganesh, Incorporated.

Pursuant to the Regional Judicial Officer's ("RJO") May 10, 2010 Order granting the United States Environmental Protection Agency ("EPA") leave to file an amended complaint, please find enclosed with this letter a First Amended Administrative Complaint and Notice of Right to Request Hearing ("Amended Complaint") issued to Eagle Petroleum - Plantation Road, LLC; VRH, LLC; and Shree Ganesh, Incorporated by the United States Environmental Protection Agency, Region III (EPA), under the authority of 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 "RCRA"), 42 U.S.C. § 6991e, for alleged violations at the Turbo Food Mart facility located at 4101 Plantation Road, Roanoke, Virginia.

Customer Service Hotline: 1-800-438-2474

The Amended Complaint makes several changes to the original Complaint which EPA issued on June 24, 2009 to Eagle Petroleum - Plantation Road, LLC; VRH, LLC; and Shree Ganesh, LLC. The latter entity should have been listed as Shree Ganesh, Incorporated and this correction is one of the changes in the Amended Complaint. However, Shree Ganesh Incorporated is only a party to this administrative action as of the date it was served with this Amended Complaint.

Please refer to the May 10, 2010 Order by the RJO granting EPA's Motion to Amend for specific instructions on how to file your Answer to the Amended Complaint. As set forth in the May 10, 2010 Order, please note that the Answer by Respondent Shree Ganesh, Incorporated to the Amended Complaint must be filed within thirty (30) days of receipt of the Amended Complaint in accordance with the "*Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits,*" 40 C.F.R. Part 22, while the Answer by Respondents Eagle Petroleum - Plantation Road, LLC, and VRH, LLC, must be filed within twenty (20) days of receipt of the Amended Complaint.

In your Answer, you may choose to request a hearing to contest any matter set forth in the Amended Complaint. Whether or not a hearing is requested, you may request an informal settlement conference to discuss resolution of any of these cases. A request for a settlement conference may be included in your Answer or you may contact the staff attorney assigned to this case:

James Heenehan (3RC30)
Sr. Assistant Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

We urge your prompt attention to this matter. If you have any questions, please contact James Heenehan, the attorney assigned to this matter, at (215) 814-2640.

Sincerely,


Abraham Ferdas, Director
Land and Chemicals Division

Enclosures

cc: Lydia Guy, Regional Hearing Clerk
James Heenehan, Office of Regional Counsel
Alicia Meadows, VADEQ
Don Edge, VADEQ

Customer Service Hotline: 1-800-438-2474

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III



In the Matter of:) First Amended
Eagle Petroleum - Plantation Road, LLC) Administrative Complaint
711 Pocahontas Avenue) and Notice of
Roanoke, VA 24012) Right to Request Hearing
VRH, LLC)
711 Pocahontas Avenue) U.S. EPA Docket Number
Roanoke, VA 24012) RCRA-03-2009-0206
Shree Ganesh, Incorporated)
4101 Plantation Road) Proceeding Under Section 9006 of the
Roanoke, VA 24012) Resource Conservation and Recovery
RESPONDENTS,) Act, as amended, 42 U.S.C. Section
Turbo Food Mart) 6991e
4101 Plantation Road)
Roanoke, VA 24012)
FACILITY.)

I. INTRODUCTION

This First Amended Administrative Complaint and Notice of Right to Request Hearing ("Amended Complaint") is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA" or the "Agency") by 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 "RCRA"), 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, 40 C.F.R. Part 22 ("Consolidated Rules of Practice"), a copy of which is enclosed with this Amended Complaint (Enclosure "A").

The Director of the Land and Chemicals Division of U.S. EPA Region III ("Complainant"), hereby notifies Eagle Petroleum - Plantation Road, LLC ("Eagle"), VRH, LLC ("VRH") and Shree Ganesh, Incorporated ("Shree Ganesh") (collectively, "Respondents") that EPA has reason to believe that Respondents have violated Subtitle I of RCRA, 42 U.S.C.

§§ 6991-6991*m*, and the Commonwealth of Virginia's federally authorized underground storage tank program with respect to the underground storage tanks at the facility located at 4101 Plantation Road, Roanoke, VA (the "Facility"). Section 9006 of RCRA, 42 U.S.C. § 6991*e*, authorizes EPA to take enforcement action, including issuing a compliance order or assessing a civil penalty, 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 state underground storage tank program which has been authorized by EPA.

