

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the matter of:

CrossAmerica Partners LP

:
:
Violations of the
:
Storage Tank and Spill Prevention Act
:
and 25 Pa. Code Chapter 245
:
:

CONSENT ASSESSMENT OF CIVIL PENALTY

This Consent Assessment of Civil Penalty ("CACP") is entered into this 30 day of NOVEMBER, 2020, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") and CrossAmerica Partners LP ("CrossAmerica").

The Department has found and determined the following:

- A. The Department is the agency with the duty and authority to administer and enforce the Storage Tank and Spill Prevention Act, Act of July 6, 1989, P.L. 169, No. 32, as amended, 35 P.S. §§ 6021.101 et seq. ("Tank Act"); the Land Recycling and Environmental Remediation Standards Act, Act of May 19, 1995, P.L. 4, No. 1995-2, 35 P.S. §§ 6026.101 et seq. ("Act 2"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17 ("Administrative Code"); and the regulations promulgated thereunder.
- B. CrossAmerica is a Delaware Limited Partnership, with corporate headquarters, located at 600 Hamilton Street, Suite 500, Allentown, Pennsylvania 18101-2130, that operates multiple underground storage tank facilities, as that term is defined in 35 P.S. § 6021.103, in Pennsylvania and is an operator as that term is defined in 35 P.S. § 6021.103, and an occupier, as that term is used in 35 P.S. §§ 6021.1302 and 6021.1310.
- C. CrossAmerica currently operates the following facilities ("the Facilities"), including the underground storage tank systems, as that term is defined at 25 Pa. Code § 245.1, located at those facilities.

Facility ID#	Facility Name	Facility Address	Municipality	County
09-06905	123 N. Pine Langhorne	123 N. Pine St.	Langhorne Borough	Bucks
09-23900	Getty 67433 PA0479	539 N. Main St.	Doylestown Borough	Bucks

09-37480	Langhorne PALG UST II	1266 Old Lincoln Hwy.	Middletown Township	Bucks
15-06902	103 N. Pottstown Pike	103 N. Pottstown Pike	W. Whiteland Township	Chester
15-25693	3727 Lincoln Hwy. Thorndale	3727 Lincoln Hwy., Thorndale	Caln Township	Chester
23-06820	600 S Oak Rd PA 0154	600 S. Oak Ave.	Upper Darby Township	Delaware
23-06906	1001 Baltimore Ave., East Lansdowne	1001 E. Baltimore Ave.	E. Lansdowne Borough	Delaware
23-06919	2401 Haverford Rd., Ardmore	2401 Haverford Rd.	Haverford Township	Delaware
23-07020	7424 West Chester Pike	7424 West Chester Pike	Upper Darby Township	Delaware
23-07042	1892 S. State Rd. Upper Darby	1892 S. State Rd.	Upper Darby Township	Delaware
46-06826	201 W. Germantown Pike	201 W. Germantown Pike	E. Norriton Township	Montgomery
46-06977	1419 W. Main St.	1419 W. Main St.	Hatfield Township	Montgomery
46-41564	Harleysville	590 Main St.	Lower Salford Township	Montgomery
51-06845	2250 Cottman Ave.	2250 Cottman Ave.	City of Philadelphia	
51-06899	4200 Whitaker Ave.	4200 Whitaker Ave.	City of Philadelphia	
51-06953	5250 Torresdale Ave., Phila	5250 Torresdale Ave.	City of Philadelphia	
51-41482	234 248 N 63 rd St., Phila.	234 N. 63 rd St.	City of Philadelphia	
51-43700	Chestnut Hill Mobil	8019 Germantown Ave.	City of Philadelphia	

- D. The following underground storage tanks ("USTs"), as that term is defined at 25 Pa. Code § 245.1, have been or are currently located at the Facilities and are operating under permits, pursuant to 25 Pa. Code § 245.203:

Facility ID#	Tank #	Size (gals.)	Substance	Current Status	Status Begin Date
09-06905	001	8,000	Gasoline	C	8/31/1998
09-06905	002	10,000	Gasoline	C	8/31/1998
09-06905	003	8,000	Gasoline	C	8/31/1998
09-23900	001	6,000	Gasoline	C	3/10/2010
09-23900	002	6,000	Gasoline	C	3/10/2010

