

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:

Baltimore County, Maryland  
a body corporate and politic  
400 Washington Avenue  
Baltimore, MD 21204

U.S. EPA Docket Numbers  
RCRA-03-2008-0037  
RCRA-03-2008-0056  
RCRA-03-2008-0057

RESPONDENT,

Woodlawn Police Department  
6424 Windsor Mill Road  
Baltimore, Maryland 21207

Woodlawn Fire Department  
7223 Windsor Mill Road  
Baltimore, Maryland 21207

Middle River Fire Station  
609 Compass Road  
Baltimore, Maryland 21220

White Marsh Police Station  
8220 Perry Hall Boulevard  
White Marsh, Maryland 21162

Wilkens Police Station  
901 Walker Avenue  
Catonsville, Maryland 21228

Edgemere Fire Station  
6800 Old North Point Road  
Edgemere, Maryland 21219

Inwood Maintenance Department  
7400 Johnnycake Road  
Woodlawn, Maryland 21207

North Point Government Center :  
 7701 Wise Avenue :  
 Dundalk, Maryland 21222 :  
 :  
 Randallstown Fire Station :  
 3610 Brenbrook Drive :  
 Randallstown, Maryland 21133 :  
 :  
 Dundalk Fire Station :  
 2815 Sollers Point Road :  
 Dundalk, Maryland 21222 :  
 :  
 Essex Fuel Center :  
 511 Mace Center :  
 Baltimore, Maryland 21221 :  
 :  
 Townson Fuel Center :  
 200 Courtland Avenue :  
 Townson, Maryland 21204 :  
 :  
 Wight Avenue Fuel Center :  
 103 Wight Avenue :  
 Cockeysville, Maryland 21030 :  
 :  
 Facilities. :

**CONSENT AGREEMENT**

This Consent Agreement ("CA") is entered into by the Director of the Waste and Chemicals Management Division, U.S. Environmental Protection Agency, Region III ("EPA" or "Complainant") and Baltimore County, Maryland ("Baltimore County" or "Respondent"), pursuant to Section 9006 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6991e, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. Part 22, including, specifically 40 C.F.R. §§ 22.13(b) and .18(b)(2) and (3).

This CA and the accompanying Final Order (collectively “CAFO”) resolve violations of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, and the State of Maryland’s federally authorized underground storage tank program by Respondent in connection with its underground storage tanks at Respondent’s facilities at the following locations:

Woodlawn Police Department  
6424 Windsor Mill Road  
Baltimore, Maryland 21207

Woodlawn Fire Department  
7223 Windsor Mill Road  
Baltimore, Maryland 21207

Middle River Fire Station  
609 Compass Road  
Baltimore, Maryland 21220

White Marsh Police Station  
8220 Perry Hall Boulevard  
White Marsh, Maryland 21162

Wilkens Police Station  
901 Walker Avenue  
Catonsville, Maryland 21228

Edgemere Fire Station  
6800 Old North Point Road  
Edgemere, Maryland 21219

Inwood Maintenance Department  
7400 Johnnycake Road  
Woodlawn, Maryland 21207

North Point Government Center  
7701 Wise Avenue  
Dundalk, Maryland 21222

Randallstown Fire Station

3610 Brenbrook Drive  
Randallstown, Maryland 21133

Dundalk Fire Station  
2815 Sollers Point Road  
Dundalk, Maryland 21222

Essex Fuel Center  
511 Mace Center  
Baltimore, Maryland 21221

Townson Fuel Center  
200 Courtland Avenue  
Townson, Maryland 21204

Wight Avenue Fuel Center  
103 Wight Avenue  
Cockeysville, Maryland 21030.

Effective July 30, 1992, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the State of Maryland was granted final authorization to administer a state underground storage tank management program *in lieu* of the Federal underground storage tank management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m. The provisions of the Maryland underground storage tank management program, through this final authorization, have become requirements of Subtitle I of RCRA and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. Maryland's authorized underground storage tank program regulations are administered by the Maryland Department of the Environment ("MDE"), and are set forth in the Code of Maryland Regulations and will be cited as "COMAR" followed by the applicable section of the regulations.

EPA has given the State of Maryland notice of the issuance of this CAFO in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

### **I. GENERAL PROVISIONS**

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.

2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, above.
3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order, or the enforcement of the CAFO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing on any issue of law or fact set forth in this CA and any right to appeal the accompanying FO.
5. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
6. Respondent shall bear its own costs and attorney's fees.
7. The provisions of this CAFO shall be binding upon Complainant and Respondent, their officers, directors, employees, successors and assigns.
8. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit, nor does this CAFO constitute a waiver, suspension or modification of the requirements of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, or any regulations promulgated thereunder.

## **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

9. Respondent is a "person" as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5) and COMAR § 26.10.02.04B(40).
10. At all times relevant to this CAFO, Respondent has been the "owner" and/or "operator," as those terms are defined in Section 9001(3) and (4) of RCRA, 42 U.S.C. § 6991(3) and (4), and COMAR § 26.10.02.04B(37) and (39), of the "underground storage tanks" ("USTs") and "UST systems" as those terms are defined in Section 9001(10) of RCRA, 42 U.S.C. § 6991(10), and COMAR § 26.10.02.04B(64) and (66), located at the following facilities (the "audited Facilities").

Woodlawn Police Department  
6424 Windsor Mill Road

Baltimore, Maryland 21207

Woodlawn Fire Department  
7223 Windsor Mill Road  
Baltimore, Maryland 21207

Middle River Fire Station  
609 Compass Road  
Baltimore, Maryland 21220

White Marsh Police Station  
8220 Perry Hall Boulevard  
White Marsh, Maryland 21162

Wilkins Police Station  
901 Walker Avenue  
Catonsville, Maryland 21228

Edgemere Fire Station  
6800 Old North Point Road  
Edgemere, Maryland 21219

Inwood Maintenance Department  
7400 Johnnycake Road  
Woodlawn, Maryland 21207

North Point Government Center  
7701 Wise Avenue  
Dundalk, Maryland 21222

Randallstown Fire Station  
3610 Brenbrook Drive  
Randallstown, Maryland 21133

Dundalk Fire Station  
2815 Sollers Point Road  
Dundalk, Maryland 21222

Essex Fuel Center  
511 Mace Center  
Baltimore, Maryland 21221

Townson Fuel Center  
200 Courtland Avenue  
Townson, Maryland 21204

Wight Avenue Fuel Center  
103 Wight Avenue  
Cockeysville, Maryland 21030.

11. Respondent is a "local government" owner of USTs within the meaning of COMAR § 26.10.11.01, which incorporates by reference 40 C.F.R. § 280.91 as amended through October 31, 1990.
12. On February 8, 2007, SABRE Environmental Solutions, Inc. conducted a compliance evaluation audit ("CEA") of the Woodlawn Police Department pursuant to a Multi-Facility UST Compliance Audit which Respondent agreed to perform as part of the settlement set forth in the Consent Agreement, Final Order and Settlement Conditions Document, *In the Matter of County of Baltimore*, Docket Number RCRA-03-2006-0198 dated September 29, 2006.
13. At the time of the February 8, 2007 CEA, and at all times relevant hereto, one (1) UST, as described in the following subparagraph, was located at the Woodlawn Police Department Facility:
  - A. A 550 gallon tank that was installed in or about January 1, 1991 and that, at all times relevant hereto, routinely contained diesel fuel, a "regulated substance" as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
14. From January 1, 1991 until the date of this CAFO, the UST at the Woodlawn Police Department has been a "petroleum UST system" and "new tank system" as these terms are defined in COMAR § 26.10.02.04B(43) and (31), respectively.
15. The UST at the Woodlawn Police Department is and was, at all times relevant to this CAFO, used to store "regulated substance(s)" at Respondent's Woodlawn Police

Department Facility, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7) and COMAR § 26.10.02.04B(48).

16. On February 8, 2007, SABRE Environmental Solutions, Inc. conducted a compliance evaluation audit (“CEA”) of the Woodlawn Fire Department pursuant to a Multi-Facility UST Compliance Audit which Respondent agreed to perform as part of the settlement set forth in the Consent Agreement, Final Order and Settlement Conditions Document dated September 29, 2006, Docket Number RCRA-03-2006-0198.
17. At the time of the February 8, 2007 CEA, and at all times relevant hereto, two (2) USTs, as described in the following subparagraphs, were located at the Woodlawn Fire Department Facility:
  - A. A 1,000 gallon tank that was installed in or about October 1, 1995 and that, at all times relevant hereto, routinely contained diesel fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
  - B. A 600 gallon tank that was installed in or about October 1, 1995 and that, at all times relevant hereto, routinely contained used oil, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
18. From October 1, 1995 until the date of this CAFO, the USTs at the Woodlawn Fire Department have been “petroleum UST systems” and “new tank systems” as these terms are defined in COMAR § 26.10.02.04B(43) and (31), respectively.
19. USTs at the Woodlawn Fire Department are and were, at all times relevant to this CAFO, used to store “regulated substance(s)” at Respondent’s Woodlawn Fire Department Facility, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7) and COMAR § 26.10.02.04B(48).
20. On February 6, 2007, SABRE Environmental Solutions, Inc. conducted a compliance evaluation audit (“CEA”) of the Middle River Fire Station pursuant to a Multi-Facility UST Compliance Audit which Respondent agreed to perform as part of the settlement set forth in the Consent Agreement, Final Order and Settlement Conditions Document dated September 29, 2006, Docket Number RCRA-03-2006-0198.



21. At the time of the February 6, 2007 CEA, and at all times relevant hereto, one (1) UST, as described in the following subparagraph, was located at the Middle River Fire Station Facility:
  - A. A 1,000 gallon tank that was installed in or about March 1, 1990 and that, at all times relevant hereto, routinely contained diesel fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
22. From March 1, 1990 until the date of this CAFO, the UST at the Middle River Fire Station has been a “petroleum UST system” and “new tank system” as these terms are defined in COMAR § 26.10.02.04B(43) and (31), respectively.
23. The UST at the Middle River Fire Station is and was, at all times relevant to this CAFO, used to store “regulated substance(s)” at Respondent’s Middle River Fire Station Facility, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
24. On February 6, 2007, SABRE Environmental Solutions, Inc. conducted a compliance evaluation audit (“CEA”) of the White Marsh Police Station pursuant to a Multi-Facility UST Compliance Audit which Respondent agreed to perform as part of the settlement set forth in the Consent Agreement, Final Order and Settlement Conditions Document dated September 29, 2006, Docket Number RCRA-03-2006-0198.
25. At the time of the February 6, 2007 CEA, and at all times relevant hereto, one (1) UST, as described in the following subparagraph, was located at the White Marsh Police Station Facility:
  - A. A 4,000 gallon tank that was installed in or about January 1, 1988 and that, at all times relevant hereto, routinely contained gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
26. From January 1, 1988 until the date of this CAFO, the UST at the White Marsh Police Station has been a “petroleum UST system” and “existing tank system” as these terms are defined in COMAR § 26.10.02.04B(43) and (19), respectively.

