



REGION 3

PHILADELPHIA, PA 19103

December 18, 2024

Via Electronic Delivery

John Lerch
Senior Director of Energy and Facility Maintenance
Weis Markets, Inc.
1000 S. 2nd Street
Sunbury, PA 17801
jlerch@weismarkets.com

**Re: Request for Information pursuant to Section 9005 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6991d, regarding Underground Storage Tank Systems (UST Systems) located at Weis Gas 'N Go #204, 7179 Holabird Avenue in Dundalk, MD (Facility ID # 20970)
Information Request Number: I25-002**

Dear Mr. Lerch:

Subtitle I of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6991 et seq. and regulations promulgated pursuant thereto at 40 C.F.R. Part 280, regulate underground storage tanks (USTs) used to contain regulated substances including, but not limited to, petroleum products (e.g., gasoline and crude oil). In order to conduct a study, take any corrective action or enforce the provisions of Subtitle I, Section 9005(a) of RCRA, 42 U.S.C. § 6991d(a), authorizes the U.S. Environmental Protection Agency, (EPA) among other things, to require owners and/or operators of USTs to furnish information relating to such tanks, their associated equipment, and their contents.

EPA is performing some of its UST inspections in the State of Maryland through information gathering, as opposed to onsite visits. The information EPA is requesting is pursuant to the authority granted to it under Section 9005(a) of RCRA, 42 U.S.C. § 6991d(a). Section 9005(a) of RCRA provides in relevant part that "any owner or operator of an underground storage tank (or any tank subject to study under Section 6991h of this title that is used for storing regulated substances) shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such tanks, their associated equipment, their contents, . . ." EPA hereby requires that you furnish to EPA, **within 20 business days of receipt of this letter**, the information requested below, including all documents which contain information which is, or may be, responsive to any request set forth below.

Please provide a separate narrative response to each question. Precede each answer with the number of the question or letter of the subpart of the question to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. For each copy of a document produced in response to this request, please indicate on such copy, or in some other reasonable manner, the following information: 1) the number of the request to which it responds; 2) the current location and custodian of the original; and, 3) the date such original was prepared and the name of the person(s) who prepared the original.

As used herein, the term “document” or “record” means: writings (handwritten, typed, electronically stored or otherwise produced or reproduced) and includes, but is not limited to, any mail, invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, computer discs, computer print outs, or other data compilations from which information can be obtained or translated.

Subtitle I of RCRA, as amended, 42 U.S.C. §§ 6991-6991m, regulations promulgated pursuant thereto at 40 C.F.R. Part 280, and the State of Maryland’s UST program set forth in the Code of Maryland Regulations (COMAR), Title 26, Subtitle 10, regulate USTs used to contain regulated substances including, but not limited to, petroleum products (e.g., gasoline and crude oil). The State of Maryland is approved to administer and enforce its UST program in lieu of the Federal program under RCRA. The COMAR UST program, administered by the Maryland Department of the Environment (MDE), was approved by EPA on June 30, 1992, pursuant to 42 U.S.C. 6991c and 40 CFR part 281 and became effective on July 30, 1992. The federally approved COMAR is enforceable by EPA pursuant to Section 9006(a) of RCRA, 42 U.S.C. § 6991e(a). Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d), authorizes civil penalties to be assessed against any owner or operator of an UST who fails to comply with, *inter alia*, any requirement or standard of a State program that has been approved pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c. All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6991 et seq., or 40 C.F.R. Part 280 shall have the meanings set forth therein.

Requested Information

General

1. Based on information provided by MDE it is EPA’s understanding that there are currently two (2) USTs, one (1) of which is compartmentalized into two (2) sections, located at the Facility (hereinafter referred to as “the USTs”), which may be described as follows:

Tank #s	Capacity (gallons)	Substance Stored	Material of Tank	Material of Piping	Piping System	Date of Installation
T1	15,000	Gasohol E-10	DW* FRP**	DW FLEX	Pressurized	1/1/20
T2A	10,000	Diesel	DW FRP	DW FLEX	Pressurized	1/1/20
T2B	5,000	Gasohol E-10	DW FRP	DW FLEX	Pressurized	1/1/20

Please confirm that all of the above information is correct. If any part of the table above has incorrect information, please: a) state which points are incorrect and why. For each such correction: b) describe in detail your reasons as to why such point is inaccurate; and c) provide documentation supporting any assertion of inaccuracy.

- Please state the name and address of each owner ("owner" is defined in 40 C.F.R. § 280.12 and COMAR 26.10.02.04) of all USTs and/or UST systems located at the Facility, and the dates of their respective ownership of such USTs and/or UST systems ("USTs" and "UST systems" are defined in 40 C.F.R. § 280.12 and COMAR 26.10.02.04) presently at the Facility.
- Please state the name and address of the owner of the Facility property, and the dates of their respective ownership of the Facility property.
- Please state the name and address of each operator ("operator" is defined in 40 C.F.R. § 280.12 and COMAR 26.10.02.04) of the USTs and/or UST systems located at the Facility, and the dates of their respective operation of such USTs and/or UST systems.

