COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
PIEDMONT REGIONAL OFFICE
4949-A Cox Road, Glen Allen, Virginia 23060
(804) 527-5020 Fax (804) 527-5106
www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Gerard Seeley, Jr.
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION SPECIAL ORDER BY CONSENT ISSUED TO I.A.S. OF VA, INC.,

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code §§ 62.1-44.15 (8a) and (8d), between the State Water Control Board and I.A.S. of VA, Inc., for the purpose of resolving certain violations of the State Water Control Law and regulations at I.A.S. of VA, Inc.'s Underground Storage Tank Facility located at 1301 N. Laburnum Ave., Richmond, Virginia.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and 62.1-44.7.

2. "Va. Code" means the Code of Virginia (1950), as amended.

3. "Department" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.

4. "Director" means the Director of the Department of Environmental Quality.

5. "Order" means this document, also known as a Consent Special Order.

6. "Regional Office" means the Piedmont Regional Office of the Department.

7. "IAS" means I.A.S. of VA, Inc., located at 1301 N. Laburnum Ave. in Henrico County and certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.

8. "IAS BP/Amoco #1" means the retail gasoline station and USTs owned by IAS and located at 1301 N. Laburnum Ave., Richmond VA. The Underground Storage Tanks are further identified as: Facility ID# 4-024071.

Tank #1	10,000 Gallons	Gasoline	Installed 9/1/1989
Tank #2	10,000 Gallons	Gasoline	Installed 9/1/1989
Tank #4	10,000 Gallons	Diesel	Installed 9/1/1989
Tank #3	10,000 Gallons	Gasoline	Closed in Ground 2/1/07

9. "The Regulation" means 9 VAC 25-580-10 *et seq.* (Underground Storage Tanks: Technical Standards and Corrective Action Requirements) relating to upgrading of existing UST Systems, registration of tanks, closure of non-compliant tanks, and release detection requirements.

10. "UST" means underground storage tank as further defined in 9 VAC 25-580-10 and Va. Code §62.1-44.34:8.

SECTION C: Findings of Fact and Conclusions of Law

1. The Regulation 9 VAC 25-580-10 *et seq.* requires that all USTs meet final, specific performance requirements for leak detection, spill and overfill protection, and corrosion protection by December 22, 1998.

2. IAS is the owner of the USTs at IAS BP/Amoco #1 within the meaning of Va. Code § 62.1-44.34:8.

3. On May 22, 2006, Department staff conducted a formal inspection of IAS BP/Amoco #1 and found the following deficiencies, among others, which were documented in a Request for Corrective Action that was faxed and mailed to IAS on May 23, 2006:
   - The USTs and piping were not being properly monitored and assessed to accurately maintain and operate the corrosion protection system and mandatory records regarding corrosion protection were not available;
   - Records of recent compliance with release detection requirements were not available; and

- Records of financial responsibility were not being maintained at the facility.

4. On May 22, 2006, staff reported a suspected release at this facility to the DEQ remediation staff based on evidence form the monitoring probe that there was water in the mid-grade tank (Tank 3) and information indicating that vehicles that had obtained fuel at the facility had stalled upon leaving. A pollution complaint number, 2006-4629, was issued at that time.

5. Testing was performed at the site and the release was subsequently confirmed. Tank 3, the presumed source of the release, has been closed in ground by filling with flowable concrete. The site is under remediation.

6. On August 23, 2006, the Department issued a Warning Letter to IAS requesting records demonstrating compliance with the deficiencies cited in the above inspection.

7. On September 21, 2006, Department staff met with IAS and agreed to extend the date of compliance until October 31, 2006 to complete the corrective action identified in the Warning Letter.

8. The October 31, 2006 deadline passed without a response from IAS and on December 12, 2006, the Department issued a Notice of Violation to IAS citing them for the deficiencies noted during the above inspection.