Effective October 28, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991*c*, and 40 C.F.R. Part 281, Subpart A, the Commonwealth of Virginia was granted final authorization to administer a state 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*. The provisions of the Virginia UST management program, through these final authorizations, have become requirements of Subtitle I of RCRA and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991*e*. Virginia's authorized UST program regulations are set forth in the Virginia Administrative Code as Underground Storage Tanks: Technical Standards and Corrective Action Requirements ("VA UST Regulations"), 9 VAC § 25-580-10 *et seq.*, a copy of which is enclosed with this Amended Complaint (Enclosure "B").

Section 9006(d) of RCRA, 42 U.S.C. § 6991*e*(d), authorizes EPA to assess a civil penalty against any owner or operator of an underground storage tank who fails to comply with, *inter alia*, any requirement or standard promulgated under Section 9003 of RCRA, 42 U.S.C. § 6991*b* (40 C.F.R. Part 280) or any requirement or standard of a State underground storage tank program that has been approved by EPA pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991*c*.

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

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

II. AMENDED COMPLAINT
Findings of Facts and Conclusions of Law

1. The United States Environmental Protection Agency - Region III ("EPA" or the "Region") and EPA's Office of Administrative Law Judges have jurisdiction over this matter pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991*e*, 40 C.F.R. Part 280 and 40 C.F.R. § 22.1(a)(4) and .4©.
2. Respondent Eagle Petroleum - Plantation Road, LLC is a Virginia corporation and is a "person" as defined by Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 9 VAC § 25-

580-10.

3. Respondent VRH, LLC is a Virginia corporation and is a “person” as defined by Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 9 VAC § 25-580-10.
4. Respondent Shree Ganesh, Incorporated is a Virginia corporation and is a “person” as defined by Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 9 VAC § 25-580-10.
5. Each of the Respondents is, and at the time of the violations alleged in this Amended Complaint, was the “owner” and/or “operator” of “underground storage tanks” (“USTs” and “UST systems”), as defined in Sections 9001(3), (4) and (10) of RCRA, 42 U.S.C. §§ 6991(3), (4), and (10), and 9 VAC § 25-580-10, located at the Facility, as described below.
6. On February 20, 2007, an EPA representative and the Virginia Department of Environmental Quality (“VADEQ”) conducted a Compliance Evaluation Inspection (“CEI”) of the USTs at the Facility pursuant to RCRA § 9005, 42 U.S.C. § 6991d.
7. At the time of the February 20, 2007 CEI, and at all times relevant to the applicable violations alleged herein, five USTs, as described in the following subparagraphs, were located at the Facility:
 - a. three (3) ten thousand (10,000) gallon fiberglass reinforced plastic tanks that were installed in January 1985 and that, at all times relevant hereto, routinely contained and were used to store gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10 (hereinafter “USTs Nos. 1 (premium gas), 2 (regular gas), and 3 (plus gas)”), and
 - b. a ten thousand (10,000) gallon fiberglass reinforced plastic tank that was installed in January 1985 and that, at all times relevant hereto, routinely contained and was used to store diesel fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10 (hereinafter “UST No. 4”), and
 - c. a ten thousand (10,000) gallon fiberglass reinforced plastic tank that was installed in January 1985 and that, at all times relevant hereto, routinely contained and was used to store kerosene fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10 (hereinafter “UST No. 5”).
8. At all times relevant to the applicable violations alleged herein, USTs Nos. 1, 2, 3, 4, and 5 have been “petroleum UST systems” and “existing tank systems” as these terms are

defined at 9 VAC § 25-580-10.

COUNT I

(Failure to perform monthly release detection for USTs Nos. 1, 2, 3, 4, and 5)

