



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

David L. Bulova
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

Owner Address:	Other Address:
Operator Address:	Other Address:

NOTICE OF INFORMAL FACT FINDING PROCEEDING

RE:

Named Party(ies)	
Facility	
Facility ID No.	

Dear Sir/Madam:

You are hereby notified that the Department of Environmental Quality will conduct an Informal Fact Finding Proceeding ("Proceeding") regarding the Facility identified above. The Proceeding will be held via conference call at the date and time listed below. At the scheduled time, dial the Call-In Number and enter the Access Code listed below.

Notice of Informal Fact Finding Proceeding

Proceeding Date		Proceeding Time	
Call-In No.		Access Code	

If you have any difficulty accessing the conference call, please call:

Agency Advocate	
Phone No.	

PURPOSE

The purpose of the Proceeding is to determine whether the underground storage tank(s) (UST(s)) located at this Facility and listed in this Notice are ineligible for delivery, deposit, or acceptance of a regulated substance based on violation(s) of the Underground Storage Tanks: Technical Standards and Corrective Action Requirements Regulation (the Regulation), 9VAC25-580-10 *et seq.*, as described below.

INFORMATION TO BE USED BY DEQ

To ascertain the facts in this matter, DEQ staff may rely upon DEQ’s inspection report(s) for the Facility, any Notice(s) of Violation, the Form 7530-2 Notification for USTs for the Facility, other public documents in DEQ files, and the information presented by witnesses. DEQ staff will also rely on applicable statutes, regulations, and DEQ guidance. Full texts of statutes, regulations, and DEQ guidance can be obtained at <http://www.deq.virginia.gov/LawsRegulations.aspx> or <http://lis.virginia.gov/> (statutes and regulations) and <http://townhall.virginia.gov/L/GDocs.cfm> (DEQ guidance). Copies will be provided upon request.

ALLEGED VIOLATIONS AND LEGAL REQUIREMENTS

The following alleged violations are based on inspection(s) conducted on the date(s) listed below. These alleged violations remain unresolved and will be the subject of the Proceeding.

Inspection Date(s)	
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Alleged Violation	Observations and Legal Requirements	UST No(s).
<input type="checkbox"/>	1. Failed to keep required records at the Facility, readily available at an alternative site, or make them immediately available upon request. 9VAC25-580-120: Reporting and Recordkeeping	
<input type="checkbox"/>	2. Failed to properly perform, repair, replace, test, or provide a method, or combination of methods, of release detection for tanks, and/or operation of electronic and mechanical components for USTs at the Facility. 9VAC25-580-110: Repairs Allowed 9VAC25-580-130: General Requirements for all UST Systems 9VAC25-580-140: Requirements for Petroleum UST Systems 9VAC25-580-160: Methods of Release Detection for Tanks	

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Alleged Violation	Observations and Legal Requirements	UST No(s).
<input type="checkbox"/>	<p>3. Failed to properly perform, repair, replace, test, or provide release detection for piping, and/or operation of electronic and mechanical components for USTs at the Facility.</p> <p>9VAC25-580-82: Periodic Testing 9VAC25-580-110: Repairs Allowed 9VAC25-580-130: General Requirements for all UST Systems 9VAC25-580-140: Requirements for Petroleum UST Systems 9VAC25-580-170: Methods of Release Detection for Piping</p>	
<input type="checkbox"/>	<p>4. Failed to provide, operate, repair, test and/or maintain corrosion protection of the UST system.</p> <p>9VAC25-580-50: Performance Standards for New UST Systems 9VAC25-580-60: Upgrading of Existing UST Systems 9VAC25-580-90: Operation and Maintenance of Corrosion Protection 9VAC25-580-110: Repairs Allowed</p>	
<input type="checkbox"/>	<p>5. Failed to properly perform, repair, replace test, or provide equipment that will prevent a release into the environment:</p> <p><input type="checkbox"/> Overfill equipment <input type="checkbox"/> Spill prevention equipment</p> <p>9VAC25-580-50: Performance Standards for New UST Systems 9VAC25-580-60: Upgrading Existing UST System 9VAC25-580-82: Periodic Testing 9VAC25-580-110: Repairs Allowed</p>	
<input type="checkbox"/>	<p>6. Failed to conduct or properly conduct walkthrough inspections.</p> <p>9VAC25-580-85: Periodic operation and maintenance walkthrough inspections</p>	
<input type="checkbox"/>	<p>7. Failed to complete the required training and/or designate Class A, Class B, and/or Class C operators and/or failed to provide written instructions or emergency procedures.</p> <p>9VAC25-580-125: Operator Training</p>	
<input type="checkbox"/>	<p>8. Failed to submit a UST notification form or an amended notification form regarding a change in ownership, tank status, tank/piping systems, or substance stored within 30 days after such change or upgrade occurs or is brought into use.</p> <p>9VAC25-580-70: Notification Requirements</p>	
<input type="checkbox"/>	<p>9. Failed to report a suspected release or unusual operating condition within 24 hours.</p> <p>9VAC25-580-190: Reporting of Suspected Releases</p>	
<input type="checkbox"/>	<p>10. Failed to immediately investigate and confirm all suspected releases of regulated substances requiring system test/site check and reporting within seven days.</p> <p>9VAC25-580-210: Release Investigation and Confirmation Steps</p>	

