

("UST") and "UST system," located at the Facility, as those terms are defined in Sections 9001(3), (4) and (10) of RCRA, 42, U.S.C. §§ 6991(3), (4), and (10); 40 C.F.R. § 280.12; and 9 VAC 25-580-10.

5. At the time of the April 22, 2015 Compliance Evaluation Inspection, and at all times relevant to the applicable violations alleged herein, five USTs, as described in the following subparagraphs, were located at the facility:
 - A. A twenty thousand (20,000) gallon tank that was installed in or about July 1987, 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 (hereinafter UST No. 1).
 - B. A twenty thousand (20,000) gallon tank that was installed in or about July 1987, 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 (hereinafter UST No. 2).
 - C. A four thousand (4,000) gallon tank that was installed in or about April 1994, and that, at all times relevant hereto, routinely contained motor oil, 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 (hereinafter UST No. 3).
 - D. A four thousand (4,000) gallon tank that was installed in or about July 1987, and that, at all times relevant hereto, routinely contained hydraulic oil, 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 (hereinafter UST No. 4).
 - E. A two thousand (2,000) gallon tank that was installed in or about July 1987, and that, at all times relevant hereto, routinely contained waste oil, 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 (hereinafter UST No. 5).
6. Pursuant to 9 VAC 25-580-140.2.a(2), Respondent failed to have annual line tightness testing or monthly monitoring of piping release detection on two USTs (UST #s 1 and 2) from July 29, 2013 until April 24, 2015.
7. The EPA and the Respondent agree that settlement of this matter for a penalty of **\$ 3,400.** is in the public interest, and has been calculated in accordance with the statutory factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), and the UST Expedited Settlement Agreement Pilot Program.
8. Respondent agrees that within 30 days of the effective date of this Agreement (the date it is filed with the Regional Hearing Clerk), Respondent shall submit a check with the case name, address and docket number of this Agreement (RCRA-03-2016-0009), for the amount specified above, payable to "**United States Treasury**," U.S. Environmental

Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Environmental Protection Agency, Region III (Mail Code 3RC50), 1650 Arch Street, Philadelphia, PA 19103, with a copy to Ms. Lydia Guy, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region III (Mail Code 3RC00), 1650 Arch Street, Philadelphia, PA 19103-2029.

9. In signing this Agreement, the Respondent: admits the jurisdictional allegations set forth in this Agreement; neither admits nor denies the specific factual allegations and conclusions of law set forth in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact set forth in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; and bear its own costs and attorney's fees.
10. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that he or she has: (1) corrected the alleged violations, and (2) submitted true and accurate documentation of those corrections.
11. Upon payment of penalty, this Agreement and Final Order shall constitute full settlement of the violation(s) alleged herein.
12. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.
13. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
14. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Southeastern Public Service Authority to this Agreement.

APPROVED BY,

Name (print): Liesl R. DeVary

Title (print): Deputy Executive Director

Signature: Liesl R. DeVary

Date ~~11/15/15~~ ^{10/15/15} RD

FOR COMPLAINANT:

Carol Amend

Carol Amend, Chief
Office of Land Enforcement

Date 11/10/15

Accordingly, the Land and Chemicals Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, issue the Final Order set forth below.

11.10.15 JAA
Date

John A. Armstead
John A. Armstead, Director
Land and Chemicals Division

In the matter of: Operations Fleet Maintenance


Docket No: RCRA-03-2016-0009

Settlement Agreement Pilot Program dated July 23, 2014, and the statutory factors set forth in 9006(c) of RCRA, 42 U.S.C. § 6991e(c).

NOW, THEREFORE, PURSUANT TO Section 9006 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6991e, and Section 22.18(b)(3) of the Consolidated Rules of Practice, and having determined, based on the parties' representation in the Agreement, **IT IS HEREBY ORDERED** that Respondent pay a penalty of three thousand four hundred dollars (\$3,400), and comply with the terms and conditions of the Consent Agreement.

The effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

11-16-2015
Date


Joseph J. Lisa
Regional Judicial Officer
U.S. EPA - Region III



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Mike Kelley
Southeastern Public Service Authority
1 Bob Foeller Drive
Suffolk, VA 23434

Re: Filed Agreement

NOV 16 2015

REGIONAL HEARING CLERK
EPA REGION III, PHILA, PA

2015 NOV 16 PM 2:39


RECEIVED

Dear Mr. Kelley:

Enclosed, please find the final filed Expedited Agreement signed by the Presiding Judicial Officer and filed by me today, Monday, November 16, 2015. I have forwarded the check to our finance office.

Since the Agreement has been filed, and the penalty paid, the matter is now considered closed. I thank you for your patience. If you have any questions, give me a call at (215) 814-5387, or send me an email at swan.russell@epa.gov

Sincerely,


Russell Swan
Office of Regional Counsel

Enclosures

cc: M. Toffel (3LC70), wo/enclosures