

# Storage Tank Enforcement: U.S. Environmental Protection Agency and Telecommunications Company Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and AT&T Transoceanic Comm. LLC (“AT&T”) entered into a September 13th Consent Agreement/Final Order (“Consent Agreement”) addressing alleged violations of the Resource Conservation and Recovery Act Subtitle C Underground Storage Tank (“UST”) regulations. See Docket No. RCRA-02-2023-07503.

The Consent Agreement provides that AT&T is located in Dallas, Texas.

AT&T is stated to be the owner and/or operator of underground storage tanks (“USTs”) as those terms are defined in 40 C.F.R. § 280.12 at three facilities.

The facilities are stated to be located in:

- U.S. Virgin Islands (3 facilities)
- State of New York (14 facilities)
- State of New Jersey (11 facilities)

An authorized representative of EPA is stated to have inspected three of AT&T’s facilities in the U.S. Virgin Islands in April and October of 2022 to determine the USTs’ compliance with 40 C.F.R. Part 280. The facilities are identified in Attachment A to the Consent Agreement.

EPA and AT&T are also stated to have communicated by email during 2022 in order to determine the company’s compliance with the 40 C.F.R. Part 280, UST regulations.

Based on EPA’s inspections and AT&T’s communications with the federal agency, the Consent Agreement provides that AT&T:

- Failed to supply the spill prevention requirements for two USTs (fuel used solely for emergency power generators) at a St. Thomas facility from December 25, 2021, to June 24, 2023.
- Failed to maintain documentation of periodic walk-through inspections for USTs for the following time periods at three facilities:
  - Estate Petersburg (St. Thomas) for the period November 17, 2021, to October 5, 2022;
  - Estate Northside (St. Croix) for the period April 14, 2021, to May 30, 2022; and
  - Kronprindsens Gade (St. Thomas) for the period November 17, 2021, to October 9, 2022.
- Failed to maintain a list of designated Class A, Class B and Class C Operators for a St. Croix facility for the period April 14, 2021, to August 17, 2022.

AT&T is stated to have provided documentation as of July 17, 2023, of its current compliance with all the UST requirements that EPA determined to have been violated as set out in Paragraph 16-18 of the Consent Agreement.

The Consent Agreement provides that AT&T neither admits nor denies any determinations in the Consent Agreement Findings of Fact and Conclusions of Law.

AT&T is required to undertake an audit for certain specified UST systems. The audit must be conducted by experienced staff from the company's field support and chief compliance offices as well as an independent consultant. In addition, the company is required to continue to operate and maintain each UST system in accordance with any applicable requirements.

Certain specified requirements related to release investigation and confirmation, along with periodic operation and maintenance walk-through inspections, are addressed. Also required are certifications (or report in lieu of certification), semi-annual reports, and record retention for audit records.

A civil penalty of \$40,000 is assessed.

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