

Storage Tank Enforcement: U.S. Attorney (Southern District of New York) Files Federal District Court Action Against Gas Station Operator



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

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The U.S. Attorney's Office (Southern District of New York) issued a May 1st news release stating that a lawsuit had been filed in the United States District Court against Chestnut Petroleum Distributor, Inc., and various referenced affiliates (collectively "Chestnut") for alleged violations of the Resource Conservation and Recovery Act ("RCRA") Underground Storage Tank ("UST") regulations.

The violations are alleged to have occurred at 20 separate gas stations operated by Chestnut within the Southern District of New York and adjoining districts.

The U.S. Attorney alleges in the Complaint filed in Federal District Court that Chestnut violated the RCRA UST regulations at various times from 2011 to 2014. The violations are alleged to include:

- Failure to perform release (i.e., leak or spill) detection
- Failure to maintain and provide records of release detection monitoring
- Failure to secure underground storage tanks that were temporarily closed
- Failure to investigate or report suspected releases or unusual operating conditions
- Failure at times to maintain insurance policies sufficient to take corrective action and compensate third parties for bodily injury and property damage caused by accidental releases from the underground storage tanks

The U.S. Attorney is seeking injunctive relief and an Order imposing civil penalties.

A copy of the news release can be found [here](#).