

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REGION 2  
2010 JUN 15 PM 2:23  
REGIONAL HEARING  
CLERK

In the Matter of )  
 )  
UNITED STATES POSTAL SERVICE, )  
 )  
Respondent, )  
 )  
Proceeding Under Section 9006 )  
of the Solid Waste Disposal Act, )  
as amended. )

ANSWER

Docket No. RCRA-02-2010-7503

**ANSWER**

Respondent, the United States Postal Service, through counsel, answers the Complaint as follows:

1. Respondent admits that this purports to be a proceeding instituted pursuant to the Solid Waste Disposal Act.
2. Respondent is without sufficient knowledge or information to either admit or deny the allegations in paragraph 2, and so, generally denies the allegation.
3. Respondent admits that this purports to be a proceeding against it as Respondent.
4. Respondent admits that it is an independent establishment of the Executive branch of the federal government.
5. Respondent admits the allegations in paragraph 5.
6. Respondent admits the allegations in paragraph 6, but notes that the definition also contains exceptions not recited in paragraph 6.
7. Respondent admits the allegations in paragraph 7.
8. Respondent admits the allegations in paragraph 8.
9. Respondent admits the allegations in paragraph 9.
10. Respondent admits the allegations in paragraph 10.

11. Respondent admits the allegations in paragraph 11.
12. Respondent admits the allegations in paragraph 12.
13. Respondent admits the allegations in paragraph 13.
14. Respondent is without sufficient knowledge or information to either admit or deny the allegations in paragraph 14, and therefore, denies the allegations therein.

**Count 1**

**Failure of Respondent to Maintain Records of Tank Release Detection Monitoring  
UST System Tank at the Brooklyn Facility**

15. Respondent incorporates its answer to paragraphs 1 through 14 here.
16. Respondent admits the allegations in paragraph 16, but notes that the section also contains exceptions not recited in paragraph 16.
17. Respondent admits the allegations in paragraph 17, but notes that the section also allows for “another reasonable period.”
18. Respondent admits the allegations in paragraph 18.
19. Respondent admits the allegations in paragraph 19.
20. Respondent admits the allegations in paragraph 20.
21. Respondent admits the allegations in paragraph 21.
22. Respondent admits the allegations in paragraph 22.
23. Respondent admits the allegations in paragraph 23.
24. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

**Count 2**

**Respondent’s Failure to Maintain Records for Annual Line Tightness Test  
Or Monthly Monitoring of Pressurized Piping  
UST System Piping at the Brooklyn Facility**

25. Respondent incorporates its answer to paragraphs 1 through 24 here.

26. Respondent admits the allegations in paragraph 26.
27. Respondent admits the allegations in paragraph 27.
28. Respondent admits the allegations in paragraph 28.
29. Respondent admits the allegations in paragraph 29.
30. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

**Count 3**

**Respondent's Failure to Maintain Records of Annual Test of its Automatic Line Leak Detector for Pressurized Piping UST System at the Brooklyn Facility**

31. Respondent incorporates its answer to paragraphs 1 through 30 here.
32. Respondent admits the allegations in paragraph 32.
33. Respondent admits the allegations in paragraph 33.
34. Respondent admits the allegations in paragraph 34.
35. Respondent admits the allegations in paragraph 35.
36. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

**Count 4**

**Failure of Respondent to Maintain Records of Tank Release Detection Monitoring UST Systems 1 through 5 at the Queens Facility**

37. Respondent incorporates its answer to paragraphs 1 through 36 here.
38. Respondent admits the allegations in paragraph 38.
39. Respondent admits the allegations in paragraph 39.
40. Respondent admits the allegations in paragraph 40.
41. Respondent admits the allegations in paragraph 41.
42. Respondent admits the allegations in paragraph 42.

43. Respondent admits the allegations in paragraph 43.
44. Respondent admits the allegations in paragraph 44.
45. Respondent admits the allegations in paragraph 45.
46. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

**Count 5**  
**Failure to Continuously Provide Tank Corrosion Protection**  
Tanks of UST Systems 1 through 5 at the Queens Facility

47. Respondent incorporates its answer to paragraphs 1 through 46 here.
48. Respondent admits the allegations in paragraph 48.
49. Respondent admits the allegations in paragraph 49.
50. Respondent admits the allegations in paragraph 50.
51. Respondent admits the allegations in paragraph 51.
52. Respondent admits the allegations in paragraph 52.
53. Respondent admits the allegations in paragraph 53.
54. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

**Count 6**  
**Failure of Respondent to Install Cathodic Protection on Piping**  
UST Systems 1 through 5 at the Queens Facility

55. Respondent incorporates its answer to paragraphs 1 through 54 here.
56. Respondent admits the allegations in paragraph 56.
57. Respondent admits the allegations in paragraph 57.
58. Respondent admits the allegations in paragraph 58.
59. Respondent admits the allegations in paragraph 59.