09-23900	003	6,000	Gasoline	C	3/10/2010
09-37480	001	15,000	Gasoline	C	12/30/1997
09-37480	002	15,000	Gasoline	C	12/30/1997
15-06902	006	15,000	Gasoline	C	5/29/2000
15-06902	007	15,000	Gasoline	C	5/29/2000
15-06902	008	12,000	Diesel	C	5/29/2000
15-25693	001	8,000	Gasoline	C	12/1/1983
15-25693	002	10,000	Gasoline	C	12/1/1983
15-25693	003	8,000	Gasoline	C	12/1/1983
15-25693	004	12,000	Gasoline	C	10/15/1996
23-06820	001	10,000	Gasoline	C	9/19/2013
23-06820	002	12,000	Gasoline	C	9/19/2013
23-06820	003	8,000	Diesel	C	9/19/2013
23-06906	001	8,000	Gasoline	C	1/1/1983
23-06906	002	10,000	Gasoline	C	1/1/1983
23-06906	003	8,000	Gasoline	C	1/1/1989
23-06906	004	6,000	Gasoline	C	1/1/1989
23-06919	006	12,000	Gasoline	C	1/22/2016
23-06919	007	7,000	Diesel	C	1/22/2016
23-06919	008	5,000	Gasoline	C	1/22/2016
23-07020	001	12,000	Gasoline	C	3/31/2014
23-07020	002	10,000	Gasoline	C	3/31/2014
23-07020	003	10,000	Diesel	C	3/31/2014
23-07042	005	12,000	Gasoline	C	6/1/1991
23-07042	006	12,000	Gasoline	C	6/1/1991
23-07042	007	12,000	Gasoline	C	6/1/1991
46-06826	001	12,000	Gasoline	C	6/26/2017
46-06826	002	8,000	Diesel	C	6/26/2017
46-06826	003	10,000	Gasoline	C	6/26/2017
46-06977	001	12,000	Gasoline	C	12/1/1985
46-06977	002	10,000	Diesel	C	12/1/1985
46-06977	003	8,000	Gasoline	C	12/1/1985
46-41564	001	8,000	Gasoline	C	12/1/1987
46-41564	002	10,000	Diesel	C	7/31/2008
46-41564	003	12,000	Gasoline	C	12/1/1987
51-06845	001	10,000	Gasoline	C	12/1/1985
51-06845	002	10,000	Gasoline	C	12/1/1985
51-06845	003	8,000	Gasoline	C	12/1/1985
51-06845	004	10,000	Diesel	C	12/1/1985
51-06899	001	10,000	Gasoline	C	12/1/1985
51-06899	002	10,000	Gasoline	C	12/1/1985
51-06899	003	10,000	Gasoline	C	12/1/1985
51-06953	001	4,000	Gasoline	C	12/1/1980

51-06953	002	4,000	Gasoline	C	12/1/1980
51-06953	003	10,000	Gasoline	C	12/1/1985
51-06953	004	6,000	Gasoline	C	7/9/1996
51-41482	001	10,000	Gasoline	C	12/1/1985
51-41482	002	8,000	Gasoline	C	12/1/1985
51-41482	003	6,000	Gasoline	C	12/1/1985
51-41482	004	6,000	Gasoline	C	12/1/1985
51-43700	005	8,000	Gasoline	C	1/26/1998
51-43700	006	8,000	Gasoline	C	1/26/1998
51-43700	007	6,000	Gasoline	C	1/26/1998
51-43700	008	8,000	Diesel	C	1/26/1998

- E. Certified tank inspectors conducted Facility Operations Inspections (“FOIs”) at the Facilities, identified in this paragraph, and the Department sent Notices of Violation (“NOVs”) to each of these Facilities in response to violations observed during the FOIs, as follows:

