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

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The United States Environmental Protection Agency and Blueox Corporation (“BC”) entered into an April 4th Expedited Settlement Agreement (“ESA”) addressing alleged violations of Subtitle I of the Resource Conservation and Recovery Act (“RCRA”) and its implementing regulations at 40 C.F.R. Part 280.

The previously referenced federal statute and related regulations address requirements applicable to the ownership and/or operation of petroleum underground storage tanks (“USTs”).

BC is stated to be the owner and/or operator of USTs at locations which include:

- Nice & Easy, #305, 1321 Dryden Road, Ithaca, NY 14850
- Jacksonville Big Blue, 1854 Trumansburg Road, Jacksonville, NY 14854
- Nice & Easy, #307, 95 Main Street, Fort Plain, NY 13339
- Nice & Easy, #304, 336 State Route 8, Bridgewater, NY 13313
- Lounsbury Truck Stop, 305 Stanton Hill Road, Nichols, NY 13812
- Morrisville Big Blue, 13 West Main Street, Morrisville, NY 13408
- Blueox Corporation, 2473 Route 12B, Hamilton, NY 13346
- Norwich Big Blue, 6077 State Route 12, Norwich, NY 13815
- Nice & Easy #302, 4823 State Route 23, Norwich, NY 13815
- Big Blue #309, 1719 State Highway 8, Mount Upton, NY 13809

The ESA provides that during inspections undertaken by EPA from July 15th-19th, 2016, at the above-referenced facilities utilizing USTs, none were able to document that they had third-party liability insurance at the time of the inspections. 40 C.F.R. § 280.93(i) requires that all UST system owners and operators demonstrate financial responsibility for taking correction action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.

BC subsequently purchased an insurance policy providing the required coverage.

The ESA also alleges that during the July 18, 2016, inspection BC was unable to provide release detection records for USTs for the previous 12 months at certain facilities. 40 C.F.R. § 280.45 requires owners

and/or operators of USTs to maintain monthly records of release detection monitoring for at least 12 months.

BC stated that the lack of monthly release detection monitoring results for each UST at one of the facilities was due to the power and data com switch failure.

BC neither admits nor denies the factual determinations contained in the ESA.

The ESA assesses a civil penalty of \$10,630.

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