



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 12 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article Number: 7015 3010 0000 7504 1082

U.S. Environmental
Protection Agency-Reg 2
2016 SEP 14 AM 9:16
REGIONAL HEARINGS
CLERK

Raymond Sweirkowski, Supervisor
Town of Oyster Bay
150 Miller Pl.
Syosset, NY 11791

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

Town of Oyster Bay Lake Ave. Garage
Lake Ave.
Oyster Bay, NY 11791
Nassau County Fire Marshal No.: NAU38891

Final Expedited Settlement
Docket No, RCRA-02-2016-7702

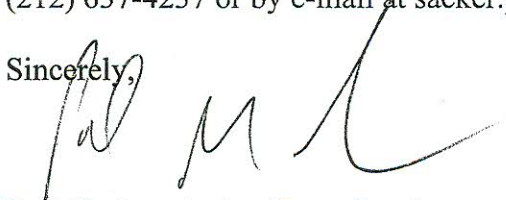
Dear Mr. Sweirkowski:

The U.S. Environmental Protection Agency (EPA) Region 2 is in receipt of the Town of Oyster Bay's penalty payment of \$6,390, the signed Expedited Settlement Agreement, and the documentation that the USTs at the above referenced facilities 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 Town of Oyster Bay's facility, 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 Town of Oyster Bay'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 \$22,587 per UST system per day of violation

If you have any questions regarding this letter or any other related matter, please contact me 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: Russ Brauksieck (w/Enclosure)
NYSDEC
Chief – Facility Compliance Section
Division of Environmental Remediation
625 Broadway 11th Floor
Albany, NY 12233-7020

Carrie Meek Gallagher (w/Enclosure)
DEC Region 1
50 Circle Road
Stony Brook, NY 11790-3409

Lawrence E. Eisenstein MD, FACP (w/Enclosure)
Commissioner of Health
Nassau County Department of Health
200 County Seat Drive
Mineola, NY 11501

associated pressurized lines, there were no historical records of any release detection monitoring for the twelve months prior to the inspection. Mr. Reiner also told the EPA enforcement officer that the Veeder Root System was not programmed to provide twelve months of records. As a result of the Inspection, the Town is now printing out the release detection records for the lines and tanks on the first of the month. The Town of Oyster Bay violated 40 C.F.R. §280.45 by failing to maintain records of release detection monitoring for its two tanks and pressurized lines for the period of at least July 27, 2014 through July 27, 2015.

2. The EPA and the Respondent agree that settlement of this matter for a penalty of \$6,390 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 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.
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 alleged violations, (2) submitted true and accurate documentation of those corrections, (3) provided a deposit for full 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 full payment of the civil penalty with this Agreement, and (5) agrees to release the deposit for full payment to the EPA upon entry of this 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 alleged 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.

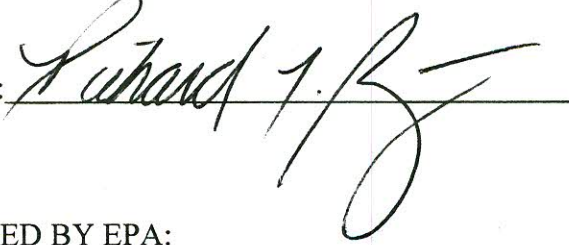
IT IS SO AGREED,

RESPONDENT:

Name of individual signing (print): Richard T. Betz

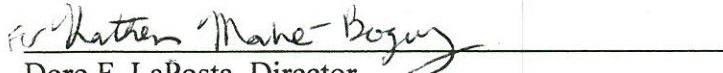
Town of Oyster Bay

Title: Commissioner of DPW

Signature: 

Date: 8-4-16

APPROVED BY EPA:



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

Date 8/19/16

The Town of Oyster Bay
Docket No. RCRA-02-2016-7702

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

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

DATE: Sept 8, 2016

Town of Oyster Bay
Docket No, RCRA-02-2016-7702

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-02-2016-7702, 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:

Raymond Sweirkowski, Supervisor
Town of Oyster Bay
150 Miller Pl.
Syosset, NY 11791

Dated: 09/12, 2016

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