

FILED

Jun 11, 2026

3:16 pm

**U.S. EPA REGION 3
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

In the Matter of:

**Umstott, Inc.
493 Pine Ridge Road
Bedford, PA 15522,**

Respondent.

**7 ELEVEN #36952
2 Mineral Street
Keyser, WV 26726,**

Facility.

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:
: **U.S. EPA Docket No. RCRA-03-2026-0196**
:
: **Proceeding under Section 9006 of the Resource**
: **Conservation and Recovery Act, 42 U.S.C.**
: **Section 6991e**
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CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant" or "EPA") and Umstott, Inc. ("Respondent") (collectively the "Parties"), pursuant to Section 9006 of the Resource Conservation and Recovery Act ("RCRA" or the "Act"), 42 U.S.C. § 6991e, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. Section 9006 of RCRA, 42 U.S.C. § 6991e, authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order") resolve Complainant's civil penalty claims against Respondent under RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The EPA has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).
5. EPA has given the West Virginia Department of Environmental Protection (“WVDEP”) notice of the issuance of this Consent Agreement and Final Order in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

GENERAL PROVISIONS

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
9. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
10. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
11. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.
12. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including

but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

13. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
14. West Virginia is approved to administer and enforce an underground storage tank (“UST”) program in lieu of the Federal program under Subtitle I of the Act, 42 U.S.C. §§ 6991-6991m. The program, as administered by WVDEP, was approved by the EPA, pursuant to 42 U.S.C. 6991c and 40 C.F.R. Part 281. The EPA approved the West Virginia UST program, set forth in the West Virginia Administrative Code of State Rules (“W. Va. Code R.”), Title 33, Series 30, “Underground Storage Tanks,” on September 23, 1997, and approval of the West Virginia UST program became effective on February 10, 1998. A subsequent UST program revision application was approved by the EPA on September 11, 2020, and became effective on November 10, 2020.
15. The federally approved West Virginia UST program is enforceable by the EPA pursuant to Section 9006(a) of RCRA, 42 U.S.C. § 6991e(a).
16. Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d), authorizes the assessment of civil penalties against any owner or operator of a UST who fails to comply with, among other things, any requirement or standard of a state program that has been approved pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, for the violations alleged herein.
17. The West Virginia UST program regulates USTs used to contain “regulated substances,” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 40 C.F.R. § 280.12, which W. Va. Code R. § 33-30-2 incorporates by reference.
18. At all times relevant to this Consent Agreement, Respondent is, and has been, a “person,” as defined by Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 40 C.F.R. § 280.12, which W. Va. Code R. § 33-30-2 incorporates by reference.
19. At all times relevant to this Consent Agreement, Respondent is, and has been, the “operator” and/or “owner” of “USTs,” as those terms are defined by Section 9001(3), (4), and (10) of RCRA, 42 U.S.C. § 6991(3), (4), and (10), and 40 C.F.R. § 280.12, which W. Va. Code R. § 33-30-2 incorporates by reference, at Respondent’s UST facility located at 2 Mineral Street, Keyser, WV 26726 (the “Facility”).

20. At all times relevant to this Consent Agreement, there are, and there have been, the following three USTs at the Facility, each of which contains a regulated substance.
- a. An 8,000-gallon tank that contains regular gasoline ("Tank 1") and was installed in January 1989. Tank 1 is constructed with steel. Tank 1 uses a Veeder-Root TLS-450 automatic tank gauge ("ATG") system with Continuous Statistical Leak Detection ("CSLD") for tank release detection.
 - b. A 4,000-gallon tank that contains premium gasoline ("Tank 2") and was installed in January 1989. Tank 2 is constructed with steel. Tank 2 uses a Veeder-Root TLS-450 ATG system with CSLD for tank release detection.
 - c. A 6,000-gallon tank that contains diesel gasoline ("Tank 3") and was installed in July 1985. Tank 3 is constructed with steel. Tank 3 uses a Veeder-Root TLS-450 ATG system with CSLD for tank release detection.
21. Pursuant to the EPA's authority under Section 9005 of RCRA, 42 U.S.C. § 6991d, an EPA Inspector conducted an inspection of the Facility on June 18, 2024 (the "Inspection") to determine compliance with Subtitle I of RCRA and the West Virginia UST program.

