FILED
Sep 09, 2026
12:21 pm
U.S. EPA REGION 3
HEARING CLERK

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

IN THE MATTER OF: **Woodford Development Co., LLC** (Tank Owner) **PO Box 567** **Elkins, WV 26241** **and** **Umstott, Inc.** (Tank Operator) **231 Perry Highway** **Pittsburgh, PA 15229** **Respondents** **Umstott 34915** **419 Virginia Ave** **Petersburg, WV 26847** **Facility**	**DOCKET NO.: RCRA-03-2026-0021** **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. Woodford Development Co., LLC (Tank Owner) and Umstott, Inc. (Tank Operator) ("Respondents") and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 9006 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 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 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.

2. The U.S. Environmental Protection Agency, Region 3 ("EPA") has jurisdiction over this matter pursuant to 9006 of RCRA, 42 U.S.C. § 6991e, and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.

3. Complainant alleges that, at all times relevant to the allegations described in this

Agreement, Respondents were and continue to be "person(s)," and the "operator" and/or "owner" of "underground storage tanks" ("USTs") and "UST systems," located at Umstott 34915, 419 Virginia Ave, Petersburg, WV 26847 ("Facility").

4. Complainant alleges and finds that Respondents failed to comply with specific requirements of Subtitle I of RCRA, 42 U.S.C. §§ 6991 *et seq.*, its implementing regulations at 40 C.F.R. Part 280, and the federally-authorized state of West Virginia's UST regulations set forth in the West Virginia Administrative Code at Title 33, Series 30, W. Va. Code R. § 33-30-1 *et seq.*, which incorporates by reference 40 C.F.R Part 280 at W. Va. Code R. § 33-30-2.1.

5. On June 27, 2024, a representative of EPA conducted a Compliance Evaluation Inspection, and observed the following USTs located at the Facility:

   a. A six thousand-gallon tank that was installed in or about November 1988, and that, at all times relevant hereto, routinely contained regular-grade gasoline, a "regulated substance" as that term is defined in 40 C.F.R. § 280.12 (hereinafter "UST No. "1").

   b. A six thousand-gallon tank that was installed in or about November 1988, and that, at all times relevant hereto, routinely contained regular-grade gasoline, a "regulated substance" as that term is defined in 40 C.F.R. § 280.12 (hereinafter "UST No. "2").

   c. An eight thousand-gallon tank that was installed in or about November 1988, and that, at all times relevant hereto, routinely contained regular-grade gasoline, a "regulated substance" as that term is defined in 40 C.F.R. § 280.12 (hereinafter "UST No. "3").

   d. A four thousand-gallon tank that was installed in or about November 1988, and that, at all times relevant hereto, routinely contained regular-grade gasoline, a "regulated substance" as that term is defined in 40 C.F.R. § 280.12 (hereinafter "UST No. "4").

6. Based on the Compliance Evaluation Inspection as well as additional information subsequently provided by the Respondents, Complainant has identified the following violations:

   a. From at least September 23, 2023 through October 22, 2023 for Tank 1, and from at least November 23, 2023 through November 26, 2023, and February 12, 2024 through February 26, 2024 for Tanks 1, 2, 3, and 4, Respondents failed to monitor tanks every 30 days for releases, in violation of 40 C.F.R. § 280.41(a);

   b. For at least March 19, 2024 for Tanks 1, 2, 3, and 4, and from at least June 27, 2024 through September 6, 2024 for Tanks 2 and 4, Respondents failed to provide

adequate spill prevention equipment, in violation of 40 C.F.R. § 280.20(c)(1)(i);

c. From at least November 23, 2023 through November 26, 2023, and February 12, 2024 through February 26, 2024, Respondents failed to conduct periodic walkthrough inspections every 30 days, in violation of 40 C.F.R. § 280.36(a);

d. From at least June 22, 2023 through May 6, 2024, Respondents failed to maintain records describing actions taken to correct issues identified during the operation and maintenance walkthrough inspections, in violation of 40 C.F.R. § 280.36(b).

7. Complainant and Respondents, which are jointly and severally liable for payment of the penalty, agree that settlement of this matter for a penalty of **$11,024 (ELEVEN THOUSAND TWENTY-FOUR DOLLARS)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c).

