

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of : UST Docket No. RCRA-III-
: 9006-017
Coastline Purchasing :
Corporation, :
: :
: :
Respondent : **DEFAULT ORDER**

DEFAULT ORDER

This administrative proceeding for the assessment of a civil penalty and entry of a compliance order was initiated pursuant to Section 9006 of the Resource Conservation and Recovery Act as amended ("RCRA"), 42 U.S.C. § 6991e and in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits ("CRP"), 40 C.F.R. Part 22. The action was instituted by the filing of a Complaint, Compliance Order and Notice of Opportunity for Hearing ("Complaint") by the Associate Director of the Hazardous Waste Management Division, U.S. Environmental Protection Agency, Region III ("Complainant") on July 11, 1991. The action was brought for violations of Subtitle I of RCRA and regulations promulgated thereunder relating to underground storage tanks at Respondent Coastline Purchasing Corporation's 940 Florida Avenue NW, Washington, DC Facility ("Facility").

It is hereby determined that a Default Order shall be issued on the Findings of Fact and Conclusions of Law as set forth below:

FINDINGS OF FACT

1. On July 11, 1991, Complainant issued to Coastline Purchasing Corporation ("Respondent") and filed with the Regional Hearing Clerk a Complaint which alleged that Respondent:
 - a. failed to submit timely notifications for five underground storage tanks at the Facility, in violation of Section 9002(a) of RCRA, 42 U.S.C. 6991a(a) and 40 C.F.R. § 280.22;
 - b. failed to remove free product and submit a free product removal report, in violation of Section 9003 of RCRA, 42 U.S.C. § 6991b and 40 C.F.R. § 280.64;

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- c. failed to conduct site investigations related to the release of regulated substances or submit information which would have been collected during such investigations, in violation of Section 9003 of RCRA, 42 U.S.C. § 6991b and 40 C.F.R. § 280.65;
 - d. failed to submit and implement a corrective action plan, in violation of Section 9003 of RCRA, 42 U.S.C. 6111b;
 - e. failed to implement release detection requirements for four tanks at the facility, in violation of Section 9003 of RCRA, 42 U.S.C. § 6991b and 40 C.F.R. §§ 280.40, 280.43, and 280.45.
2. On January 2, 1992, the Presiding Officer issued an Order in the above-captioned case directing Complainant and Respondent to file initial pre-hearing exchanges no later than March 2, 1992.
 3. Complainant timely filed its pre-hearing exchange. As of March 19, 1992, Respondent had failed to file its pre-hearing exchange.
 4. On March 19, 1992, the Presiding Officer issued a Notice of Intention to Issue a Default Order against Respondent unless Respondent, no later than March 26, 1992, filed an explanation as to why it failed to make a timely prehearing filing.
 5. Although Respondent subsequently filed a pre-hearing exchange, it failed to comply with the Order requiring it to file an explanation as to why it failed to file the pre-hearing exchange in a timely manner.
 6. On April 2, 1992, the Presiding Officer directed Complainant to prepare a Default Order for signature no later than April 14, 1992.
 7. On April 1, 1992, Complainant filed a Motion for Default Order on the grounds that Respondent had failed to file a timely prehearing exchange and had failed to provide an explanation for failing to file its prehearing exchange in a timely fashion. With its Motion for Default, Complainant enclosed a proposed Default Order for the Presiding Officer's signature.
 8. In response to a letter from the Presiding Officer suggesting revision of the proposed Default Order, Complainant submitted a revised proposed Default Order on June 8, 1992.
 9. As of June 8, 1992, Respondent had filed neither a response to Complainant's Motion for Default Order nor an explanation as to why it had failed to file its prehearing exchange in a timely fashion.
 10. Complainant will be prejudiced if its Motion for Default is

not granted as Respondent's counsel will have had an opportunity to review, evaluate, and take action in response to Complainant's prehearing exchange while Complainant will not have had a similar opportunity, as would have been the case had Respondent filed its prehearing exchange simultaneously with the timely filing of Complainant's prehearing exchange, as required by the January 2, 1992 order of the Presiding Officer.