27. The UST at the White Marsh Police Station is and was, at all times relevant to this CAFO, used to store “regulated substance(s)” at Respondent’s White Marsh Police Station Facility, as defined in Section 9001(7), of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
28. On February 8, 2007, SABRE Environmental Solutions, Inc. conducted a compliance evaluation audit (“CEA”) of the Wilkens Police Station pursuant to a Multi-Facility UST Compliance Audit which Respondent agreed to perform as part of the settlement set forth in the Consent Agreement, Final Order and Settlement Conditions Document dated September 29, 2006, Docket Number RCRA-03-2006-0198.
29. At the time of the February 8, 2007 CEA, and at all times relevant hereto, one (1) UST, as described in the following subparagraph, was located at the Wilkens Police Station Facility:
  - A. A 4,000 gallon tank that was installed in or about January 1, 1988 and that, at all times relevant hereto, routinely contained gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
30. From January 1, 1988 until the date of this CAFO, the UST at the Wilkens Police Station has been a “petroleum UST system” and “existing tank system” as these terms are defined in COMAR § 26.10.02.04B(43) and (19), respectively.
31. The UST at the Wilkens Police Station is and was, at all times relevant to this CAFO, used to store “regulated substance(s)” at Respondent’s Wilkens Police Station Facility, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
32. On May 2, 2007, SABRE Environmental Solutions, Inc. conducted a compliance evaluation audit (“CEA”) of the Edgemere Fire Station pursuant to a Multi-Facility UST Compliance Audit which Respondent agreed to perform as part of the settlement set forth in the Consent Agreement, Final Order and Settlement Conditions Document dated September 29, 2006, Docket Number RCRA-03-2006-0198.
33. At the time of the May 2, 2007 CEA, and at all times relevant hereto, two (2) USTs, as described in the following subparagraph, were located at the Edgemere Fire Station Facility:

- A. A 1,000 gallon tank that was installed in or about January 1, 1992 and that, at all times relevant hereto, routinely contained diesel fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
  - B. A 550 gallon tank that was installed in or about January 1, 1993, at all times relevant hereto, routinely contained waste oil, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
34. From January 1, 1992 until the date of this CAFO, the 1,000 gallon diesel fuel UST at the Edgemere Fire Station has been a “petroleum UST system” and a “new tank system” as these terms are defined in COMAR § 26.10.02.04B(43) and (31), respectively.
35. From January 1, 1993 until the date of this CAFO, the 550 gallon waste oil UST at the Edgemere Fire Station has been a “petroleum UST system” and a “new tank system” as these terms are defined in COMAR § 26.10.02.04B(43) and (31), respectively.
36. The USTs at the Edgemere Fire Station are and were, at all times relevant to this CAFO, used to store “regulated substance(s)” at Respondent’s Edgemere Fire Station Facility, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04 B(48).
37. On May 2, 2007, SABRE Environmental Solutions, Inc. conducted a compliance evaluation audit (“CEA”) of the Inwood Maintenance Shop pursuant to a Multi-Facility UST Compliance Audit which Respondent agreed to perform as part of the settlement set forth in the Consent Agreement, Final Order and Settlement Conditions Document dated September 29, 2006, Docket Number RCRA-03-2006-0198.
38. At the time of the May 2, 2007 CEA, and at all times relevant hereto, two (2) USTs, as described in the following subparagraphs, were located at the Inwood Maintenance Shop Facility:
- A. A 10,000 gallon tank that was installed in or about January 1, 1989 and that, at all times relevant hereto, routinely contained diesel fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).

- B. A 10,000 gallon tank that was installed in or about January 1, 1989 and that, at all times relevant hereto, routinely contained gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
- 39. From January 1, 1989 until the date of this CAFO, the USTs at the Inwood Maintenance Shop have been “petroleum UST systems” and “new tank systems” as these terms are defined in COMAR § 26.10.02.04B(43) and (31), respectively.
- 40. USTs at the Inwood Maintenance Shop are and were, at all times relevant to this CAFO, used to store “regulated substance(s)” at Respondent’s Inwood Maintenance Shop Facility, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
- 41. On April 25, 2007, SABRE Environmental Solutions, Inc. conducted a compliance evaluation audit (“CEA”) of the North Point Government Center pursuant to a Multi-Facility UST Compliance Audit which Respondent agreed to perform as part of the settlement set forth in the Consent Agreement, Final Order and Settlement Conditions Document dated September 29, 2006, Docket Number RCRA-03-2006-0198.
- 42. At the time of the April 25, 2007 CEA, and at all times relevant hereto, two (2) USTs, as described in the following subparagraph, were located at the North Point Government Center Facility:
  - A. A 4,000 gallon tank that was installed in or about January 1, 1988 and that, at all times relevant hereto, routinely contained gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
  - B. A 500 gallon emergency generator tank that was installed in or about January 1, 1988 and that, at all times relevant hereto, routinely contained gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
- 43. From January 1, 1988 until the date of this CAFO, the USTs at the North Point Government Center have been “petroleum UST systems” and “existing tank systems” as these terms are defined in COMAR § 26.10.02.04B(43) and (31), respectively.

44. The USTs at the North Point Government Center are and were, at all times relevant to this CAFO, used to store “regulated substance(s)” at Respondent’s North Point Government Center Facility, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
45. On May 2, 2007, SABRE Environmental Solutions, Inc. conducted a compliance evaluation audit (“CEA”) of the Randallstown Fire Station pursuant to a Multi-Facility UST Compliance Audit which Respondent agreed to perform as part of the settlement set forth in the Consent Agreement, Final Order and Settlement Conditions Document dated September 29, 2006, Docket Number RCRA-03-2006-0198.
46. At the time of the May 2, 2007 CEA, and at all times relevant hereto, two (2) USTs, as described in the following subparagraph, were located at the Randallstown Fire Station Facility:
  - A. A 1,000 gallon tank that was installed in or about April 1, 1990 and that, at all times relevant hereto, routinely contained diesel fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
  - B. A 550 gallon tank that was installed in or about April 1, 1990 and that, at all times relevant hereto, routinely contained gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
47. From April 1, 1990 until the date of this CAFO, the USTs at the Randallstown Fire Station have been “petroleum UST systems” and “new tank systems” as these terms are defined in COMAR § 26.10.02.04B(43) and (19), respectively.
48. The USTs at the Randallstown Fire Station are and were, at all times relevant to this CAFO, used to store “regulated substance(s)” at Respondent’s Randallstown Fire Station Facility, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
49. On April 25, 2007, SABRE Environmental Solutions, Inc. conducted a compliance evaluation audit (“CEA”) of the Dundalk Fire Station pursuant to a Multi-Facility UST Compliance Audit which Respondent agreed to perform as part of the settlement set forth

in the Consent Agreement, Final Order and Settlement Conditions Document dated September 29, 2006, Docket Number RCRA-03-2006-0198.

50. At the time of the April 25, 2007 CEA, and at all times relevant hereto, four (4) USTs, as described in the following subparagraph, were located at the Dundalk Fire Station Facility:
- A. Two manifolded 1,000 gallon tanks that were installed in or about January 1, 1987 and that, at all times relevant hereto, routinely contained diesel fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
  - B. A 550 gallon tank that was installed in or about January 1, 1987 and that, at all times relevant hereto, routinely contained diesel fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
  - C. A 600 gallon tank that was installed in or about January 3, 2003 and that, at all times relevant hereto, routinely contained waste oil, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
51. From January 1, 1987 until the date of this CAFO, the USTs used to store diesel fuel at the Dundalk Fire Station have been “petroleum UST systems” and “existing tank systems” as these terms are defined in COMAR § 26.10.02.04B(43) and (19), respectively.
52. From January 3, 2003 until the date of this CAFO, the UST used to store waste oil at the Dundalk Fire Station has been a “petroleum UST system” and “new tank system” as these terms are defined in COMAR § 26.10.02.04B(43) and (19), respectively.
53. The UST at the Dundalk Fire Station are and were, at all times relevant to this CAFO, used to store “regulated substance(s)” at Respondent’s Dundalk Fire Station Facility, as defined in Section 9001(7), of RCRA, 42 U.S.C. § 6991(7) and COMAR § 26.10.02.04B(48).
54. On July 5, 2007, SABRE Environmental Solutions, Inc. conducted a compliance evaluation audit (“CEA”) of the Essex Fuel Center pursuant to a Multi-Facility UST

Compliance Audit which Respondent agreed to perform as part of the settlement set forth in the Consent Agreement, Final Order and Settlement Conditions Document dated September 29, 2006, Docket Number RCRA-03-2006-0198.

55. At the time of the July 5, 2007 CEA, and at all times relevant hereto, two (2) USTs, as described in the following subparagraph, were located at the Essex Fuel Center Facility:
- A. An 8,000 gallon tank that was installed in or about May 1, 1988, at all times relevant hereto, routinely contained gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
  - B. An 8,000 gallon tank that was installed in or about May 1, 1988, at all times relevant hereto, routinely contained gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
56. From May 1, 1988 until the date of this CAFO, the two 8,000 gallon gasoline USTs at the Essex Fuel Center have been “petroleum UST systems” and “existing tank systems” as these terms are defined in COMAR § 26.10.02.04B(43) and (31), respectively.
57. The USTs at the Essex Fuel Center are and were, at all times relevant to this CAFO, used to store “regulated substance(s)” at Respondent’s Essex Fuel Center Facility, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04 B(48).
58. On July 5, 2007, SABRE Environmental Solutions, Inc. conducted a compliance evaluation audit (“CEA”) of the Towson Fuel Center pursuant to a Multi-Facility UST Compliance Audit which Respondent agreed to perform as part of the settlement set forth in the Consent Agreement, Final Order and Settlement Conditions Document dated September 29, 2006, Docket Number RCRA-03-2006-0198.
59. At the time of the July 5, 2007 CEA, and at all times relevant hereto, three (3) USTs, as described in the following subparagraphs, were located at the Towson Fuel Center Facility:
- A. A 10,000 gallon tank that was installed in or about January 1, 1986 and that, at all times relevant hereto, routinely contained gasoline, a “regulated

substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).

