

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:)	Docket No. RCRA-02- 2026-7701
)	
U.S. General Services Administration)	
)	EXPEDITED SETTLEMENT
)	AGREEMENT AND
Respondent)	FINAL ORDER
)	
Silvio J. Mollo Federal Office Building)	
Martin Luther King, Jr. Federal Courthouse)	
Robert A. Roe Federal Building)	
)	
Facilities)	
_____)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) has determined that the U.S. General Services Administration (“GSA” or “Respondent”), which owns and/or operates the underground storage tanks (“USTs”) located at:

Silvio J. Mollo Federal Office Building 1 Saint Andrews Plaza, New York, NY 10007	Martin Luther King, Jr. Federal Courthouse 50 Walnut Street, Newark, NJ 07102	Robert A. Roe Federal Building 200 Federal Plaza, Paterson, NJ 07505
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collectively known as the “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. § 280.36 (a)(1)(ii), which requires owners or operators to conduct operation and maintenance walkthrough inspections annually to check containment sumps.

During the December 10, 2024, inspection of the Robert A. Roe Federal Building, Respondent’s representatives did not provide annual walkthrough inspection records of the containment sump. Respondent admitted in a call on February 5, 2025, that it was not conducting annual walkthrough inspections of the containment sump but stated that its 3-year containment sump integrity testing should meet the requirements for the statute. However, the requirement is an annual inspection of the containment sump, and thus an inspection once every three years fails to meet that requirement. Therefore, Respondent

was in violation of 40 C.F.R. § 280.36 (a)(1)(ii) by failing to check containment sumps during annual operation and maintenance walkthroughs at the Robert A. Roe Federal Building.

- b. 40 C.F.R. § 280.36(b), which requires owners and/or operators to maintain records of the 30-day operation and maintenance walkthrough inspections for spill prevention and release detection equipment for one year and such records must include a list of each area checked, whether each area checked was acceptable or needed action taken, a description of actions taken to correct an issue, and delivery records if spill prevention equipment is checked less frequently than every 30 days due to infrequent deliveries.

During the December 10, 2024, inspection of the Robert A. Roe Federal Building, Respondent provided a weekly handwritten logbook in lieu of a traditional checklist. This logbook only included the date, the words “emergency equipment, generator and leak check,” the tank content volume, and an “all okay” and thus did not meet minimum requirements. Therefore, Respondent was in violation of 40 C.F.R. § 280. 36(b) by failing to maintain records of 30-day operation and maintenance walkthroughs at the Robert A. Roe Federal Building that include a list of each area checked, whether each checked was acceptable or needed action taken, and a description of the actions taken to correct an issue.

- c. 40 C.F.R. § 280.40(a)(3), which requires owners and/or operators of UST systems to annually test for proper operation the electronic and mechanical components of its release detection method in accordance with manufacturer’s instructions, a code of practice developed by a nationally recognized association or independent testing laboratory; or requirements determined by the implementing agency to be no less protective of human health and the environment as the other two options above.

According to the records provided during the July 9, 2024, inspection of the Silvio J. Mollo Federal Office Building, the last annual test for the proper operation of the electronic and mechanical components of their UST release detection monitoring system was conducted on April 6, 2023, and thus, was overdue at the time of the inspection. Also, the 2021 and 2022 Annual Release Detection Equipment Operability Test Results were missing. In response to the EPA inspection report on September 20, 2024, Respondent stated that the supposition at the time of inspection was that annual release detection equipment operability testing was to take place within a calendar year rather than one year to date of the previous inspection and included a record showing an annual operability test completed and passed on September 3, 2024. However, Respondent was still not able to provide such test records for 2021 and 2022; although an affidavit from the Justin Group Inc. was provided on October 16, 2024, which certified that such testing was performed on February 9, 2021. No such affidavit was provided for 2022. Therefore, Respondent was in violation of 40 C.F.R. § 280. 40(a)(3) by failing to annually test for proper operation the electronic and mechanical components of its UST release detection method at the Silvio J. Mollo Federal Building.

