

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

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 In the Matter of :
 :
 AT&T Transoceanic Comm. LLC : **CONSENT AGREEMENT/ FINAL ORDER**
 : Docket No. RCRA-02-2023-7503
 :
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 Respondent :
 :
 Proceeding Under Section 9006 of :
 the Solid Waste Disposal Act, as :
 amended. :
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PRELIMINARY STATEMENT

This is a civil administrative proceeding instituted pursuant to Section 9006 of the Solid Waste Disposal Act, as amended, 42 U.S.C. § 6901 et seq. (hereinafter referred to as the “Act” or “RCRA”) and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 (hereinafter “CROP”). Complainant in this proceeding is the Director of the Enforcement & Compliance Assurance Division, United States Environmental Protection Agency, Region 2 (“EPA”), who has been delegated the authority to sign consent agreements in pre-filing settlements between EPA and a party against whom an administrative penalty is assessed for violations of underground storage tank requirements under RCRA and the corresponding federal regulations Section 9006 of RCRA, 42 U.S.C. § 6991(e), authorizes the Administrator to enforce violations of the Act and the regulations promulgated pursuant to it. The Respondent, AT&T Transoceanic Comm. LLC, has been the owner and/or operator of federally regulated “underground storage tanks” (“USTs”) that are located at facilities in the U.S Virgin Islands, New York, and New Jersey.

Pursuant to Section 22.13(b) of the CROP, where the parties agree to settlement of one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by issuance of a Consent Agreement and Final Order (“CA/FO”) pursuant to 40 C.F.R. Sections 22.18(b)(2) and 22.18(b)(3) of the CROP. The Complainant and the Respondent have reached an amicable resolution of this matter and agree that settlement of this matter by entering into this CA/FO pursuant to 40 C.F.R. Sections 22.18(b)(2) and (3) is an appropriate means of resolving this case without further litigation.

Based on EPA’s inspection findings and Respondent’s response to EPA communications, EPA determined that the Respondent failed to: (i) document periodic walkthrough inspections (40 C.F.R. Section 280.34(b)(6)), (ii) maintain a list of designated Class A, Class B and Class C operators (40 C.F.R. Section 280.245(a)), and (iii) use spill prevention equipment for two tanks (40 C.F.R. Section 280.20(c)).

No adjudicated findings of fact or conclusions of law have been made. Respondent neither admits nor denies the EPA Findings of Fact and Conclusions of Law set forth below.

EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is AT&T Transoceanic Comm LLC (hereinafter “Respondent” or “Respondent AT&T” or “AT&T”), and is located at 311 S. Akard Road, 12th Floor, Dallas, Texas 75202. Respondent is a wholly owned subsidiary or affiliated company of AT&T, 208 S. Akard Street, Dallas, Texas 75202.
2. The Respondent is a “person” within the meaning of Section 9001(5) of the Act, 42 U.S.C. § 6991(5), and 40 C.F.R. § 280.12.
3. The Respondent was and remains the “owner” and/or “operator” of underground storage tanks” (“USTs”) or “UST systems,” as those terms are defined in Section 9001 of the Act, 42 U.S.C. § 6991-, and in 40 C.F.R. § 280.12, that are located at three (3) facilities in the U.S. Virgin Islands, fourteen (14) facilities in the State of New York and eleven (11) facilities in the State of New Jersey.
4. EPA is responsible for enforcing the requirements of the Act and the regulations promulgated pursuant thereto which are the subject of this case.
5. Pursuant to Sections 2002, 9002, and 9003 of the Act, 42 U.S.C. §§ 6912, 6991a, and 6991b, EPA promulgated rules setting forth requirements applicable to owners and operators of UST systems, codified at 40 C.F.R. Part 280. These rules include requirements relating to the use of spill prevention equipment and maintenance of a list of Class A, Class B and Class C operators, and maintenance of documentation of periodic walkthrough inspections.
6. Forty C.F.R. § 280.12 defines an “underground storage tank or UST” as “any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is ten (10%) percent or more beneath the surface of the ground.”
7. Pursuant to 40 C.F.R. § 280.12 a “new tank” system means a tank system used to contain an accumulation of regulated substances and for which installation has commenced after December 22, 1988.
8. Pursuant to 40 C.F.R. § 280.20(c), owners and operators of USTs are required to use spill prevention equipment in a new tank that they own and/or operate.

