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Storage Tank Enforcement: U.S. Environmental Protection Agency and Owner of Pennsylvania Retail Motor Fuel Facilities Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and National Retail Properties Trust (“NRPT”) entered into a January 29th Consent Agreement (“CA”) addressing alleged violations of certain Resource Conservation and Recovery Act (“RCRA”) underground storage tank (“UST”) regulations. See Docket No. RCRA-03-2020-0038.

The CA provides that NRPT is the owner of USTs at locations in:

- Luzerne, Pennsylvania
- Danville, Pennsylvania
- Punxsutawney, Pennsylvania
- Nuangola, Pennsylvania
- Ashland, Pennsylvania
- Effort, Pennsylvania (collectively, “Facilities”)

Inspections were stated to have been conducted at certain Facilities in 2018 by EPA pursuant to Section 9005 of RCRA. Further, inspections of certain facilities were conducted in 2017 by the Pennsylvania Department of Environmental Protection.

The violations alleged in the CA include:

- Failure to conduct line leak detector testing
- Failure to conduct secondary piping release detection
- Failure to investigate a possible release
- Failure to conduct cathodic protection testing
- Failure to have a line leak detector
- Failure to have a method of tank release detection

The CA assesses a civil penalty of \$91,061.

A copy of the CA can be downloaded [here](#).