11. The allegations contained in Paragraphs 1 - 49 of the Complaint are incorporated herein by reference and adopted herein as Findings of Fact and Conclusions of Law, respectively.

12. The allegations contained in Complainant's prehearing exchange and exhibits attached thereto are incorporated herein by reference.

13. The Complaint in this action proposed the assessment of a civil penalty of \$150,104.00. Subsequently, Complainant identified certain mathematical errors in its penalty calculation and revised the penalty amount downwards to \$141,722.00. The penalty, as corrected, was calculated in accordance with the U.S. EPA Penalty Guidance for Violations of Underground Storage Tank Regulations ["UST Penalty Guidance"] as follows:

COUNT I: Failure to notify of existing USTs,
pursuant to Section 9002(a) of RCRA and
40 C.F.R. § 280.22(a) \$67,500

1. Avoided Costs - NONE
No economic benefit to Respondent resulted from failure to notify.

2. Delayed Costs - NONE
No economic benefit.

3. Economic Benefit Component = \$0
Avoided costs plus delayed costs.

4. Gravity-Based Matrix Value = \$7,500

(a) Potential for Harm - MAJOR
Chapter 3 of the UST Penalty Guidance considers failure to notify to have a major potential for harm due to the substantial and continuing risk to human health and the environment posed by the existence of tanks which are unknown to the regulatory agencies and therefore cannot be monitored for compliance with other regulations.

(b) Extent of Deviation - MAJOR
Under the UST Penalty Guidance, failure to notify of the existence of underground storage tanks is considered a major extent of deviation because the violator has deviated from the

requirements to the extent that there is substantial noncompliance with the regulatory scheme.

(c) Matrix value under UST Penalty Guidance = \$7500
Using the UST Penalty matrix, EPA assessed the per tank matrix value of \$1500. The per tank matrix value of \$1500 is multiplied by five (5) tanks to yield a total per facility matrix value of \$7500.

5. Violator Specific Adjustments to the Matrix Value

- (a) Degree of cooperation/noncooperation -
Percentage Change = +50%
Dollar Adjustment = +\$3750

Despite the implementing agencies repeated requests for notification, Respondent failed to make any notification at any time for the 550-gallon tank, indicating a lack of good faith compliance efforts, justifying a 50% upward adjustment.

- (b) Degree of willingness or negligence -
Percentage Change = +50%
Dollar Adjustment = +\$3750

Respondent's delay in submitting notifications despite having been informed of the violations by DCRA shows that the violations were knowing, justifying another upwards adjustment of the gravity-based component.

- (c) History of Noncompliance - NONE
No history of noncompliance.

- (d) Unique Factors - NONE
No unique factors.

- (e) Adjusted Matrix Value = \$15,000
Total gravity-based matrix value for five tanks adjusted for violator-specific factors.

6. Other Multiplier Factors

(Assigned by UST Penalty Guidance, see p. 20.)

- (a) Environmental Sensitivity Multiplier = 1
Low environmental sensitivity assigned based on lack of information.

- (b) Days of Noncompliance Multiplier = 4.5
From November 13, 1986, thirty days after it acquired the UST systems, Respondent was under an obligation to submit notifications for USTs at the Facility. Respondent submitted notifications for four USTs on May 22, 1989 and never submitted a notification for a fifth tank at the Facility. Complainant disregarded the lack of compliance for the fifth UST past May 22, 1989. (This simplification benefitted Respondent.) Respondent

was assessed for 921 days of non-compliance, yielding a days of non-compliance multiplier of 4.5. Penalty Guidance, p. 20.

- (c) Adjusted Gravity Based Component = 67,500
Adjusted matrix value multiplied by multiplier factors.

7. Penalty Figure = \$67,500
Economic benefit component plus gravity-based component.

COUNT II: Failure to conduct free product removal pursuant to 40 C.F.R. § 280.64.

\$10,639

1. Avoided Costs - NONE
Respondent will still be required to undertake free product removal should conditions warrant; therefore, no costs have been avoided completely.