9. Pursuant to 40 C.F.R. § 280.20(c)(1)(i), owners and operators are required to install adequate spill prevention equipment in any existing and new tank that they own and/or operate.
10. Pursuant to 40 C.F.R. § 280.36(a), owners and operators of USTs are required to conduct periodic walkthrough inspections every thirty (30) days.
11. Pursuant to 40 C.F.R. § 280.34(b)(6), owners and operators of UST systems are required to maintain documentation of periodic walkthrough inspections (i.e., § 280.36(b)).
12. Pursuant to 40 C.F.R. § 280.34(c), owners and operators of UST systems must keep the records required at the UST site and immediately available for inspection or at a readily available alternative site and they must be provided for inspection upon request.
13. Pursuant to 40 C.F.R. § 280.245(a), owners and operators of USTs are required to maintain a list of designated Class A, Class B and Class C Operators for a facility.
14. Pursuant to Section 9005 of the Act, 42 U.S.C. § 6991d, in April and October of 2022 an authorized representative of EPA inspected three of the Respondent's facilities in the U.S. Virgin Islands which have underground storage tanks to determine their compliance with the Act and 40 C.F.R Part 280. These facilities are listed in Attachment A to this CA/FO, which attachment is incorporated by reference into this Consent Agreement.
15. EPA and Respondent also communicated by email during 2022 in order to determine the company's compliance with the Act and 40 C.F.R. Part 280.
16. Based on EPA's inspections and Respondent's communications with EPA, EPA has determined that the Respondent had failed to satisfy the spill prevention requirements in 40 C.F.R. § 280.20(c) for two USTs (fuel used solely for emergency power generators) at the Estate Petersburg Facility (St. Thomas) for the following time period: December 25, 2021 to June 24, 2023.
17. Based on EPA's inspections and Respondent's communications with EPA, EPA has determined that the Respondent failed to maintain documentation of periodic walkthrough inspections (See 40 C.F.R. Section 280.34(b)(6)) for USTs for the following time periods at the three facilities: Estate Petersburg (St. Thomas) for the period November 17, 2021 to October 5, 2022; Estate Northside (St. Croix) for the period April 14, 2021 to May 30, 2022; and Kronprindsens Gade (St. Thomas) for the period November 17, 2021 to October 9, 2022.
18. Based on EPA's inspections and Respondent's communications with EPA, EPA has determined that Respondent failed to maintain a list of designated Class A, Class B and Class C Operators, as required by 40 C.F.R. Section 280.245(a) for the Estate Northside (St Croix) facility for the period April 14, 2021 to August 17, 2022.

19. As of July 17, 2023, Respondent has provided documentation of its current compliance with all the UST requirements that EPA determined to have been violated as set out in Paragraphs 16 through 18 above.
20. EPA Issued a Notice of Potential Violations letter and Opportunity to Confer on May 18, 2023.
21. Since May 2023, the parties have engaged in settlement discussions with respect to the EPA determinations described in Paragraphs 16 to 18, supra, and have now agreed to settle this matter by entering into this Consent Agreement.

CONSENT AGREEMENT

Based upon the foregoing, and pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991(e), and 40 C.F.R. § 22.18 of the CROP, it is hereby agreed by and between Complainant and the Respondent and voluntarily and knowingly accepted by the Respondent, that the Respondent, for purposes of this Consent Agreement:

- (a) admits that EPA has jurisdiction pursuant to Section 9006(a)(1) of the Act, 42 U.S.C. Section 6991e(a)(1), to commence a civil administrative proceeding based on the information described in the EPA Findings of Fact and Conclusions of Law above;
- (b) neither admits nor denies any determination in the EPA Findings of Fact and Conclusions of Law section set out above;
- (c) consents to the assessment of the civil penalty as set forth below;
- (d) consents to any and all conditions specified in this Consent Agreement;
- (e) consents to the issuance of the Final Order incorporating this Consent Agreement; and
- (f) waives its right to contest or appeal that Final Order.