9. IAS agreed to attend a meeting to discuss the Notice of Violation on February 6, 2007, and then failed to attend.

10. On February 27, 2007, the Department issued a letter notifying IAS of the missed appointment and rescheduling the meeting for March 13, 2007.

11. On March 13, 2007, Department staff met with IAS to discuss compliance issues and to provide additional guidance to settle the violations at IAS BP/Amoco #1.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code §§ 62.1-44.15 (8a) and (8d), orders IAS, and IAS voluntarily agrees, to pay a civil charge of **$11,800** in accordance with Appendix A of the Order in settlement of the violations cited in this Order. The payment shall note that it is being made pursuant to this Order and shall note the Federal Identification Number for IAS. Payment shall be by check, certified check, money order, or cashier's check payable to "Treasurer of Virginia" and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of IAS, for good cause shown by IAS, or on its own motion after notice and opportunity to be heard.

2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violations issued to IAS by DEQ on December 12, 2006. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.

3. For purposes of this Order and subsequent actions with respect to this Order, IAS admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.

4. IAS consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.

5. IAS declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.

6. Failure by IAS to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.

8. IAS shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. IAS shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. IAS shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

   a. the reasons for the delay or noncompliance;

   b. the projected duration of any such delay or noncompliance;

   c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and

   d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

   Failure to so notify the Regional Director within 24 hours of learning of any condition above, which IAS intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.

10. This Order shall become effective upon execution by both the Director or his designee and IAS. Notwithstanding the foregoing, IAS agrees to be bound by any compliance date which precedes the effective date of this Order.

11. This Order shall continue in effect until:

    a. IAS petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
    b. The Director or Board terminates the Order in his or its sole discretion upon 30 days notice to IAS.

Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve IAS from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. By its signature below, IAS voluntarily agrees to the issuance of this Order.
And it is so ORDERED this _____day of _____, 2007.

_____
Gerard Seeley, Jr., Regional Director
Department of Environmental Quality

I.A.S. of VA, Inc., voluntarily agrees to the issuance of this Order.

By: Parmjit Singh, President

Date: 09/18/07

Commonwealth of Virginia

City/County of Henrico

The foregoing document was signed and acknowledged before me this 18th day of September, 2007, by Parmjit Singh (name), who is President (title) of IAS, on behalf of the Corporation.

Jason L. Williams - #339187
Notary Public

My commission expires: February 29, 2008.

JASON L. WILLIAMS
NOTARY PUBLIC
COMMONWEALTH
OF VIRGINIA
My Commission Expires
February 29, 2008

APPENDIX A

IAS shall comply with the following schedule:

UST Tank Release Detection

1. On or before September 28, 2007, IAS shall properly install an automatic tank gauge (ATG) system (IAS' stated choice of tank release detection method) capable of performing monthly monitoring of the tanks in accordance with 9 VAC 25-580-160.4.

2. On or before October 31, 2007, (a) IAS shall submit documentation to DEQ verifying that the ATG system was properly installed in accordance with 9 VAC 25-580-120; and (b) IAS shall submit valid, passing ATG monitoring results for Tank #'s 1, 2 and 4 to DEQ confirming that the tanks are being monitored in accordance with 9 VAC 25-580-140 and 9 VAC 25-580-160.4 and the records are maintained in accordance with 9 VAC 25-580-120 and 9 VAC 25-580-180. One passing 0.2gph leak rate test per tank is satisfactory.

3. IAS shall continue to submit valid, passing ATG monitoring results to DEQ as described above in item 2. These thirty day monitoring event results shall be submitted to DEQ in accordance with 9 VAC 25-580-120 as follows: the first set of results shall be submitted in accordance with item 2; the second set of results shall be due December 5, 2007; the third set of results shall be due January 4, 2008; and the fourth set of results shall be due February 5, 2008.

