



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

APR 23 2018

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7017 1450 0000 0133 7393

Thomas Ross, Superintendent
Morristown National Historical Park
30 Washington Place
Morristown, NJ 07960

Re: Underground Storage Tank (UST) Compliance Inspection of
Morristown National Historical Park
Expedited Settlement Agreement
Docket No. **RCRA-02-2018-7703**

Dear Mr. Ross:

The U.S. Environmental Protection Agency (EPA) Region 2 is in receipt of Morristown National Historical Park's penalty payment of \$1,900, the signed Expedited Settlement Agreement, and the documentation that the USTs at the above-referenced facilities are now in compliance. By signing the Expedited Settlement Agreement, you have agreed to the terms of the Expedited Settlement Agreement and Final Order and have certified that all violations cited in the proposed Expedited Settlement Agreement were corrected.

Enclosed you will find a copy of the Expedited Settlement Agreement and Final Order issued by EPA. EPA has approved the Expedited Settlement Agreement based on your signed certification and supporting compliance documentation. EPA will take no further civil action against you for the violations listed in the Proposed Expedited Settlement Agreement provided that all listed violations were timely corrected. EPA may choose to re-inspect USTs located at Morristown National Historical Park and if EPA identifies any violations of federal UST regulations during the re-inspection or from any other information obtained by EPA, such findings would be Morristown National Historical Park's second violation of federal underground storage tank (UST) regulations. A second offense may result in a civil or judicial action which can include seeking penalties of up to \$23,426 per UST system per day of violation.

If you have any questions regarding this letter or any other related matter, please contact Charles Zafonte at (212) 637-3515 or by e-mail at zafonte.charles@epa.gov. Thank you for your cooperation.

Sincerely,

Claudia Gutierrez, Team Leader
UST Team

Enclosure

cc: John Olko
Bureau Chief
NJDEP UST Compliance and Enforcement
P. O. Box 420
Trenton, NJ 08625-0420

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II**

IN THE MATTER OF:

U.S. Department of Interior,
National Park Service,
Morristown National Historical Park

Respondent

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Docket No. RCRA-02-2018-7703

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) has determined that the U.S. Department of Interior, National Park Service, Morristown National Historical Park (“Respondent”), owner and operator of an Underground Storage Tank (“UST”) at the Morristown National Historical Park, with headquarters located at 30 Washington Place, Morristown, NJ 07960, failed to comply with the following requirements of Subtitle I of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6991 *et seq.*, and its implementing regulations at 40 C.F.R. Part 280.
 - a. 40 C.F.R. § 280.41(b)(2) requires that owners or operators of UST systems that are subject to RCRA Subpart I and that include underground piping that conveys regulated substances under suction must either have a line tightness test conducted at least every three years and in accordance with §280.44(b), or use a monthly monitoring method conducted in accordance with §280.44(c). 40 C.F.R. § 280.40(a)(2) requires operation and maintenance of an adequate release detection method capable of detecting a release from tank or piping that routinely contains product. During EPA’s September 7, 2016 compliance evaluation inspection (“CEI” or “Inspection”) of the Morristown National Historical Park, the EPA Inspector noted that the facility was operating an UST (designated as Tank # 10), a 1,000-gallon tank storing unleaded gasoline. Inspection of the tank-top sump for Tank # 10 revealed an almost completely horizontal piping release detection sensor, which was raised well above the sump floor, thereby defeating the ability of the sensor to detect a release of product from the piping.

The EPA inquired about this deficiency in its January 7, 2017 letter, which attached the Inspection report and UST checklist. In its March 2, 2017 response, the Morristown National Historical Park indicated that the piping release detection sensor positioning was adjusted on February 21, 2017 so that it would be able to detect a release from the piping. Respondent’s failure to provide piping release detection for Tank #10 from no later than September 7, 2016 through February 21, 2017 is a violation of 40 C.F.R. § 280.41(b)(2) and 40 C.F.R. § 280.40(a)(2).

