



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

MAY 27 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article Number: 7015 3010 0001 6837 6466

Mr. Steve Warren
Service Supervisor
Reid Petroleum Corp.
P.O. Box 987
Lockport, NY 14095

Re: Underground Storage Tank (UST) Compliance Inspection of
Crosby's Clarkson, 8339 Ridge Road, Clarkson, NY 14430
NYS DEC PBS #: 8-080144; Opportunity for Expedited Settlement within 30 Days
Docket No. RCRA-02-2016-7704

U.S. Environmental
Protection Agency-Reg 2
2016 MAY 27 PM 12:09
REGIONAL HEARING
CLERK

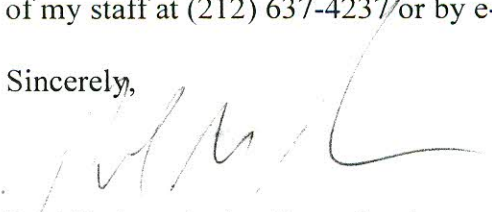
Dear Mr. Warren:

The U.S. Environmental Protection Agency (EPA) Region 2 is in receipt of Reid Petroleum Corp.'s penalty payment of \$3,400, the signed Expedited Settlement Agreement, and the documentation that the USTs at the above referenced facility are now in compliance. By signing the Expedited Settlement Agreement you have agreed to the terms of the Expedited Settlement Agreement and Final Order and have certified that all violations cited in the proposed Expedited Settlement Agreement were corrected.

Enclosed you will find a copy of the Expedited Settlement Agreement and Final Order issued by EPA. EPA has approved the Expedited Settlement Agreement based on your signed certification and supporting compliance documentation. EPA will take no further civil action against you for the violations listed in Proposed Expedited Settlement Agreement provided that all listed violations were timely corrected. EPA may choose to re-inspect the USTs located at Reid Petroleum Corp.'s facility(s), and if EPA identifies any violations of federal UST regulations during the re-inspection or from any other information obtained by EPA, such findings would be Reid Petroleum Corp.'s second violation of federal underground storage tank (UST) regulations. A second offense may result in a civil or judicial action which can include seeking penalties of up to \$16,000 per UST system per day of violation

If you have any questions regarding this letter or any other related matter, please contact Paul Sacker of my staff at (212) 637-4237/or by e-mail at sacker.paul@epa.gov. Thank you for your cooperation.

Sincerely,


Paul Sacker, Acting Team Leader
UST Team

Enclosure

cc: Tim Walsh
Regional Director
DEC Region 8
6274 East Avon-Lima Road
Avon, NY 14414-9519

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II

U.S. ENVIRONMENTAL
PROTECTION AGENCY
2016 MAY 13 PM 4:05
DECA-RCB-UST

IN THE MATTER OF:) Docket No. RCRA-02-2016-7704
)
Reid Petroleum Corp.)
) **EXPEDITED SETTLEMENT AGREEMENT**
) **AND**
Respondent.) **FINAL ORDER**
_____)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) has determined that Reid Petroleum Corp. (“Respondent”), owner or operator of the Underground Storage Tank(s) (USTs) at 8389 Ridge Road, Clarkson, NY 14430 (the “UST Facility”), 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. §280.20(c)(1)(ii) requires that all new USTs must have installed overfill prevention devices that: (A) Automatically shut off flow into the tank when the tank is no more than 95 percent full; or (B) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm; or (C) Restrict flow 30 minutes prior to overfilling, alert the transfer operator with a high level alarm one minute before overfilling, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling. Reid Petroleum Corp. failed to install adequate overfill prevention devices on the UST Facility’s four tanks for at least the period of September 24, 2015 to October 15, 2015.
2. The EPA and the Respondent agree that settlement of this matter for a penalty of \$3,400 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).
4. In signing this Agreement, the Respondent: (1) admits that the Respondent is subject to requirements listed above in Paragraph 1, (2) admits that the EPA has jurisdiction over the Respondent and the Respondent’s conduct as alleged herein, (3) neither admits nor denies the factual determinations contained herein, (4) consents to the assessment of this penalty, and (5) waives any right to contest the determinations contained herein.

REGIONAL HEARING
CLERK
2016 MAY 27 PM 12:10
U.S. ENVIRONMENTAL
PROTECTION AGENCY
RCRA-02-2016-7704

5. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has: (1) corrected the violations identified above, (2) submitted true and accurate documentation of the corrections, (3) provided a deposit in the amount of \$3,400 for payment of the civil penalty in Paragraph 2 above in accordance with the EPA penalty collection procedures provided to the Respondent, (4) submitted true and accurate proof of deposit for payment of the civil penalty with this Agreement, and (5) agreed to release the deposit for payment to the EPA upon entry of the attached Order.
6. Upon filing, this Expedited Settlement Agreement and Final Order shall constitute full settlement of the Respondent's civil liabilities under Section 9006 of RCRA for the violation(s) described in paragraph 1, above.
7. The EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by the Respondent of RCRA, any other federal statute or regulation, or for any violations certified to have been corrected pursuant to this Agreement that were not corrected.
8. Upon signing and returning this Agreement to the EPA, the Respondent waives the opportunity for a hearing or appeal pursuant to section 9006(b) of RCRA or 40 C.F.R. Part 22.
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 filing with the EPA Region 2 Regional Hearing Clerk.

IT IS SO AGREED,

RESPONDENT:


Name of individual signing (print): Alexander Harris

Title: Operations Manager

Signature: 

Date: 5/6/2016

APPROVED BY EPA:


Dore F. LaPosta, Director
Division of Enforcement and Compliance Assistance

Date: MAY 13, 2016

Reid Petroleum Corp.,
Docket No. RCRA-02-2016-7704

IT IS SO ORDERED:

FINAL ORDER

The Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Expedited Settlement 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
Helen Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007-1866

DATE: May 26, 2016

XPO Logistics Freight, Inc.,
Docket No. RCRA-02-2016-7701

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing fully executed Expedited Settlement Agreement and Final Order bearing docket number RCRA-02-2016-7701, in the following manner to the respective addressees listed below:

Original and Copy
By Hand Delivery:

Office of the Regional Hearing Clerk ✓
U.S. Environmental Protection
Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by Certified Mail/
Return Receipt Requested:

Jeff Sexten
Manager of Environmental Compliance
XPO Logistics Freight, Inc.,
2211 Old Earhart Road
Ann Arbor, MI 48105

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article #: 7015 3010 0001 6837 6398

Dated: May 27, 2016

Aline Razafimampandra