- B. A 10,000 gallon tank that was installed in or about January 1, 1986 and that, at all times relevant hereto, routinely contained gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
- C. A 6,000 gallon tank that was installed in or about January 1, 1986 and that, at all times relevant hereto, routinely contained diesel fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).

- 60. From January 1, 1986 until the date of this CAFO, the USTs at the Towson Fuel Center have been “petroleum UST systems” and “existing tank systems” as these terms are defined in COMAR § 26.10.02.04B(43) and (31), respectively.
- 61. The USTs at the Towson Fuel Center are and were, at all times relevant to this CAFO, used to store “regulated substance(s)” at Respondent’s Towson Fuel Center, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
- 62. On July 5, 2007, SABRE Environmental Solutions, Inc. conducted a compliance evaluation audit (“CEA”) of the Wight Avenue Fuel Center pursuant to a Multi-Facility UST Compliance Audit which Respondent agreed to perform as part of the settlement set forth in the Consent Agreement, Final Order and Settlement Conditions Document dated September 29, 2006, Docket Number RCRA-03-2006-0198.
- 63. At the time of the July 5, 2007 CEA, and at all times relevant hereto, three (3) USTs, as described in the following subparagraph, were located at the Wight Avenue Fuel Center Facility:
  - A. A 15,000 gallon tank that was installed in or about January 1, 1995 and that, at all times relevant hereto, routinely contained diesel fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).



- B. A 15,000 gallon tank that was installed in or about January 1, 1996 and that, at all times relevant hereto, routinely contained gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
  - C. A 1,000 gallon tank that was installed in or about January 1, 1996 and that, at all times relevant hereto, routinely contained used oil, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and COMAR § 26.10.02.04B(48).
64. From January 1, 1996 until the date of this CAFO, the USTs at the Wight Avenue Fuel Center have been “petroleum UST systems” and “new tank systems” as these terms are defined in COMAR § 26.10.02.04B(43) and (31), respectively.
65. The USTs at the Wight Avenue Fuel Center are and were, at all times relevant to this CAFO, used to store “regulated substance(s)” at Respondent’s Wight Avenue Fuel Center Facility, as defined in Section 9001(7), of RCRA, 42 U.S.C. § 6991(7) and COMAR § 26.10.02.04B(48).

COUNT I

(Financial Responsibility Requirements-Woodlawn Police Department)

66. The allegations of Paragraphs 1 through 65 of the CAFO are incorporated herein by reference.
67. COMAR § 26.10.11.01 incorporates by reference 40 C.F.R. §§ 280.90 through 280.112, as amended through October 31, 1990 (except that, among other things, the requirements for “owners and operators” as set forth in those provisions are to be assumed solely by the “owner” as that term is defined in 40 C.F.R. § 280.12 and COMAR § 26.10.02.04).
68. 40 C.F.R. § 280.93(a), which is incorporated by reference into COMAR § 26.10.11.01A, provides, in pertinent part, that owners and operators of petroleum UST systems are required, with exceptions not relevant hereto, to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs for at least the amounts described therein.

69. 40 C.F.R. § 280.94, which is incorporated by reference into COMAR 26.10.11.01, provides, with limitations not relevant to this matter, that an owner or operator may demonstrate financial responsibility using any of the mechanisms set forth in 40 C.F.R. §§ 280.95 through 280.103.
70. Local government owners of USTs were required to comply with the requirements of COMAR § 26.10.11, which incorporates by reference 40 C.F.R. §§ 280.90-280.112, by February 18, 1994.
71. From at least September 29, 2003 to September 14, 2006, Respondent did not demonstrate financial responsibility for the UST at the Woodlawn Police Department Facility by any of the methods set forth in 40 C.F.R. §§ 280.95 through 280.103, incorporated by reference into COMAR 26.10.11.01.
72. Respondent's act and/or omission as alleged in paragraph 71, above, constitutes a violation by Respondent of COMAR § 26.10. 11.01, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

## COUNT II

### (Release Detection-Woodlawn Fire Department)

73. The allegations of Paragraphs 1 through 72 of the CAFO are incorporated herein by reference.
74. COMAR § 26.10.05.02.B provides, *inter alia*, that owners and operators of petroleum USTs must monitor each UST for releases at least every thirty (30) days using one of the methods described in COMAR § 26.10.05.04.E-I, with exceptions not relevant to this matter.
75. Respondent did not perform release detection as required by COMAR § 26.10.05.02.B on the 1,000 gallon diesel UST at the Woodlawn Fire Department from September 29, 2003 - May 31, 2006.
76. Respondent violated COMAR § 26.10.05.02.B by failing to perform release detection required by COMAR § 26.10.05.02.B for the UST at the Woodlawn Fire Department, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT III  
(Overfill Protection-Woodlawn Fire Department)

- 77. The allegations of Paragraphs 1 through 76 of the CAFO are incorporated herein by reference.
- 78. COMAR § 26.10.03.01D provides in pertinent part that to prevent spilling and overfilling associated with product transfer to the UST system, all new UST systems must comply with UST system spill and overfill prevention equipment requirements.
- 79. At the time of the CEA on February 8, 2007, the 1,000 gallon diesel UST at the Woodlawn Fire Department did not have overfill protection as required by COMAR § 26.10.03.01D(1)(b).
- 80. Respondent violated COMAR § 26.10.03.01.D(1)(b) by not having overfill protection for its 1,000 gallon diesel UST at the Woodlawn Fire Department, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT IV  
(Financial Responsibility Requirements-Woodlawn Fire Department)

- 81. The allegations of Paragraphs 1 through 80 of the CAFO are incorporated herein by reference.
- 82. From at least September 29, 2003 to September 14, 2006, Respondent did not demonstrate financial responsibility for the UST at the Woodlawn Fire Department Facility by any of the methods set forth in 40 C.F.R. §§ 280.95 through 280.103, incorporated by reference into COMAR § 26.10.11.01.
- 83. Respondent's act and/or omission as alleged in paragraph 82, above, constitutes a violation by Respondent of COMAR § 26.10.11.01, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT V  
(Release Detection-Middle River Fire Station)

- 84. The allegations of Paragraphs 1 through 83 of the CAFO are incorporated herein by reference.

- 85. Respondent did not perform release detection as required by COMAR § 26.10.05.02.B on the 1,000 gallon diesel UST at the Middle River Fire Station from September 29, 2003 - March 15, 2006 and April 15, 2006 - May 31, 2006.
- 86. Respondent violated COMAR § 26.10.05.02.B by failing to perform release detection as required by COMAR § 26.10.05.02.B for the 1,000 gallon diesel UST at the Middle River Fire Station, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT VI

(Financial Responsibility Requirements-Middle River Fire Station)

- 87. The allegations of Paragraphs 1 through 86 of the CAFO are incorporated herein by reference.
- 88. From at least September 29, 2003 to September 14, 2006, Respondent did not demonstrate financial responsibility for the UST at the Middle River Fire Station Facility by any of the methods set forth in 40 C.F.R. §§ 280.95 through 280.103, incorporated by reference into COMAR 26.10.11.01.
- 89. Respondent's act and/or omission as alleged in paragraph 88, above, constitutes a violation by Respondent of COMAR § 26.10.11.01, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT VII

(Release Detection-White Marsh Police Station)

- 90. The allegations of Paragraphs 1 through 89 of the CAFO are incorporated herein by reference.
- 91. Respondent did not perform release detection as required by COMAR § 26.10.05.02.B on the 4,000 gallon gasoline UST at the White Marsh Police Station from September 29, 2003-April 30, 2006.
- 92. Respondent violated COMAR § 26.10.05.02.B by failing to perform release detection as required by COMAR § 26.10.05.02.B for the 4,000 gallon UST at the White Marsh Police Station, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT VIII

(Corrosion Protection-White Marsh Police Station)

93. The allegations of Paragraphs 1 through 92 of the CAFO are incorporated herein by reference.
94. COMAR § 26.10.03.02C provides that metal piping that is in contact with the ground must be cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and must meet the requirements of COMAR § 26.10.03.01C(2)(b), (c) and (d).
95. Respondent did not provide cathodic protection for the metal piping in contact with the ground associated with the 4,000 gallon gasoline UST at the White Marsh Police Station as specified in COMAR § 26.10.03.02C from September 29, 2003 until April 27, 2007.
96. Respondent violated COMAR § 26.10.03.02C by not having cathodic protection on metal piping associated with the 4,000 gallon gasoline UST at the White Marsh Police Station, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT IX

(Financial Responsibility Requirements-White Marsh Police Station)

97. The allegations of Paragraphs 1 through 96 of the CAFO are incorporated herein by reference.
98. From at least September 29, 2003 to September 14, 2006, Respondent did not demonstrate financial responsibility for the UST at the White Marsh Police Station Facility by any of the methods set forth in 40 C.F.R. §§ 280.95 through 280.103, incorporated by reference into COMAR § 26.10.11.01.
99. Respondent's act and/or omission as alleged in paragraph 98, above, constitutes a violation by Respondent of COMAR § 26.10.11.01, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

107. Respondent did not perform release detection as required by COMAR § 26.10.05.02.B on the 1,000 gallon diesel UST at the Edgemere Fire Station from September 29, 2003-June 30, 2006.
108. Respondent did not perform release detection as required by COMAR § 26.10.05.02.B on the 550 gallon waste oil UST at the Edgemere Fire Station from September 29, 2003-May 2, 2007.
109. Respondent violated COMAR § 26.10.05.02.B by failing to perform release detection required by COMAR § 26.10.05.02.B for the two USTs at the Edgemere Fire Station, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XIII

(Failure to Perform Tightness Testing for Suction Piping - Edgemere Fire Station)

110. The allegations of Paragraphs 1 through 109 of the CAFO are incorporated herein by reference.
111. COMAR § 26.10.05.02C(3) provides, with exceptions not relevant here, that underground piping that routinely contains and conveys regulated substances under suction shall either have a line tightness test at least every 3 years in accordance with COMAR § 26.10.05.05C, or use a monthly monitoring method in accordance with COMAR § 26.10.05.05D.
112. From September 30, 2003 until June 20, 2006, the 1,000 gallon diesel UST at the Edgemere Fire Station, which routinely contained and conveyed regulated substances under suction during such time period had not been tested for tightness in the previous three years nor had Respondent use a monthly monitoring method during such time period.
113. Respondent violated COMAR § 26.10.05.02C(3) by not testing or monitoring monthly, underground piping that routinely contains and conveys regulated substances under suction for the 1,000 gallon diesel UST at the Edgemere Fire Station, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XIV

