

Storage Tank Enforcement: U.S. Environmental Protection Agency and FedEx Freight, Inc. Enter into Expedited Settlement Agreement



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The U.S. Environmental Protection Agency and FedEx Freight, Inc. ("FedEx") entered into a June 10th Expedited Settlement Agreement ("ESA") addressing an alleged violation of the federal Underground Storage Tank ("UST") regulations at a Montgomery, New York facility. See Docket No. RCRA-02-2019-7703.

GPT Montgomery Owner, LLC, ("GPT") is also listed as a party to the ESA.

FedEx and GPT are stated to be the owner and/or operator of a UST at the Montgomery, New York facility. The ESA states that the companies failed to comply with 40 C.F.R. § 280.20(c)(1)(i). This regulatory provision requires that all UST system owners or operators use spill prevention equipment that will prevent release of product to the environmental when the transfer hose is detached from the fill pipe.

EPA inspectors are stated to have been notified during a September 20, 2018, UST inspection that the spill bucket for the one 2,000-gallon diesel fuel storage UST had failed a hydrostatic test and was awaiting a replacement. The ESA further provides:

Inspectors asked the Facility contact, the Fleet Maintenance Manager, if deliveries continued after the spill bucket failure was noted, and he admitted that they continued in the amount of about two a week. On October 4, 2018, the Environmental Engineer for FedEx Freight, Inc. sent an e-mail to Mr. Sacker stating, "The spill bucket was hydrostatically tested on 6/1/2018 at which point it was determined to have failed the test." He also stated that a new spill bucket was ordered but its replacement was delayed until 10/1/2018. On October 5, 2018, Mr. Sacker received confirmation that 53 deliveries were received during the period the spill bucket was awaiting replacement.

The ESA also states that the UST owners and operators failed to report a suspected release within 24 hours to the implementing agency as required by 40 C.F.R. § 280.50(a)-(c).

The ESA provides that neither FedEx nor GPT admit or deny the factual and legal determinations contained in the document.

The ESA assesses a civil penalty of \$3,380.

A copy of the ESA can be found [here](#).