

**STATE WATER CONTROL BOARD
ENFORCEMENT ACTION - ORDER by CONSENT
ISSUED to**

Sunshine Enterprise, Inc.

**as the OWNER/OPERATOR of a UST FACILITY
and the RESPONSIBLE PARTY**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15 for the purpose of resolving certain violations of the State Water Control Law and the applicable regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the terms used in this Consent Order have the meanings assigned to them in Va. Code §62.1-44.2 *et seq.*, 10.1-1182 *et seq.*, and 9VAC25-580-10 *et seq.*

SECTION C: Findings of Fact and Conclusions of Law

UST Owner	Sunshine Enterprise, Inc.		UST Operator	Sunshine Enterprise, Inc.	
Facility ID	6013955				
Facility Address	Street Address		2868 Stonewall Jackson Hwy		
	City	Bentonville	VA	Zip Code	20166
Inspection	07/23/2019		Request for Corrective Action		
Warning Letter			Notice of Violation	12/12/2019	
	UST #	Regulated Substance	Volume of UST (Gallons)		
	1	Gasoline	8000		
	2	Diesel	8000		
	3	Gasoline	4000		
		Not Applicable			
		Not Applicable			
Total # of UST	3	Total UST capacity at the Facility (Gallons)	20000		

Violation	Observations and Legal Requirements	Civil Charge	Subtotal
	Failed to provide adequate overfill prevention equipment. 9VAC25-580-50: Performance Standards for New UST systems 9VAC25-580-60 Upgrading of existing UST systems 9VAC25-580-80: Spill and Overfill	\$ 0 # of Violations	\$ 0
	Failed to test spill prevention equipment, overfill equipment, and/or containment sumps at installation. 9VAC25-580-82: Periodic Testing	\$ 0 # of Violations	\$ 0
	Failed to properly conduct and/or test and/or keep records of UST system repairs. 9VAC25-580-110: Repairs Allowed	\$ 0 # of Violations	\$ 0
	Failed to report a suspected release within 24 hours. 9VAC25-580-190: Reporting of Suspected Releases 9VAC25-580-220. Reporting and Cleanup of Spills and Overfills	\$ 0 # of Violations	\$ 0
	Failed to immediately investigate and confirm all suspected releases of regulated substances requiring reporting within seven days. 9VAC25-580-210: Release Investigation and Confirmation Steps	\$ 0 # of Violations	\$ 0
	Failed to contain and immediately clean up a spill or overfill that results in a release to the environment that exceeds 25 gallons or that causes a sheen on nearby surface water; and/or take immediate action to prevent further release or migration of a regulated substance; and/or failed to identify and mitigate fire, explosion and vapor hazards; and/or failed to remedy hazards posed by contaminated soils; and/or measure for a release where contamination is most likely; and/or failed to submit an initial abatement report; and/or failed to investigate and remove free product. 9VAC25-580-220: Reporting and cleanup of spills and overfills 9VAC25-580-240: Initial Response 9VAC25-580-250: Initial Abatement Measure and Site Check 9VAC25-580-270: Free Product removal	\$ 0 # of Violations	\$ 0
	Failed to assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial abatement measures. 9VAC25-580-260: Site Characterization	\$ 0 # of Violations	\$ 0

Aggravating Factors		
	Additional Civil Charge Assessment	Subtotal
Degree of Culpability	0.25	\$ 1,575
Consent Order in another media Program within 36 months	0.00	\$ 0
Consent Order in the same media program within 36 months	0.00	\$ 0
Aggravating Factors Subtotal		\$ 1,575
Civil Charge Subtotal and Aggravating Factor Subtotal		\$ 7,875
Civil Charge Reduction	-0.30	-\$ 2,363
Economic Benefit of Noncompliance		\$ 560.00
In accordance with 62.1-44.15(8d), the Responsible Party's Ability to Pay was evaluated and it was determined that there is an ability to pay.	No	
Total Civil Charge		\$ 6,073
Based on the results of staff observations, the Board concludes that Responsible Party has violated Va. Code and Regulations as identified herein.		

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders the Responsible Party, and the Responsible Party agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge within 30 days of the effective date of the Order in settlement of the violations cited in this Order in the amount of

\$ 6,073

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

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

The Responsible Party shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Petroleum Storage Tank Fund (VPSTF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Responsible Party shall be liable for attorneys' fees of 30% of the amount outstanding.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend 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 and any 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 The Responsible Party. Nevertheless, the Responsible Party 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. The Director or his designee terminates the Order after the Responsible Party has completed all of the requirements of the Order;
 - b. The Responsible Party 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
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Responsible Party.

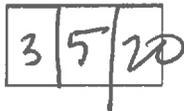
Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve the Responsible Party from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

- 12. Any plans, reports, schedules or specifications attached hereto or submitted by the Responsible Party and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
- 13. The undersigned representative of the Responsible Party certifies that he or she is a responsible official [or officer] authorized to enter into the terms and conditions of this Order and to execute and legally bind the Responsible Party to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Responsible Party.
- 14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
- 15. By its signature below, the Responsible Party voluntarily agrees to the issuance of this Order.

And it is so ORDERED.



Amy T. Owens, Regional Director



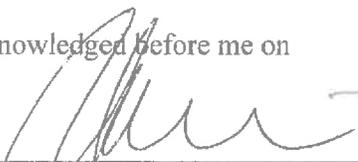
As the owner/operator of the UST system identified herein, hereby certify that I am the Responsible Party and acknowledge that there are no material facts in dispute with respect to the violations as identified in this consent order.

Date: 01/08/20 By:  Manish Desai

Commonwealth of Virginia

City/County of Fairfax

The foregoing document was signed and acknowledged before me on


Notary Public
7687495
Registration No.

My commission expires: 04/30/2020

Notary seal:

