



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 26 2019

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7018 1830 0000 9639 5545

Bhajan Singh, President
Monhagen Avenue Mini Mart/Monhagen Sunoco
100 Monhagen Avenue
Middletown, NY 10940

Re: Underground Storage Tank (UST) Compliance Inspection of:

Monhagen Avenue Sunoco

100 Monhagen Ave.

Middletown, NY 10940

NYS PBS#: 3-037435

Final Expedited Settlement

Docket No. RCRA-02-2019-7708

Dear Mr. Singh:

The U.S. Environmental Protection Agency (EPA) Region 2 is in receipt of your penalty payment of \$2,820, 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.

Note that EPA may choose to re-inspect the USTs at the facility listed above and if EPA identifies any violations of federal UST regulations during the re-inspections or from any other information obtained by EPA, such findings would be your companies' 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 \$24,017 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,

Claudia Gutierrez, Team Leader
UST Compliance Team
Enforcement and Compliance Assurance Division

Enclosures

Expedited Settlement Agreement and Final Order

cc: Kevin Hale, Chief
Spill Prevention and Response Section
NYSDEC
625 Broadway 11th Floor
Albany, NY 12233-7020

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:

Monhagen Avenue Mini Mart Inc.,
Monhagen Avenue Sunoco

Respondents

Docket No. RCRA-02-2019-7708

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) has determined that the above-named entities (henceforth the “Respondents”), are the owners and/or operators of Underground Storage Tanks (“USTs”) at the following location: Monhagen Avenue Sunoco, 100 Monhagen Ave., Middletown, NY. (the “Facility”). 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) requires that all UST system owners or operators must inspect overfill prevention equipment at least once every three years. At a minimum, the inspection must ensure that overfill prevention equipment is set to activate at the correct level specified in §280.20(c) and will activate when regulated substance reaches that level. Pursuant to 40 C.F.R. 280.35(b), for UST systems in use on or before October 13, 2015, the initial overfill prevention equipment inspection must be conducted not later than October 13, 2018. During the EPA December 21, 2018 UST inspection of the Facility (the “Inspection”), the inspector noted that the three USTs at the Facility had been installed in April of 2013 and were in use before October 13, 2015. Therefore, as noted above, for any overfill prevention devices installed on the USTs, Respondents should have conducted the first inspection by October 13, 2018. The inspector was told by the Respondents’ representative, Bhajan Singh, who was present, that the Facility used ball float valves for overfill prevention. However, Mr. Singh was unable to demonstrate that this was so. In addition, the Facility had no record that the overfill prevention devices had been previously inspected.

EPA issued a Notice of Violation-Information Request Letter to Respondents’ representative, Bhajan Singh, on March 12, 2019. Mr. Singh responded on or about April 9, 2019 by submitting documentation demonstrating that the Facility had installed and tested a high-level alarm overfill prevention device on December 21, 2018 for the three USTs. However, he did not provide any information to demonstrate the presence and/or inspection of ball float devices previously installed on the three USTs.

Respondents' failure to inspect overfill prevention devices on three UST systems brought into use before October 13, 2015 by the deadline of October 13, 2018 is a violation of 40 C.F.R. § 280.35(b).

2. The EPA and the Respondents agree that settlement of this matter for a penalty of **\$2,820**, 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. Each party shall bear its own costs and fees, if any.

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.

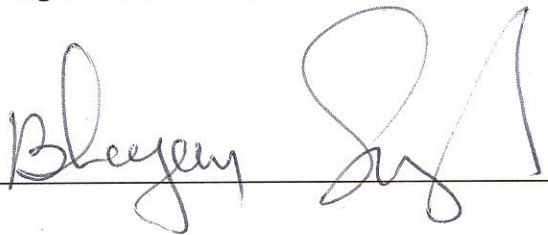
Monhagen Avenue Mini Mart Inc./Monhagen Avenue Sunoco
Docket No. RCRA-02-2019-7708
IT IS SO AGREED,

RESPONDENTS:

Name of individual signing (print): BHAJAN SINGH

Title: President

Bhajan Singh on behalf of:
Monhagen Avenue Mini Mart Inc. &
Monhagen Avenue Sunoco

Signature: 

Date: 8/31/19

COMPLAINANT:


Dore LaPosta, Director
Enforcement and Compliance Assurance Division

Date SEP 13 2019

Monhagen Avenue Mini Mart Inc./Monhagen Avenue Sunoco
Docket No. RCRA-02-2019-7708

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

DATE: September 20, 2019

Monhagen Ave. Mini Mart/Monhagen Avenue Sunoco
Docket No, RCRA-02-2019-7708

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-02-2019-7708, 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:**

Bhajan Singh, President
Monhagen Avenue Mini Mart/Monhagen Sunoco
100 Monhagen Avenue
Middletown, NY 10940

Dated: 09/26, 2019 Aline Razafimanjandra