UST System Corrosion Protection or Permanent Closure

1. On or before November 30, 2007, as an alternative to permanent closure of the facility's UST systems, IAS shall have the facility's UST systems assessed in such a manner that the UST systems can be protected against corrosion to meet the performance standards of 9 VAC 25-580-50, and the corrosion protection system can be operated and maintained in accordance with 9 VAC 25-580-90.

    a. The assessment of the facility's UST systems shall be planned, performed, analyzed and certified under the guidance of and final approval by a corrosion expert as defined in 9 VAC 25-580-10.

    b. The facility's UST systems present a unique situation as they are previously galvanically protected and impressed current supplemented. Therefore, in order to meet the requirements of 9 VAC 25-580-50, they shall be assessed as closely as possible to the upgrade requirements described in 9 VAC 25-580-60.2.b.1& 4 with only minor variances to be determined by the corrosion expert.

c. The corrosion expert shall design the assessment to insure the structural integrity of the facility's UST systems. The Department has concerns about the structural integrity of Tank #'s 1, 2 and 4 based on the failure of and confirmed release from Tank #3.

d. Industry standards for upgrade assessments were released after the regulation's effective date of October 25, 1989. To meet the upgrade requirements described in 9 VAC 25-580.60.2.b.4, the corrosion expert may use the requirements established in the American Society for Testing and Materials (now operating as ASTM International) standard "ASTM G 158-98" for guidance. A checklist of the standard's requirements with a comparison to Former ASTM ES 40 can be found at http://www.epa.gov/oust/ustsystm/comparis.htm. Minor variances to this standard may be necessary as determined by the corrosion expert based on the unique UST system at this facility.

2. On or before December 21, 2007, IAS shall submit the corrosion expert certified results of the assessment described above in point 1 to DEQ in accordance with 9 VAC 25-580-120. These certified results shall clearly state the eligibility of the UST system for upgrade and continued operation.

3. On or before December 21, 2007, IAS shall submit to DEQ, in accordance with 9 VAC 25-580-120, a corrosion protection design certified by a corrosion expert that will protect the facility's UST systems in accordance with the performance standards of 9 VAC 25-580-50, and allow the corrosion protection system to be operated and maintained in accordance with 9 VAC 25-580-90.

   –OR-

   IAS shall submit a plan to DEQ, in accordance with 9 VAC 25-580-120, for the permanent closure of the UST systems at the facility if the UST systems are not eligible for upgrade and continued operation. IAS must plan and execute the permanent closure of the UST systems in accordance with 9 VAC 25-580-320, 330 and 350.

4. On or before February 29, 2008, IAS shall submit documentation to DEQ that a corrosion protection system for the facility's UST systems is installed and operating, as certified by a corrosion expert, in a manner that meets the upgrade standards of 9 VAC 25-580-60, the performance standards of 9 VAC 25-580-50, and allows the UST systems to be operated and maintained in accordance with 9 VAC 25-580-90.

   –OR-

IAS shall submit to DEQ a complete closure assessment of the facility's UST systems in accordance with 9 VAC 25-580-320, 330 and 350 and 9 VAC 25-580-120.

5. If the facility's UST systems have been properly upgraded to meet the performance standards of 9 VAC 25-580-50, IAS shall demonstrate to DEQ that it is properly operating and maintaining the UST systems in accordance with 9 VAC 25-580-90 by:

    a. On or before March 31, 2008, IAS shall submit to DEQ the cathodic protection test that must be performed within 6 months of the installation of a corrosion protection system in accordance with 9 VAC 25-580-90.2 and 9 VAC 25-580-120, and with reference to Virginia DEQ's "Guidelines for Underground Storage Tank Cathodic Protection Evaluation."

    b. On or before March 31, 2008, IAS shall submit to DEQ the first results of "60-day" frequency tests that ensure that the impressed current system is running properly in accordance with 9 VAC 25-580-90.3 and 9 VAC 25-580-120.

Submitting Documents

Documents to be submitted to the Department, other than the civil charge payment described in Section D of the Order, shall be sent to:

Lisa Dewey
Department of Environmental Quality
Piedmont Regional Office
4949-A Cox Road
Glen Allen, Virginia 23060