It is further hereby agreed by and between Complainant and the Respondent, and voluntarily and knowingly accepted by the Respondent, that the Respondent shall comply with the following terms and conditions:

1. Respondent certifies that, as of the effective date of the CA/FO, to the best of its knowledge and belief, it is complying with all the UST requirements referred to in Paragraphs 16 to 18 of EPA's Findings of Fact and Conclusions of Law of this CA/FO at the three U.S. Virgin Island facilities.
2. Commencing on the effective date of the Final Order, Respondent shall hereinafter maintain compliance at its UST systems at its three U.S. Virgin Island facilities listed in Attachment A of this CA/FO with all regulations applicable to owners and operators of USTs as set forth at 40 C.F.R. Part 280 including but not limited to complying with the use of spill prevention systems, conducting periodic walkthrough inspections every thirty (30) days (including maintaining documentation of periodic walkthrough inspection) and maintaining a list of designated Class A, Class B and Class C operators currently designated for each facility.

3. Respondent shall conduct and complete an audit for each UST system (currently thirty-seven (37) tanks in total) that it owns and/or operates at the twenty-five (25) facilities, fourteen (14) facilities located in New York State and eleven (11) facilities located in New Jersey State) listed in Attachment B of this CA/FO in order to ensure that the UST systems are in compliance with the requirements of this Paragraph. No one from Respondent's staff involved with the operation and maintenance of the facilities identified in Attachment B will conduct the audit. Instead, Respondent intends that the audit will be conducted by experienced staff from its field support and chief compliance offices as well as an independent consultant. This audit will be completed on or before Two Hundred and Seventy (270) days after the date of the EPA Regional Administrator's signature of the Final Order. Respondent shall thereafter continue to operate and maintain each UST system in accordance with any applicable requirements described in this Paragraph:
 - a. Each UST system shall use spill and overfill prevention systems in accordance with 40 C.F.R Section 280.20(c)
 - b. Each UST system (including fill pipes) shall have installed adequate spill prevention equipment and overfill prevention equipment.
 - c. Respondent must keep the records required at the UST site and immediately available for inspection or at a readily available alternative site as required by 40 C.F.R. Section 280.34(c).
 - d. Each UST system must have a fully automated release detection system that meets the performance standards under 40 C.F.R. Sections 280.41(a)-(b), 280.43, and 280.44.
 - e. Each UST system shall be upgraded to meet the performance standards of 40 C.F.R. Section 280.21.
 - f. For any UST system with overfill prevention equipment that was installed or replaced after October 13, 2015, the ball float overfill devices may not be used for overfill prevention in accordance with 40 C.F.R. Section 280.20(c)(3). Instead, the overfill prevention equipment must have either auto-shutoff valves or high-level alarms in accordance with 40 C.F.R. Section 280.20(c)(1)(ii)(A) or (B).
 - g. Respondent shall operate and maintain the automated release detection system and equipment on each UST system in accordance with 40 C.F.R. Section 280.40(a)(3).
 - h. Respondent shall conduct inspection and testing of the spill prevention equipment and containment sumps used for interstitial monitoring of piping, and the overfill prevention equipment, in accordance with 40 C.F.R. Sections 280.35(a), (b), and (c).
 - i. For any piping that was installed on or before April 11, 2016, Respondent shall perform annual line tightness tests or monthly monitoring of pressurized piping at each UST system in accordance with 40 C.F.R. Section 280.41(b)(1)(i)(B). For any

- piping installed or replaced after April 11, 2016, Respondent shall meet the requirements of 40 C.F.R. Section 280.41(b)(2).
- j. *Release Investigation and Confirmation:* Respondent shall conduct release investigation and confirmation of suspected releases or unusual operating conditions in accordance with 40 C.F.R. Section 280.52, Respondent shall immediately report to EPA (in addition to the New York State Department of Environmental Conservation and the New Jersey Department of Environmental Protection, as appropriate) any suspected or unusual operating condition as provided by 40 C.F.R. Section 280.50.
 - k. *Periodic Operation and Maintenance Walkthrough Inspections.* Respondent shall conduct monthly and annual operation and maintenance walkthrough inspections at each facility listed in Attachment B in accordance with 40 C.F.R. Sections 280.36(a) and (b). During monthly inspections, Respondent shall check spill prevention equipment and release detection equipment. During the annual inspections, Respondent shall check containment sumps and hand-held release detection equipment, including tank gauge sticks or groundwater bailers, for operability and serviceability.
 - l. Respondent shall operate and maintain the spill and overfill controls at each UST in accordance with 40 C.F.R. Section 280.30.
 - m. Respondent shall implement repairs at each UST system in accordance with 40 C.F.R. Section 280.33.
 - n. Respondent shall operate and maintain corrosion protection for any steel tanks and piping in accordance with 40 C.F.R. Sections 280.31(a)-(d) and 280.70(a).
 - o. Respondent shall perform release detection monitoring for UST systems that are temporarily closed in accordance with 40 C.F.R. Section 280.70(a).
 - p. Respondent shall comply with the requirements of 40 C.F.R. Section 280.70(b) for any UST system that has been temporarily closed for three months or longer.
 - q. *Financial Responsibility:* Respondent shall comply with the Financial Responsibility requirements in accordance with 40 C.F.R. Sections 280.90 through 280.116.
 - r. *Operator Training:* Respondent shall provide operator training in accordance with 40 C.F.R. Sections 280.240 through 280.245.