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Alleged Violation	Observations and Legal Requirements	UST No(s).
<input type="checkbox"/>	<p>11. Failed to 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.</p> <p>9VAC25-580-240: Initial Response 9VAC25-580-250: Initial Abatement Measure and Site Check 9VAC25-580-270: Free Product Removal</p>	
<input type="checkbox"/>	<p>12. 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.</p> <p>9VAC25-580-260: Site Characterization</p>	
<input type="checkbox"/>	<p>13. UST system is not compatible with the substance stored, failed to notify 30 days before switching to a specified regulated substance, and/or failed to demonstrate proper compatibility.</p> <p>9VAC25-580-100: Compatibility</p>	
<input type="checkbox"/>	<p>14. Failed to investigate off-site impacts to determine if the UST system is the source.</p> <p>9VAC25-580-200: Investigation Due to Off-Site Impacts</p>	
<input type="checkbox"/>	<p>15. Failed to submit a corrective action plan, with all necessary information, according to the required schedule, or perform corrective action to address contaminated soils and groundwater.</p> <p>9VAC25-580-270: Free Product Removal 9VAC25-580-280: Corrective Action Plan</p>	
<input type="checkbox"/>	<p>16. Failed to repair or permanently close a UST system that does not meet the new UST or UST upgrade requirements.</p> <p>9VAC25-580-50: Performance Standards for New UST systems 9VAC25-580-60: Upgrading of existing UST systems 9VAC25-580-110: Repairs Allowed 9VAC25-580-310: Temporary Closure</p>	
<input type="checkbox"/>	<p>17. Failed to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.</p> <p>9VAC25-590-40: Amount and Scope of Financial Responsibility 9VAC25-590-50: Allowable Mechanisms</p>	
<input type="checkbox"/>	<p>18. Failed to maintain evidence of all financial assurance mechanisms used to demonstrate financial responsibility.</p> <p>9VAC25-590-160: Recordkeeping</p>	
<input type="checkbox"/>	<p>19. Failed to return a tank to compliance that has been classified as ineligible for delivery for more than 90 days, and the tank has not been closed in accordance with 9VAC25-580-310 or 9VAC25-580-320.</p> <p>9VAC25-580-370.F: Requirements for Delivery Prohibition</p>	

Notice of Informal Fact Finding Proceeding

PROCEDURES

You may participate in the conference call yourself or by counsel or other qualified representative pursuant to Va. Code § 2.2-4019. At this proceeding, the Responsible Party(ies) will be able to present factual data, argument, or proof in connection with this case. A presiding officer will hear the evidence in this case and prepare a case decision to resolve any issues presented with respect to delivery prohibition.

Based upon DEQ’s file and the record of this Proceeding, DEQ will be requesting that the Presiding Officer find that the referenced UST(s) at the Facility identified above are in violation of the Regulation and ineligible for delivery, deposit or acceptance of a regulated substance based on 9VAC25-580-370 of the Regulation.¹

Be advised that if you fail to attend or appear without good cause to an informal fact-finding proceeding conducted pursuant to Va. Code § 2.2-4019, the presiding officer may issue a default order regarding the subject of this notice. If a default order is issued, the presiding officer may conduct all further proceedings necessary to complete the adjudication and shall determine all issues in the adjudication, including those affecting you. Further, an order may be issued against you based on any admissions or other evidence without notice to you.

You will be notified of the results of the proceeding in accordance with Va. Code § 2.2-4019 and have the right to appeal any adverse decision in accordance with Va. Code § 2.2-4026.