9. Paragraphs 1-8 of this Amended Complaint are incorporated by reference as though fully set forth herein.
10. 9 VAC § 25-580-140 requires owners and operators of petroleum UST systems to provide release detection for tanks and piping that meet the requirements described therein.
11. 9 VAC § 25-580-140.1 provides that, with exceptions not applicable to UST Nos. 1, 2, 3, 4, and 5, tanks must be monitored at least every thirty days for releases using one of the release detection methods listed in 9 VAC § 25-580-160(4)-(8).
12. For the time period of June 30, 2004 through December 19, 2006, the method of release detection selected by Respondents for USTs Nos. 1, 2, 3, 4, and 5 was automatic tank gauging via a Veeder Root TLS-350 automatic tank gauge ("ATG") system pursuant to 9 VAC § 25-580-160(4).
13. From June 30, 2004 through December 19, 2006, Respondents failed to monitor USTs Nos. 1, 2, 3, 4, and 5 at least every thirty days as required by 9 VAC § 25-580-140.1.
14. For the time period of June 30, 2004 through December 19, 2006, Respondents did not provide any other approved method of release detection set forth in VAC § 25-580-160(4)-(8) for any of the five above-referenced USTs.
15. From June 30, 2004 through December 19, 2006, Respondents violated 9 VAC § 25-580-140.1 by failing to conduct release detection for USTs Nos. 1, 2, 3, 4, and 5.

COUNT II

(Failure to conduct annual line tightness testing or monthly pipe monitoring for USTs Nos. 1, 2, 3, 4, and 5)

16. Paragraphs 1-15 of this Amended Complaint are incorporated by reference as though fully set forth herein.
17. 9 VAC § 25-580-140.2 states that underground piping that routinely contains regulated substances must be monitored for releases in a manner that meets the requirements of either 9 VAC § 25-580-140.2.a (for pressurized piping) or 9 VAC § 25-580-140.2.b (for suction piping).

18. 9 VAC § 25-580-140.2.a(2) requires that underground piping that conveys regulated substances under pressure must have an annual line tightness test conducted in accordance with subdivision 2 of 9 VAC § 25-580-170 or have monthly monitoring conducted in accordance with subdivision 3 of 9 VAC § 25-580-170.
19. The underground piping associated with USTs Nos. 1, 2, 3, 4, and 5 is and has been at all times relevant to this Amended Complaint piping that routinely contains regulated substances and conveys regulated substances under pressure.
20. At the time of the February 20, 2007 CEI, and in subsequent correspondence between EPA, VADEQ, and the Respondents, the Respondents or VADEQ were able to produce records of annual line tightness testing for the following years for the following USTs:
 - a. for UST No. 1, Respondents produced annual line tightness tests dated March 17, 2000, August 18, 2006, February 22, 2007, November 26, 2007, and March 27, 2008;
 - b. for UST No. 2, Respondents and VADEQ produced annual line tightness tests dated March 17, 2000, March 26, 2001, February 22, 2007, November 26, 2007, and March 27, 2008;
 - c. for UST No. 3, Respondents and VADEQ produced annual line tightness tests dated March 17, 2000, August 22, 2000, October 2, 2000, March 26, 2001, February 22, 2007, November 26, 2007, and March 27, 2008;
 - d. for UST No. 4, Respondents and VADEQ produced annual line tightness tests dated March 2000, July 11, 2007, November 26, 2007, and March 27, 2008; and
 - e. for UST No. 5, Respondents and VADEQ produced annual line tightness tests dated March 17, 2000, February 17, 2005, February 22, 2007, November 26, 2007, and March 27, 2008.
21. From June 30, 2004 to July 15, 2008, Respondents did not conduct alternative monthly monitoring in accordance with 9 VAC § 25-580-170.2.a.(2) for USTs Nos. 1, 2, 3, 4, and 5.
22. Respondents did not conduct annual line tightness testing or monthly monitoring for the following periods and the following USTs:
 - a. For UST No. 1, Respondents failed to conduct annual line tightness testing in accordance with 9 VAC § 25-580-140.2.a(2) from June 30, 2004 to August 17, 2006.

- b. For USTs Nos. 2 and 3, Respondents failed to conduct annual line tightness testing in accordance with 9 VAC § 25-580-140.2.a(2) from June 30, 2004 to February 21, 2007.
 - c. For UST No. 4, Respondents failed to conduct annual line tightness testing in accordance with 9 VAC § 25-580-140.2.a(2) from June 30, 2004 to July 10, 2007.
 - d. For UST No. 5, Respondents failed to conduct annual line tightness testing in accordance with 9 VAC § 25-580-140.2.a(2) from June 30, 2004 to February 16, 2005, and from February 17, 2006 to February 21, 2007.
23. Respondents' acts and/or omissions as alleged in Paragraphs 21 and 22, above, constitute violations by Respondents of 9 VAC § 25-580-140.2.