Facility ID#	Facility Name	FOI Date	NOV Date	Compliance Due Date in NOV	Resolution Date
09-06905	123 N. Pine Langhorne	1/9/2019	5/14/2019	5/31/2019	8/7/2019
09-23900	Getty 67433 PA0479	5/7/2019	8/23/2019	9/24/2019	10/21/2019
09-37480	Langhorne PALG UST II	12/9/2019	3/12/2020	4/8/2020	10/14/2020
15-06902	103 N. Pottstown Pike	11/22/2019	3/11/2020	4/8/2020	5/8/2020
15-25693	3727 Lincoln Hwy. Thorndale	11/22/2019	3/11/2020	4/8/2020	5/4/2020
23-06820	600 S Oak Rd PA 0154	11/7/2019	2/26/2020	3/6/2020	5/8/2020
23-06906	1001 Baltimore Ave., E. Lansdowne	11/7/2019	2/4/2020	2/28/2020	6/23/2020
23-06919	2401 Haverford Rd., Ardmore	11/7/2019	2/26/2020	3/6/2020	5/8/2020
23-07020	7424 West Chester Pike	11/15/2019	2/12/2020	3/6/2020	5/18/2020
23-07042	1892 S. State Rd Upper Darby	11/15/2019	3/11/2020	4/8/2020	6/23/2020
46-06826	201 W. Germantown Pike	12/3/2019	3/11/2020	4/8/2020	5/13/2020
46-06977	1419 W. Main St.	12/9/2019	1/27/2020	2/10/2020	2/4/2020
46-41564	Harleysville	12/9/2019	3/10/2020	4/6/2020	4/9/2020
51-06845	2250 Cottman Ave.,	12/4/2019	4/6/2020	4/30/2020	6/8/2020
51-06899	4200 Whitaker Ave.,	12/16/2019	4/6/2020	4/30/2020	6/25/2020
51-06953	5250 Torresdale Ave., Phila.	12/4/2019	4/6/2020	4/30/2020	6/23/2020
51-41482	234 248 N 63 rd St., Phila.	4/15/2019	7/29/2019	8/23/2019	3/31/2020
51-43700	Chestnut Hill Mobil	12/3/2019	4/6/2020	4/30/2020	6/23/2020

- F. At the time of the FOIs as described in Paragraph E, liquid was observed in containment structures at each of these Facilities, as follows:

Facility ID#	Facility Name	Liquid Location
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09-37480	Langhorne PALG UST II	Spill Buckets, STP Sumps
23-06906	1001 Baltimore Ave., East Lansdowne	Spill Buckets, STP Sumps
23-06919	2401 Haverford Rd., Ardmore	Spill Buckets
23-07020	7424 West Chester Pike	Spill Buckets
23-07042	1892 S State Rd Upper Darby	T007 STP Sump
46-06826	201 W Germantown Pike	T002 Spill Bucket, Damaged Lid
46-06977	1419 W Main St.	Spill Buckets
46-41564	Harleysville	Spill Buckets, T002 STP Sump
51-06845	2250 Cottman Ave.	Spill Buckets
51-06899	4200 Whitaker Ave.	Spill Buckets, T002 STP Sump
51-06953	5250 Torresdale Ave., Phila.	STP Sumps
51-41482	234 248 N 63 rd St., Phila.	Spill Buckets, T003 STP Sump
51-43700	Chestnut Hill Mobil	T006 STP Sump

- G. At the time of the FOIs for Facilities 51-06845, 51-06899, 51-41482, 51-43700, 46-06977, 46-41564, 09-37480, 46-06826, 23-06906, 23-06820, 23-06919, 23-07020, 15-06902 and 23-07042, as described in Paragraph E, each of these Facilities was operating without designated, trained Class C operators being present when the respective Facility was open to the general public for business.
- H. At the time of the FOIs for Facilities 09-37480, 46-06977, 51-41482 and 51-43700, as described in Paragraph E, each of these Facilities was not posting emergency procedures.
- I. At the time of the FOIs for Facilities 09-06905, 09-37480, 15-06902, 15-25693, 23-06820, 23-06906, 23-06919, 23-07020, 23-07042, 46-06826, 46-06977, 46-41564, 51-06845, 51-06899, 51-06953 and 51-43700, CrossAmerica did not provide adequate release detection records to the inspector for each of these Facilities.
- J. At the time of the FOIs for Facilities 23-06919, 46-06977 and 51-41482, as described in Paragraph E, the current Storage Tank Registration/Permit Certificate was not available onsite for each of these Facilities.
- K. At the time of the FOIs for Facilities 09-37480, 23-06919 and 51-06953, as described in Paragraph E, CrossAmerica did not provide the inspector with documentation of passing hydrostatic tests for each STP sump and under-dispenser containment (“UDC”) sump for each of these Facilities.
- L. At the time of the FOIs for Facilities 23-06906, 23-07020 and 23-07042, 46-06826, 51-41482, and 51-60845, as described in Paragraph E, Department records indicated that ball floats were initially installed at these Facilities, but CrossAmerica has subsequently installed another method of overfill prevention at each of these Facilities. CrossAmerica did not provide documentation to the inspector confirming that it had removed the ball floats from these Facilities.