2. Delayed Costs = \$1,639

(a) Delayed Expenditures = \$10,000
Initial free product removal would cost \$10,000.

(b) Interest Rate = 11%
Source is IRS interest rate.

(c) Days of Non-Compliance = 544
The implementing agency determined that free product removal was necessary at the Facility on April 20, 1989 and directed that a free product bailing plan be submitted by May 5, 1989. Respondent never submitted the plan but removed the tanks on October 31, 1990, when the implementing agency determined that free product still needed to be recovered. EPA has used October 31, 1990 as the last date of non-compliance.

(d) Delayed Costs =
$$\frac{\text{Delayed Expenditures} \times \text{Interest Rate} \times \text{Days}}{365}$$

= \$1,639

3. Economic Benefit Component = \$1,639
Avoided costs plus delayed costs.

4. Gravity-Based Matrix Value = \$1,500

(a) Potential for Harm - MAJOR
Failure to remove free product is considered to pose a major potential for harm due to the substantial and continuing risk to human health and the environment posed by the presence of free product. UST Penalty Guidance, p. 16 and Appendix A.

(b) Extent of Deviation - MAJOR

Failure to perform free product removal is considered a major extent of deviation because the violator has deviated from the requirements to the extent that there is substantial noncompliance with the regulatory scheme. UST Penalty Guidance, p. 14 and Appendix A.

(c) Matrix value under UST Penalty Guidance = \$1500

5. Violator Specific Adjustments to the Matrix Value

(a) Degree of cooperation/noncooperation -
Percentage Change = +50%
Dollar Adjustment = +\$750

Respondent was assessed a 50% upward adjustment of the matrix value for lack of cooperation, since Respondent was asked to perform free product removal but still neglected to do so.

(b) Degree of willingness or negligence -
Percentage Change = +50%
Dollar Adjustment = +\$750

Respondent had actual notice that it would be in violation of the regulation by failing to submit a free product bailing plan, yet it neglected to respond to DCRA's directive to submit a free product bailing plan. Therefore, a 50% upward adjustment for willfulness or negligence was assessed.

(c) History of Noncompliance - NONE

(d) Unique Factors - NONE

(e) Adjusted Matrix Value = \$3,000
Gravity-based matrix value adjusted by violator-specific factors.

6. Other Gravity-Based Multiplier Factors
(Assigned by UST Penalty Guidance, see p. 20.)

(a) Environmental Sensitivity Multiplier = 1
Low environmental sensitivity assigned based on lack of information.

(b) Days of Noncompliance Multiplier = 3
Multiplier of three corresponds to 544 days of non-compliance. See UST Penalty Guidance, p. 20.

(c) Adjusted Gravity Based Component = \$9,000
Adjusted matrix value multiplied by multiplier factors.

7. Penalty Figure = \$10,639
Economic benefit component plus gravity-based component.

**COUNT III: Failure to determine the extent of contamination,
pursuant to 40 C.F.R. § 280.65.**

§ 10,719

1. Avoided Costs - NONE

Respondent is still under an obligation to determine the extent of contamination and therefore its costs are delayed only.

2. Delayed Costs = \$3,369

(a) **Delayed Expenditures = \$20,000**
Estimated cost of site investigations for five-tank facility.

(b) **Interest Rate = 11%**
Source is IRS interest rate.

(c) **Days of Noncompliance = 559**
From March 14, 1989, the date that Respondent submitted reports showing evidence of a release at the Facility, Respondent was under a continuing obligation to conduct investigations of the release and the site affected by the release. Respondent was assessed a penalty for this violation from the date of DCRA's site visit on April 20, 1989 until the date of tank removal, although contamination warranting investigation may have been in evidence beyond that date.

(d) **Delayed Costs =**
$$\frac{\text{Delayed Expenditures} \times \text{Interest Rate} \times \text{Days}}{365}$$

= \$3,369

3. Economic Benefit Component = \$3,369
Avoided costs plus delayed costs.

4. Gravity-Based Matrix Value = \$1,500

(a) **Potential for Harm - MAJOR**
Failure to determine extent of contamination is considered to pose a major potential for harm due to the substantial and continuing risk to human health and the environment posed by the presence of contamination.