60. Respondent admits the allegations in paragraph 60.

61. Respondent admits the allegations in paragraph 61.

62. Respondent admits the allegations in paragraph 62.

63. Respondent admits the allegations in paragraph 63.

64. Respondent admits the allegations in paragraph 64.

65. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

#### **Count 7**

#### **Failure to Test, within 6 Months of Installation, Tank Cathodic Protection System Tanks of UST Systems 1 through 5 at the Queens Facility**

66. Respondent incorporates its answer to paragraphs 1 through 65 here.

67. Respondent admits the allegations in paragraph 67.

68. Respondent admits the allegations in paragraph 68.

69. Respondent admits the allegations in paragraph 69.

70. Respondent admits the allegations in paragraph 70.

71. Respondent admits the allegations in paragraph 71.

72. Respondent admits the allegations in paragraph 72.

73. Respondent admits the allegations in paragraph 73.

74. Respondent admits the allegations in paragraph 74.

75. Respondent admits the allegations in paragraph 75.

76. Respondent admits the allegations in paragraph 76.

77. Respondent admits the allegations in paragraph 77.

78. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

**Count 8**  
**Failure of Respondent to Maintain Records**  
**Of the Last Two Triennial Tests of Tank Cathodic Protection Systems**  
UST Systems 1 through 5 at the Queens Facility

79. Respondent incorporates its answer to paragraphs 1 through 78 here.
80. Respondent admits the allegations in paragraph 80.
81. Respondent admits the allegations in paragraph 81.
82. Respondent admits the allegations in paragraph 82.
83. Respondent admits the allegations in paragraph 83.
84. Respondent admits the allegations in paragraph 84.
85. Respondent admits the allegations in paragraph 85.
86. Respondent admits the allegations in paragraph 86.
87. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

**Count 9**  
**Failure to Maintain Records of Inspection, every 60 Days, of Impressed Current**  
**Corrosion Protection System**  
Tanks of UST Systems 1 through 5 at the Queens Facility

88. Respondent incorporates its answer to paragraphs 1 through 87 here.
89. Respondent admits the allegations in paragraph 89.
90. Respondent admits the allegations in paragraph 90.
91. Respondent admits the allegations in paragraph 91.
92. Respondent admits the allegations in paragraph 92.
93. Respondent admits the allegations in paragraph 93.
94. Respondent admits the allegations in paragraph 94.

95. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

**Count 10**

**Failure of Respondent to Maintain Records of Tank Release Detection Monitoring  
UST System Tanks 1 through 5 at the JFK Facility**

96. Respondent incorporates its answer to paragraphs 1 through 95 here.

97. Respondent admits the allegations in paragraph 97.

98. Respondent admits the allegations in paragraph 98.

99. Respondent admits the allegations in paragraph 99.

100. Respondent admits the allegations in paragraph 100.

101. Respondent admits the allegations in paragraph 101.

102. Respondent admits the allegations in paragraph 102.

103. Respondent admits the allegations in paragraph 103.

104. Respondent admits the allegations in paragraph 104.

105. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

**Count 11**

**Failure of Respondent to Maintain Records of Tank Release Detection Monitoring  
Two UST System Tanks at the FDR Facility**

106. Respondent incorporates its answer to paragraphs 1 through 105 here.

107. Respondent admits the allegations in paragraph 107.

108. Respondent admits the allegations in paragraph 108.

109. Respondent admits the allegations in paragraph 109.

110. Respondent admits the allegations in paragraph 110.

111. Respondent admits the allegations in paragraph 111.

112. Respondent admits the allegations in paragraph 112.

113. Respondent admits the allegations in paragraph 113.

114. Respondent admits the allegations in paragraph 114.

115. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

**Count 12**

**Respondent's Failure to Maintain Records of Annual Test of its Automatic Line Leak Dectector for Pressurized Piping  
Two UST Systems at the FDR Facility**

