

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**



IN THE MATTER OF:)
) DOCKET NO.: RCRA-03-2024-0137
)
Woodford Development Co., LLC)
)
PO Box 567)
) EXPEDITED SETTLEMENT AGREEMENT AND
Elkins, WV 26241) FINAL ORDER

Respondent

**Par Mar Store 224
1117 Hal Greer Blvd
Huntington, WV 25701**

Facility

EXPEDITED SETTLEMENT AGREEMENT

1. Woodford Development Co., LLC (“Respondent”) and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) enter into this Expedited Settlement Agreement (“Agreement”) 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 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 (“EPA”) has jurisdiction over this matter pursuant to 9006 of RCRA, 42 U.S.C. § 6991e, and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.
3. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a “person,” and the “operator” and/or “owner” of “underground storage tanks” (“USTs”) and “UST systems,” located at Par Mar Store 224, 1117 Hal Greer Blvd, Huntington, WV 25701 (“Facility”).
4. Complainant alleges and finds that Respondent failed to comply with specific requirements of Subtitle I of RCRA, 42 U.S.C. §§ 6991 *et seq.*, its implementing regulations at 40 C.F.R. Part 280, and the federally-authorized state of West Virginia’s

UST regulations set forth in the West Virginia Administrative Code at Title 33, Series 30, W. Va. Code R. § 33-30-1 *et seq.*, which incorporates by reference 40 C.F.R. Part 280 at W. Va. Code R. § 33-30-2.1.

5. On May 16, 2023, a representative of EPA conducted a Compliance Evaluation Inspection, and observed the following USTs located at the Facility:
 - a. A 8,000-gallon tank that was installed in or about July 1985, and that, at all times relevant hereto, routinely contained regular-grade gasoline, a “regulated substance” as that term is defined in 40 C.F.R. § 280.12 (hereinafter “UST No. “T1”).
 - b. A 8,000-gallon tank that was installed in or about July 1985, and that, at all times relevant hereto, routinely contained regular-grade gasoline, a “regulated substance” as that term is defined in 40 C.F.R. § 280.12 (hereinafter “UST No. “T2”).
 - c. A 6,000-gallon tank that was installed in or about July 1985, and that, at all times relevant hereto, routinely contained diesel on road, a “regulated substance” as that term is defined in 40 C.F.R. § 280.12 (hereinafter “UST No. “T3”).
6. Complainant has identified the following violations:
 - a. From at least September 20, 2022 until May 3, 2023, Respondent failed to use an overfill prevention system on T3, in violation of 40 C.F.R. § 280.20(c) (Overfill prevention);
7. Complainant and Respondent agree that settlement of this matter for a penalty of **\$1,222 (ONE THOUSAND TWO HUNDRED AND TWENTY-TWO DOLLARS)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), the Revised Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations and Revised Field Citation Program and ESA, effective October 5, 2023, and the Technical Correction to the UST Penalty Inflation Memo, effective February 7, 2024.
8. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$1,222** to “United States Treasury” with the case name, address and docket number of this Agreement (RCRA-03-2024-0137), for the amount specified above. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
9. Within 24 hours of payment, the Respondent shall also send proof of payment (a copy

of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Caitlin Stormont (3ED22)
stormont.caitlin@epa.gov

and,

Regional Hearing Clerk (3RC00)
R3_Hearing_Clerk@epa.gov

10. In signing this Agreement, the Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Agreement and Final Order.
11. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) he or she has corrected the alleged violations, and (2) any documentation or information that he or she provided to EPA was true and accurate.
12. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
13. EPA reserves the right to commence action against any person, including 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 Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.
14. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
15. This Agreement is binding on the parties signing below and is effective upon filing, in

accordance with 40 C.F.R. § 22.31(b).

16. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Woodford Development Co., LLC.
17. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: stormont.caitlin@epa.gov (for Complainant), and SMarra@woodfordoil.com (for Respondent).
18. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

For Respondent: Woodford Development Co., LLC

Date: 8/20/24

By: Shelia Marra
Shelia Marra
Customer Service Specialist

For Complainant: U.S. Environmental Protection Agency, Region 3

After reviewing the Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

[Digital Signature and Date]

Karen Melvin, Director

Enforcement and Compliance Assurance Division

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**



IN THE MATTER OF:

DOCKET NO.: RCRA-03-2024-0137

**Woodford Development Co., LLC
PO Box 567
Elkins, WV 26241**

**EXPEDITED SETTLEMENT AGREEMENT AND
FINAL ORDER**

Respondent

**Par Mar Store 224
1117 Hal Greer Blvd
Huntington, WV 25701**

Facility

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region 3, and Respondent, Woodford Development Co., LLC, have executed a document entitled "Expedited Settlement Agreement," which I hereby 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"), 40 C.F.R. Part 22, (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Expedited Settlement Agreement, the penalty agreed to therein took into account the statutory factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), and the Revised Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations and Revised Field Citation Program and ESA, effective October 5, 2023, and the Technical Correction to the UST Penalty Inflation Memo, effective February 7, 2024.

NOW, THEREFORE, PURSUANT TO Section 9006 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Section 6991e, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **\$1,222 (ONE THOUSAND TWO HUNDRED AND TWENTY-TWO DOLLARS)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and conditions of the Expedited Settlement Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of Subtitle I of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6991 et seq., and the regulations promulgated thereunder.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

[Digital Signature and Date]

Joseph J. Lisa
Regional Judicial Officer
U.S. EPA - Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:	:	
	:	
Woodford Development Co., LLC	:	
PO Box 567	:	U.S. EPA Docket No. RCRA-03-2024-0137
Elkins, WV, 26241	:	
	:	
Respondent	:	Proceeding under Section 9006 of the
	:	Resource Conservation and Recovery Act
	:	("RCRA"), as amended, 42 U.S.C §
	:	6991e, and the Consolidated Rules of
Par Mar Store 224	:	Practice Governing the Administrative
1117 Hal Greer Blvd	:	Assessment of Civil Penalties and the
Huntington, WV, ZIP 25701	:	Revocation/Termination or Suspension of
	:	Permits ("Consolidated Rules of
Facility	:	Practice"), 40 C.F.R. Part 22

CERTIFICATE OF SERVICE

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Sheila Marra, Customer Service Specialist
Woodford Development Co., LLC
SMarra@woodfordoil.com
PO Box 567
Elkins, WV 26241

Caitlin Stormont
Life Scientist
U.S. EPA, Region 3
Stormont.caitlin@epa.gov

[Digital Signature and Date]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region