- s. *Recordkeeping Requirements:* Respondent shall maintain, for each UST system, all records required under 40 C.F.R. Sections 280.34 and 280.45, including release detection monitoring reports and line leak detector test data in accordance with the duration required by those applicable regulations.
 - t. Respondent shall maintain records of monthly and annual operation and maintenance walkthrough inspections in accordance with 40 C.F.R. Sections 280.36(a) and (b).
 - u. Respondent shall maintain documentation of operator training or comparable examination in accordance with 40 C.F.R. Section 280.245. Upon request by EPA, Respondent shall provide documentation of any retraining in accordance with 40 C.F.R. Section 280.244.
 - v. Respondent shall maintain a list of designated Class A, Class B and Class C Operators as required by 40 C.F.R. Section 280.245(a).
 - w. *Closure:* Respondent may, in lieu of bringing an UST system into compliance with the requirements of this Paragraph, permanently close the UST system in accordance with 40 C.F.R. Part 280, Subpart G, and submit a written certification to EPA of the closure of the UST system and of the satisfaction of applicable requirements.
4. **Initial Certification:** Respondent shall submit to EPA, by Three Hundred (300) Days of the date of the EPA Regional Administrator's signature of the Final Order, a written certification (with the language in Paragraph 19 below) that each UST that Respondent owns and/or operates at the Facilities listed in Attachment B is in compliance with the requirements of Paragraph 3 (a) – (w) above. For any UST system that Respondent is unable to so certify, it shall submit a Report in accordance with the next Paragraph.
 5. **Report in Lieu of Certification:** If Respondent is unable to submit the certification required under paragraph 4 of this CA/FO for any UST system, Respondent shall instead submit to EPA, by the due date of the certification, a Report: (i) identifying the UST system and Facility (listed in Attachment B) for which a certification was unable to be provided; (ii) describing the requirement with which Respondent has not complied; (iii) describing the likely cause of the noncompliance; and (iv) describing any required task(s) to achieve compliance. Respondent shall promptly correct all non-compliances and submit a follow-up report to EPA, certifying (with the language in Paragraph 19 below) to its curing of the problem and the satisfaction of the original compliance obligation, within ninety (90) days of the due date for the certification required in Paragraph 4 above.
 6. **A. Semi-Annual Reports.** Every six months following the Initial Certification described in Paragraph 4 above, and up until two years after the date of the EPA Regional Administrator's signature of this CA/FO, Respondent shall submit semi-annual reports covering its compliance with this CAFO for the preceding six-month period. Each semi-

annual report shall include a certification (with the language in Paragraph 19 below) covering the USTs listed in Attachment B, attesting that Respondent has been in compliance with the applicable requirements of Paragraph 3 with respect to each UST for the six month reporting period. For any UST that Respondent is unable to certify, it shall include with the Semi-Annual Report a report in accordance with Paragraph 5 above. Each semi-annual report shall describe the activities undertaken to comply with the requirements set out in this CA/FO. Respondent may use a third party (vendor/contractor) to help it prepare these reports, but the Respondent shall remain responsible for the reports. The semi-annual reports shall also include for each tank failed tests or deviant sensor readings, any reading other than “normal” for the spill and overfill prevention equipment and the release detection system for tanks and piping (e.g., inconclusive results), and any other indications of non-compliance with release detection requirements for tanks and piping.

