

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



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The United States Environmental Protection Agency (“EPA”) and S & H Food Mart, LLC (“S & H”) entered into a July 5th Expedited Settlement Agreement and Final Order (“ESA”) addressing alleged violations of the Subtitle Resource Conservation and Recovery Act underground storage tanks (“UST”) regulations. See Docket No. RCRA-02-2018-7706.

The ESA provides that S & H is the owner of USTs at a facility located in Elmira, New York.

Alleged violations identified by the ESA include:

- Failure to conduct an ALLD test for two pressurized lines within one year of a previous test, violating 40 C.F.R. § 280.44(a)
- Failure to provide monthly monitoring records for three USTs for certain months and failing to provide monthly release detection records, or in the alternative line tightness test results for the two pressurized lines for the 12 month period prior to the inspection, violating 40 C.F.R. § 280.45
- Failure to timely report a suspected release to the implementing agency, violating 40 C.F.R. § 280.50
- Failure to demonstrate financial assurance for three USTs, including at a minimum coverage for third-party bodily injury liability, from at least five years prior to the inspection through the present, violating 40 C.F.R. § 280.93

S & H is stated to neither admit nor deny the factual determinations contained in the ESA.

A civil penalty of \$9,370 is assessed.

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