(b) **Extent of Deviation - MAJOR**
Failure to determine extent of contamination is considered a major extent of deviation because the violator has deviated from the requirements to the extent that there is substantial noncompliance with the regulatory scheme.

(c) **Matrix value under UST Penalty Guidance = \$1500**

5. Violator Specific Adjustments to the Matrix Value

(a) Degree of cooperation/noncooperation -
Percentage Change = +20%
Dollar Adjustment = +300
Respondent was assessed a 20% upward adjustment of the gravity-based matrix value for its utter failure to undertake any of the necessary investigations even after being advised to do so by the implementing agency.

(b) Degree of willingness or negligence -
Percentage Change = +20%
Dollar Adjustment = +300
Due to DCRA's site visit and determination that there had been a release at the Facility, Respondent was on notice that site conditions would warrant investigations under 40 C.F.R. § 280.65, thus meriting an upward adjustment for a knowing violation.

(c) History of Noncompliance - NONE

(d) Unique Factors - NONE

(e) Adjusted Matrix Value = \$2100
Matrix value as adjusted for violator-specific factors.

6. Other Gravity-Based Multiplier Factors
(Assigned by UST Penalty Guidance, see p. 20.)

(a) Environmental Sensitivity Multiplier =
Low environmental sensitivity assigned because there is no current potable groundwater use.

(b) Days of Noncompliance Multiplier = 3.5
Corresponds to 559 days of noncompliance. See Penalty Guidance, p. 20.

(c) Adjusted Gravity Based Component = \$7350
Adjusted matrix value multiplied by multiplier factors.

7. Penalty Figure = \$10,719
Economic benefit component plus gravity-based component.

COUNT IV: Failure to submit a corrective action plan, pursuant to 40 C.F.R. § 280.66.

1. Avoided Costs - NONE

2. Delayed Costs = \$7,778

(a) Delayed Expenditures = \$36,400
Estimated costs for developing and starting implementation of a corrective action plan for Respondent's facility.

(b) Interest Rate = 11%

(c) Days of Noncompliance = 709

The implementing agency (DCRA) required that Respondent submit a corrective action plan ("CAP") by June 20, 1989; Respondent failed to do so until October 31, 1990. Respondent finally submitted a CAP which was approved by DCRA on January 14, 1991; DCRA then requested a schedule for implementation of the CAP. The schedule was never submitted and Respondent failed to implement the CAP by the DCRA-imposed deadline of April 10, 1991. Respondent has failed to date to implement the CAP.

Even though the violation is ongoing, Complainant utilized a cut-off date of May 30, 1991 for the purpose of assessing a penalty for Respondent's failure to submit and/or implement a CAP, yielding a total of 709 days of non-compliance.

(d) Delayed Costs =
$$\frac{\text{Delayed Expenditures} \times \text{Interest Rate} \times \text{Days}}{365}$$

= \$7,778

3. Economic Benefit Component = \$7,778
Avoided costs plus delayed costs.

4. Gravity-Based Matrix Value = \$1,500

(a) Potential for Harm - MAJOR

Since the necessity for corrective action indicates the presence of releases and of soil and groundwater contamination, a major potential for harm arises from failure to develop or implement a CAP to address those releases and the resulting contamination.

(b) Extent of Deviation - MAJOR

Due to the central importance which corrective action for releases from USTs occupies in the regulatory scheme, failure to submit or implement a CAP is considered a major extent of deviation.

(c) Matrix value under UST Penalty Guidance = \$1,500

5. Violator Specific Adjustments to the Matrix Value

(a) Degree of cooperation/noncooperation -
Percentage Change = +50%
Dollar Adjustment = +\$750

The implementing agency, DCRA, made repeated requests and granted Respondent numerous opportunities to comply with its requests for CAP submission and implementation. Despite these repeated requests, Respondent failed to make good faith efforts to comply, justifying a 50% upward adjustment for non-cooperation.

