

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



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The United States Environmental Protection Agency (“EPA”) and Rome Gas, Inc. (“Rome”) entered into an October 1st Consent Agreement and Final Order (“CAFO”) addressing alleged violations of the federal Resource Conservation and Recovery Act (“RCRA”) Underground Storage Tank (“UST”) regulations. See Docket No. RCRA-02-2017-7504.

The CAFO provides that Rome was, for the times relevant to the matters discussed in the document, the “owner” and/or “operator” of USTs or UST systems located at the following facilities:

1. A 1 Easy Mart, 49 Union St., Sidney, NY
2. P & H Petroleum (Runway) 8516 Seneca Turnpike, New Hartford, NY
3. Runway #4, 4 North Ann. St., Little Falls, NY
4. Runway #6371, 6371 State Route 167, Dolgeville, NY
5. Runway Mobil #105, 2794 State Route 28, Thendara, NY
6. Saini Associates, Inc., 976 Conklin Road, Conklin, NY
7. Johnson Sunoco, 143 Riverside Drive, Johnson City, NY
8. Runway #684, 684 Conklin St., Binghamton, NY
9. Runway #429, 429-431 East Main St., Endicott, NY
10. JK Gas Mart, 3 Sova Road, Harpursville, NY

EPA is stated to have inspected the previously referenced 10 facilities’ USTs to determine their compliance with RCRA and 40 C.F.R. Part 280. It is alleged that sufficient documentation of compliance was not available or provided during the inspection.

The CAFO provides that EPA sent to Rome RCRA § 9005 Information Request Letters (“IRLs”), dated March 10, 2016, and December 23, 2016, in order to determine the company’s compliance with RCRA and 40 C.F.R. Part 280. Rome is stated to have submitted a partial response to the first IRL and, subsequently, a partial response to the second IRL.

Rome submitted additional information responding to the IRLs at various points to establish its compliance with UST requirements.

EPA is stated to have issued an Amended Complaint, dropping many of the earlier alleged violations and alleging only that Rome failed to respond timely to EPA's inquiries. Such alleged failure is stated to constitute a violation of 40 C.F.R. § 280.34 and Section 9005 of RCRA.

The CAFO assesses a civil penalty of \$5,000.

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