

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:)
The United States Postal Service)
Respondent)
_____)

Docket No. RCRA-02-2019-7701
EXPEDITED SETTLEMENT
AGREEMENT AND FINAL ORDER

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) has determined that the U.S. Postal Service (“USPS” or “Respondent”), owner or operator of Underground Storage Tanks (“USTs”) at the facilities located at:

USPS Albany VMF 30 Karner Rd. Albany, NY 12288 PBS # 4-484776	USPS South Jersey VMF 421 Benigno Blvd Bellmawr, NJ 08031-4199 NJDEP # 006574
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(the “UST Facilities”) 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. § 280.40(a)(2) requires owners and operators of UST systems to provide a method, or combination of methods, of release detection that is installed and calibrated in accordance with the manufacturer’s instructions.

During the May 10, 2018 inspection of the Albany facility, the piping leak sensor in the tank-top sump of the facility’s 1,000-gallon motor oil UST was lying on its side. In response to the EPA inspection, the USPS e-mailed on the day of the inspection that the piping release detection sensor was corrected and documented the correction with two digital photographs.

- b. 40 C.F.R. § 280.31(b)(2) requires that all owners and operators of metal UST systems equipped with cathodic protection (CP) systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with a code of practice developed by a nationally recognized association.

During the February 28, 2018 Inspection of the Bellmawr facility (“Bellmawr Inspection”), the USPS provided the latest 3-year CP test, conducted in May 2015, of the sacrificial anodes protecting the Bellmawr facility’s two 10,000-gallon fuel USTs, which included no remote readings and no diagram of testing locations as required by the Steel Tank Institute (STI). In the USPS’s April 23, 2018 response to EPA’s March 12, 2018 issuance of its inspection report,

a diagram showing the field testing locations obtained from the DeMaio's, Inc., the company who conducted the May 2015 CP survey, was attached. However, the remote locations in the diagram are parallel to the line of the tanks, not perpendicular, as required by STI to assess the cathodic protection afforded to the bottom of the tanks. In addition, DeMaio's provided no remote readings.

2. The EPA and the Respondent agree that settlement of this matter for a penalty of \$1,870 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 this penalty, and (5) waives any right to contest the determinations contained herein.
5. 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 violations described in paragraph 1, (2) submitted true and accurate documentation of those corrections, (3) provided a deposit for 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 payment of the civil penalty with this Agreement, and (5) agreed to release the deposit for payment to the EPA upon entry of this Order. 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.
6. 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. In addition, if the Respondent is a Federal agency, the Respondent waives its right to confer with the Administrator pursuant to section 6001(b)(2) of RCRA.
7. Each party shall bear its own costs and fees, if any.
8. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 2, New York, New York.

IT IS SO AGREED,

RESPONDENT:

Name of individual signing (print): NICHOLAS DECARLO

Title: REGIONAL MGR, ENVIRONMENTAL COMPLIANCE

For U.S. Postal Service

Signature: Nicholas DeCarlo

Date: 3/31/19

COMPLAINANT:

Dore LaPosta

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Date APR 16 2019

U.S. Postal Service
Docket No. RCRA-02-2019-7701

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 18, 2019

U.S. Postal Service
Docket No, RCRA-02-2019-7701

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-02-2019-7701, in the following manner to the respective addressees listed below:

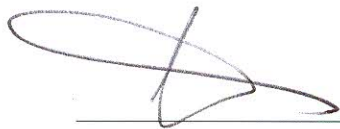
Original and Copy
By Hand Delivery:

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

Copy by Certified Mail/#:
Return Receipt Requested:

Nick DeCarlo, Regional Manager
Environmental Compliance & Sustainability
U.S. Postal Service HQ Office of Sustainability
680 HWY 130
Trenton, NJ 08650

Dated: Apr 18, 2019





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

APR 18 2019

FILE

2019 APR 25 PM 4:17

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7015 1730 0000 9218 5465

Nick DeCarlo, Regional Manager
Environmental Compliance & Sustainability
U.S. Postal Service HQ Office of Sustainability
680 HWY 130
Trenton, NJ 08650

RE: USPS Albany VMF
30 Karner Rd.
Albany, NY 12288
PBS # 4-484776

USPS South Jersey VMF
421 Benigno Blvd
Bellmawr, NJ 08031-4199
NJDEP # 006574

Final Expedited Settlement
Docket No. RCRA-02-2019-7701

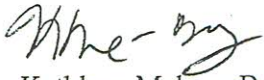
Dear Mr. DeCarlo:

The U.S. Environmental Protection Agency (EPA) Region 2 is in receipt of the U.S. Postal Service's penalty payment of \$1,870, 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 underground storage tanks (UST) located at the U.S. Postal Service'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 the U.S. Postal Service's second violation of federal UST regulations. A second offense may result in a civil 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 me at (212) 637-4083 or by e-mail at malone.kathleen@epa.gov. Thank you for your cooperation.

Sincerely,



Kathleen Malone-Bogusky
Federal Facilities Program Manager

Enclosure

cc:

Kevin Hale
Chief, Spill Prevention and Response
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway 11th Floor
Albany, NY 12233-7020

James A. Quinn, P.E.
Director, Bureau of Technical Support
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway, 11th Floor
Albany, NY 12233-7020

John Olko, Acting Bureau Chief
Bureau of Hazardous Waste and UST Compliance and Enforcement
New Jersey Department of Environmental Protection
Mail Code 09-03
9 Ewing Street
P.O. Box 420
Trenton, New Jersey 08625-0420

Stephen Schaefer, Manager
USPS Albany Vehicle Maintenance Facility
30 Karner Road
Albany, New York, 12288

Anthony M. Peabody, Manager
USPS South Jersey Vehicle Maintenance Facility
421 Benigno Boulevard
Bellmawr, New Jersey, 08031-4199

Davon Michael Collins, Environmental Counsel
Procurement and Property Law
United States Postal Service
475 L'Enfant Plaza SW, Office 6333
Washington, DC 20260-1101

bcc: Lori Weidner (w/enclosure)
MS: NWD 002
U.S. EPA Cincinnati Finance Center
26 W. Martin Luther King Drive
Cincinnati, Ohio 45268

Reading File, DECA-RCB (w/enclosures)
Kathleen Malone-Bogusky, DECA-CAPSB (w/enclosures)
Carl Howard, ORC-WTS (w/enclosures)
William Sawyer, ORC-WTS (w/enclosures)
Yolanda Majette, ORC-WTS (w/enclosures)
Gracie Pendleton, OECA-FFEO (w/enclosures)