B. Records Retention for Audit Records. Respondent shall maintain the results of the audit conducted under paragraph 3 of this CA/FO, as well as maintain any other audit records, for a period of three (3) years from the date of the EPA Regional Administrator’s signature of the CA/FO.

7. Respondent shall pay a civil penalty to EPA in the total amount of Forty Thousand Dollars (\$40,000.00). Such payment shall be made by cashier’s or certified check or by Electronic Fund Transfer (EFT). If the payment is made by check, then the check shall be made payable to the “Treasurer, United States of America,” and shall be mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979078
St. Louis, MO 63197-9000

8. The check shall be identified with a notation thereon listing the following: “In the Matter of AT&T Transoceanic Comm. LLC” and shall bear the Docket Number RCRA-02-2023-7503. **Payment of the penalty must be received at the above address on or before thirty (30) calendar days after the date of the Regional Administrator’s signature on the Final Order,** which is located at the end of this CA/FO (the date by which payment must be received shall hereafter be referred to as the “Due Date”).

If Respondents choose to make the payment by EFT, then they shall provide the following information to its remitter bank:

- 1) Amount of Payment (\$40,000.00)
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045.
- 3) Account Code for Federal Reserve Bank of New York receiving payment: 68010727.

- 4) Federal Reserve Bank of New York ABA routing number: 021030004.
- 5) Field Tag 4200 of the Fedwire message should read “D 68010727 Environmental Protection Agency.”
- 6) Name of Respondent: AT&T Transoceanic Comm. LLC
- 7) Case Number: RCRA-02-2023-7503

Such EFT must be received on or before thirty (30) calendar days after the date of the Regional Administrator’s signature on the Final Order.

- a. Failure to pay the amount in full within the time period set forth above may result in referral of this matter to the United States Department of Justice or the United States Department of the Treasury for collection or other appropriate action.
 - b. Furthermore, if payment is not made on or before the Due Date, interest for said payment shall be assessed at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, on the overdue amount from the Due Date said payment was to have been made through the date said payment has been received. In addition, a late payment handling charge of \$15.00 will be assessed for each thirty (30) calendar day period or any portion thereof, following the date the payment was to have been made, in which payment of the amount remains in arrears. In addition, a 6% per annum penalty will be applied to any principal amount that has not been received by the EPA within ninety (90) calendar days of the date by which the payment was required hereto to have been made.
9. Whether Respondent makes payment by cashier’s check, certified check or by the EFT method, Respondent shall promptly, when payment has been made, furnish reasonable proof that the required payment has been made, and such proof shall be furnished to the EPA individuals identified in Paragraph 20, below.
 10. **Compliance Milestones**: The following stipulated penalties shall accrue per violation per day for each violation of the requirements of Paragraph 3 (failure to perform audit), within the timeframe specified therein), Paragraph 4 (failure to provide initial certification within the timeframe specified therein) and any requirement(s) of Paragraph 3 (a) – (w) of the CA/FO that is not promptly corrected and not certified as corrected within the timeframe specified in Paragraph 5 of the CA/FO:

<u>Penalty Per Violation Per Day</u>	<u>Period of Non-Compliance</u>
\$2,000	1 st through 20 th day
\$3,000	21 st through 45 th day
\$5,500	46 th day and beyond

11. **Reporting and Recordkeeping Requirements.** The following stipulated penalties shall accrue per violation per day for each violation of the reporting requirements of Paragraph 6 of this CA/FO:

<u>Penalty Per Violation Per Day</u>	<u>Period of Non-Compliance</u>
\$2,000	1 st through 20 th day
\$3,000	21 st through 45 th day
\$4,000	46 th day and beyond