Tank Release Detection

- Pursuant to COMAR 26.10.05.02B, all tanks shall be monitored at least every 30 days for releases. State "Yes" or "No": is there a method of tank release detection in use at the facility to monitor the USTs for releases at least every 30 days?

If "Yes", please answer, and provide information for, the following questions:

- State what method of tank release detection has been in use at the facility to monitor the UST at least every 30 days from December 2023 through to the present.
- Provide tank release detection records for the USTs for the time period of December 2023 through to the present.
- For months where there are no records of tank release detection for the USTs, please state the reason why no record is able to be submitted and provide an explanation, if any, as to

what the facility did for those months to conduct tank release detection. EPA does not consider “Invalid” as a VALID release detection result (i.e. EPA considers a “Pass” or “Fail” as VALID tank release detection results. Or, as in the case of interstitial monitoring, a “Normal” sensor status report would be sufficient to demonstrate that release detection was being conducted).

Piping Release Detection

6. COMAR 26.10.05.02.C (2) (a) requires that underground piping that routinely contains regulated substances and conveys the regulated substances under pressure be equipped with an automatic line leak detector (LLD). Please state “Yes” or “No”: are the pressurized pipes equipped with LLDs?
 - a. If yes, provide a photograph of the LLD installed on each UST system equipped with pressurized piping.
 - b. If no, explain.
7. COMAR 26.10.05.05B requires that line leak detectors (LLDs) be tested annually. Please state “Yes” or “No”: has functionality testing of the LLDs been conducted annually?
 - a. If “Yes”, provide a copy of the latest LLD tests performed.
 - b. If “No”, explain.
8. COMAR 26.10.05.02.C(2)(b) requires that underground piping that routinely contains regulated substances and conveys the regulated substances under pressure also be tested for tightness annually or be monitored monthly in accordance with COMAR 26.10.05.05.D. Please state “Yes” or “No”: have the pressurized pipes had line tightness test (LTT) conducted annually or has monthly monitoring of the pipes been conducted?
 - a. If “Yes”, state whether annual LTT or monthly monitoring was/is utilized.
 - b. Provide copies of the latest LTT for each pressurized pipe or provide copies of the last 12 months of monthly monitoring for each pressurized pipe.
 - c. If no LTT or monthly monitoring is being performed, explain.

Spill Prevention

9. COMAR 26.10.03.01_D(1)(a) and 26.10.03.02.D(2) requires all tank systems must be equipped with spill prevention equipment. Please provide verification that each fill port is equipped with spill prevention equipment (e.g., photos or third-party verification).

Overfill Protection

10. Please provide documentation (e.g., photographs, contractor verification, etc.) to confirm that overfill protection (e.g., ball float valves, flappers, audible/visual alarm) is installed on the UST systems as required by COMAR 26.10.03.01.D(1)(b).

Used Oil

11. If your Facility collects used oil, please answer the following questions:
- a. Describe approximately how much used oil is collected at one time.
 - b. Describe how the used oil is disposed of, and how often.

Operator Training

12. Please provide a list of all current Class A, B, and C Operators, as well as copies of the training certificates for those certified personnel at your facility.

Financial Responsibility

13. Pursuant to COMAR 26.10.11, owners and operators of UST systems must provide financial responsibility (i.e., insurance, letter of credit, etc.) for the UST systems in case of accidental releases at a site, until such time that the USTs are permanently closed or removed. This may be demonstrated via an insurance policy, letter of credit, etc., for the UST systems.
- a. State "Yes" or "No": Is financial responsibility in place for each of the UST systems at the facility?
 - b. If yes, provide a copy of the financial responsibility mechanism. If providing an insurance policy, please be sure to include a copy of the Schedule of Covered USTs.
 - c. If no, explain.

Your responses to the above listed questions must also include the following signed and dated certification:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.

Signature: _____
Name: _____
Title: _____

Please provide an electronic response via email to this request for information **within 20 business days** of your receipt. If an electronic response is not possible, please respond to this email and state that a hard copy response will be sent to:

Ms. Melissa A. Toffel
U.S. Environmental Protection Agency, Region 3
ECAD, RCRA Section (3ED22)
Four Penn Center - 1600 JFK Boulevard
Philadelphia, PA 19103
toffel.melissa@epa.gov

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to you.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

If you have any questions concerning this matter, please contact Melissa Toffel at (215) 814-2060.

Sincerely,

Jeanna R. Henry
Branch Chief
Air & RCRA Branch
Enforcement & Compliance Assurance Division

cc: Melissa Toffel (3ED22)
Chris Ralston (MDE), chris.ralston@maryland.gov
Jackie Ryan (MDE), jackie.ryan@maryland.gov