(Failure to Provide Corrosion Protection - Edgemere Fire Station)

114. The allegations of Paragraphs 1 through 113 of the CAFO are incorporated herein by reference.
115. COMAR § 26.10.03.01C provides that piping that is in contact with the ground shall be properly designed, constructed and protected from corrosion as specified therein.
116. The steel piping associated with the 1,000 gallon diesel UST at the Edgemere Fire Station, which was in contact with the ground, was not protected from corrosion as specified in COMAR § 26.10.03.01C from September 29, 2003 to May 2, 2007.
117. Respondent violated COMAR § 26.10.03.01C by not providing corrosion protection for the underground steel piping associated with the 1,000 gallon diesel UST at the Edgemere Fire Station, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XV

(Failure to Comply with Financial Responsibility Requirements - Edgemere Fire Station)

118. The allegations of Paragraphs 1 through 117 of the CAFO are incorporated herein by reference.
119. From at least September 29, 2003 to September 14, 2006, Respondent did not demonstrate financial responsibility for the USTs at the Edgemere Fire Station Facility by any of the methods set forth in 40 C.F.R. §§ 280.95 through 280.103, incorporated by reference into COMAR § 26.10.11.01.
120. Respondent's act and/or omission as alleged in paragraph 119, above, constitutes a violation of by Respondent of COMAR § 26.10. 11.01, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XVI

(Failure to Provide Release Detection - Inwood Maintenance Shop)

121. The allegations of Paragraphs 1 through 120 of the CAFO are incorporated herein by reference.

122. Respondent did not perform release detection as required by COMAR § 26.10.05.02.B on the 10,000 gallon diesel UST at the Inwood Maintenance Shop from September 29, 2003-June 30, 2006.
123. Respondent did not perform release detection as required by COMAR § 26.10.05.02.B on the 10,000 gallon gasoline UST at the Inwood Maintenance Shop from September 29, 2003-May 31, 2006 and for July 1, 2006-August 31, 2006.
124. Respondent violated COMAR § 26.10.05.02.B by failing to perform release detection required by COMAR § 26.10.05.02.B for the two USTs at the Inwood Maintenance Shop, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XVII

(Failure to Investigate a Suspected Release - Inwood Maintenance Shop)

125. The allegations of Paragraphs 1 through 124 of the CAFO are incorporated herein by reference.
126. COMAR § 26.10.08.01B requires owners and operators of UST systems, with exceptions not relevant hereto, to investigate suspected releases in accordance with COMAR § 26.10.08.03 when monitoring results from a release detection method required under COMAR § 26.10.05.02 and .03 indicate a release may have occurred.
127. Respondent's release detection method for the 10,000 gallon UST at the Inwood Maintenance Shop is and, at the time of the violation alleged in this count, was, required by COMAR § 26.10.05.02.
128. Respondent's release detection method, Statistical Inventory Reconciliation ("SIR"), indicated a potential release on November and December 2006 and January and February 2007 from Respondent's 10,000 gallon gasoline UST at the Inwood Maintenance Shop.
129. Respondent did not investigate the suspected releases indicated by the monitoring results from Respondent's release detection method for the months of November and December 2006 and January and February 2007 for Respondent's 10,000 gallon gasoline UST at the Inwood Maintenance Shop in accordance with COMAR § 26.10.08.03.
130. Respondent violated COMAR § 26.10.08.01B by not investigating suspected releases from the 10,000 gallon gasoline UST at the Inwood Maintenance Shop as when



monitoring results from its release detection method indicated potential releases, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XVIII

(Failure to Report a Report a Suspected Release - Inwood Maintenance Shop)

131. The allegations of Paragraphs 1 through 130 of the CAFO are incorporated herein by reference.
132. COMAR § 26.10.08.01B requires owners and operators of UST systems, with exceptions not relevant hereto, to report to MDE as required by COMAR § 26.10.08.01A, when monitoring results from a release detection method required under COMAR § 26.10.05.02 and .03 indicate a release may have occurred.
133. Respondent did not report to MDE the suspected releases indicated by the monitoring results from Respondent's release detection method for the months of November and December 2006 and January and February 2007 for Respondent's 10,000 gallon gasoline UST at the Inwood Maintenance Shop as required by COMAR § 26.10.08.01A ad B.
134. Respondent violated COMAR § 26.10.08.01B by not reporting suspected releases from the 10,000 gallon gasoline UST at the Inwood Maintenance Shop when monitoring results from its release detection method indicated potential releases, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XIX

(Failure to Perform Line Leak Detector Testing - Inwood Maintenance Shop)

135. The allegations of Paragraphs 1 through 134 of the CAFO are incorporated herein by reference.
136. COMAR § 26.10.05.02C(2)(a) provides that underground piping that routinely contains regulated substances and conveys regulated substances under pressure must be equipped with an automatic line leak detector which must be tested annually as required by COMAR § 26.10.05.05B.
137. Respondent failed to conduct annual tests of the line leak detectors for the piping associated with the two 10,000 gallon USTs used to store diesel fuel and gasoline at the Inwood Maintenance Shop, both of which routinely contained regulated substances and

conveys regulated substances under pressure, from September 29, 2003 through March 11, 2006.

138. Respondent violated COMAR 26.10.05.05B by failing to have an annual test for the operation of the line leak detectors associated with the two 10,000 gallon USTs used to store diesel fuel and gasoline at the Inwood Maintenance Shop from September 29, 2003 through March 11, 2006, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. 6991e.

COUNT XX

(Failure to Perform Annual Line Tightness Test - Inwood Maintenance Shop)

139. The allegations of Paragraphs 1 through 138 of the CAFO are incorporated herein by reference.
140. COMAR § 26.10.05.02C(2)(b) provides that underground piping that routinely contains regulated substances and conveys regulated substances under pressure must have an annual line tightness test conducted in accordance with COMAR § 26.10.05.05C or have monthly monitoring conducted in accordance with COMAR § 26.10.05.05D.
141. Respondent did not conduct monthly monitoring in accordance with COMAR § 26.10.05.05D of the pressurized piping associated with the two 10,000 gallon USTs used to store diesel fuel and gasoline at the Inwood Maintenance Shop.
142. Respondent did not perform a line tightness test in accordance with COMAR § 26.10.05.05C for the pressurized piping associated with the two 10,000 gallon USTs used to store diesel fuel and gasoline at the Inwood Maintenance Shop September 29, 2003 through March 11, 2006.
143. Respondent violated COMAR § 26.10.05.02C(2)(b) by not performing an annual line tightness test conducted in accordance with COMAR § 26.10.05.05C or monthly monitoring conducted in accordance with COMAR § 26.10.05.05D for the pressurized piping associated with the two 10,000 gallon USTs used to store diesel fuel and gasoline at the Inwood Maintenance Shop from September 29, 2003 through March 11, 2006, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. 6991e.

COUNT XXI

(Failure to Provide Corrosion Protection - Inwood Maintenance Shop)

144. The allegations of Paragraphs 1 through 143 of the CAFO are incorporated herein by reference.
145. Respondent did not provide corrosion protection for the metal piping in contact with the ground associated with the two 10,000 gallon USTs used to store diesel fuel and gasoline at the Inwood Maintenance Shop as specified in COMAR § 26.10.03.01C from September 29, 2003 through May 2, 2007.
146. Respondent violated COMAR § 26.10.03.01C by not having corrosion protection for metal piping associated with the two 10,000 gallon USTs used to store diesel fuel and gasoline at the Inwood Maintenance Shop from September 29, 2003 until May 2, 2007, 2006, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XXII

(Failure to Comply with Financial Responsibility Requirements - Inwood Maintenance Shop)

147. The allegations of Paragraphs 1 through 146 of the CAFO are incorporated herein by reference.
148. From at least September 29, 2003 to September 14, 2006, Respondent did not demonstrate financial responsibility for the USTs at the Inwood Maintenance Shop Facility by any of the methods set forth in 40 C.F.R. §§ 280.95 through 280.103, incorporated by reference into COMAR § 26.10.11.01.
149. Respondent's act and/or omission as alleged in paragraph 148, above, constitutes a violation by Respondent of COMAR § 26.10.11.01, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XXIII

(Failure to Provide Release Detection - North Point Government Center)

150. The allegations of Paragraphs 1 through 149 of the CAFO are incorporated herein by reference.

- 151. Respondent did not perform release detection as required by COMAR § 26.10.05.02.B on the 4,000 gallon gasoline UST at the North Point Government Center from September 29, 2003 through April 30, 2006.
- 152. Respondent violated COMAR § 26.10.05.02.B by failing to perform release detection required by COMAR § 26.10.05.02.B for the 4,000 gallon gasoline UST at the North Point Government Center, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XXIV

(Failure to Provide Corrosion Protection - North Point Government Center)

- 153. The allegations of Paragraphs 1 through 152 of the CAFO are incorporated herein by reference.
- 154. Respondent did not provide cathodic protection for the metal piping in contact with the ground associated with the one 4,000 gallon UST used to store gasoline at the North Point Government Center from September 29, 2003 until April 25, 2007 as specified in COMAR § 26.10.03.02(C).
- 155. Respondent violated COMAR § 26.10.03.02C by not having cathodic protection for metal piping associated with the one 4,000 gallon UST used to store gasoline at the North Point Government Center from September 29, 2003 until April 25, 2007, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XXV

(Failure to Comply with Financial Responsibility Requirements - North Point Government Center)

- 156. The allegations of Paragraphs 1 through 155 of the CAFO are incorporated herein by reference.
- 157. From at least September 29, 2003 to September 14, 2006, Respondent did not demonstrate financial responsibility for the USTs at the North Point Government Center Facility by any of the methods set forth in 40 C.F.R. §§ 280.95 through 280.103, incorporated by reference into COMAR § 26.10.11.01.