12. If in the future, EPA believes that the information which Respondent certified to, pursuant to Paragraphs 1, 3, 4, 5, and 6 above, was inaccurately or falsely certified, EPA will so advise Respondent of its belief and basis and will afford the Respondent thirty (30) days to submit comments to EPA. After review of any comments submitted, EPA shall provide to the Respondent a written statement of its decision on whether the information was inaccurately or falsely certified, which decision shall be final and binding upon Respondent. Respondent agrees that false certification(s) shall constitute a violation of this CA/FO and Respondent shall be liable to EPA for a stipulated penalty of \$10,000 for each false certification. This stipulated penalty shall be due and payable by Respondent to EPA within thirty (30) days of EPA's decision in accordance with the payment instructions set out in Paragraphs 7 and 8 above. Such payment shall not preclude EPA from initiating a separate criminal investigation pursuant to 18 U.S.C. Section 1001 et seq. or any other applicable law.
13. Nothing in this document is intended or shall be construed to waive, prejudice, or otherwise affect the right of EPA, or the United States, from pursuing any appropriate remedy, sanction or penalty prescribed by law against Respondent, if Respondent made or makes any material misrepresentations or provided or provides materially false information herein or in any document submitted prior to or pursuant to this Consent Agreement.
14. Unless Respondent provides EPA with a written explanation in accordance with Paragraph 15 below, all stipulated penalties being paid pursuant to Paragraphs 10 and/or 11 are due and payable within thirty (30) calendar days of the Respondent's receipt from EPA of a written demand for payment of the penalties. Respondent agrees that such demand may be sent by electronic mail to Richard Parr and Jaylana Bolden. All stipulated penalty payments shall be made in accordance with the payment instructions in Paragraphs 7 and 8 of this Consent Agreement. Penalties shall accrue as provided above regardless of whether EPA has notified the Respondent of the violation or made a demand for payment but need only be paid upon demand. Any payment of stipulated penalties shall be in addition to any other payments required under any other paragraph of this Consent Agreement. Failure to pay any stipulated penalty in full will result in referral of this matter to the United States Department of Justice or the United States Department of Treasury for collection and/or other appropriate action.

15. After receipt of a demand from EPA for stipulated penalties pursuant to Paragraph 14 above, Respondent shall have thirty (30) calendar days in which to provide Complainant with a written explanation of why it believes a stipulated penalty is not appropriate for the cited violation(s) of the Consent Agreement (including any technical, financial, or other information that Respondent deems relevant). Pursuant to Paragraph 16 below, EPA shall evaluate the written explanation provided by Respondent.
16. The Complainant may, in her sole discretion, reduce or eliminate any stipulated penalty due under the CA/FO if Respondent has, in writing, demonstrated to EPA's satisfaction good cause for such action by EPA. If, after review of Respondent's submission, if any, pursuant to the preceding paragraph, Complainant determines that Respondent has failed to comply with the provisions of this Consent Agreement, and Complainant does not, in her sole discretion, eliminate the stipulated penalties demanded by EPA, Complainant will notify Respondent, in writing, that either the full stipulated penalty or a reduced stipulated penalty must be paid by Respondent. Respondent shall pay the stipulated penalty amount indicated in EPA's notice within thirty (30) calendar days of its receipt of such written notice from EPA. Failure of the Respondent to pay any stipulated penalty demanded by EPA pursuant to this Consent Agreement will result in the referral of this matter to the United States Department of Justice or the United States Department of Treasury for collection and/or other appropriate action.
17. At any time prior to Respondent's payment of stipulated penalties, the Complainant, may, for good cause as independently determined by her, reduce, or eliminate the stipulated penalty(ies). If the Complainant makes such determination, EPA shall notify Respondent in writing of any such action.
18. The civil penalty provided for herein and any stipulated penalties provided for herein are penalties within the meaning of Title 26, Section 162(f) of the United States Code, 26 U.S.C. § 162(f) and are not deductible expenditures for purposes of federal or state taxes.
19. Each report and certification submitted by Respondent under this CA/FO shall be signed by an official of Respondent and shall include the following certification:

I certify under penalty of law that this document and any attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I have no personal knowledge that the information submitted is other than true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

20. Any responses, documentation, and other communications submitted in connection with this Consent Agreement shall be sent to:

Gaetano LaVigna, UST Team Leader
RCRA Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866
LaVigna.Gaetano@epa.gov

Bruce Aber, Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, Room 1650
New York, NY 10007-1866
Aber.Bruce@epa.gov

21. EPA shall address any written communications concerning the CA/FO (including any correspondence related to payment of the penalty) to Respondent at the following addresses:

Richard M. Parr, Asst. VP & Senior Counsel - EH&S Legal
AT&T Legal Department
Bothell 7, Room 2022A
20309 North Creek Parkway
Bothell, WA 98011
Richard.m.parr@att.com