Count 1

Failure to Conduct Annual Line Tightness Test, as Required by W. Va. Code R. § 33-30-2.

22. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
23. 40 C.F.R. § 280.41(b)(1)(i)(B), which the West Virginia UST program incorporates by reference in W. Va. Code R. § 33-30-2, requires that underground piping that routinely contains regulated substances "must have an annual line tightness test conducted in accordance with [40 C.F.R.] § 280.44(b) or have monthly monitoring conducted in accordance with [40 C.F.R.] § 280.44(c)."
24. At all relevant times, Respondent did not have monthly monitoring conducted in accordance with 40 C.F.R. § 280.44(c) and instead opted to comply through annual line tightness tests under 40 C.F.R. § 280.44(b).
25. Respondent conducted line tightness testing for Tank 1 and Tank 3 on May 11, 2021. Annual line tightness testing for Tank 1 and Tank 3 was next due by May 11, 2022.
26. Respondent did not conduct annual line tightness testing for Tank 1 and Tank 3 until June 7, 2022.

27. From May 12, 2022, to June 6, 2022, Respondent failed to conduct an annual line tightness test for Tank 1 and Tank 3.
28. Respondent conducted line tightness testing for Tank 1, Tank 2, and Tank 3 on June 7, 2022. Annual line tightness testing for Tank 1, Tank 2, and Tank 3 was next due by June 7, 2023.
29. Respondent did not conduct annual line tightness testing for Tank 1, Tank 2, and Tank 3 until June 13, 2023.
30. From June 8, 2023, to June 12, 2023, Respondent failed to conduct an annual line tightness test for Tank 1, Tank 2, and Tank 3.
31. During the dates stated above, Respondent violated 40 C.F.R. § 280.41(b)(1)(i)(B), which W. Va. Code R. § 33-30-2 incorporates by reference, by failing to conduct annual line tightness tests or monthly monitoring.
32. In failing to comply with 40 C.F.R. § 280.41(b)(1)(i)(B), which W. Va. Code R. § 33-30-2 incorporates by reference, Respondent is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

Count 2

Failure to Conduct Annual Line Leak Detector Testing, as Required by W. Va. Code R. § 33-30-2.

33. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
34. 40 C.F.R. § 280.44(a), which the West Virginia UST program incorporates by reference in W. Va. Code R. § 33-30-2, requires an owner or operator of a UST to conduct an “annual test of the operation of the [automatic line] leak detector....”
35. Respondent conducted an annual test of the operation of the automatic line leak detector for Tank 1 and Tank 3 on May 11, 2021. An annual test of the operation of the automatic line leak detector for Tank 1 and Tank 3 was next due by May 11, 2022.
36. Respondent did not conduct an annual test of the operation of the automatic line leak detector for Tank 1 and Tank 3 until June 7, 2022.
37. From May 12, 2022, to June 6, 2022, Respondent failed to conduct an annual test of the operation of the automatic line leak detector for Tank 1 and Tank 3.

38. Respondent conducted an annual test of the operation of the automatic line leak detector for Tank 1, Tank 2, and Tank 3 on June 7, 2022. An annual test of the operation of the automatic line leak detector for Tank 1, Tank 2, and Tank 3 was next due by June 7, 2023.
39. Respondent did not conduct an annual test of the operation of the automatic line leak detector for Tank 1, Tank 2, and Tank 3 until June 13, 2023.
40. From June 8, 2023, to June 12, 2023, Respondent failed to conduct an annual test of the operation of the automatic line leak detector for Tank 1, Tank 2, and Tank 3.
41. During the dates stated above, Respondent violated 40 C.F.R. § 280.44(a), which W. Va. Code R. § 33-30-2 incorporates by reference, by failing to conduct annual automatic line leak detector tests.
42. In failing to comply with 40 C.F.R. § 280.44(a), which W. Va. Code R. § 33-30-2 incorporates by reference, Respondent is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

Count 3

Failure to Provide Adequate Spill Prevention, as Required by W. Va. Code R. § 33-30-2.

43. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
44. 40 C.F.R. § 280.20(c)(1)(i), which the West Virginia UST program incorporates by reference in W. Va. Code R. § 33-30-2, requires an owner or operator of a UST to use “[s]pill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin)....”
45. From May 2023 through May 2024, the Facility’s spill catchment basins, commonly referred to as spill buckets, were not free of liquid and were therefore consistently marked as “FAIL” in monthly walkthrough inspections.
46. In particular, the Tank 2 spill bucket was documented to be completely full of liquid on July 25, 2023; April 15, 2024; and May 6, 2024. The Tank 2 spill bucket was also documented as approximately 75% full of liquid on June 10, 2024.
47. During the dates stated above, Respondent violated 40 C.F.R. § 280.20(c)(1)(i), which W. Va. Code R. § 33-30-2 incorporates by reference, by failing to use and maintain adequate spill prevention equipment.

48. In failing to comply with 40 C.F.R. § 280.20(c)(1)(i), which W. Va. Code R. § 33-30-2 incorporates by reference, Respondent is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

Count 4

Failure to Conduct Annual Release Detection System Testing, as Required by W. Va. Code R. § 33-30-2.

49. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
50. 40 C.F.R. § 280.40(a)(3), which the West Virginia UST program incorporates by reference in W. Va. Code R. § 33-30-2, requires an owner or operator of a UST to perform, at least annually, a test of the proper operation of their system for detecting a release from any portion of their USTs and connected underground piping.
51. Respondent conducted an annual test of the release detection system for Tank 1, Tank 2, and Tank 3 on May 11, 2021. An annual test of the release detection system for Tank 1, Tank 2, and Tank 3 was next due by May 11, 2022.
52. Respondent did not conduct an annual test of the release detection system for Tank 1, Tank 2, and Tank 3 until June 13, 2022.
53. From May 12, 2022, to June 12, 2022, the Facility was without required annual release detection system testing of the ATG systems for Tank 1, Tank 2, and Tank 3.
54. During the dates stated above, Respondent violated 40 C.F.R. § 280.40(a)(3), which W. Va. Code R. § 33-30-2 incorporates by reference, by failing to conduct annual release detection system testing.
55. In failing to comply with 40 C.F.R. § 280.40(a)(3), which W. Va. Code R. § 33-30-2 incorporates by reference, Respondent is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

Count 5

Failure to Conduct 30-day Release Detection, as Required by W. Va. Code R. § 33-30-2.1.

56. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

57. 40 C.F.R. § 280.41, which the West Virginia UST program incorporates by reference in W. Va. Code R. § 33-30-2, requires owners and operators of USTs to “provide release detection for tanks.” Specifically, 40 C.F.R. § 280.4120(a)(1) states, “Tanks installed on or before April 11, 2016, must be monitored for releases at least every 30 days using one of the methods listed in §280.43(d) through (i),” with exceptions that do not apply here. Under 40 C.F.R. § 280.43(d), one of the listed methods is an ATG monitoring system. The Facility’s Veeder-Root TLS-450 ATG system appeared to meet the qualifications specified in 40 C.F.R. § 280.43(d).

Tank 2

58. At the Inspection, the EPA inspector noted the following concerning release detection monitoring for Tank 2:
- a. Respondent conducted release detection monitoring on August 1, 2023. Release detection monitoring was next due by August 31, 2023. Respondent did not conduct release detection monitoring until September 22, 2023.
 - b. Respondent conducted release detection monitoring on November 16, 2023. Release detection monitoring was next due by December 16, 2023. Respondent did not conduct release detection monitoring until December 30, 2023.
 - c. Respondent conducted release detection monitoring on January 1, 2024. Release detection monitoring was next due by January 31, 2024. Respondent did not conduct release detection monitoring until February 25, 2024.
59. From September 1, 2023, to September 21, 2023; from December 17, 2023, to December 29, 2023; and from February 1, 2024, to February 24, 2024; Respondent failed to monitor Tank 2 for releases at least every 30 days using the Facility’s Veeder-Root TLS-450 ATG system.