158. Respondent's act and/or omission as alleged in paragraph 157 above, constitutes a violation by Respondent of COMAR § 26.10.11.01, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XXVI

(Failure to Provide Release Detection - Randallstown Fire Station)

159. The allegations of Paragraphs 1 through 158 of the CAFO are incorporated herein by reference.
160. Respondent did not perform release detection as required by COMAR § 26.10.05.02.B on the 1,000 gallon diesel UST and the 550 gallon gasoline UST at the Randallstown Fire Station from September 29, 2003-February 28, 2006; April 1, 2006-July 31, 2006; and September 1, 2006-November 30, 2006.
161. Respondent violated COMAR § 26.10.05.02.B by failing to perform release detection required by COMAR § 26.10.05.02.B for the 1,000 gallon diesel UST and the 550 gallon gasoline UST at the Randallstown Fire Station, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XXVII

(Failure to Provide Corrosion Protection - Randallstown Fire Station)

162. The allegations of Paragraphs 1 through 161 of the CAFO are incorporated herein by reference.
163. Respondent did not provide corrosion protection for the metal piping in contact with the ground associated with the 1,000 gallon diesel UST at the Randallstown Fire Station as specified in COMAR § 26.10.03.01C from September 29, 2003 until May 2, 2007.
164. Respondent violated COMAR § 26.10.03.01C by not having corrosion protection on metal piping associated with the 1,000 gallon diesel UST at the Randallstown Fire Station from September 29, 2003 until May 2, 2007, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XXVIII

(Failure to Comply with Financial Responsibility Requirements - Randallstown Fire Station)

165. The allegations of Paragraphs 1 through 164 of the CAFO are incorporated herein by reference.
166. From at least September 29, 2003 to September 14, 2006, Respondent did not demonstrate financial responsibility for the USTs at the Randallstown Fire Station Facility by any of the methods set forth in 40 C.F.R. §§ 280.95 through 280.103, incorporated by reference into COMAR § 26.10.11.01.
167. Respondent's act and/or omission as alleged in paragraph 166 above, constitutes a violation by Respondent of COMAR § 26.10.11.01, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XXIX

(Failure to Provide Release Detection - Dundalk Fire Station)

168. The allegations of Paragraphs 1 through 167 of the CAFO are incorporated herein by reference.
169. Respondent did not perform release detection as required by COMAR § 26.10.05.02.B on two manifolded 1,000 gallon diesel USTs at the Dundalk Fire Station from September 29, 2003 through April 11, 2006 and May 11, 2006 through July 31, 2006.
170. Respondent violated COMAR § 26.10.05.02.B by failing to perform release detection required by COMAR § 26.10.05.02.B for the two manifolded 1,000 gallon diesel USTs at the Dundalk Fire Station, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XXX

(Failure to Provide Corrosion Protection - Dundalk Fire Station)

171. The allegations of Paragraphs 1 through 170 of the CAFO are incorporated herein by reference.
172. Respondent did not provide cathodic protection for the metal piping in contact with the ground associated with the two 1,000 gallon manifolded diesel USTs at the Dundalk Fire

Station from September 29, 2003 until April 25, 2007, as specified in COMAR § 26.10.03.02C .

173. Respondent violated COMAR § 26.10.03.02C by not having cathodic protection on metal piping associated with the two 1,000 gallon manifolded diesel USTs at the Dundalk Fire Station from September 29, 2003 until April 25, 2007, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

#### COUNT XXXI

(Failure to Comply with Financial Responsibility Requirements - Dundalk Fire Station)

174. The allegations of Paragraphs 1 through 173 of the CAFO are incorporated herein by reference.
175. From at least September 29, 2003 to September 14, 2006, Respondent did not demonstrate financial responsibility for the USTs at the Dundalk Fire Station Facility by any of the methods set forth in 40 C.F.R. §§ 280.95 through 280.103, incorporated by reference into COMAR 26.10.11.01.
176. Respondent's act and/or omission as alleged in paragraph 175 above, constitutes a violation by Respondent of COMAR § 26.10.11.01, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

#### COUNT XXXII

(Failure to Provide Release Detection - Essex Fuel Center)

177. The allegations of Paragraphs 1 through 176 of the CAFO are incorporated herein by reference.
178. Respondent did not perform release detection as required by COMAR § 26.10.05.02.B on the two 8,000 gallon gasoline USTs at the Essex Fuel Center from September 29, 2003-March 31, 2006 and May 1, 2006-June 30, 2006.
179. Respondent violated COMAR § 26.10.05.02.B by failing to perform release detection required by COMAR § 26.10.05.02.B for the two gasoline 8,000 gallon USTs at the Essex Fuel Center, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XXXIII

(Failure to Perform Line Leak Detector Testing - Essex Fuel Center)

180. The allegations of Paragraphs 1 through 179 of the CAFO are incorporated herein by reference.
181. Respondent failed to conduct annual tests of the line leak detector for the piping associated with the two 8,000 gallon USTs used to store gasoline at the Essex Fuel Center, both of which routinely contained regulated substances and conveyed regulated substances under pressure, from September 29, 2003 through April 1, 2006.
182. Respondent violated COMAR 26.10.05.05B by failing to have an annual test for the operation of the line leak detector associated with the two 8,000 gallon USTs used to store diesel fuel and gasoline at the Essex Fuel Center from September 29, 2003 through April 1, 2006, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. 6991e.

COUNT XXXIV

(Failure to Perform Annual Line Tightness Test - Essex Fuel Center)

183. The allegations of Paragraphs 1 through 182 of the CAFO are incorporated herein by reference.
184. Respondent did not conduct monthly monitoring in accordance with COMAR § 26.10.05.05D of the pressurized piping associated with the two 8,000 gallon USTs used to store gasoline at the Essex Fuel Center.
185. Respondent did not perform a line tightness test in accordance with COMAR § 26.10.05.05C for the pressurized piping associated with the two 8,000 gallon USTs used to store gasoline at the Essex Fuel Center from September 29, 2003 through April 1, 2006.
186. Respondent violated COMAR § 26.10.05.02C(2)(b) by not performing an annual line tightness test conducted in accordance with COMAR § 26.10.05.05C or monthly monitoring conducted in accordance with COMAR § 26,10.05.05D, for the pressurized piping associated with the two 8,000 gallon USTs used to store gasoline at the Essex Fuel Center, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. 6991e.



COUNT XXXV

(Failure to Comply with Financial Responsibility Requirements - Essex Fuel Center)

187. The allegations of Paragraphs 1 through 186 of the CAFO are incorporated herein by reference.
188. From at least September 29, 2003 to September 14, 2006, Respondent did not demonstrate financial responsibility for the two USTs at the Essex Fuel Center Facility by any of the methods set forth in 40 C.F.R. §§ 280.95 through 280.103, incorporated by reference into COMAR 26.10.11.01.
189. Respondent's act and/or omission as alleged in paragraph 188, above, constitutes a violation of by Respondent of COMAR § 26.10. 11.01, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XXXVI

(Failure to Provide Release Detection - Towson Fuel Center)

190. The allegations of Paragraphs 1 through 189 of the CAFO are incorporated herein by reference.
191. Respondent did not perform release detection as required by COMAR § 26.10.05.02.B on the two 10,000 gallon gasoline USTs and the 6,000 gallon diesel UST at the Towson Fuel Center from September 29, 2003-February 28, 2006 and April 1-June 30, 2006.
192. Respondent violated COMAR § 26.10.05.02.B by failing to perform release detection required by COMAR § 26.10.05.02.B for the three USTs at the Towson Fuel Center, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XXXVII

(Failure to Comply with Financial Responsibility Requirements - Towson Fuel Center)

193. The allegations of Paragraphs 1 through 192 of the CAFO are incorporated herein by reference.
194. From at least September 29, 2003 to September 14, 2006, Respondent did not demonstrate financial responsibility for the three USTs at the Towson Fuel Center

Facility by any of the methods set forth in 40 C.F.R. §§ 280.95 through 280.103, incorporated by reference into COMAR § 26.10.11.01.

195. Respondent's act and/or omission as alleged in paragraph 194, above, constitutes a violation by Respondent of COMAR § 26.10.11.01, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XXXVIII

(Failure to Provide Release Detection - Wight Avenue Fuel Center)

196. The allegations of Paragraphs 1 through 195 of the CAFO are incorporated herein by reference.
197. Respondent did not perform release detection as required by COMAR § 26.10.05.02.B on the 15,000 gallon gasoline UST and 15,000 gallon diesel fuel UST at the Wight Avenue Fuel Center from September 29, 2003 through February 28, 2006; April 2006, and June 2006.
198. Respondent did not perform release detection as required by COMAR § 26.10.05.02.B on the 1,000 gallon waste oil UST at the Wight Avenue Fuel Center from September 29, 2003 through July 5, 2007.
199. Respondent violated COMAR § 26.10.05.02.B by failing to perform release detection required by COMAR § 26.10.05.02.B for the 15,000 gallon gasoline UST, the 15,000 gallon diesel UST and the 1,000 gallon UST at the Wight Avenue Fuel Center, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

COUNT XXXIX

(Failure to Perform Line Leak Detector Testing - Wight Avenue Fuel Center)

200. The allegations of Paragraphs 1 through 199 of the CAFO are incorporated herein by reference.
201. Respondent failed to conduct annual tests of the line leak detectors for the piping associated with the two 15,000 gallon USTs used to store gasoline and diesel fuel at the Wight Avenue Fuel Center both of which routinely contained regulated substances and conveyed regulated substances under pressure, from April 16, 2004 through July 5, 2007.

202. Respondent violated COMAR 26.10.05.05B by failing to have an annual test for the operation of the line leak detectors associated with the two 15,000 gallon USTs used to store gasoline and diesel fuel at the Wight Avenue Fuel Center from April 16, 2004 through July 5, 2007, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. 6991e.

COUNT XL

(Failure to Perform Annual Line Tightness Test - Wight Avenue Fuel Center)

203. The allegations of Paragraphs 1 through 202 of the CAFO are incorporated herein by reference.
204. Respondent did not conduct monthly monitoring in accordance with COMAR § 26.10.05.05D for the pressurized piping associated with the two 15,000 gallon USTs used to store gasoline and diesel fuel at the Wight Avenue Fuel Center.
205. Respondent did not perform a line tightness test in accordance with COMAR § 26.10.05.05C for the pressurized piping associated with the two 15,000 gallon USTs used to store gasoline and diesel fuel at the Wight Avenue Fuel Center from April 16, 2004 through July 5, 2007.
206. Respondent violated COMAR § 26.10.05.02C(2)(b) by not performing an annual line tightness test conducted in accordance with COMAR § 26.10.05.05C or monthly monitoring in accordance with COMAR § 26.10.05.05D, for the pressurized piping associated with the two 15,000 gallon USTs used to store gasoline and diesel fuel at the Wight Avenue Fuel Center from April 16, 2004 through July 5, 2007, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. 6991e.

