

# Storage Tank Enforcement: U.S. Environmental Protection Agency and Owner/Operator of Multiple New York Facilities Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Aero Star Petroleum, Inc., (“Aero”) entered into a March 3rd Consent Agreement/Final Order (“CAFO”) addressing alleged violations of the federal underground storage tank (“UST”) regulations. See Docket No. RCRA-02-2020-7501.

The CAFO provides that Aero has been the owner and/or operator of at least one or more USTs that are located at 21 facilities in New York State.

The relevant facilities are identified in Attachment A and Attachment B to the CAFO.

EPA inspections and Aero’s responses to Notice of Violation along with three Information Request Letters are stated to have led to a determination that prior to October 4, 2016, the required insurance coverage for third party bodily injury was not in place. As a result, it is alleged that Aero did not demonstrate compliance with federal regulatory financial responsibility requirements (40 CFR Part 280, Subpart H) for the UST systems at the 21 facilities in New York State. Further, EPA is stated to have determined that Aero did not provide overfill prevention for USTs at two of its facilities.

Aero is stated to have provided documentation to EPA supporting its contention that insurance coverage has been secured as of January 10, 2020, pursuant to 40 CFR Section 280.97 in order to demonstrate financial responsibility and compliance with 40 CFR Section 280.93 for USTs it owns and/or operates at all of its facilities in New York State.

The CAFO requires that commencing on its effective date Aero maintain compliance at its facilities with all regulations applicable to owners and operators of USTs as set forth at 40 CFR Part 280, including but not limited to complying with the financial responsibility and overfill prevention requirements for its UST systems at all of its facilities, as required. Further, Aero certifies that as of the effective date of the CAFO, to the best of its knowledge and belief, it has a financial assurance mechanism that demonstrates financial responsibility and compliance with 40 CFR Section 280.93 for the USTs that Aero still owns and/or operates at all facilities listed in Attachment A.

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