RESOLUTION

Please contact the DEQ staff listed below if you wish to resolve the alleged violations prior to the Informal Fact Finding Proceeding.

DEQ Staff	
Phone No.	
Email	

If you complete the necessary work to resolve the alleged violations prior to the date of the Proceeding, contact the above DEQ staff immediately so that compliance can be verified. You must provide a written report and appropriate documentation demonstrating that compliance has been achieved 3 business days prior to the Proceeding. If compliance is verified, the Proceeding will be cancelled and the UST(s) will be eligible for receipt of a regulated substance. If compliance is not verified, the Proceeding will go forward as scheduled.

You may waive your right to an Informal Fact Finding Proceeding by submitting a request for waiver prior to the date of the Proceeding. The request shall be in writing and signed by the owner of the UST and include a statement that no material facts are in dispute and that the owner waives his right to an Informal

¹ You may request to be heard on the Emergency, Rural or Remote Exception. 9VAC25-580-370(I) provides that if the Presiding Officer, acting on behalf of DEQ, determines that a delivery prohibition violation exists he or she can consider whether the threat posed by the violation is outweighed by the need for fuel from the UST(s) to meet an emergency situation or to meet the needs of a rural and remote area. If it is determined that such a condition outweighs the immediate risk of the violation, the Presiding Officer may defer imposition of delivery prohibition for up to 180 days. In every such case the director shall consider (i) issuing a special order under the authority of subdivision 10 of § 10.1-1186 of the Code of Virginia prescribing a prompt schedule for abating the violation and (ii) imposing a civil penalty.

Notice of Informal Fact Finding Proceeding

Fact Finding Proceeding and to any other administrative proceeding regarding the potential violations described herein.

FUTURE ACTIONS

If you waive your right to an Informal Fact Finding Proceeding or if these tanks are determined to be in violation of 9VAC25-580-10 *et seq.* and ineligible for delivery, a delivery prohibition notice (“red tag”) will be placed on the fill port of the ineligible UST(s) and delivery, deposit or acceptance of a regulated substance into the UST(s) will be prohibited until such time as the UST(s) are returned to compliance. Please be advised that removal of the red tag is prohibited by 9VAC25-580-370 unless authorized, in writing, by DEQ. In addition, for each alleged violation, DEQ is authorized to pursue enforcement actions, seek civil penalties and seek compliance with its rules and regulations in any manner allowed by law.

Please contact the following DEQ staff within 5 business days of the date of this letter to confirm whether you and/or a representative will attend the Proceeding or with any questions related to this Proceeding. Please contact the Agency Advocate listed below at least ten days before the Proceeding Date to request accommodations under the Americans with Disabilities Act, translation services in a language other than English, or other reasonable accommodations to facilitate your meaningful participation in the proceeding.

Agency Advocate	
Phone No.	
Email	

Sincerely,

Virginia Department of Environmental Quality

4013193 Cary Street BP Exhibit List

- Exhibit 01 – Registration notification form for new owner – 1920 West Cary LLC
- Exhibit 02 – VA SCC record for 1920 West Cary LLC - inactive
- Exhibit 03 – Property card for 1920 West Cary Street Richmond VA- owner Cary Street Ventures LLC
- Exhibit 04 – VA SCC record for Cary Steet Ventures LLC - active
- Exhibit 05 – Notification of formal UST inspections scheduled
- Exhibit 06 – UST Inspection report
- Exhibit 07 – email with Insp report and RCA (response deadline Nov 9,2025)
- Exhibit 08 – Email to owner reminding of RCA deadline Sept 3,2025
- Exhibit 09 – ALLD LLT and spill bucket test reports received 9 16 2026
- Exhibit 10 – Email confirming deficiencies resolved, open issues, and RCA deadline reminder
- Exhibit 11 – Warning Letter dated Nov 24,2025 with deadline of Feb 22, 2026
- Exhibit 12 – Invoice and internal tank lining inspection report dated Nov 26, 2025. Tanks 2 (midgrade) and 3 (premium) failed. T1 (regular) passed
- Exhibit 13 – Invoice for repair and retest with passing results for Tanks 2 and 3 February 2026
- Exhibit 14 – email with open compliance issues Mar 42026
- Exhibit 15 – Compliance follow up
- Exhibit 16 – Notice of Informal Fact Finding Mar 2026