Jalayna Bolden, Asst. Vice President, EH&S
Global Real Estate
308 S. Akard St., Room 2154
Dallas, TX 75202
jb8789@att.com

22. Within thirty (30) days of any written request by EPA, or by another date approved by EPA in writing, Respondent shall provide to EPA some or all of the following records and/or reports (as requested by EPA) for the UST systems at the locations specified by EPA:
- a. Monthly and annual operation and maintenance walkthrough inspection reports.
 - b. Monthly release detection records for any UST system, including any UST system(s) that are in temporary closure;
 - c. A site assessment report for any UST permanently closed or removed.
 - d. Records showing that it tested overfill and/or spill prevention equipment and containment sumps used for interstitial monitoring of piping.
 - e. Records showing inspection of overfill and/or spill prevention equipment and containment sumps;

- f. The results of the most recent integrity assessment, cathodic protection inspection, and/or lining inspection;
 - g. The results of the most recent annual line leak detector test
 - h. List of Designated Class A, Class B and Class C Operators currently designated for each facility with USTs owned and/or operated by Respondent.
 - i. Records concerning any known or suspected releases or unusual operating conditions.
 - j. Any information (including records and reports, including those of the audit conducted) needed by EPA to verify Respondent's compliance with the requirements of this CA/FO.
23. This Consent Agreement is being voluntarily and knowingly entered into by the Complainant and Respondent to resolve (conditional upon full payment of the civil penalty and any applicable stipulated penalties herein, and the accuracy of the Respondent's representations in this proceeding) Respondent's liability for federal civil penalties for the violations described in Paragraphs 16 to 18 of EPA's Findings of Facts and Conclusions of Law. Nothing herein shall be read to preclude EPA or the United States, on behalf of EPA, however, from pursuing appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
24. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable and consent to the issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all the terms of the settlement are set forth herein.
25. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement and agrees to pay the civil penalty in accordance with the terms of the Consent Agreement.
26. The Respondent explicitly and knowingly waives its right to request or to seek any Hearing on this Consent Agreement or on the EPA Findings of Fact and Conclusions of Law, or on the accompanying Final Order.
27. Respondent agrees not to contest the validity or any term of this CA/FO in any action brought: a) by the United States, including EPA, to enforce this CA/FO; or b) to enforce a judgment relating to this CA/FO.
28. Respondent waives its right to appeal this Consent Agreement and the accompanying Final Order.
29. For purposes of the identification requirement of Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), performance of the work described in Paragraphs 3-6 of this Consent Agreement is restitution or required to come into compliance with law.
30. This Consent Agreement and any provision herein shall not be construed as an admission of liability in any criminal or civil action or other administrative proceeding, but Respondent agrees not to contest the terms of this Consent Agreement and Final Order in

an action or proceeding to enforce or seek compliance with this Consent Agreement and its accompanying Final Order.

31. This CA/FO is not intended, and shall not be construed, to waive, extinguish or otherwise affect Respondent's obligation to comply with all federal, state, and local laws and regulations applicable to owners and operators of USTs. Nor shall the CA/FO be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect Respondent's obligation to comply with applicable provisions of the Act and the regulations promulgated thereunder.
32. The provisions of this Consent Agreement and final Order shall be binding upon both EPA and the Respondent, its officers, agents, authorized representatives, and successors or assigns.
33. Any failure by Respondent to perform fully any requirement herein will be considered a violation of this CA/FO and may subject Respondent to a civil action by the United States to enforce the provisions of this CA/FO.
34. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.
35. Respondent consents to the service of this Consent Agreement and Final Order by email and by an EPA employee other than the Regional Hearing Clerk.
36. Pursuant to 40 C.F.R. Section 22.13(b), the effective date of this Consent Agreement and Final Order shall be the date when it is filed with the Regional Hearing Clerk of the United States Environmental Protection Agency, Region 2.
37. Each party hereto agrees to bear its own costs and fees in this matter.