Tank 3

60. At the Inspection, the EPA inspector noted the following concerning release detection monitoring for Tank 3:
- a. Respondent conducted release detection monitoring on May 1, 2023. Release detection monitoring was next due by May 31, 2023. Respondent did not conduct release detection monitoring until June 17, 2023.
 - b. Respondent conducted release detection monitoring on August 1, 2023. Release detection monitoring was next due by August 31, 2023. Respondent did not conduct release detection monitoring until September 8, 2023.
 - c. Respondent conducted release detection monitoring on September 8, 2023. Release detection monitoring was next due by October 8, 2023. Respondent did not conduct release detection monitoring until October 14, 2023.

- d. Respondent conducted release detection monitoring on November 16, 2023. Release detection monitoring was next due by December 16, 2023. Respondent did not conduct release detection monitoring until December 27, 2023.
 - e. Respondent conducted release detection monitoring on January 1, 2024. Release detection monitoring was next due by January 31, 2024. Respondent did not conduct release detection monitoring until February 25, 2024.
61. From June 1, 2023, to June 16, 2023; from September 1, 2023, to September 7, 2023; from October 9, 2023, to October 13, 2023; from December 17, 2023, to December 26, 2023; and from February 1, 2024, to February 24, 2024; Respondent failed to monitor Tank 3 for releases at least every 30 days using the Facility's Veeder-Root TLS-450 ATG system.
62. During the dates stated above, Respondent violated 40 C.F.R. § 280.41(a)(1), which W. Va. Code R. § 33-30-2 incorporates by reference, by failing to monitor Tank 2 and Tank 3 for releases at least every 30 days using the Facility's Veeder-Root TLS-450 ATG system.
63. In failing to comply with 40 C.F.R. § 280.41(a)(1), which W. Va. Code R. § 33-30-2 incorporates by reference, Respondent is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

Count 6

Failure to Conduct 30-day Walkthrough Inspections, as Required by W. Va. Code R. § 33-30-2.

64. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
65. 40 C.F.R. § 280.36(a), which the West Virginia UST program incorporates by reference in W. Va. Code R. § 33-30-2, requires an owner or operator of a UST to conduct walkthrough inspections as specified. Unless the owner or operator is operating under a particular authorized standard developed by a nationally recognized association, independent testing laboratory, or implementing agency, the owner or operator must, at a minimum, conduct a walkthrough inspection of spill prevention equipment and release detection equipment at least every 30 days, as further specified in 40 C.F.R. § 280.36(a)(1)(i).
66. Respondent conducted a walkthrough inspection on January 8, 2024. A walkthrough inspection was next due by February 7, 2024.
67. Respondent did not conduct release detection monitoring until February 21, 2024.

68. From February 8, 2024, to February 20, 2024, Respondent failed to conduct the specified walkthrough inspection at least every 30 days.
69. During the dates stated above, Respondent violated 40 C.F.R. § 280.36(a), which W. Va. Code R. § 33-30-2 incorporates by reference, by failing to conduct the specified walkthrough inspection at least every 30 days.
70. In failing to comply with 40 C.F.R. § 280.36(a), which W. Va. Code R. § 33-30-2 incorporates by reference, Respondent is subject to the assessment of penalties under Section 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

CIVIL PENALTY

71. In settlement of the EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **thirty-one thousand dollars (\$31,000.00)** ("Assessed Penalty"), which Respondent shall be liable to pay in accordance with the terms set forth below.
72. In determining the amount of the Assessed Penalty, the EPA has taken into account the factors specified in Section 9006(c) and (e) of RCRA, 42 U.S.C. § 6991e(c) and (e), including the following: the seriousness of the violation, any good faith efforts to comply with the applicable requirements, and any other factors considered appropriate, including Respondent's agreement to settle in order to resolve disputed facts and legal conclusions. These factors were applied to the particular facts and circumstances of this case with specific reference to the EPA's October 5, 2023, *Revised Consolidated Enforcement Penalty Policy for Underground Storage Tank (UST) Regulations and Revised Field Citation Program and ESA Pilot* and November 1990 U.S. EPA *Penalty Guidance for Violations of UST Regulations* which reflect the statutory penalty criteria and factors set forth at Section 9006(c) and (e) of RCRA, 42 U.S.C. § 6991e(c) and (e); the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19; and the applicable EPA memoranda addressing the EPA's civil penalty policies to account for inflation.
73. Respondent agrees to pay the Assessed Penalty within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
74. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. Respondent acknowledges that the EPA has provided adequate notification that, prior