COUNT XIL

(Failure to Comply with Financial Responsibility Requirements - Wight Avenue Fuel Center)

207. The allegations of Paragraphs 1 through 206 of the CAFO are incorporated herein by reference.
208. From at least September 29, 2003 to September 14, 2006, Respondent did not demonstrate financial responsibility for the three USTs at the Wight Avenue Fuel Center Facility by any of the methods set forth in 40 C.F.R. §§ 280.95 through 280.103, incorporated by reference into COMAR § 26.10.11.01.

209. Respondent's act and/or omission as alleged in paragraph 208 above, constitutes a violation by Respondent of COMAR § 26.10.11.01, for which penalties may be assessed pursuant to RCRA § 9006, 42 U.S.C. § 6991e.

### **III. COMPLIANCE ORDER**

Pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, Respondent is hereby ordered to:

210. At all times after the effective date of this CAFO, comply with the release detection requirements of COMAR § 26.10.05 for all UST systems located at the Audited Facilities.
211. At all times after the effective date of this CAFO, comply with the financial responsibility requirements of COMAR § 26.10.11.01 for all UST systems located at the Audited Facilities.
212. At all times after the effective date of this CAFO, comply with the overfill requirements of COMAR § 26.10.03.01D for all UST systems located at the Audited Facilities.
213. At all times after the effective date of this CAFO, comply with the corrosion protection requirements of COMAR § 26.10.03.01C or 02C, as applicable, for all UST systems located at the Audited Facilities.
214. At all times after the effective date of this CAFO, comply with the requirements of COMAR § 26.10.08 for reporting and investigating suspected releases at the Audited Facilities.
215. Any notice, report, certification, data presentation, or other document submitted by Respondent pursuant to this CAFO which discusses, describes, demonstrates, supports any finding or makes any representation concerning Respondent's compliance or noncompliance with any requirements of this CAFO shall be certified by a "responsible corporate officer" of Respondent, as defined in 40 C.F.R. § 270.11(a)(1).
216. The certification of the responsible corporate officer required above shall be in the following form:

I certify that the information contained in or accompanying this [type of submission] is true, accurate, and complete. As to [the/those] identified portions of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [type of submission] and all attachments were prepared 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 am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

217. All documents and reports to be submitted pursuant to this CAFO shall be sent to the following persons:

a. Documents to be submitted to EPA shall be sent certified mail, return receipt requested to:

Ms. Stacie Peterson (3WC31)  
U. S. Environmental Protection Agency Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

b. One copy of all documents submitted to EPA shall be sent first class mail to:

Mr. Herb Meade  
Administrator, Oil Control Program  
Maryland Department of the Environment  
Montgomery Park Business Center

1800 Washington Blvd., Suite 620  
Baltimore, MD 21230

**IV. SUPPLEMENTAL ENVIRONMENTAL PROJECT**

218. Respondent shall complete the following SEP, which the parties agree is intended to secure significant environmental or public health protections. No more than SIXTY (60) DAYS after receiving a true and correct copy of this fully executed and effective CAFO, Respondent shall commence the Centralized Polling Monitoring System for eight (8) fueling stations and audible overfill alarms at four (4) heating oil storage sites as described in the SEP Statement of Work ("SEP SOW") appended to this Consent Agreement as Attachment A.
219. The SEP SOW (Attachment A) shall be fully implemented within THREE HUNDRED SIXTY FIVE (365) DAYS of the effective date of the CAFO.
220. The total required Actual SEP Expenditures shall not be less than \$90,000.
221. Respondent shall include documentation of the expenditures made in connection with the SEP as part of the SEP Completion Report described in Paragraph 223.
222. Respondent hereby certifies that, as of the date of its signature to this Consent Agreement, Respondent is not required to perform or develop the SEP by any federal, state or local law or regulation; nor is Respondent required to perform or develop the SEP by any other agreement, or grant or as injunctive relief in this or any other legal proceeding or in compliance with state or local requirements. Respondent further certifies that it has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP or any portion thereof.
223. Respondent shall submit a SEP Completion Report to EPA no later than FOUR HUNDRED FIFTY- FIVE (455) DAYS after the effective date of this CAFO. The SEP Completion Report shall contain the following information:
- (i) A detailed description of the SEP as implemented, describing how the SEP has fulfilled all the requirements described in the SEP SOW;
  - (ii) A description of any operating problems encountered and the solutions utilized by Respondent to address such problems;

- (iii) An itemization of costs incurred in implementing the SEP. In itemizing its costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all Actual SEP Expenditures as provided by Paragraph 225. Where the SEP Completion Report includes costs incurred by Respondent not eligible for SEP credit, such costs must be clearly identified in the SEP Completion Report as ineligible for SEP credit. For purposes of this Paragraph, "Actual SEP Expenditures" shall include the costs for the design, development, installation and implementation of the Centralized Polling Monitoring System for eight (8) fueling stations and audible overfill alarms at four (4) heating oil storage sites as specified in the SEP SOW;
  - (iv) Certification in accordance with Paragraph 216 of this CAFO that the SEP has been fully implemented pursuant to the provisions of this CAFO; and
  - (v) A description and a quantitative and qualitative estimation of the environmental and public health benefits resulting from implementation of the SEP.
224. Failure to submit a SEP Completion Report required by Paragraph 223, above, shall be a violation of this CAFO and Respondent shall become liable for stipulated penalties pursuant to Paragraph 232E, below.
225. In itemizing the costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all Actual SEP Expenditures. For purposes of this Paragraph, "acceptable documentation" for itemizing Actual SEP Expenditures includes invoices, purchase orders, canceled checks, or other documentation that specifically identifies and itemizes the Actual SEP Expenditures for the goods and/or services for which payment is being made by Respondent. Canceled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual cost of the goods and/or services for which payment is being made.
226. EPA may inspect any location listed in the SEP SOW at any time to confirm that the SEP is being undertaken in conformity with the specifications referenced herein.
227. Respondent shall maintain for inspection by EPA the original records pertaining to Actual SEP Expenditures incurred in implementing the SEP, such as purchase orders, receipts, and/or canceled checks, for a period of one year following EPA's issuance of a "Letter of Remittance Upon Satisfaction of Settlement Conditions" for the SEP as provided in Paragraph 243 of this CAFO. Respondent shall also maintain non-financial records, such

as work orders and work reports, documenting the actual implementation and/or performance of the SEP for a period of one year following EPA's issuance of a Letter Remittance Upon Satisfaction of Settlement Conditions for the SEP as provided in Paragraph 243 of this CAFO. In all documents and reports, including without limitation, any SEP report, submitted to EPA pursuant to this CAFO Respondent shall, by a responsible officer in charge of the implementation of the SEP, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and complete in accordance with Paragraph 216 of this CAFO.

- 228. Following receipt of the SEP Completion Report described in Paragraph 223 above, EPA will do one of the following:
  - A. Notify Respondent in writing of any deficiency in the SEP Completion Report itself ("Notice of Deficiency") and grant and additional THIRTY (30) DAYS for Respondent to correct the deficiency;
  - B. Notify Respondent in writing of EPA's determination that the project has been completed satisfactorily ("Notice of Approval"); or
  - C. Notify Respondent in writing that the project has not been completed satisfactorily ("Notice of Disapproval"), in which case, EPA may seek stipulated penalties in accordance with Paragraph 232 herein.
  
- 229. Respondent agrees to comply with any requirements imposed by EPA as a result of any failure to comply with the terms of this CAFO. If EPA, in its sole discretion and after completion of the Dispute Resolution Process set forth in Paragraphs 230 and 231 of this CAFO, if applicable, determines that the SEP and/or any report due pursuant to this CAFO has not been completed as set forth herein, stipulated penalties shall be due and payable by Respondent to EPA in accordance with Paragraph 250 herein.

**V. DISPUTE RESOLUTION**

- 230. If EPA issues a written Notice of Disapproval rejecting a SEP Completion Report pursuant to Paragraph 228C, above, EPA shall grant Respondent the opportunity to object in writing to such notification of disapproval within twenty (20) days of receipt of EPA's notification. EPA and Respondent shall have an additional (30) days from the receipt by the EPA of the objection by Respondent to resolve and reach an agreement on the matter



in dispute. If an agreement cannot be reached within such thirty (30) day period, EPA shall provide to Respondent a written Statement of Decision and the rationale therefor.

231. In the event EPA determines after the expiration of the aforesaid 30-day dispute resolution period that a SEP has not been completed as specified herein or has issued a written Notice of Disapproval for which a timely objection has not been filed as provided in Paragraph 230, above, stipulated penalties shall be due and payable by Respondent to EPA in accordance with Paragraph 250 of this CAFO. The submission of an unacceptable SEP Completion Report shall be the equivalent of the failure to submit a timely SEP Completion Report for the purposes of the stipulated penalty provisions set forth in Paragraph 232E, below, except that the calculation of any such stipulated penalties shall not run during the pendency of the dispute resolution procedure set forth in Paragraph 230 above, but shall instead run from the date on which Respondent receives EPA's Statement of Decision pursuant to 230 above, or, in the event that Respondent has not filed a timely objection to an EPA Notice of Disapproval, the date following the day of expiration of the 30-day dispute resolution period.

#### **VI. STIPULATED PENALTIES**

232. In the event that Respondent fails to comply with any of the terms or conditions of this Consent Agreement relating to the performance of the SEP described in the SOW and/or to the extent that the Actual Expenditures for the SEP do not equal or exceed the amount of Actual SEP Expenditures required to be incurred under Paragraph 220 of this Consent Agreement, Respondent shall be liable for stipulated penalties according to the provisions below:

A. Except as provided in subparagraph (B) immediately below, for a SEP which has not been completed satisfactorily pursuant to this CAFO, Respondent shall pay a stipulated penalty to the United States in the amount of \$84,316.

B. If the SEP is not completed in accordance with Paragraphs 218-227, but the Complainant determines that Respondent: (i) had made good faith and timely efforts to complete the project; and (ii) has certified, with supporting documentation, that at least 95% of the Actual SEP Expenditures required to be incurred under Paragraph 220 of this Consent Agreement were expended on the SEP, Respondent shall not be liable for any stipulated penalty;

C. If the SEP is completed in accordance with Paragraphs 218-227, but the Respondent spent less than ninety percent (90%) of the amount of the Actual SEP Expenditures required to be incurred under Paragraph 220 of this Consent Agreement, Respondent shall pay as an additional penalty the difference in the amount of the proposed penalty that was mitigated on account for Respondent's performance of the SEP (*i.e.* \$84,316.00) and the amount spent by Respondent to complete the SEP calculated as follows:

\$84,316 ("minus") the Actual SEP Expenditures = ("equals") Stipulated Penalty.