COUNT III

(Failure to conduct annual line leak detector testing for USTs Nos. 1, 2, 3, 4, and 5)

24. Paragraphs 1-23 of this Amended Complaint are incorporated by reference as though fully set forth herein.
25. 9 VAC § 25-580-140.2.a(1) requires that underground piping that conveys regulated substances under pressure must be equipped with an automatic line leak detector conducted in accordance with subdivision 1 of 9 VAC § 25-580-170.
26. 9 VAC § 25-580-170(1) requires that an annual test of the operation of the annual line leak detector must be conducted in accordance with the manufacturer's requirements.
27. The pressurized piping associated with USTs Nos. 1, 2, 3, 4, and 5 is, and has been at all times relevant to this Amended Complaint, equipped with automatic line leak detectors.
28. From at least June 30, 2004 until November 25, 2007, Respondents failed to conduct annual tests of the operation of the automatic line leak detectors associated with USTs Nos. 1, 2, 3, 4, and 5.
29. Respondents' acts and/or omissions as alleged in Paragraph 28, above, constitute violations by Respondents of 9 VAC §§ 25-580-140.2.a(1) and 25-580-170(1).

COUNT IV

(Failure to provide overfill protection for UST No. 4)

30. Paragraphs 1-29 of this Amended Complaint are incorporated by reference as though fully set forth herein.
31. 9 VAC § 25-580-60.4 states that, to prevent spilling and overfilling associated with product transfer to the UST system, all existing UST systems must comply with the new UST system spill and overfill prevention equipment requirements specified in subsection 3 of 9 VAC § 25-580-50.
32. 9 VAC § 25-580-50.3.a(2) requires that, with exceptions not relevant to this matter, owners and operator use overfill prevention equipment that will (a) automatically shut off flow into the tank when the tank is no more than 95% full; or (b) alert the transfer operator when the tank is no more than 90% full by restricting the flow into the tank or triggering a high-level alarm.
33. From June 30, 2004 until February 28, 2007, Respondents did not provide overfill protection meeting the requirements of 9 VAC § 25-580-50.3.a(2) for UST No. 4.
34. Respondents' acts and/or omissions as alleged in Paragraph 33, above, constitute a violation by Respondents of 9 VAC § 25-580-60.4.

COUNT V

(Failure to provide cathodic protection for steel piping associated with USTs Nos. 1, 2, 3, 4, and 5)

35. Paragraphs 1-34 of this Amended Complaint are incorporated by reference as though fully set forth herein.
36. 9 VAC § 25-580-60.3 states that metal piping that routinely contains regulated substances and is in contact with the ground must be cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and must meet the requirements of 9 VAC § 25-580-50.2.b(2), (3) and (4).
37. Underground piping associated with USTs Nos. 1, 2, 3, 4, and 5 was, at all times relevant to the violation alleged herein, metal piping in contact with the ground that routinely contained a regulated substance.
38. From June 30, 2004 until February 9, 2007, Respondents failed to cathodically protect the metal piping associated with UST No. 4.

39. From June 30, 2004 until February 13, 2007, Respondents failed to cathodically protect the metal piping associated with USTs No. 1, 2, and 3.
40. From June 30, 2004 until February 14, 2007, Respondents failed to cathodically protect the metal piping associated with UST No. 5.
41. Respondents' acts and/or omissions as alleged in Paragraphs 38-40, above, constitute violations by Respondents of 9 VAC § 25-580-60.3.

COUNT VI

(Failure to maintain financial assurance for USTs Nos. 1, 2, 3, 4, and 5)

42. Paragraphs 1–41 of this Amended Complaint are incorporated by reference as though fully set forth herein.
43. 9 VAC § 25-590-40 states that owners or operators of petroleum underground storage tanks shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks.
44. From at least June 30, 2004 until February 7, 2008, Respondents failed to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of USTs Nos. 1, 2, 3, 4, and 5 as required by 9 VAC § 25-590-40.
45. Respondents' acts and/or omissions as alleged in Paragraph 44, above, constitute violations by Respondents of 9 VAC § 25-590-40.