- M. At the time of the FOIs for Facilities 23-07020 and 46-06826, as described in Paragraph E, overfill drop tube devices were present at each Facility, but modification reports confirming that they were installed by a certified individual were not available.
- N. The installation, repair, replacement or removal of overfill prevention devices is a minor modification, as that term is defined at 25 Pa. Code § 245.1.
- O. On or about December 6, 2010, Tanks 001, 002 and 003 at Facility 09-23900 were upgraded with impressed current cathodic protection.
- P. At the time of the FOI for Facility 09-23900, as described in Paragraph E, documentation confirming that a tank shell assessment had been performed was not available.
- Q. Primary and secondary containment structures, containment sumps and spill prevention equipment must be maintained in a leak free condition. If any liquid or regulated substance is detected, the liquid or regulated substance shall be immediately removed and the defective component, if applicable, shall be repaired in accordance with 25 Pa. Code § 245.434 (relating to repairs allowed). Repairs, including those performed to stop infiltration, shall be tested in accordance with § 245.434(4). 25 Pa. Code § 245.432(f).
- R. Storage tank facilities that dispense motor fuel for retail sales to the general public shall be manned by an onsite Class C operator when open for business with the general public. 25 Pa. Code § 245.436(a)(3)(ii).
- S. A copy of the certificates of training for Class A and Class B operators shall be on file and readily available and a copy of the facility list of Class A, Class B and Class C operators and Class C operator instructions or procedures shall be kept onsite and immediately available for storage tank facilities that dispense motor fuel for retail sales to the general public. 25 Pa. Code § 245.436(e)(2).
- T. UST owners and operators shall maintain tank and piping release detection records for the past 12 months. 25 Pa. Code § 245.435(d)(11).
- U. UST owners and operators shall maintain the current Storage Tank Registration/ Permit Certificate. 25 Pa. Code § 245.435(d)(10).
- V. UST owners and operators shall maintain documentation of the last test that demonstrates each containment sump and spill prevention equipment installed or repaired after November 10, 2007 was tested and verified to be liquid-tight in accordance with 25 Pa. Code §§ 245.421(b)(4) and 245.434(4). 25 Pa. Code § 245.435(d)(17).
- W. To prevent spilling and overfilling associated with product transfer to the UST systems, owners and operators shall ensure that their systems have permanently-installed spill and overfill prevention equipment, as set forth in 25 Pa. Code § 245.421(b)(3). 25 Pa. Code § 245.421(b)(3)(i).

- X. Ball float valves may not be used to comply with overfill prevention requirements when overfill prevention is installed or replaced after December 22, 2018. 25 Pa. Code § 245.421(b)(3)(iii).
- Y. Storage tank facility owners and operators shall use persons who are Department-certified to conduct tank handling activities unless otherwise allowed by 25 Pa. Code § 245.21(a). The certified installer shall perform the tank handling activity or provide direct onsite supervision and control of the activity. 25 Pa. Code § 245.21(a).
- Z. Certified companies and certified installers shall complete and submit to the Department a Department-approved form certifying that the tank handling activity conducted by the certified installer meets the requirements in the act and this chapter and accurately describing the conditions of the storage tank system and facility within 30 days of conducting the tank handling activity. 25 Pa. Code § 245.132(a)(2)(ii).
- AA. UST owners and operators shall maintain documentation of UST system installation, modification and upgrade activities. 25 Pa. Code § 245.435(d)(3).
- BB. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements in § 245.421(b)(1)(ii)(B)-(D) and the tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system. 25 Pa. Code § 245.422(b)(2)(i).
- CC. CrossAmerica's failure to ensure that the primary and secondary containment structure at the Facilities, described in Paragraph F, were maintained in a leak-free condition violates 25 Pa. Code § 245.432(f).
- DD. CrossAmerica's failure to ensure that the Facilities, described in Paragraph G, were manned by a designated, trained Class C Operator while open for business with the general public violates 25 Pa. Code § 245.436 (a)(3)(ii).
- EE. CrossAmerica's failure to ensure that emergency procedures were posted at the Facilities, described in Paragraph H, violates 25 Pa. Code § 245.436(e)(2).
- FF. CrossAmerica's failure to maintain tank and piping release detection records for the past 12 months at the Facilities, described in Paragraph I, violates 25 Pa. Code § 245.435(d)(11).
- GG. CrossAmerica's failure to maintain the most recent Storage Tank Registration/ Permit Certificate at the Facilities, described in Paragraph J, violates 25 Pa. Code § 245.435(d)(10).
- HH. CrossAmerica's failure to maintain hydrostatic testing documentation at the Facilities, described in Paragraph K, violates 25 Pa. Code § 245.435(d)(17).