- d. 40 C.F.R. § 280.45(b), which requires the results of any sampling, testing, or monitoring be maintained for at least one year.

During the July 9, 2024, inspection of the Silvio J. Mollo Federal Building, Respondent did not provide 12 months of tank release detection records from their Veeder Root, nor did they provide those records in their response to the inspection report on September 20, 2024.

Furthermore, during the September 4, 2024, inspection of the Martin Luther King, Jr. Courthouse, Respondent did not provide the last 12 months of interstitial monitoring records for their tank. Also, at the time of the inspection, Respondent claimed its piping was European 'safe' suction and thus, designed and constructed to meet the standards to be exempt from release detection; however, Respondent was missing documentation in support of that claim. In its response to the EPA inspection report on October 20, 2024, Respondent provided additional documents but still not the requested 30-day tank "Sensor Status Reports." As for the piping, Respondent provided confirmation from Accurate Tank Testing that its piping was American not European 'safe' suction, and thus, either triennial line tightness testing or monthly release detection monitoring is required. According to the provided 2023 and 2024 Veeder Root TLS350 operability tests performed by Accurate Tank Testing, the Veeder Root does perform piping interstitial monitoring; however, no 30-day release detection monitoring records for piping have been provided.

Therefore, Respondent was in violation of 40 C.F.R. § 280. 45(b)by failing to maintain results of any sampling, testing or monitoring for at least one year at the Silvio J. Mollo Federal Building, and the Martin Luther King, Jr. Courthouse.

- e. 40 C.F.R. § 280.245(a), which requires owners and operators of UST systems to maintain a list of designated operators, which, at a minimum, must (1) identify all current Class A, B, and C operators for the facility; and (2) include the names, Class of operator trained, date assumed duties, date each completed initial training, and any retraining.

During the July 9, 2024, inspection of the Silvio J. Mollo Federal Building, Respondent did not provide a list of all designated UST operators. In response to the EPA inspection report on September 20, 2024, Respondent only provided photos of the UST operators' training certificates but still failed to provide a list of Class A, B and C operators with the date assumed duties, date each completed initial training, and any retraining. Therefore, Respondent was in violation of 40 C.F.R. § 280. 245(a) by failing to maintain a list of designated operators at the Silvio J. Mollo Federal Building that identifies all current Class A, B and C operators for the facility; and includes the names, Class of operator trained, date assumed duties, date each completed initial training, and any retraining.

- f. 40 C.F.R. § 280.245(b), which requires owners and operators of UST systems to maintain records verifying that training and retraining, as applicable, have been completed by designated operators for as long as they are so designated and such records must, at a

minimum, identify the name of trainee; date trained; operator training class completed; name of the trainer or examiner; and the training company name, address, and telephone number.

During the July 9, 2024, inspection of the Silvio J. Mollo Federal Building, Respondent provided the EPA with a Class C Operator training certificate for Mr. Nelson Ocasio that lacked the date the operator training class was completed. In response to the EPA inspection report on September 20, 2024, Respondent stated that Mr. Ocasio was initially trained by the previous Class A/B Operator for the building prior to December 2020. Mr. Ocasio was re-trained on December 20, 2020, by Richard Bianchi, the current Class A/B Operator for the building. The Class C Operator certificate was generated after re-training in December 2020. Mr. Ocasio was subsequently re-trained again on August 5, 2024. The Class C Operator Certificate that was provided to the EPA shows both the date of first retraining in December 2020 as well as the re-training after the EPA inspection in August 2024. Therefore, before obtaining the August 2024 certificate, Respondent was in violation of 40 C.F.R. § 280. 245(b) by failing to maintain operator training and retraining records at the Silvio J. Mollo Federal Building that at a minimum shows the date trained.