III. PROPOSED CIVIL PENALTY

Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2), provides, in relevant part, that any owner or operator of an underground storage tank who fails to comply with any requirement or standard promulgated by EPA under Section 9003 of RCRA, 42 U.S.C. § 6991c, or that is part of an authorized state underground storage tank program shall be liable for a civil penalty not to exceed \$10,000 for each tank for each day of violation. In accordance with the *Adjustment of Civil Penalties for Inflation* as set forth in 40 C.F.R. Part 19 and the September 21, 2004 memorandum by Acting EPA Assistant Administrator Thomas V. Skinner entitled, *Modifications to EPA Penalty Policies to Implement the Civil Monetary Penalty Inflation Adjustment Rule* ("2004 Skinner Memorandum"), for violations occurring after January 30, 1997, statutory penalties and penalties under the UST Guidance for, *inter alia*, RCRA Subtitle I violations, were increased 10% above the maximum amount to account for inflation, and statutory penalties for,

inter alia, RCRA Subtitle I violations occurring after March 15, 2004, were increased by and an additional 17.23% above the maximum amount to account for inflation. For purposes of determining the amount of any penalty to be assessed, Section 9006© of RCRA, 42 U.S.C. § 6991e©, requires EPA to take into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

Pursuant to 40 C.F.R. § 22.14(a)(4)(ii), Complainant is not proposing a specific penalty at this time, but will do so at a later date after an exchange of information has occurred. See 40 C.F.R. § 22.19(a)(4).

IV. NOTICE OF RIGHT TO REQUEST A HEARING

Each Respondent may request a hearing before an EPA Administrative Law Judge and at such hearing may contest any material fact upon which the Amended Complaint is based, contest the appropriateness of any compliance order or proposed penalty, and/or assert that the Respondent is entitled to judgment as a matter of law. To request a hearing, Respondent Shree Ganesh, Incorporated must file a written answer ("Answer") within thirty (30) days after service of this Amended Complaint as set forth in 40 C.F.R. § 22.15(a) and Respondents Eagle Petroleum - Plantation Road, LLC and VRH, LLC must file a written answer ("Answer") within twenty (20) days after service of this Amended Complaint as set forth in 40 C.F.R. § 22.14©. The Answer should clearly and directly admit, deny or explain each of the factual allegations contained in this Amended Complaint of which Respondent has any knowledge. Where the Respondent has no knowledge of a particular factual allegation and so states, such a statement is deemed to be a denial of the allegation. The Answer should contain: (1) the circumstances or arguments which are alleged to constitute the grounds of any defense; (2) the facts which the Respondent disputes; (3) the basis for opposing any proposed relief; and (4) a statement of whether a hearing is requested. All material facts not denied in the Answer will be considered to be admitted.

Failure of any Respondent to admit, deny or explain any material allegation in the Amended Complaint shall constitute an admission by that Respondent of such allegation. Failure to Answer may result in the filing of a Motion for Default Order and the possible issuance of a Default Order imposing the penalties proposed herein without further proceedings.

Any hearing requested and granted will be conducted in accordance with the Consolidated Rules, a copy of which has been enclosed with this Amended Complaint (Enclosure "A"). Respondents must send any Answer and request for a hearing to the attention of:

Regional Hearing Clerk (3RC00)
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

In addition, please send a copy of any Answer and/or request for a hearing to the attention of:

James Heenehan
Sr. Assistant Regional Counsel
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

V. SETTLEMENT CONFERENCE

Complainant encourages settlement of this proceeding at any time after issuance of the Amended Complaint if such settlement is consistent with the provisions and objectives of RCRA. Whether or not a hearing is requested, Respondents may request a settlement conference with the Complainant to discuss the allegations of the Amended Complaint, and the amount of the proposed civil penalty. **HOWEVER, A REQUEST FOR A SETTLEMENT CONFERENCE DOES NOT RELIEVE A RESPONDENT OF ITS RESPONSIBILITY TO FILE A TIMELY ANSWER.**

In the event settlement is reached, its 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 the settling Respondent's right to contest the allegations of the Amended Complaint and its right to appeal the proposed Final Order accompanying the Consent Agreement.

