

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

U.S. Environmental
Protection Agency-Reg 2

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REGIONAL
CLERK
HEARING

In the Matter of County of Middlesex,
New Jersey,

Respondent.

Proceeding Under Section 9006 of the
Solid Waste Disposal Act, as amended.

COMPLAINT, COMPLIANCE ORDER
AND NOTICE OF OPPORTUNITY
FOR HEARING

Docket No. RCRA-02-2014-7505

COMPLAINT

1. Complainant hereby alleges as and for her complaint against Respondent:
2. This administrative proceeding is being instituted pursuant to Section 9006 of the Solid Waste Disposal Act, as amended, 42 U.S.C. Section 6901 et seq. (the "Act").
3. This proceeding seeks to assess a civil penalty against Respondent for violations of the requirements or standards promulgated by the Administrator of the United States Environmental Protection Agency ("EPA") pursuant to Section 9003 of the Act, 42 U.S.C. § 6991b, and to require compliance with said requirements or standards.
4. Complainant in this proceeding, Dore LaPosta, the Director of the Division of Enforcement and Compliance Assistance of the US EPA, Region 2, has been duly delegated the authority to institute this action.
5. Respondent is the County of Middlesex, New Jersey (hereinafter "Middlesex"). The mailing address of Middlesex is care of Ronald G. Rios, Director, Board of Chosen Freeholders, County Administration Building - First Floor, 75 Bayard Street, New Brunswick, NJ 08901.
6. Respondent Middlesex is, and has been, a county organized pursuant to the laws of the State of New Jersey.
7. Respondent is a "person" within the meaning of Section 9001(6) of the Act, 42 U.S.C. § 6991(6), and of 40 C.F.R. § 280.12.

8. The Respondent is, or has been for the times relevant to the matters alleged below, in the business of owning and/or operating public works and facilities in the State of New Jersey.
9. The Respondent is, or has been for the times relevant to the matters alleged below, an “owner” and/or “operator” of underground storage tanks” (“USTs”) or “UST system”, as those terms are defined in Section 9001 of the Act, 42 U.S.C. Section 6991, and 40 C.F.R. Section 280.12, that are located at one or more of the following public works facilities identified within this Complaint:
 - a) Middlesex County Highway Complex, 97 Apple Orchard Ln., North Brunswick, NJ
 - b) Johnson County Park, Johnson Dr., Piscataway, NJ
 - c) Middlesex County Area 1 Garage, 277 Bertrand Ave., Perth Amboy, NJ
 - d) Middlesex County Area 3 Garage, 750 Jernee Mill Rd., Sayerville, NJ
10. Pursuant to 40 C.F.R. § 280.12, EPA is the “implementing agency” responsible for enforcing the requirements of the Act and the regulations promulgated pursuant thereto which are the subject of this Complaint.
11. Pursuant to Sections 9003 of the Act, 42 U.S.C. § 6991b, EPA promulgated rules setting forth requirements for owners and operators of UST systems, codified at 40 C.F.R. Part 280. These rules include but are not limited to release detection and record-keeping requirements for tanks and piping.
12. Forty C.F.R. § 280.12 defines an UST as any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground.
13. Forty C.F.R. § 280.12 defines an “existing tank system” as a tank system used to contain an accumulation of regulated substances or for which installation has commenced on or before December 22, 1988.
14. Forty C.F.R. § 280.12 defines a “new tank system” as a tank system used to contain an accumulation of regulated substances and for which installation has commenced after December 22, 1988.
15. Pursuant to 40 C.F.R. § 280.41(a), owners and operators of underground tanks that routinely contain regulated substances must monitor for releases every thirty days in accordance with this section.
16. The underground piping for which violations are alleged in Count 1, Count 2, Count 5 and Count 6 of this Complaint is classified as “pressurized” piping.

