



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

Storage Tank Enforcement: U.S. Environmental Protection Agency and Maryland National Capital Park & Planning Commission Enter into Expedited Settlement Agreement

07/25/2017

The United States Environmental Protection Agency ("EPA") and Maryland National Capital Park & Planning Commission ("MNCPP") entered into a July 19th Expedited Settlement Agreement Final Order ("ESA") addressing alleged violations related to the operation of underground storage tanks ("USTs"). See Docket No. RCRA-03-2017-0079.

The ESA provides that MNCPP is the owner and/or operator of USTs located at Watkins Regional Park in Upper Marlboro, Maryland.

The ESA states that Watkins Regional Park had at the time of a November 16, 2015, EPA Compliance Evaluation Inspection two USTs. The two USTs are described as:

- A ten thousand (10,000) gallon tank that was installed on or about November 1988, and that, at all times relevant hereto, routinely contained regular-grade gasoline. . .
- A four thousand (4,000) gallon tank that was installed on or about January 1989, and that, at all times relevant hereto, routinely contained diesel. . .

EPA allegedly identified the following violations:

- From at least October 5, 2015 until November 16, 2015, MNCPP failed to undertake an immediate investigation and confirm the suspected release of regulated substances from UST Nos. 1 and 2 within the time and manner prescribed by COMAR § 26.10.08.03.
- MNCPP did not report within two hours to the Maryland Department of the Environment that on October 5, 2015, the Automatic Tank Gauging System used to conduct tank release detection was indicating that a release may have occurred from UST Nos. 1 and 2, as required by COMAR § 26.10.08.01(B)(3).
- From at least December 27, 2014 until November 1, 2015, MNCPP failed to maintain records of release detection monitoring for UST Nos. 1 and 2 in accordance with COMAR § 26.10.05.06(B).

The ESA assesses a civil penalty of \$4,000.

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