



REGION 3

PHILADELPHIA, PA 19103

March 14, 2025

Via Electronic Delivery

Jeralynn Offenberger
Par Mar Realty Company
114-A Westview Avenue
Marietta, OH 45750
jmoffenberger@parmarstores.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 Par Mar #24, 200 Greenbrier Plaza, Fairmont WV 26554 (Facility ID #2509170)
Information Request Number: I25-06

Dear Ms. Offenberger:

Subtitle I of the Resource Conservation and Recovery Act, 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 West Virginia 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.

The federally-authorized West Virginia UST regulations are enforceable by EPA pursuant to Section 9006(a) of RCRA, 42 U.S.C. § 6991e(a). West Virginia is approved to administer and enforce its UST program in lieu of the Federal program under RCRA. The UST program, administered by the West Virginia Department of Environmental Protection (“WVDEP”), was approved by EPA, pursuant to Section 9004 of RCRA, 42 U.S.C. 6991c, and 40 C.F.R. Part 281, on September 23, 1997, and approval of the West Virginia UST program became effective on February 10, 1998. A subsequent UST program revision application submitted by West Virginia was approved by EPA on September 11, 2020, and it became effective on November 10, 2020. West Virginia has virtually adopted all the federal UST regulations by reference, and the State’s requirements are therefore as stringent as the federal regulations.

Requested Information

General

1. Based on information provided by WVDEP, it is EPA’s understanding that there are currently three (3) USTs 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
1	8,000	Regular	Single-Walled Steel	Single-Walled FRP*	Pressurized	2/1/1989
2	8,000	Premium	Single-Walled Steel	Single-Walled FRP	Pressurized	2/1/1989

3	8,000	On-Road Diesel	Single-Walled Steel	Single-Walled FRP	Pressurized	2/1/1989
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* FRP = Fiberglass-reinforced plastic

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.

2. Please state the name and address of each owner ("owner" is defined in 40 C.F.R. § 280.12) 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) presently at the Facility.
3. Please state the name and address of the owner of the Facility property, and the dates of their respective ownership of the Facility property.
4. Please state the name and address of each operator ("operator" is defined in 40 C.F.R. § 280.12) 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.

Release Detection

5. Pursuant to 40 C.F.R. § 280.41(a)(1), 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:

- a. State what method of tank release detection has been in use at the Facility to monitor the USTs at least every 30 days from March 2024 through to the present.
- b. Provide tank release detection records for the USTs for the time period of March 2024 through to the present.
- c. For months where there are no records of tank release detection for a UST, please state the reason why no record is able to be provided 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).
- d. Any automatic tank gauge ("ATG") equipment used to conduct tank release detection must be certified annually. Please provide the most recent certification of the ATG as required by 40 C.F.R. § 280.40(a)(3).

6. Pursuant to 40 C.F.R. § 280.41(b)(1)(i), all pressurized piping installed on or before April 11, 2016, must be equipped with an automatic line leak detector (“LLD”) and have an annual line tightness test (“LTT”) or monthly monitoring performed at least every 30 days for releases.

a. Please state “Yes” or “No”: are the pressurized pipes equipped with line leak detectors?

1. If yes, provide a photograph of the LLD installed on each UST system equipped with pressurized piping.

2. If no, explain.

b. Please state “Yes” or “No”: has functionality testing of the LLDs been completed annually?

1. If “Yes”, provide a copy of the latest LLD test performed.

2. If “No”, explain.

c. Please state “Yes” or “No”: have the pressurized pipes had LTT conducted annually or has monthly monitoring of the pipes been performed?

1. If “Yes”, state whether annual LTT or monthly monitoring was utilized.

2. Provide copies of the last LTT for each pressurized pipe or provide copies of the last 12 months of monthly monitoring for each pressurized pipe.

3. If no LTT or monthly monitoring is being conducted, explain why.

Spill Prevention

7. Spill prevention equipment is required to be installed and maintained on each UST system, as stated in 40 C.F.R. § 280.20(c)(i). Please provide the most recent tightness testing documentation for all the spill prevention devices and containment sumps used for interstitial monitoring at the Facility required by 40 C.F.R. § 280.35(a)(1). If this testing has not been performed within the last three (3) years, explain why, and state when you expect to have it conducted.

Overfill Protection

8. 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 system as required by 40 C.F.R. § 280.20(c)(ii). Provide documentation of the most recent three-year functionality test of the overfill equipment as required by 40 C.F.R. § 280.35(a)(2). If this testing has not been performed within the last three (3) years, explain why, and state when you expect to have it conducted.

Corrosion Protection

9. 40 C.F.R. § 280.31(b)(1) requires all UST systems with corrosion protection must have the cathodic protection systems tested at least once every three (3) years.
 - a. State “Yes” or “No”: are the USTs and/or piping at the facility equipped with a corrosion protection system?
 - b. If “Yes”, provide a copy of the last two (2) cathodic protection tests performed on each UST as required to be maintained by 40 C.F.R. § 280.31(d)(2).
10. If an impressed current cathodic protection system is in use at your Facility, then records of checks of the rectifier every 60 days must also be maintained, as required by 40 C.F.R. § 280.31(c).
 - a. State “Yes” or “No”: is an impressed current cathodic protection system utilized at the Facility?
 - b. If yes, provide a copy of the last three (3) inspections of the rectifier, as required by 40 C.F.R. § 280.31(d)(1).

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.

Walkthrough Inspections

12. Walkthrough inspections are required to be performed at least every 30 days as stated in 40 C.F.R. § 280.36(a)(1)(i), as well as an annual walkthrough as stated in 40 C.F.R. § 280.36(a)(1)(ii). Please provide the most recent twelve-monthly records of the walkthrough inspections, as well as the most recent annual walkthrough inspection. If there is a month(s) for which there is a missing record, please explain why.

Operator Training

13. 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 as required to be maintained by 40 C.F.R. § 280.245.

Financial Responsibility

14. Pursuant to 40 C.F.R. Part 280 Subpart H, owners and operators of UST systems must provide financial responsibility (i.e., insurance, letter of credit, etc.) for the UST systems.
- State "Yes" or "No": Is financial responsibility provided for each of the UST systems at the Facility?
 - 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.
 - 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 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, EPA, (3ED22) (toffel.melissa@epa.gov)
Ruth Porter, WVDEP, ruth.m.porter@wv.gov