D. If the SEP is completed in accordance with Paragraphs 218-227, and the Respondent spent at least 90% of the Actual SEP Expenditures required to be incurred under Paragraph 220 of this Consent Agreement, Respondent shall not be liable for any stipulated penalty;

E. For failure to submit the SEP Completion Report required by Paragraph 223, above, Respondent shall pay a stipulated penalty of ONE THOUSAND DOLLARS (\$1,000) for each day after the deadline set forth in Paragraph 223 until the report is submitted.

- 233. The determination of whether the SEP has been satisfactorily completed and whether Respondent has made a good faith timely effort to implement the SEP shall be within the sole discretion of EPA after completion of the Dispute Resolution process set forth above in Paragraphs 230 and 231 of this CAFO, if applicable.
- 234. Stipulated penalties for subparagraphs 232E, above, shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity. In no event shall the total of stipulated penalties, plus any Actual SEP Expenditures approved by EPA pursuant to Paragraph 228B of this CAFO, exceed \$90,000. Such stipulated penalties shall not accrue during the period of any Dispute Resolution under this CAFO.
- 235. Respondent shall pay stipulated penalties within FIFTEEN (15) DAYS after receipt of written demand by EPA for such penalties. The method of payment shall be in accordance the Paragraph 250.
- 236. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this Consent Agreement or of the statutes and regulations upon

which this agreement is based, or for Respondent's violation of any applicable provision of law.

**VII. LANGUAGE TO BE INCLUDED IN PUBLIC STATEMENTS**

237. In any public statement referring to this SEP, Respondent shall include language that the SEP was undertaken in connection with a settlement of an enforcement action taken by EPA. This Paragraph does not compel Respondent to make any public statement concerning the implementation of the SEP.

**VIII. PROVISIONS IN EVENT OF DELAY OR ANTICIPATED DELAY**

238. If any event occurs which causes or may cause delays in the completion of the SEP as required under this CAFO, Respondent shall notify Complainant in writing not more than TWENTY(20) DAYS after the delay or when Respondent knew or should have known of the anticipated delay, whichever is earlier. The notice shall describe in detail the anticipated length of the delay, the precise cause or causes of the delay, the measures taken and to be taken by Respondent to minimize the delay, and the timetable by which those measures shall be implemented. The Respondent shall adopt all reasonable measures to avoid or minimize any such delay. Failure by Respondent to comply with the notice requirements of this Paragraph shall render this Paragraph void or no effect as to the particular incident involved and constitute a waiver of the Respondent's right to seek an extension of the time for performance of its obligations under this CAFO.
239. If the Parties agree that the delay or anticipated delay in compliance with this CAFO has been or will be caused by circumstances entirely beyond the control of Respondent which could not to be overcome by due diligence, the time for performance hereunder may be extended for a period no longer than the delay resulting from such circumstances. In such event the Parties shall stipulate to such extension of time.
240. In the event that EPA does not agree that the delay in achieving compliance with this CAFO has been or will be caused by circumstances entirely beyond the control of Respondent which could not be overcome by due diligence, EPA will notify Respondent in writing of its decision and any delays in the completion of the SEP shall not be excused.
241. The burden of proving that any delay is caused by circumstances entirely beyond the control of Respondent which could not be overcome by due diligence shall rest with the

Respondent. Increased costs or expenses associated with the implementation of actions called for by this CAFO shall not, in any event be a basis for changes in this CAFO or extensions of time under Paragraph 239 of this CAFO. Delay in achievement of one interim step shall not necessarily justify or excuse delay in achievement of a subsequent step.

### **IX. SATISFACTION OF SETTLEMENT CONDITIONS**

242. A determination of compliance with the conditions set forth herein will be based upon, *inter alia*, copies of records and reports submitted by Respondent to EPA under this CAFO and any inspections of work performed under the SEP that EPA reasonably determines are necessary to evaluate compliance. Respondent is aware that the submission of false or misleading information to the United States government may subject it to separate civil and/or criminal liability. Complainant reserves the right to seek and obtain appropriate relief if Complainant obtains evidence that the information provided and/or representations made by respondent to Complainant regarding the matters at issue in the Factual Allegations and Conclusions of Law are false, or in any material respect, inaccurate.
243. If EPA determines that Respondent has complied fully with the conditions set forth herein, EPA, through the Regional Administrator of U.S. EPA - Region III, or his designee, shall promptly issue a Letter of Remittance Upon Satisfaction of Settlement Conditions, which shall state Respondent has performed fully the conditions set forth in this CAFO and paid all the penalty amounts due pursuant to the terms of this CAFO.

### **X. CIVIL PENALTY**

244. In settlement of Complainant's claims for civil penalties for the violations alleged in this CA, Respondent agrees to pay a civil penalty in the amount of **\$28,968**. The civil penalty amount is due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO. If Respondent pays the entire civil penalty of **\$28,968** within thirty (30) calendar days of the date on which this CAFO is mailed or hand-delivered to Respondent, no interest will be assessed against Respondent pursuant to 40 C.F.R. § 13.11(a)(1).
245. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of Respondent's violations and any good faith efforts by Respondent to comply with

applicable requirements as provided in RCRA Section 9006(c), 42 U.S.C. § 6991e(c) and (e) and with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.

246. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below.
247. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
248. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
249. A late payment penalty of six percent per year will be assessed monthly on any portion of a civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
250. Respondent shall pay the amount described in Paragraph 244, above, by sending a certified or cashier's check payable to the "United States Treasury," as follows:

By regular U.S. Postal Service:

United States Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077

St. Louis, MO 63197-9000

For overnight deliveries, street address:

United States Environmental Protection Agency  
Fines and Penalties  
U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: Natalie Pearson

Wire transfers:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York NY 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

Automated Clearing House (ACH) Transfers:

PNC Bank  
ABA = 051036706  
Transaction Code 22 -checking  
Account 310006  
CTX Format  
Environmental Protection Agency  
808 17th Street NW  
Washington DC 20074  
Contact: Jesse White, 301-887-6548

[www.pay.gov](http://www.pay.gov)

Enter sfo 1.1 in the search field, open form and complete the required fields

All payments by Respondent shall reference its name and address and the Docket Numbers of this action (RCRA-03-2008-0037, RCRA-03-2008-0056, RCRA-03-0057).

At the time of payment, Respondent shall send a notice of such payment, including a copy of any check or electronic transfer, as appropriate, to:

Lydia Guy  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region III (Mail Code 3RC00)  
1650 Arch Street  
Philadelphia, PA 19103-2029

and

Joyce A. Howell  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region III (Mail Code 3WC31)  
1650 Arch Street  
Philadelphia, PA 19103-2029

#### **XI. SETTLEMENT CONDITIONS**

251. Respondent agrees to perform the tasks set forth in this CAFO in accordance with the term and conditions set forth herein.

#### **XII. FULL AND FINAL SATISFACTION**

252. EPA hereby agrees and acknowledges that the settlement set forth herein shall be in full and final satisfaction of EPA's civil claims for penalties under Section 9006(a) of RCRA for the violations alleged in this CAFO.

#### **XIII. OTHER APPLICABLE LAWS**

253. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed upon it by applicable federal, state, or local law and/or regulation.

**XIV. RESERVATION OF RIGHTS**

254. Full payment of the civil penalty set forth in Paragraph 244 of this Consent Agreement, above, shall resolve only Respondent's liability for federal civil penalties for the specific violations of RCRA Subtitle I and COMAR. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This CAFO is not intended, and shall not be construed, to resolve any claim for criminal sanctions now pending or that may be sought in the future, and shall not limit the right of the United States to pursue criminal sanctions for any violation of law. In addition, Complainant reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.

**XV. PARTIES BOUND**

255. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent, Respondent's officers and directors (in their official capacity) and Respondent's successors and assigns. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent acknowledges that he or she is fully authorized to enter into this Consent Agreement and to bind the Respondent to the terms and conditions of this Consent Agreement and the accompanying Final Order.

**XVI. EFFECTIVE DATE**

256. The effective date of this CAFO is the date on which the Final Order, signed by the Regional Administrator or the Regional Judicial Officer, is filed with the Regional Hearing Clerk.



For Respondent:

Baltimore County, Maryland

Date: 6/9/08

By: Arthur K. Sproles  
ARTHUR K. SPROLES  
BUREAU CHIEF,  
BUREAU OF BUILDING & EQUIPMENT  
SERVICES

For Complainant:

United States Environmental Protection Agency, Region III

Date: 6/12/08

By: Joyce A. Howell  
Joyce A. Howell  
Sr. Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Waste and Chemicals Management Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto

6/12/08  
Date

By: Abraham Ferdas  
Abraham Ferdas, Director  
Waste and Chemicals Management  
Division, EPA Region III

# **Attachment A**



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

EDWARD C. ADAMS, JR.  
*Director*  
*Department of Public Works*

Ms. Stacie Peterson  
U.S. Environmental Protection Agency – Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**RE: RCRA-03-2006-0198, Multi-Facility UST Compliance Audit  
Supplemental Environmental Project**

Dear Ms. Peterson

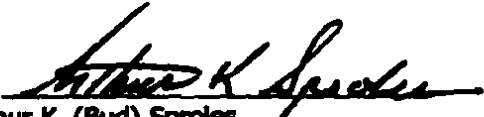
Baltimore County is proposing to abate a portion of the civil penalty for the violations accrued as a result of the Multi-Site Audit. The following is an estimated projection of the cost of this Supplemental Environmental Project (SEP):

Install TLS350R consoles with printers at 8 fueling sites. Install audible overfill alarms at 4 heating oil sites. All fueling sites will be monitored from a polling site in Glen Arm, MD.

	<b>Estimated Costs</b>	
TLS Console with printer	\$6400 x 8 sites =	\$51200
Veeder-Root Modems	\$750 x 8 sites =	\$5600
Labor (estimated): install at 8 sites		\$10400
Installing additional phone lines (estimated)		\$4000
Audible alarms (estimated parts/install)		\$6800
Additional polling site		\$12000
	<b>Total</b>	<b>\$90000</b>

Note: Does not include cost of monthly phone charges.

