

Storage Tank Enforcement: U.S. Environmental Protection Agency and Wickliffe, Ohio, Operator Enter into Expedited Settlement Agreement



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

01/29/2024

The United States Environmental Protection Agency (“EPA”) and Lubrizol Corporation (“LC”) entered into a January 24th Expedited Settlement Agreement and Final Order (“ESA”) addressing alleged violations of the federal Underground Storage Tank (“UST”) Regulations. See Docket No. RUST-05-2024-0001.

The ESA provides that LC is the owner or operator of a UST (“Facility”) in Wickliffe, Ohio.

The LC Facility is stated to have failed to comply with the following requirements of Subtitle I of the Resource Conservation and Recovery Act (“RCRA”) and its implementing regulations at 40 CFR Part 280:

- 40 C.F.R. § 280.20(c)(1)(i) Failure to install adequate spill prevention equipment in a new tank (penalty \$923).
- 40 C.F.R. § 280.35(a)(1) Failure to periodically test spill prevention equipment (penalty \$1,222).
- 40 C.F.R. § 280.35(a)(2) Failure to periodically test and inspect overfill prevention equipment (penalty \$1,222).
- 40 C.F.R. § 280.41(a) Failure to monitor tanks every 30 days (penalty \$1,222).

LC neither admits nor denies the factual allegations in the ESA.

A civil penalty of \$4,589 is assessed.

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