- (b) Degree of willingness or negligence -
Percentage Change = +50%
Dollar Adjustment = \$750

DCRA's repeated requests for submission and implementation of a corrective action plan put Respondent on notice that it was in violation of applicable regulations, thus justifying a 50% upward adjustment for knowing violation.

- (c) History of Noncompliance - NONE

- (d) Unique Factors - NONE

- (e) Adjusted Matrix Value = \$3,000
Total gravity-based matrix value adjusted for violator-specific factors.

6. Other Gravity-Based Multiplier Factors
(Assigned by UST Penalty Guidance, see p. 20.)

- (a) Environmental Sensitivity Multiplier =
Low environmental sensitivity assigned based on lack of information.

- (b) Days of Noncompliance Multiplier = 3.5
Penalty Guidance, p. 20.

- (c) Adjusted Gravity Based Component = \$10,500
Adjusted matrix value multiplied by multiplier factors.

7. Penalty Figure = \$18,278
Economic benefit component plus gravity-based component.

COUNT V: Failure to provide an adequate method of release detection, pursuant to 40 C.F.R. 280.40(c).

\$34,586

1. Avoided Costs = \$4,586

Since the tanks subject to release detection are no longer in existence, Respondent's failure to implement leak detection permitted the avoidance of all costs associated with leak detection, calculated as follows:

- (a) Days of noncompliance = 313
Since four of the five USTs at the Facility were installed prior to 1965 and still in place after leak detection requirements became effective, these four USTs were subject to leak detection requirements on December 22, 1989 and remained subject to them until the date of their removal on October 31, 1990. The total days of non-compliance with leak detection requirements is 313.

- (b) Avoided expenditures = \$4930

This is the estimated costs of providing leak detection for four tanks during the period when those tanks were subject to leak detection requirements. The basis is an estimated cost of \$2.50 per day per tank for sticking tests (the least expensive method of release detection) for the four tanks. These four tanks were subject to, and failed to comply with, release detection requirements for 313 days. Also, tank tightness testing would have been required once for three of those tanks during the relevant period of noncompliance, at a cost of \$600 per tank.

(c) Weighted Tax Rate = 15%

Respondent falls under Financial Responsibility Group 4 in the UST Penalty Guidance.

(d) Interest Rate = 11%
Source is IRS interest rate.

(e) Avoided Costs = Avoided Expenditures +
$$\frac{\text{Avoided Expenditures} \times \text{Interest Rate} \times \text{Days}}{365}$$

x (1 - Weighted Tax Rate) = \$4,586

2. Delayed Costs - NONE

3. Economic Benefit Component = \$4,586
Avoided costs plus delayed costs.

4. Gravity-Based Matrix Value = \$6,000

(a) Potential for Harm - MAJOR

Leak detection is often the only way that leaks and releases of regulated substances into the environment from older USTs are discovered. Therefore, the UST Penalty Guidance considers lack of leak detection to present a major potential for harm.

(b) Extent of Deviation -

Leak detection is the backbone of the UST regulatory scheme for older USTs, since it is often the only way that leaks and releases of regulated substances into the environment are discovered. The Penalty Guidance considers failure to implement leak detection as constituting a major extent of deviation from the regulatory requirements.

(c) Matrix value under UST Penalty Guidance = \$6,000

The per-tank matrix value for major potential for harm combined with major extent of deviation is \$1,500. Four tanks were subject to release detection, yielding a per facility total gravity-based matrix value of \$6,000.

5. Violator Specific Adjustments to the Matrix Value

(a) Degree of cooperation/noncooperation -

Percentage Change = +50%
Dollar Adjustment = +\$3000

Both BCRA and EPA made numerous requests (alleged in the Complaint) for proof of application of release detection to the USTs. Respondent failed to make any good faith effort to supply even a manual method of release detection at any time for any tank, justifying an 50% upward adjustment to the matrix value.

