

Storage Tank Enforcement: U.S. Environmental Protection Agency and U.S. General Service Administration Enter into Consent Order



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The United States Environmental Protection Agency (“EPA”) and United States General Services Administration (“GSA”) entered into an August 27th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of the Underground Storage Tank (“UST”) regulations. See Docket No. RCRA-02-2021-7501.

The CAFO provides that GSA:

. . . has been the owner and/or operator of at least one or more underground storage tanks (“USTs”) at four (4) facilities in New York and New Jersey: Robert A. Roe Federal Building (Roe FB) in Patterson, NJ, and the Martin Luther King, Jr. Federal Building and U.S. Courthouse (MLK FBCH) in Newark, New Jersey; and the Silvio J. Mollo Federal Building (Mollo FB) in New York City, New York and the Alfonse M. D’Amato U.S. Courthouse (D’Amato CH) in Central Islip, New York.

A representative of EPA is stated to have inspected four of the GSA facilities that have USTs in the states of New York and New Jersey to determine compliance with the federal UST regulations. The federal agency subsequently transmitted copies of its inspection reports to GSA.

EPA is stated to have determined that GSA failed to:

1. ensure that all the Class A, B and/or C operators at the four facilities (Roe FB, MLK FBCH, Mollo FB, and D’Amato CH) met operator training requirements from October 13, 2018 to December 20, 2020;
2. maintain required documentation of periodic walkthrough inspections at three of the facilities (Roe FB, MLK FBCH, and D’Amato CH) from October 13, 2018 to October 1, 2020; and
3. conduct the initial 3-year inspection of the overfill prevention equipment located at one facility (D’Amato CH) by October 13, 2018.

GAS neither admits nor denies the findings of fact and conclusions of law in the CAFO.

The CAFO requires that GSA hereinafter maintain compliance at its facilities with all regulations applicable to owners and operators of USTs as set forth in 40 C.F.R. Part 280 including but not limited to:

- Compliance with requirements pertaining to operator training
- Compliance with requirements applicable to walkthrough inspection records

- Compliance with overflow prevention equipment triennial inspection

GSA is required on the effective date of the CAFO, to the best of its knowledge and belief, certify its compliance with all the UST requirements referenced in Paragraph 14 of the CAFO. Further, GSA is required to provide certain certifications regarding relevant UST training.

A civil penalty of \$106,741.50 is assessed.

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