- II. CrossAmerica's failure to provide documentation confirming the removal of ball floats following the installation of another overfill prevention method at the Facilities, described in Paragraph L, violates 25 Pa. Code § 245.421(b)(3).
- JJ. CrossAmerica's failure to maintain documentation of UST system installation, modification and upgrade activities, including modification reports documenting the installation of overfill drop tubes, at the Facilities, described in Paragraph M, violates 25 Pa. Code § 245.435(d)(3).
- KK. CrossAmerica's failure to ensure that tank shell assessments were performed on Tanks 001-003 at Facility 09-23900 following the cathodic protection upgrades, described in Paragraph O, violates 25 Pa. Code § 245.422(b)(2)(i).
- LL. CrossAmerica's actions and violations constitute unlawful conduct under Section 1310 of the Tank Act, 35 P.S. § 6021.1310, and a public nuisance under Section 1304 of the Tank Act, 35 P.S. § 6021.1304.
- MM. Pursuant to Section 1307 of the Tank Act, 35 P.S. § 6021.1307, the Department may assess a civil penalty for a violation of the Tank Act. The civil penalty so assessed shall not exceed Ten Thousand dollars (\$10,000.00) per day for each violation.

After full and complete negotiation of all matters set forth in this CACP and upon mutual exchange of the covenants herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ASSESSED by the Department and AGREED to by CrossAmerica as follows:

- 1. Assessment. In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 1307 of the Storage Tank Act, 35 P.S. § 6021.1307, the Department hereby assesses a civil penalty of **ONE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$125,000.00)**, which CrossAmerica hereby agrees to pay upon signing this agreement.
- 2. Civil Penalty Settlement. CrossAmerica consents to the assessment of the civil penalty assessed in paragraph 1, which shall be paid in full pursuant to the timeframe established in paragraph 1, above. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in paragraph(s) CC-KK, above, covering the period from January 9, 2019 to October 14, 2020. The payment shall be by corporate check or the like made payable to the "Commonwealth of Pennsylvania, Storage Tank Fund" and sent to the attention of:

Jesse T. Jones, EPCS
Department of Environmental Protection
2 E. Main Street
Norristown, PA 19401-4915


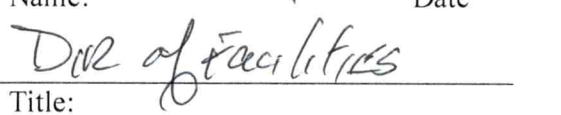
- 3. Findings.

- a. CrossAmerica agrees that the findings in paragraphs A through MM are true and correct and, in any matter or proceeding involving CrossAmerica and the Department, CrossAmerica shall not challenge the accuracy or validity of these findings.
 - b. The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.
4. Reservation of Rights. The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. CrossAmerica reserves the right to challenge any action which the Department may take, but waives the right to challenge the content or validity of this CACP.
5. Execution in Counter Parts. This CACP may be signed in counterparts, each of which shall constitute an original. The delivery by any party hereto of a telecopy, facsimile or PDF by email signature shall have the binding effect as the delivery of an original signature.
6. Correspondence with the Department. All correspondence with the Department concerning this CACP shall be addressed/directed to:

Jesse T. Jones, EPCS
Storage Tanks Program
PA Department of Environmental Protection
Southeast Regional Office
2 East Main Street, Norristown, PA 19401
(P) 484.250.5702 (E) jessjones@pa.gov


IN WITNESS WHEREOF, the parties have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of CrossAmerica certify, under penalty of law, as provided by 18 Pa. C. S. § 4904, that they are authorized to execute this CACP on behalf of CrossAmerica, that CrossAmerica consents to the entry of this CACP as an ASSESSMENT of the Department; that CrossAmerica hereby knowingly waives any right to a hearing under the statutes referenced in this CACP; and that CrossAmerica knowingly waives its right to appeal this CACP, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. 103(a) and Chapters 5A and 7A; or any other provision of law. Signature by CrossAmerica's attorney certifies only that the agreement has been signed after consulting with counsel.


FOR CROSSAMERICA PARTNERS LP:


Name: _____ Date: 11/30/2020

Title: _____

Name: _____ Date: _____
Attorney for CrossAmerica (Optional)

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:


Rakesh R. Patel 12/10/2020
Regional Manager
Environmental Cleanup and Brownfields


Adam N. Bram 12/10/2020
Supervisory Attorney