- (b) Degree of willingness or negligence -
Percentage Change = +50%
Dollar Adjustment = +\$3000

Repeated requests for proof of leak detection provided Respondent with knowledge that it was in violation of leak detection requirements, justifying a 50% upward adjustment for willfulness.

- (c) History of Noncompliance - NONE

- (d) Unique Factors - NONE

- (e) Adjusted Matrix Value = \$12,000
Total gravity-based matrix value for four tanks adjusted for violator-specific factors.

6. Other Gravity-Based Multiplier Factors
(Assigned by UST Penalty Guidance, see p. 20.)

- (a) Environmental Sensitivity Multiplier = 1
Low environmental sensitivity assigned based on lack of information.

- (b) Days of Noncompliance Multiplier = 2.5
Penalty Guidance, p. 20.

- (c) Adjusted Gravity Based Component = \$30,000
Adjusted matrix value multiplied by multiplier factors.

7. Penalty Figure = \$34,586
Economic benefit component plus gravity-based component.

CONCLUSIONS OF LAW

1. Regulation 40 CFR § 22.17(a) states that upon motion or sua sponte upon failure to comply with a prehearing order of the Presiding Officer, a party may be found to be in default.

2. Pursuant to the Presiding Officer's January 2, 1992 prehearing order, Respondent was required to have filed its prehearing exchange no later than March 2, 1992.

3. Respondent failed to file its prehearing exchange by March

- e. failing to implement release detection requirements for four tanks at the facility, in violation of Section 9003 of RCRA, 42 U.S.C. § 6991b and 40 C.F.R. §§ 280.40, 280.43, and 280.45.

ORDER

AND NOW, this 10th day of June, 1992, under the authority of the Resource Conservation and Recovery Act and the CRP, Respondent is found to be in default with respect to the Complaint.

NOW THEREFORE, pursuant to 40 C.F.R. § 22.17(c), Respondent is hereby ordered to pay a civil penalty of \$ 141,722. Such penalty shall become due and payable by Respondent without further proceedings sixty (60) days after this Default Order becomes final, as provided in 40 C.F.R. § 22.17(a). Payment shall be made by forwarding a cashier's or certified check, payable to the United States of America, to EPA Region III, Regional hearing Clerk, P.O. Box 360515, Pittsburgh, Pennsylvania 15251-6515. At the same time payment is made, a copy of the check shall be mailed to the Regional Hearing Clerk, U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

FURTHER, Respondent is ordered:

1. Immediately upon the date on which this Default Order becomes final, to undertake the tasks relating to the removal of free product, which are outlined in paragraphs 1a and 1b of the Compliance Order, Section IV of Complainant's initial filing in the above captioned matter.
2. Within ten (10) days of the date upon which this Default Order becomes final, to submit to EPA Region III for approval a corrective action plan that provides for adequate protection of human health and the environmental in accordance with 40 C.F.R. § 280.66(b)(1) through (6) inclusive.
3. Within forty-five (45) days of the date upon which this Default Order becomes final, to submit a report to EPA which documents and certifies Respondent's compliance with the terms of this Default Order.
4. At all relevant times, to comply with the certification and submission provisions outlined in the Compliance Order, Section IV of Complainant's initial filing in the above captioned matter.

2, 1992.

4. Pursuant to the Presiding Officer's Intention of Notice to Issue Default Order dated March 19, 1992, Respondent was ordered to file an explanation as to why it had failed to submit a timely prehearing exchange no later than March 26, 1992.

5. Thereafter, Respondent filed its prehearing submission but failed to submit an explanation as to why it failed to make a timely filing, as required by the Presiding Officer's Order of March 19, 1992.

6. Respondent neither timely filed its prehearing exchange nor did it file an explanation as to why it failed to file its prehearing exchange in a timely fashion, as ordered by the Presiding Officer. Respondent violated the Presiding Officer's prehearing orders of January 2, 1992 and March 19, 1992 and is, therefore, in default pursuant to 40 C.F.R. § 22.17(a).

7. Regulation 40 C.F.R. § 22.17(b) states that when the Presiding Officer finds a default has occurred, he shall issue a default order against the defaulting party.

