Storage Tank Enforcement: U.S. Environmental Protection Agency and Kermit, West Virginia, Storage Tank Operator Enter into Expedited Settlement Agreement

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

01/09/2024

The United States Environmental Protection Agency ("EPA") and T & D Quick Stop, Inc. ("T & D") entered into a January 2nd expedited Settlement Agreement and Final Order ("Agreement") addressing alleged violations of the federal and West Virginia Underground Storage Tank ("UST") regulations. See Docket No. RCRA-03-2024-0031.

The Agreement provides that T & D is an operator and/or owner of USTs at T & D Quick Stop ("Facility") in Kermit, West Virginia.

EPA is stated to have conducted a Compliance Evaluation Inspection on May 17th and observed the following USTs located at the Facility:

1. An 8,000-gallon tank that was installed in or about May 1985, and that, at all times relevant hereto, routinely contained regular-grade gasoline, a "regulated substance" as that term is defined in 40 C.F.R. § 280.12 (hereinafter "UST No. 1").
2. An 8,000-gallon tank that was installed in or about May 1985, and that, at all times relevant hereto, routinely contained premium-grade gasoline, a "regulated substance" as that term is defined in 40 C.F.R. § 280.12 (hereinafter "UST No. 2").
3. An 8,000-gallon tank that was installed in or about May 1985, and that, at all times relevant hereto, routinely contained on-road diesel, a "regulated substance" as that term is defined in 40 C.F.R. § 280.12 (hereinafter "UST No. 3").
4. A 3,000-gallon tank that was installed in or about May 1985, and that, at all times relevant hereto, routinely contained kerosene, a "regulated substance" as that term is defined in 40 C.F.R. § 280.12 (hereinafter "UST No. 4").

The following violations were allegedly identified:

1. For the months of August 2022, March 2023, and May 2023, Respondent failed to conduct tank release detection on UST No. 2, in violation of 40 C.F.R. § 280.41(a)(1) and W. Va. Code R. § 33-30-2.1;

2. For the months of August 2022, March 2023, and May 2023, Respondent failed to conduct annual line tightness testing or monthly line monitoring for the pressurized piping on UST No. 2, in violation of 40 C.F.R. § 280.41(b)(1)(i)(B) and W. Va. Code R. § 33-30-2.1.

A civil penalty of $2,444 is assessed.

A copy of the Agreement can be downloaded here.