2. Complainant is the Director of the Enforcement and Compliance Assurance Division of the EPA, Region 2 (“Complainant”) and has been duly delegated the authority to initiate and resolve this enforcement action.
3. Respondent is a department, agency and/or instrumentality of the United States.
4. Respondent is a “person” within the meaning of 40 C.F.R. § 280.12.
5. Respondent agrees to pay a civil penalty of **Five Thousand Two Hundred and Seventy-Eight Dollars (\$5,278)** (“Assessed Penalty”) to be paid within 30 days of the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk (“Filing Date”).
6. The EPA and Respondent agree that settlement of this matter for a penalty of \$5,278 without further proceedings is in the public interest.
7. Respondent shall pay the Assessed Penalty using either the Intragovernmental Payment and Collection (IPAC) application or any of the electronic payment methods provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
8. If payment made using the IPAC application, use the Agency Location Code 68-01-0727 and include the Docket Number of this agreement (**RCRA-02-2026-7701**) in the description field of the IPAC. For questions, the customer service contact can be found at <https://www.epa.gov/financial/federal>.
9. When making the payment via another electronic method, Respondent shall identify the payment with Respondents’ name (**U.S. General Services Administration**) and the docket number of this agreement (**RCRA-02-2026-7701**).
10. Concurrently with the payment or within 24 hours of the payment, Respondent shall serve proof of such payment to the following persons.

Kevin Dyer

Compliance Assurance Section
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 2
dyer.kevin@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, confirmation of credit card or debit card payment, IPAC application payment or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

11. The EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (“Agreement”) pursuant to Section 9006 of RCRA, 40 C.F.R. § 22.13(b) and § 22.18(b)(2).
12. In signing this Agreement, Respondent (1) admits that Respondent is subject to requirements listed above in Paragraph 1; (2) admits that the EPA has jurisdiction over Respondent and 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 5 above; and (5) waives any right to contest the determinations contained herein.
13. By signing this Agreement, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has: (1) corrected the alleged violations; (2) submitted true and accurate documentation of the corrections; and (3) agreed to pay the civil penalty in Paragraph 5 above in accordance with EPA penalty collection procedures provided to Respondent, above;
14. Full payment of the penalty in Paragraph 5 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 the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
15. This Agreement does not relieve Respondent of its obligations to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state or local permit. This Agreement does not waive, extinguish, or otherwise affect Respondent’s obligation to comply with applicable provisions of the Act and the regulations promulgated thereunder.
16. By signing this Agreement, Respondent waives any right to challenge the lawfulness of the Final Order contained herein, the opportunity for a hearing or appeal pursuant to Section 9006(b) of RCRA or 40 C.F.R. Part 22 and its right to confer with the Administrator pursuant to section

6001(b)(2) of RCRA, 42 USC § 6961(b)(2) and 40 C.F.R. § 22.31(e).

- 17. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.
- 18. The provisions of this Agreement shall be binding upon Respondent, its officers, agents, authorized representatives, and successor agencies, departments or instrumentalities.
- 19. The EPA and Respondent agree that the parties may use electronic signatures for this matter.
- 20. The individual signing this Agreement on behalf of Respondent represents that he/she is authorized to sign on behalf of Respondent.
- 21. Each party shall bear its own costs and fees, if any, in connection with this proceeding.
- 22. Pursuant to 40 C.F.R. § 22.31(b), the executed Agreement shall become effective upon the date of its filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 2, New York, New York.
- 23. Respondent consents to service by e-mail and to receiving an electronic copy of the final Agreement.

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IT IS SO AGREED,

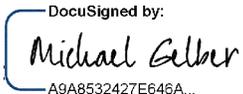
RESPONDENT:

The General Services Administration

Name of individual signing (print): Michael Gelber

Assistant Commissioner, Office of Facilities Management
Public Buildings Service

Title: _____

Signature:  _____
A9A8532427E646A...

Date: 3/5/2026

COMPLAINANT:

Douglas H. McKenna, Acting Director
Enforcement and Compliance Assurance Division

Date: _____

U.S. General Services Administration
Docket No. RCRA-02-2026-7701

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: _____

Dana P. Friedman
Regional Judicial Officer
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007-1866

DATE: _____