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Storage Tank Enforcement: U.S. Environmental Protection Agency and Elmira, New York/Newton, New Jersey Underground Storage Tank Operator Enter into Expedited Settlement Agreement

03/06/2018

The United States Environmental Protection Agency ("EPA") entered into an Expedited Settlement Agreement ("ESA") with First Group America, Inc., d/b/a First Student, Inc. and First Transit, Inc. See Docket No. RCRA-02-2018-7702.

First Transit, Inc. is described as the operator of underground storage tanks ("USTs") in Elmira, New York and Newton, New Jersey.

The ESA alleges that the USTs failed to comply with certain requirements of Subtitle I of the Resource Conservation and Recovery Act and its implementing regulations at 40 C.F.R. Part 280. Certain First Student, Inc. USTs at the Newton, New Jersey facility are alleged in violation of:

- Invalid release results from a diesel fuel UST from July 5, 2015 through August 30, 2015 (failure to provide a valid release detection method for the previously referenced period)

Certain First Transit, Inc. USTs at the Elmira, New York facility are alleged in violation of:

- Failure to provide valid maintenance records to show any documentation of the specific steps taken to address a recorded failure of the electronic interstitial monitoring system.

First Group America, Inc. and First Transit, Inc. neither admit nor deny the ESA factual determinations.

The ESA assesses a civil penalty of \$3,830.

[A copy of the ESA can be downloaded here.](#)