116. Respondent incorporates its answer to paragraphs 1 through 115 here.

117. Respondent admits the allegations in paragraph 117.

118. Respondent admits the allegations in paragraph 118.

119. Respondent admits the allegations in paragraph 119.

120. Respondent admits the allegations in paragraph 120.

121. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

**Count 13**

**Respondent's Failure to Properly Install and Maintain Overfill Prevention Equipment  
Two UST Systems at the FDR Facility**

122. Respondent incorporates its answer to paragraphs 1 through 121 here.

123. Respondent admits the allegations in paragraph 123.

124. Respondent admits the allegations in paragraph 124.

125. Respondent admits the allegations in paragraph 125.

126. Respondent admits the allegations in paragraph 126.

127. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

**Count 14**

**Failure to Test, within 6 Months of Installation, Tank Cathodic Protection System  
Two UST System Tanks at the Western Nassau Facility**

128. Respondent incorporates its answer to paragraphs 1 through 127 here.

129. Respondent admits the allegations in paragraph 129.

130. Respondent admits the allegations in paragraph 130.

131. Respondent admits the allegations in paragraph 131.

132. Respondent admits the allegations in paragraph 132.

133. Respondent admits the allegations in paragraph 133.

134. Respondent admits the allegations in paragraph 134.

135. Respondent admits the allegations in paragraph 135.

136. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

**Count 15**

**Failure to Continuously Provide Tank Corrosion Protection  
Diesel Tank at the Western Nassau Facility**

137. Respondent incorporates its answer to paragraphs 1 through 136 here.

138. Respondent admits the allegations in paragraph 138.

139. Respondent admits the allegations in paragraph 139.

140. Respondent admits the allegations in paragraph 140.

141. Respondent admits the allegations in paragraph 141.

142. Respondent admits the allegations in paragraph 142.

143. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

**Count 16**

**Respondent's Failure to Maintain Records of an Annual Test of the Operation of Automatic Line Leak Detectors**

Two UST Systems at the Western Nassau Facility

144. Respondent incorporates its answer to paragraphs 1 through 143 here.

145. Respondent admits the allegations in paragraph 145.

146. Respondent admits the allegations in paragraph 146.

147. Respondent admits the allegations in paragraph 147.

148. Respondent admits the allegations in paragraph 148.

149. Respondent admits the allegations in paragraph 149.

150. Respondent admits the allegations in paragraph 150.

151. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

**Count 17**

**Respondent's Failure to Maintain Records for Annual Line Tightness Test Or Monthly Monitoring of Pressurized Piping**

Two UST Systems at the Western Nassau Facility

152. Respondent incorporates its answer to paragraphs 1 through 151 here.

153. Respondent admits the allegations in paragraph 153.

154. Respondent admits the allegations in paragraph 154.

155. Respondent admits the allegations in paragraph 155.

156. Respondent admits the allegations in paragraph 156.

157. Respondent admits the allegations in paragraph 157.

158. Respondent admits the allegations in paragraph 158.

159. Respondent admits the allegations in paragraph 159.

160. This paragraph contains a conclusion of law to which no response is needed. To the extent a response is required, it is denied.

**PROPOSED CIVIL PENALTY**

Respondent is without sufficient knowledge or information at this time to admit or deny whether the proposed civil penalty assessments are correct, fair or reasonable. As such, at this time Respondent denies that it should be subject to the proposed civil penalty of \$349,831.

**HEARING REQUEST**

Respondent does not request a hearing in this matter in light of the fact that it is not challenging any of the factual allegations contained in the Complaint. Respondent prefers to attempt to resolve this matter through an informal settlement conference.

Respectfully submitted,



---

GARY W. BIGELOW  
Senior Litigation Counsel  
United States Postal Service  
4200 Wake Forest Road  
Raleigh, NC 27668-1121  
(919) 501-9439  
FAX: (919) 501-9326  
[gary.w.bigelow@usps.gov](mailto:gary.w.bigelow@usps.gov)

**CERTIFICATE OF SERVICE**

This certifies that the Original and one copy of the foregoing Answer was sent by U.S. Mail, in a properly addressed postage-paid envelope, this 8<sup>th</sup> day of June, 2010, to:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

And a copy to:

Stuart N. Keith  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Charles Zafonte  
Enforcement Officer  
US EPA  
290 Broadway, 21<sup>st</sup> Floor  
New York, NY 10007-1866

---