

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

<b>IN THE MATTER OF:</b>	)	
	)	<b>Docket No. RCRA-02-2020-7705</b>
Lou Hal Properties, Inc. &	)	
Zubair Muniya	)	
	)	<b>EXPEDITED SETTLEMENT</b>
	)	<b>AND</b>
	)	<b>FINAL ORDER</b>
Respondents	)	
_____	)	

**EXPEDITED SETTLEMENT AGREEMENT**

1. The U.S. Environmental Protection Agency (“EPA”) has determined that the above named (henceforth “Respondents”), are the owner and/or operators of Underground Storage Tanks (“USTs”) as indicated at the following location (the “Facility”):

**Conoco S/S**  
**1100 North Broadway**  
**Farmingdale, NY**  
**Suffolk County Facility ID# 1-0204**

Furthermore, EPA has determined that the Respondents have failed to comply with the following requirement(s) of Subtitle I of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§6991 *et seq.*, and its implementing regulations at 40 C.F.R. Part 280:

- a.) 40 C.F.R. §280.35(a)(1) requires that spill prevention equipment that is single walled, be hydrostatically tested triennially to ensure its integrity. In addition, it requires that single walled containment sumps that are part of a release detection system for underground piping also be hydrostatically tested triennially to ensure integrity. Furthermore, 40 C.F.R. §280.35(b)(1) requires that the first such of these tests must have occurred by October 13, 2018. During the June 26, 2019 UST inspection of the Facility, the inspector noted that the Facility utilized a combination sump that served as both spill prevention and containment sump for release detection of the pressurized piping. The inspector was provided a hydrostatic test for each of the four containment sumps dated January 2, 2019. No hydrostatic test conducted on or before the regulatory deadline of October 13, 2018 was provided. In a phone call between Respondents’ representative, Jon Haleprin, and Mr. Sacker, on September 13, 2019, Mr. Haleprin admitted that the hydrostatic tests were conducted late.

EPA’s December 5, 2019 NOV-IRL requested Respondents to confirm that no other hydrostatic tests for the four containment sumps were conducted between October 13, 2015 (when the regulation went into effect) and January 2, 2019. Respondents’ February 5, 2020 IRL-NOV response confirmed that the containment sumps were tested late due to a

misunderstanding about the testing requirements.

Respondents' failure to test the four USTs' combination spill prevention devices and containment sumps at the Facility by the deadline of October 13, 2018 constitutes a violation of 40 C.F.R. §280.35(a)(1).


2. The EPA and the Respondent agree that settlement of this matter for a penalty of **\$3,760**, without further proceedings is in the public interest.
3. The EPA is authorized to enter into this Expedited Settlement Agreement and Final Order ("Agreement") pursuant to Section 9006 of RCRA and 40 C.F.R. §22.13(b) and §22.18(b)(2).
4. In signing this Agreement, the Respondents (1) admit that the Respondents are subject to requirements listed above in Paragraph 1, (2) admit that the EPA has jurisdiction over the Respondents and the Respondents' conduct as described herein, (3) neither admit nor deny the factual determinations contained herein, (4) consent to the assessment of the penalty in paragraph (2) above, and (5) waive any right to contest the determinations contained herein.
5. By signature below, the Respondents certify, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondents have: (1) corrected the alleged violations, (2) submitted true and accurate documentation of those corrections, (3) provided a deposit for payment of the civil penalty in Paragraph 2 above in accordance with the EPA penalty collection procedures provided to the Respondents, (4) submitted true and accurate proof of deposit for payment of the civil penalty with this Agreement, and (5) agree to release the deposit for payment to the EPA upon entry of this Order. Full payment of the penalty in Paragraph 2 shall only resolve Respondents' liability for federal civil penalties for the violation(s) and facts described in Paragraph 1, above. Full payment of this penalty shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
6. No portion of the civil penalty or interest paid by Respondents pursuant to the requirements of this Agreement shall be claimed by Respondents as a deduction for federal or state income tax purposes.
7. Upon signing and returning this Agreement to the EPA, the Respondents waive the opportunity for a hearing or appeal pursuant to Section 9006(b) of RCRA or 40 C.F.R. Part 22.
8. EPA and Respondent agree that the parties may use electronic signatures for this matter.
9. Each party shall bear its own costs and fees, if any.
10. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. §22.31(b), is effective upon the date of its filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 2, New York, New York.

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IT IS SO AGREED,

RESPONDENTS:

Name of individual signing (print): Peter Halperin

Title:   
Peter Haleprin, President  
Lou Hal Properties, Inc.

Signature: 

Date: 7-15-20

Name of individual signing (print): Zubair Muniya

Title: President  
Zubair Muniya  
Conoco S/S - Farmingdale

Signature: 

Date: 7-15-20

COMPLAINANT:

\_\_\_\_\_  
For Dore LaPosta, Director  
Enforcement and Compliance Assurance Division

Date \_\_\_\_\_

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**FINAL ORDER**

The Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Expedited Settlement Agreement (“Agreement”). This Agreement, entered into by the parties to this matter, is hereby approved, incorporated herein, and issued as an Order pursuant to Section 9006 of the Act and 40 C.F.R. §22.18(b)(3). The Effective Date of this Order shall be the date of its filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 2, New York, New York. 40 C.F.R. §22.31(b).

BY: \_\_\_\_\_  
Helen Ferrara  
Regional Judicial Officer  
U.S. Environmental Protection Agency - Region 2  
290 Broadway  
New York, New York 10007-1866

DATE: \_\_\_\_\_