to the Effective Date, in accordance with Executive Order 14247: Modernizing Payments To and From America's Bank Account, the EPA ceased accepting paper checks as a form of payment of civil penalties, and the EPA only accepts specific electronic methods of payments as provided on the above websites.

75. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, RCRA-03-2026-0196,
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously by email to the following person(s):

Steven Westhoff
Attorney-Adviser
westhoff.steven@epa.gov;

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov;

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

"Proof of Payment" means, as applicable, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

76. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Consent Agreement, the EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

a. Interest. Interest begins to accrue from the Effective Date of this Consent Agreement. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United

States, the rate of interest is set at the Internal Revenue Service ("IRS") standard underpayment rate, as any lower rate would fail to provide Respondent adequate incentive for timely payment.

b. Handling Charges. Respondent will be assessed monthly a charge to cover the EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Consent Agreement, the EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Effective Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.

c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Effective Date.

77. Late Penalty Actions. In addition to the amounts described in Paragraph 76, above, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.

a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.

d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

78. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

79. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.

GENERAL SETTLEMENT CONDITIONS

80. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: westhoff.steven@epa.gov and ma.andrew@epa.gov (for Complainant), and mikeminnear@icloud.com and tumstott@aol.com (for Respondent).
81. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
82. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission, true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

83. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

84. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver,

suspension or modification of the requirements of RCRA Subtitle I or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

85. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under RCRA Subtitle I, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

86. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By providing the signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that the person signing is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

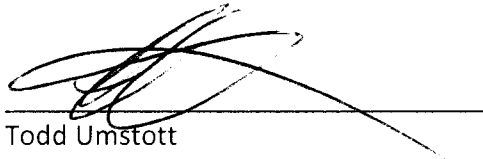
87. The effective date of this Consent Agreement and Final Order ("Effective Date") is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or the Regional Administrator's designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

88. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For the Respondent: UMSTOTT, INC.

Date: 11-11-26

By: 
Todd Umstott
Owner and President

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

By: _____
[Digital Signature and Date]
Acting Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: _____
[Digital Signature and Date]
Steven Westhoff
Attorney-Adviser
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Jun 11, 2026

3:16 pm

U.S. EPA REGION 3
HEARING CLERK

In the Matter of:

Umstott, Inc.
493 Pine Ridge Road
Bedford, PA 15522,

Respondent.

7 ELEVEN #36952
2 Mineral Street
Keyser, WV 26726,

Facility.

:
:
: U.S. EPA Docket No. RCRA-03-2026-0196
:
: Proceeding under Section 9006 of the Resource
: Conservation and Recovery Act, 42 U.S.C.
: Section 6991e
:
:
:
:
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:
:

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3), the Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement.

The effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By:

[Digital Signature and Date]

Regional Judicial and Presiding Officer
U.S. EPA, Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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Keyser, WV 26726,	:
	:
Facility.	:
	:

CERTIFICATE OF SERVICE

I certify that the foregoing ***Consent Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Consent Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Mike Minniear
Operations Manager
Umstott, Inc.
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Pittsburgh, Pennsylvania 15237
mikeminniear@icloud.com

Todd Umstott
Owner and President
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493 Pine Ridge Road
Bedford, Pennsylvania 15522
tumstott@aol.com

Steven Westhoff
Attorney-Adviser
U.S. EPA, Region 3
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Andrew Ma
Inspector
U.S. EPA, Region 3
ma.andrew@epa.gov

[Digital Signature and Date]

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 3