- b. 40 C.F.R. § 280.45 requires that owners or operators of UST systems that are subject to RCRA Subpart I maintain records of release detection monitoring for at least one year. 40 C.F.R. § 280.34(b)(4) requires maintenance of documentation of compliance with release detection requirements. At the time of EPA's September 7, 2016 Inspection of the Morristown National Historical Park, the facility provided only ten months of release detection monitoring of UST system Tank #10 over the previous twelve months. Two of twelve monthly records (April and July 2016) of tank release detection monitoring of Tank # 10 were illegible or missing, respectively.

The EPA's January 7, 2017 letter attached the UST checklist from the September 7, 2016 Inspection. The checklist indicated that two of the twelve monthly records (April and July 2016) of tank release detection monitoring of Tank # 10 were illegible or missing, respectively. The response by the Morristown National Historical Park did not address the deficiency. Respondent's failure to maintain records of release detection monitoring for at least one year is a violation of 40 C.F.R. § 280.45.

2. The EPA and the Respondent agree that settlement of this matter for a penalty of \$1,900 without further proceedings is in the public interest.
3. The EPA is authorized to enter into this Expedited Settlement Agreement and Final Order ("Agreement") pursuant to Section 9006 of RCRA and 40 C.F.R. § 22.13(b) and § 22.18(b)(2).
4. In signing this Agreement, the Respondent: (1) admits that the Respondent is subject to requirements listed above in Paragraph 1, (2) admits that the EPA has jurisdiction over the Respondent and the Respondent's conduct as described herein, (3) neither admits nor denies the factual determinations contained herein, (4) consents to the assessment of the penalty in paragraph (2) above, and (5) waives any right to contest the determinations contained herein.
5. By the signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has: (1) corrected the violations described above, (2) submitted true and accurate documentation of those corrections, (3) provided a deposit for full payment of the civil penalty in Paragraph 2 above in accordance with the EPA penalty collection procedures provided to the Respondent, (4) submitted true and accurate proof of deposit for full payment of the civil penalty with this Agreement, and (5) agreed to release the deposit for full payment to the EPA upon entry of this Order.
6. Full payment of the penalty in Paragraph 2 shall only resolve Respondent's liability for federal civil penalties for the violations and facts described in Paragraph 1, above. Full payment of this penalty shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive, or other equitable relief, or criminal sanctions for any violations of law.
7. Upon signing and returning this Agreement to the EPA, the Respondent waives the opportunity for a hearing or appeal pursuant to Section 9006(b) of RCRA, or 40 C.F.R. Part 22.
8. Each party shall bear its own costs and fees, if any.
9. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R.

Department of Interior, National Park Service, and
Morristown National Historical Park
Docket No. RCRA-02-2018-7703

FINAL ORDER

The Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Expedited Settlement Agreement ("Agreement"). This Agreement, entered into by the parties to this matter, is hereby approved, incorporated herein, and issued as an Order pursuant to Section 9006 of the Act and 40 C.F.R. § 22.18(b)(3). The Effective Date of this Order shall be the date of its filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 2, New York, New York. 40 C.F.R. § 22.31(b).

BY: Helen Ferrara
Helen Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007-1866

DATE: April 17, 2018

Morristown National Historical Park
Docket No. RCRA-02-2018-7703

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing fully executed Expedited Settlement Agreement and Final Order bearing docket number RCRA-02-2018-7703, in the following manner to the respective addressees listed below:

Original and Copy
By Hand Delivery:

Office of the Regional Hearing Clerk ✓
U.S. Environmental Protection
Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by
Certified Mail/Return Receipt Requested
Article No.: 7017 1450 0000 0133 7393

Thomas Ross, Superintendent
Morristown National Historical Park
30 Washington Place
Morristown, NJ 07960

Dated: April 23, 2018

Mary C Cosgrove