8. Respondent's default constitutes an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing on such factual allegations under 40 C.F.R. § 22.17 (a).


9. Pursuant to 40 C.F.R. § 22.17 (a), the civil penalty proposed in the Complaint is due and payable by Respondent without further proceeding sixty days after the date upon which this Default Order becomes final.

10. Respondent has violated Subtitle I of RCRA, and regulations promulgated thereunder by:

- a. failing to submit timely notifications for five underground storage tanks at the Facility, in violation of Section 9002(a) of RCRA, 42 U.S.C. 6991a(a) and 40 C.F.R. § 280.22;
- b. failing to remove free product and submit a free product removal report, in violation of Section 9003 of RCRA, 42 U.S.C. § 6991b and 40 C.F.R. § 280.64;
- c. failing to conduct site investigations related to the release of regulated substances or submit information which would have been collected during such investigations, in violation of Section 9003 of RCRA, 42 U.S.C. § 6991b and 40 C.F.R. § 280.65;
- d. failing to submit and implement a corrective action plan, in violation of Section 9003 of RCRA, 42 U.S.C. 6111b;

This Default Order constitutes an Initial Decision as provided in 40 C.F.R. § 22.17(b). This initial decision shall become the final decision of the Environmental Appeals Board within forty-five (45) days after its service upon the parties and without further proceedings unless (1) an appeal to the Environmental Appeals Board is taken from it by a party to the proceedings, or (2) the Environmental Appeals Board elects, sua sponte, to review the initial decision. 40 C.F.R. § 22.27(c). The procedures for appeal of an Initial Decision are set forth in the CRP at 40 C.F.R. § 22.30.

Dated: 6/10/92



Thomas B. Yost
Administrative Law Judge
U.S. EPA

CERTIFICATION OF SERVICE

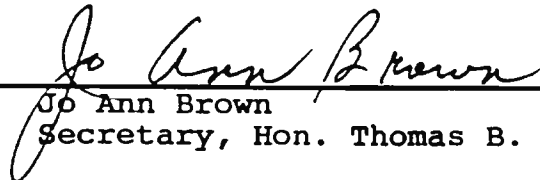
I hereby certify that, in accordance with 40 CFR § 22.27(a), I have this date forwarded via certified mail, return-receipt requested, the Original of the foregoing DEFAULT ORDER of Honorable Thomas B. Yost, Administrative Law Judge, to Ms. Lydia A. Guy, Regional Hearing Clerk, United States Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, and have referred said Regional Hearing Clerk to said Section which further provides that, after preparing and forwarding a copy of said DEFAULT ORDER to all parties, she shall forward the original, along with the record of the proceeding to:

Hearing Clerk (A-110)
EPA Headquarters
Washington, D.C. 20460

who shall forward a copy of said DEFAULT ORDER to the Administrator.

Dated:

6/10/92


Jo Ann Brown
Secretary, Hon. Thomas B. Yost

CERTIFICATE OF SERVICE

This is to certify that this 18th day of June, 1992, copies of the Default Order in the matter of Coastline Purchasing Corporation, Docket No. RCRA-III-9006-017 were distributed as follows:

Certified Mail, Return Receipt Requested:

Alexander Hamer, Jr., Esq.
Arangio & Ziccardi
The Philadelphian
Suite 1C-41
2401 Pennsylvania Ave.
Philadelphia, PA 19130

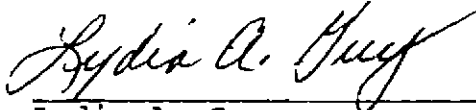
Copy Mailed to:

Bessie L. Hammiel
Headquarters Hearing Clerk (A-110)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Hand Delivered to:

Christina M. Valente, Esq. (3RC33)
U. S. Environmental Protection Agency
Assistant Regional Counsel
841 Chestnut Street
Philadelphia, PA 19107
Telephone: 215-597-8542

Date: JUN 18 1992


Lydia A. Guy
Regional Hearing Clerk