I certify that the information contained in this submission is true, accurate, and complete. As to those identified portions of this submission, if any, for which I can not personally verify their accuracy, I certify under penalty of law that this submission and all attachments were prepared 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 am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature:   
Name: Arthur K. (Bud) Sproles  
Title: Chief, Bureau of Building & Equipment Services  
12200 A Long Green Pike  
Glen Arm, Maryland 21057

c. Joyce Howell, Esq. (3RC30)  
Sr. Assistant Regional Counsel  
U.S. Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

Mr. Herb Meade  
Administrator, Oil Control Program  
Maryland Department of the Environment  
Montgomery Park Business Center  
1800 Washington Blvd., Suite 620  
Baltimore, Maryland 21230

Ed Adams, Baltimore County Department of Public Works

Jim Nolan, Baltimore County Office of Law

## Supplemental Environmental Project

### I. Introduction

Baltimore County is submitting the following Supplemental Environmental Project (SEP) proposal for your approval. As presented in more detail below, Baltimore County will propose to complete the identified work as follows within 24 months of receiving your required approval.

### II. Purpose

The purpose of this SEP is to improve, protect, or reduce risks to the public health and/or the environment. The SEP achieves this goal in a manner that is above and beyond what Baltimore County is legally required to perform. In addition, as laid out in a United States Environmental Protection Agency memorandum dated March 22, 2002, all projects must advance at least one of the environmental statutes that are the basis of the enforcement action and must have an adequate nexus. Nexus is the relationship between the violation and the approved project. The memorandum goes on to state that this relationship exists only if:

- o The project is designed to reduce the likely hood that similar violations will occur in the future; or
- o The project reduces the adverse impact to the public health or the environment to which the violation at issues contributes; or
- o The project reduces the overall risk to the public or the environment potentially affected by the violation.

Baltimore County's proposed SEP advances the objectives of the Resource Conservation Recovery Act (RCRA) by reducing the potential for Underground Storage Tank (UST) leaks into the ground and surrounding environment. In addition, an adequate nexus exists between the violation and SEP. Specifically; the project is designed to reduce the likely hood that similar violations occur in the future.

The proposed SEP will eliminate the need for Baltimore County to manually perform release detection and maintain written records of the results. Due to the scope of work at these facilities a more comprehensive and sophisticated level of release detection is warranted. Baltimore County seeks to install an additional centralized monitoring system that would electronically perform the testing and save the results in an electronic format. This system will also provide email, phone, and paging capabilities for immediate notification of any problem areas to a designated Baltimore County environmental representative.

### III. Scope of Work

#### A. Background

This section will outline Baltimore County's proposal to install an alarm system on a number of existing UST sites, upgrade one fueling site, add enunciators to certain heating oil tanks, and establish an additional central polling site at the Building Facilities main office. Specifically, Baltimore County will install a Veeder-Root TLS-350R monitoring systems at (8) UST sites. The eight sites are listed in Exhibit A.

The monitor system provides an automatic inventory, management system by collecting metered sales information from electronic and mechanical dispenser and providing comprehensive reconciliation with in-tank inventories and deliveries. In addition, the SEP will install Veeder-Root software (INFORM) on its central in polling station located in Towson, Maryland. The additional polling site will be located in Glen Arm, Maryland at the Building Facilities main office.

<b>B. Cost</b>		
○ Inform Software		12000
○ Veeder-Root TLS350R monitors	6400 each x 8 sites	51200
○ Veeder-Root modems	750 each x 8 sites	5600
○ Labor (est.)	550 each x 8 sites	10400
○ Additional phone lines (est.)	5000	4000
○ Enunciators and labor	1700 x 4 sites	6800

\$90,000.00

**Exhibit A**

**Fuel Tanks**

- Dundalk Fire Station  
2815 Sollers Point Road  
Dundalk, MD 21222  
2 x 1000 gallon diesel tanks  
1 x 550 generator tank
- Eastern Sanitary Landfill  
6259 Days Cove Road  
Baltimore, MD 2163  
1 x 10,000 gallon diesel tank  
1 x 3000 gallon gas tank  
1 x 4000 gallon heating oil tank
- Edgemere Fire Station  
6800 Old North Point Road  
Edgemere, MD 21219  
1 x 1000 gallon diesel tank
- Essex Fueling Center  
511 Mace Avenue  
Essex, MD 21221  
1 x 8000 gallon gas tank  
1 x 8000 gallon diesel tank
- Middle River Fire Station  
609 Compass Road  
Middle River, MD 21220  
1 x 1000 gallon diesel tank
- North Point Police Department  
7701 Wise Avenue  
Baltimore, MD 21222  
1 x 4000 gallon gas tank
- Randallstown Fire Station  
3600 Brenbrook Drive  
Randallstown, MD, 21133  
1 x 1000 gallon diesel tank
- White Marsh Police Department  
8220 Perry Hall Boulevard  
White Marsh, MD 21162  
1 x 4000 gallon gas tank
- Wilkens Police Department  
901 Walker Avenue  
Catonsville, MD 21207  
1 x 4000 gallon gas tank

**Heating Oil Tanks**

- Bykota Senior Center

**611 Central Avenue**

**Towson, MD 21204**

**1 x 10,000 gallon heating oil tank**

- **North Point Government Center**

**7701 Wise Avenue**

**Dundalk, MD 21222**

**2 x 10,000 gallon heating oil tanks**

- **Eastern Sanitary Landfill**

**6259 Days Cove Road**

**Baltimore, MD 2163**

**1 x 4000 gallon heating oil tank**

- **Hannah Moore Chapel**

**12035 Reisterstown Road**

**Reisterstown, Md 21136**

**1 x 1000 gallon heating oil tank**



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103**

In the Matter of:

Baltimore County, Maryland  
a body corporate and politic  
400 Washington Avenue  
Baltimore, MD 21204

U.S. EPA Docket Numbers  
RCRA-03-2008-0037  
RCRA-03-2008-0056  
RCRA-03-2008-0057

RESPONDENT,

Woodlawn Police Department  
6424 Windsor Mill Road  
Baltimore, Maryland 21207

Woodlawn Fire Department  
7223 Windsor Mill Road  
Baltimore, Maryland 21207

Middle River Fire Station  
609 Compass Road  
Baltimore, Maryland 21220

White Marsh Police Station  
8220 Perry Hall Boulevard  
White Marsh, Maryland 21162

Wilkens Police Station  
901 Walker Avenue  
Catonsville, Maryland 21228

Edgemere Fire Station  
6800 Old North Point Road  
Edgemere, Maryland 21219

Inwood Maintenance Department  
7400 Johnnycake Road  
Woodlawn, Maryland 21207

North Point Government Center  
7701 Wise Avenue  
Dundalk, Maryland 21222

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
MAY 11 11 41 AM '08  
FBI - BALTIMORE

Randallstown Fire Station  
3610 Brenbrook Drive  
Randallstown, Maryland 21133

Dundalk Fire Station  
2815 Sollers Point Road  
Dundalk, Maryland 21222

Essex Fuel Center  
511 Mace Center  
Baltimore, Maryland 21221

Townson Fuel Center  
200 Courtland Avenue  
Townson, Maryland 21204

Wight Avenue Fuel Center  
103 Wight Avenue  
Cockeysville, Maryland 21030

Facilities.

NOV 11 11:26 AM  
RECEIVED

**FINAL ORDER**

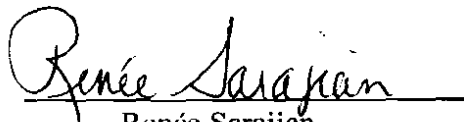
Complainant, the Director of the Waste and Chemicals Management Division, U.S. Environmental Protection Agency - Region III, and Respondent, Baltimore County, Maryland, have executed a document entitled "Consent Agreement" which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO the Consolidated Rules of Practice, and based on

the representations in the Consent Agreement, having determined that the penalty agreed to in the Consent Agreement is based on a consideration of the factors set forth in Section 9006(c) and (e) of RCRA, 42 U.S.C. § 6991e(c) and (e), it is hereby ordered that Respondent pay \$28,968.00 in accordance with the Consent Agreement and comply with the terms and conditions of this Consent Agreement.

The effective date of this Consent Agreement and Final Order is the date on which the Final Order is filed with the Regional Hearing Clerk.

Date: 7/10/08

  
Renée Sarajian  
Regional Judicial Officer  
U.S. EPA, Region III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:

Baltimore County, Maryland  
a body corporate and politic  
400 Washington Avenue  
Baltimore, MD 21204

U.S. EPA Docket Numbers  
RCRA-03-2008-0037  
RCRA-03-2008-0056  
RCRA-03-2008-0057

RESPONDENT,

Woodlawn Police Department  
6424 Windsor Mill Road  
Baltimore, Maryland 21207

Woodlawn Fire Department  
7223 Windsor Mill Road  
Baltimore, Maryland 21207

Middle River Fire Station  
609 Compass Road  
Baltimore, Maryland 21220

White Marsh Police Station  
8220 Perry Hall Boulevard  
White Marsh, Maryland 21162

Wilkens Police Station  
901 Walker Avenue  
Catonsville, Maryland 21228

Edgemere Fire Station  
6800 Old North Point Road  
Edgemere, Maryland 21219

JUN 11 AM 7:26  
EPA

	:
Inwood Maintenance Department	:
7400 Johnnycake Road	:
Woodlawn, Maryland 21207	:
	:
North Point Government Center	:
7701 Wise Avenue	:
Dundalk, Maryland 21222	:
	:
Randallstown Fire Station	:
3610 Brenbrook Drive	:
Randallstown, Maryland 21133	:
	:
Dundalk Fire Station	:
2815 Sollers Point Road	:
Dundalk, Maryland 21222	:
	:
Essex Fuel Center	:
511 Mace Center	:
Baltimore, Maryland 21221	:
	:
Townson Fuel Center	:
200 Courtland Avenue	:
Townson, Maryland 21204	:
	:
Wight Avenue Fuel Center	:
103 Wight Avenue	:
Cockeysville, Maryland 21030	:
	:
Facilities.	:
_____:	:

**CERTIFICATE OF SERVICE**

I certify that on the date noted below, I sent by Federal Express, a copy of the Consent Agreement and Final Order to the addressee listed below. The original and one copy of the Consent Agreement and Final Order were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

---

James J. Nolan, Esq.  
Baltimore County, Maryland  
400 Washington Avenue  
Towson, MD 21204

Dated: 7/11/2008



Joyce A. Howell  
Senior Assistant Regional Counsel  
U.S. EPA - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029