



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JUL 16 2018

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7016 1370 0001 3671 3631**

Daniel McCarthy  
Chief Executive Officer  
Frontier Communications of America, Inc  
3441 West Henrietta Road  
Rochester, NY 14623

Re: Underground Storage Tank (UST) Compliance Inspection of:

Frontier Communications of America, Inc., d.b.a.  
Frontier Telephone of Rochester Operations Center  
3441 West Henrietta Road  
Rochester, NY 14623  
NYS DEC PBS #: 8-038245

Final Expedited Settlement  
Docket No. RCRA-02-2018-7707

Dear Mr. McCarthy:

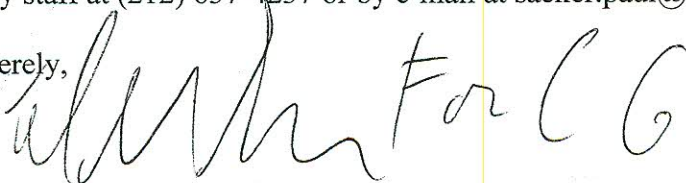
The U.S. Environmental Protection Agency (EPA) Region 2 is in receipt of Frontier Communication of America, Inc.'s penalty payment of \$4,680, the signed Expedited Settlement Agreement, and the documentation that the USTs at the above referenced facilities are now in compliance. By signing the Expedited 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 Proposed Expedited Settlement Agreement provided that all listed violations were timely corrected. EPA may choose to re-inspect the USTs located at Frontier Communication of America, Inc.'s facilities 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 Frontier Communication of America, Inc.'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.

U.S. Environmental Protection Agency-Region 2  
2018 JUL 17 AM 7:01  
RECEIVED MAIL ROOM

If you have any questions regarding this letter or any other related matter, please contact Paul Sacker of my staff at (212) 637-4237 or by e-mail at [sacker.paul@epa.gov](mailto:sacker.paul@epa.gov). Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Claudia Gutierrez', with a large 'CG' monogram to the right.

Claudia Gutierrez, Team Leader  
UST Team

Enclosure

cc: Russ Brauksieck  
NYSDEC  
Chief – Facility Compliance Section  
Division of Environmental Remediation  
625 Broadway 11th Floor  
Albany, NY 12233-7020

James D. McElman, PG  
Manager – Environmental Health & Safety  
Frontier Communications  
610 Morgan St.  
Tampa, FL 33602



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION II

U.S. Environmental  
Protection Agency Region 2  
2018 JUL 17 AM 7:01  
REGIONAL HEARING  
CLERK

IN THE MATTER OF: )  
 )  
Frontier Communications of America, Inc. d.b.a. )  
Frontier Telephone of Rochester Operations Center )  
 )  
Respondent )  
 )  
 )  
 )  
 )  
 )

Docket No. RCRA-02-2018-7707  
  
**EXPEDITED SETTLEMENT  
AGREEMENT AND  
FINAL ORDER**

**EXPEDITED SETTLEMENT AGREEMENT**

1. The U.S. Environmental Protection Agency (“EPA”) has determined that Frontier Communications of America, Inc. (henceforth “Respondent”), owner of the Underground Storage Tank (“UST”) at the facility located at 3441 West Henrietta Road, Rochester, NY (the “Facility”) failed to comply with the following requirement(s) 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 as follows:
  - a. 40 C.F.R. § 280.31(b) requires owner/operators of UST systems which rely on cathodic corrosion protection to test corrosion protection systems every three years and maintain the results of the last two tests. During a June 26, 2017 UST inspection of the Facility, the inspector was not provided any cathodic corrosion tests for the one UST located at the Facility. On July 17, 2017, Respondent provided the results of a cathodic corrosion protection test conducted on July 11, 2017. Respondent's November 7, 2017 IRL-NOV response did not provide any earlier test results over the previous six-years and Respondent's representative, Floyd Sick, Fleet Manager of East Region, confirmed in a November 21, 2017 e-mail that the July 11, 2017 test was the first known test conducted. Therefore, Respondent's failure to conduct cathodic corrosion tests on the UST at the Facility from at least June 26, 2011 through July 11, 2017 constitutes a violation of 40 C.F.R. § 280.31(b).
  - b. 40 C.F.R. § 280.41(b)(1)(i)(B) requires owner/operators of UST systems which rely on pressurized piping to conduct monthly release detection monitoring on its piping or, in the alternative, to conduct an annual line tightness test. During the June 26, 2017 UST inspection, the inspector did not observe any form of monthly monitoring on the pressurized piping located at the Facility nor was he provided the results of a line tightness test. Respondent's November 7, 2017 IRL-NOV response failed to provide any release detection method or line tightness test for the pressurized line. On December 21, 2017, Mr. Sacker contacted Mr. Sick by e-mail to confirm Respondent could not identify a monthly release detection method for the line or produce a line tightness test result. In e-mail responses that followed, Mr. Sick was unable to produce any evidence of release detection on the line and appeared unaware of this requirement until March 13, 2018 when he forwarded to EPA a line