8. Respondents agree that, within 30 days of the effective date of this Agreement, Respondents shall make a payment of **$11,024** the Assessed Penalty). Respondents shall pay the Assessed Penalty and any interest, fees, and other charges due using one of the electronic payment options provided on the EPA website: https://www.epa.gov/financial/makepayment. For additional instructions relating to electronic payment options, see: https://www.epa.gov/financial/additional-instructions-making-payments-epa. Respondents acknowledge that 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, EPA ceased accepting paper checks as a form of payment of civil penalties and EPA only accepts specific electronic methods of payments as provided on the above website.

9. Within 24 hours of payment, the Respondents shall also send proof of payment (confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Caitlin Stormont (3ED22)
stormont.caitlin@epa.gov
and
Regional Hearing Clerk (3RC00)
R3_Hearing_Clerk@epa.gov

10. In signing this Agreement, the Respondents: admit the jurisdictional allegations in this Agreement; neither admit nor deny the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agree not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waive their right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consent to the issuance of the Agreement and agree to comply with its terms; agree to bear their own costs and attorney's fees; and agree not to deduct for federal tax

purposes the civil penalty assessed in this Agreement and Final Order.

11. By their signature below, the Respondents certify, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) they have corrected the alleged violations, and (2) any documentation or information that they provided to EPA was true and accurate.

12. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.

13. By signing this Agreement, Respondents waive any rights or defenses that Respondents have or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waive any right to challenge the lawfulness of the final order accompanying the Agreement.

14. EPA reserves the right to commence action against any person, including Respondents, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.

15. Late payment of the agreed upon penalty may subject Respondents to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.

16. This Agreement is binding on the parties signing below and is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).

17. The undersigned representatives certify that they are fully authorized to execute this Agreement and to legally bind Woodford Development Co., LLC (Tank Owner) and Umstott, Inc. (Tank Operator).

18. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: stormont.caitlin@epa.gov (for Complainant), and smarra@woodfordoil.com, and tumstott@aol.com (for Respondents).

19. By signing this Agreement, Respondents acknowledge that this Agreement and Final Order will be available to the public and represents that, to the best of Respondents' knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondents.

For Respondent: **Woodford Development Co., LLC** (Tank Owner)

Date: 5/8/26 By: Shelia Marra

Shelia Marra
Retail Business Assistance

For Respondent: **Umstott, Inc.** (Tank Operator)

Date: 5-12-2026

By: _____
Todd Umstott
Owner

For Complainant: U.S. Environmental Protection Agency, Region 3

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

ANDREA BAIN

Digitally signed by ANDREA BAIN
Date: 2026.09.03 08:15:11 -04'00'

[*Digital Signature and Date*]
Andrea Bain, Acting Director
Enforcement and Compliance Assurance Division

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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 Respondents are 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.

JEFFREY NAST
Digitally signed by JEFFREY NAST
Date: 2026.09.09 11:34:10 -04'00'

[*Digital Signature and Date*]
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of: **Woodford Development Co., LLC** (Tank Owner) **PO Box 567** **Elkins, WV 26241** **and** **Umstott, Inc.** (Tank Operator) **231 Perry Highway** **Pittsburgh, PA 15229** **Respondents** **Umstott 34915** **419 Virginia Ave** **Petersburg, WV 26847** **Facility**	**U.S. EPA Docket No. RCRA-03-2026-0021** **Proceeding under Section 9006 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 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**

CERTIFICATE OF SERVICE

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement 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:

Sheila Marra, Retail Business Assistance
Woodford Development Co., LLC (Tank Owner)
SMarra@woodfordoil.com
PO Box 567
Elkins, WV 26241

Todd Umstott, Owner
Umstott, Inc. (Tank Operator)
tumstott@aol.com
231 Perry Highway
Pittsburgh, PA 15229

Caitlin Stormont
Life Scientist
U.S. EPA, Region 3
Stormont.caitlin@epa.gov

BEVIN ESPOSITO
Digitally signed by BEVIN ESPOSITO
Date: 2026.09.09 12:23:42 -04'00'

[*Digital Signature and Date*]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3