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# Storage Tank Enforcement: U.S. Environmental Protection Agency and Fairfax, Virginia Recycling Facility Operator Enter into Expedited Settlement Agreement

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The United States Environmental Protection Agency ("EPA") and Republic Services of Virginia, LLC d/b/a AAA Recycling and Trash Removal Services ("Republic") entered into a February 4th Expedited Settlement Agreement ("ESA") addressing an alleged violation of the Virginia Underground Storage Tank ("UST") Regulations. See Docket No. RCRA-03-2021-0042.

The ESA provides that Republic operated a UST at a facility ("Facility") in Fairfax, Virginia.

An Off-Site Compliance Monitoring Letter ("OCML") is stated to have been sent to Republic on August 10, 2020. The OCML requested documentation in support of compliance with UST requirements.

Republic is stated to have responded to the letter to EPA via email on three different dates. Based on the information provided in the responses, a UST was identified as being located at the Facility. It is described as:

... a 15,000-gallon tank that was installed in or about March 1994, and that, at all times relevant hereto, routinely contained diesel, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 9 VAC § 25-580-10.

EPA alleged the following violations:

1. From at least February 24, 2020 until August 28, 2020, Respondent failed to have overfill prevention equipment installed on the UST, in violation of 9 VAC 25-580- 50(3)(a)(2), and
2. From at least January 1, 2020 until August 10, 2020, Respondent failed to maintain records of checks of the impressed current system rectifier, in violation of 9 VAC 25-580-90(4)(a).

A civil penalty of \$1,540 is assessed.

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