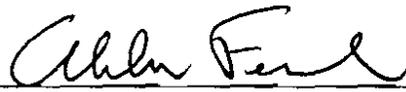
If you wish to arrange a settlement conference, please contact James Heenehan, Sr. Assistant Regional Counsel, at (215) 814-2640 prior to the expiration of the thirty (30) day period following service of this Amended Complaint for Respondent Shree Ganesh, Incorporated and prior to the expiration of the twenty (20) day period for Respondents Eagle Petroleum - Plantation Road, LLC and VRH, LLC. Once again, however, such a request for a settlement conference does not relieve a Respondent of its responsibility to file an Answer within thirty (30) days following service of this Amended Complaint for Respondent Shree Ganesh, Incorporated and within twenty (20) days following service of this Amended Complaint for Respondents Eagle Petroleum - Plantation Road, LLC and VRH, LLC.

Please note that the Quick Resolution settlement procedures set forth in 40 C.F.R. § 22.18 do not apply to this proceeding because a specific penalty is not proposed in the Amended Complaint. See 40 C.F.R. § 22.18(a)(1).

VI. SEPARATION OF FUNCTIONS AND EX PARTE COMMUNICATIONS

The following Agency officers, and the staffs thereof, are designated as the trial staff to represent the Agency as the party in this case: the Region III Office of Regional Counsel, the Region III Land & Chemicals Division, and the Office of the EPA Assistant Administrator for Enforcement and Compliance Assurance. Commencing from the date of issuance of this Amended 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 Regional Judicial Officer, may have an *ex parte* communication with the trial staff or the merits of any issue involved in this proceeding. Please be advised that the Consolidated Rules prohibit any *ex parte* discussion of the merits of a case with, among others, the Administrator, members of the Environmental Appeals Board, Presiding Officer, Judicial Officer, Regional Administrator, Regional Judicial Officer, or any other person who is likely to advise these officials on any decision in this proceeding after issuance of this Amended Complaint.

Dated: 5/11/10


 Abraham Ferdas
 Director
 Land and Chemicals Division
 U.S. EPA Region III

- Enclosures:
- A. Consolidated Rules of Practice, 40 C.F.R. Part 22
 - B. Virginia Tank Management Regulations, 9 VAC § 25-580-10 et. seq., and 9 VAC § 25-590-10 et. seq.
 - C. UST Penalty Guidance
 - D. Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19
 - E. Modifications to EPA Penalty Policies to Implement the Civil Monetary Penalty Inflation Adjustment Rule (Pursuant to the Debt Collection Improvement Act of 1996, Effective October 1, 2004)

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:)	
)	
Eagle Petroleum - Plantation Road, LLC)	
711 Pocahontas Avenue)	U.S. EPA Docket Number
Roanoke, VA 24012)	RCRA-03-2009-0206
)	
VRH, LLC)	
4101-B Plantation Road)	
Roanoke, VA 24012)	Proceeding Under Section 9006 of the
)	Resource Conservation and Recovery
Shree Ganesh, Incorporated)	Act, as amended, 42 U.S.C. Section
4101 Plantation Road)	6991e
Roanoke, VA 24012)	
)	
RESPONDENTS,)	
)	
Turbo Food Mart)	
4101 Plantation Road)	
Roanoke, VA 24012)	
)	
)	
FACILITY.)	

CERTIFICATE OF SERVICE

I certify that on the date noted below, I hand-delivered the original and one true and correct copy of Complainant's First Amended Complaint to the Regional Hearing Clerk (3RC00), U.S. EPA Region III, 1650 Arch St., Philadelphia, PA, 19103, and that I sent or delivered a true and correct copy of same to the below parties as indicated below:

*For Respondent Eagle Petroleum - Plantation Road, LLC, and
Respondent VRH, LLC:*

Certified Mail:	Charles Williams, Esq. Gentry Locke Rakes & Moore LLP SunTrust Plaza, 10 Franklin Road, S.E., Suite 800 Roanoke, Virginia 24022-0013
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For Respondent Shree Ganesh, LLC:

Certified Mail: Saurin Patel, President
Shree Ganesh, Incorporated
4101 Plantation Road
Roanoke, VA 24012

Shital S. Patel, Registered Agent
For Shree Ganesh, Incorporated
4782 Chippenham Drive
Roanoke, VA 24018

For the Presiding Officer:

Hand delivered: Renee Sarajian
Regional Judicial Officer (3RC00)
EPA Region III
1650 Arch Street
Philadelphia, PA 19003

Dated: 5/11/10


James Heenehan
St. Assistant Regional Counsel (3RC30)
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103-2029