

Storage Tank Enforcement: U.S. Environmental Protection Agency and Oswego, New York Facility Enter into Expedited Settlement Agreement



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The United States Environmental Protection Agency (“EPA”) and Figaro Holdings, LLC (“FH”) entered into a November 1st Expedited Settlement Agreement (“ESA”) addressing alleged violations of Subtitle I of the Resource Conservation and Recovery Act and its implementing regulations (addressing Underground Storage Tanks [“USTs”]). See Docket No. RCRA-02-2017-7708.

The ESA provides that FH is the owner of USTs at the facility located at Owego Convenience Store in Owego, New York.

FH allegedly violated the following Subtitle I regulations:

- 40 C.F.R. § 280.45 which requires owners and/or operators of USTs to maintain monthly records of release detection for at least 12 months

EPA is stated to have:

... determined that no records of monthly release detection were maintained prior to November 29, 2016 as required by 40 C.F.R. § 280.45(c) for the USTs at the Facility. Respondent’s failure, as the owner of the USTs to maintain monthly release detection records for the tanks and lines from at least November 21, 2015 through November 29, 2016 is a violations of 40 C.F.R. § 280.45.

- 40 C.F.R. § 280.50(c) requires owners and/or operators of USTs to investigate or report to the implementing agency a suspected release within 24 hours of any monitoring results from an interstitial monitor that indicate a release may have occurred unless in certain limited circumstances specified in regulations.

EPA states in the ESA that during the November 21, 2016 inspection:

... the inspector noted that the EIM sensor “L2” was displaying a “Fuel Alarm” indicating a potential release into the interstitial space of the regular gasoline UST. The inspector was notified by the onsite representative that this alarm had been displaying for at least one month prior to the inspection. A review of the NYSDEC Spill Incidents Database website indicates that no potential release was reported to them during the period of this alarm.

The ESA assesses a civil penalty of \$4,260.

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