ATTACHMENT A

List of 3 Facilities at Which Violations of Federal UST Requirements Have Been
Determined in EPA's Findings of Fact and Conclusions of Law Section of the
CA/FO

Facility	Address	City	State	Facility #
Estate Northside	401 Northside	Frederiksted	USVI	101003
Kronprindsens Gade	51 A & B Kronprindsens Gade	Charlotte Amalie	USVI	201048
Estate Petersborg	1 Estate Petersborg	Charlotte Amalie	USVI	201001

In the Matter of AT&T Transoceanic Comm. LLC, Docket No. RCRA-02-2023-7503

Attachment B

List of Twenty-Five (25) Facilities at which A&T Transoceanic Comm. LLC Owns/Operates UST Systems in the States of New York and New Jersey (Subject to the Audit Under this CA/FO)

#	Address	City	State	Facility #
1	156 SANDFORD ST	NEW BRUNSWICK	NEW JERSEY	015667
2	88 HORSEHILL RD	CEDAR KNOLLS	NEW JERSEY	007742
3	1300 WHITE HORSE HAMILTON SQ RD	TRENTON	NEW JERSEY	007740
4	437 CHERRYVILLE RD	FLEMINGTON	NEW JERSEY	007747
5	75 W PASSAIC ST	ROCHELLE PARK	NEW JERSEY	007744
6	420 W WASHINGTON AVE	PLEASANTVILLE	NEW JERSEY	013748
7	73 VERONICA AVENUE	SOMERSET	NEW JERSEY	98924
8	175 W MAIN ST	FREEHOLD	NEW JERSEY	0077394
9	1001 BLACK HORSE PIKE	FOLSOM	NEW JERSEY	019289
10	17 CABLE DR	TUCKERTON	NEW JERSEY	013698
11	263 TANSBORO RD	BERLIN	NEW JERSEY	007892
12	610 JOHNSON AVE	BOHEMIA	NEW YORK	5-0204
13	1690 WALDEN AVE	CHEEKTOWAGA	NEW YORK	9-600489
14	3505 ROUTE 112	CORAM	NEW YORK	2-0143
15	WHISTLER AVENUE	FISHERS ISLAND	NEW YORK	13745
16	9403 QUEENS BLVD	FLUSHING	NEW YORK	2-341649
17	1444 E JERICHO TPKE	HUNTINGTON	NEW YORK	4-0151
18	84 DEUTSCH DR	PERU	NEW YORK	5-262285
19	275 MARGARET ST	PLATTSBURGH	NEW YORK	5-600265
20	66 FAIRVIEW AVE	POUGHKEEPSIE	NEW YORK	3-179663
21	1 CORACI BLVD	SHIRLEY	NEW YORK	2-1617
22	1518 NORTH RD	TULLY	NEW YORK	7-180610
23	2100 BEECHGROVE PL	UTICA	NEW YORK	6-600791
24	360 HAMILTON AVE	WHITE PLAINS	NEW YORK	3-179302
25	400 HAMILTON AVE	WHITE PLAINS	NEW YORK	3-179302

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RESPONDENT: AT&T Transoceanic Comm. LLC

BY: 
(signature)

NAME Ross Baumum

TITLE: VP - Core Network Operations

DATE: 9/11/2023

In the Matter of AT&T Transoceanic Comm. LLC, Docket No. RCRA-02-2023-7503

**COMPLAINANT: United States Environmental Protection Agency
Region 2**

BY: _____
Dore F. LaPosta, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, NY 10007-1866

FINAL ORDER

The Regional Administrator of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Consent Agreement. The Consent Agreement, entered into by the Complainant and the Respondent, 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 filing with the Regional Hearing Clerk, U.S. EPA, Region 2, New York, New York. 40 C.F.R. Section 22.31(b).

Lisa F. Garcia
Regional Administrator
U.S. Environmental Protection
Agency – Region 2
290 Broadway
New York, NY 10007-1866

DATE: _____

In the Matter of AT&T Transoceanic Comm. LLC, Docket No. RCRA-02-2023-7503

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing fully executed CONSENT AGREEMENT and FINAL ORDER, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original by E-Mail

Office of Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866
Maples.Karen@epa.gov

Copy by E-Mail

Richard M. Parr
Asst. VP and Senior Counsel - EH&S Legal
AT&T Legal Department
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Bothell, WA 98011
Richard.m.parr@att.com

Jalayna Bolden, Asst. Vice President, EH&S
Global Real Estate
308 S. Akard St., Room 2154
Dallas, TX 75202
jb8789@att.com

Dated: _____, 2023
New York, New York
