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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II**

IN THE MATTER OF:

Chokshi Realty Group LLC)
Tulsi Chandan Corp. d.b.a. Quik Shoppe, LLC)
Shree Marutinandan Corp d.b.a. Happy Landing 003)
P&C Store Corp. d.b.a. Quik Shoppe 105)
Patel & Chokshi Corp. d.b.a. Sunny Happy Landing, and)
Patel 1 LLC d.b.a. Quik Shoppe 110)
Respondents)
_____)

Docket No. RCRA-02-2019-7704

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

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

- Chokshi Realty Group LLC: Owner, 8403 Main St., Interlaken, NY and 81 Victory Hwy, Painted Post, NY
- Tulsi Chandan Corp. d.b.a. Quik Shoppe, LLC: Operator, 8403 Main St., Interlaken, NY
- Shree Marutinandan Corp d.b.a. Happy Landing 003: Operator, 81 Victory Hwy, Painted Post, NY
- P&C Store Corp. d.b.a. Quik Shoppe 105: Operator, 46 Main St. Hammondsport, NY
- Patel & Chokshi Corp. d.b.a. Sunny Happy Landing: Owner & Operator, 7567 State Route 96, Interlaken, NY
- Patel 1 LLC d.b.a. Quik Shoppe 110: Operator, 317 3rd St., Ithaca, NY

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. § 280.93 requires that all UST system owners or operators must demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks.

During the March 17, 2017 UST inspection of the facility located at 46 Main St., Hammondsport, NY, the inspector was not provided with documentation that the four USTs at the facility were covered with a financial responsibility mechanism that provided coverage for third party bodily injury resulting from releases from the USTs. After the inspection,

Cost of returning to compliance : \$16,000 annually

Sakshi Malhotra, on behalf of P&C Store Corp., provided EPA with partial documentation for this facility of a Storage Tank Environmental Liability policy dated effective April 1, 2016 through April 1, 2017. The documentation, however, did not fully demonstrate that the USTs were covered for third-party bodily injury. On August 7, 2017, EPA sent an Information Request Letter-Notice of Violation (“IRL-NOV”) to E. Philip Saunders, Saunders Management Co., Inc. (“Saunders Management”), the property manager for the facility, requesting documentation of a more detailed insurance policy that provides third-party bodily injury coverage from at least April 1, 2017 to date of the IRL-NOV’s receipt (August 10, 2017). Saunders Management responded by telephone and indicated that EPA should send specific questions regarding the UST’s compliance to P&C Store Corp., which Saunders Management indicated was, by lease, the owner of the USTs at the Hammondsport facility. Saunders Management forwarded EPA’s letter to P&C Store Corp. On October 13, 2017, Ms. Malhorta provided EPA Enforcement Officer Paul Sacker by e-mail a screenshot of the definition page of the liability insurance coverage policy that provided definitions of “bodily injury” but she did not provide documentation that the facility USTs were covered for third-party bodily injury.

EPA then conducted UST inspections on October 18, 2017 of the facilities located at: 7567 State Route 96, Interlaken, NY; 81 Victory Highway, Painted Post, NY; and 8403 Main Street, Interlaken, NY. The inspector was only provided documentation of general facility liability policies for the 7567 State Route 96 facility. The policy did not demonstrate that the USTs at these three facilities were covered for third-party bodily injury liability for releases from them. EPA’s April 11, 2018 IRL-NOV requested that Respondents provide a full copy of the Storage Tank Environmental Liability policies for the Hammondsport facility inspected on March 17, 2017 and the three other facilities inspected on October 18, 2017, that demonstrated coverage for third party bodily injury during the time of the inspections and provide evidence of continued coverage from at least October 18, 2016 (twelve months prior to the inspection) through receipt of the letter, (April 16, 2018). Respondents’ May 9, 2018 response provided an UST insurance policy that clearly demonstrated third-party bodily injury coverage for the four facilities plus another facility located at 317 3rd St., Ithaca, NY, but only for the period of October 1, 2017 through October 1, 2018. The response did not provide documentation that the facility USTs had the required insurance coverage prior to October 1, 2017.

During a June 25, 2018 UST inspection of the facility located at 317 3rd St., Ithaca, NY, the inspector was provided with the documentation that the USTs at the facility were only covered with a financial responsibility mechanism that provided coverage for third party bodily injury resulting from releases from the USTs for the period from October 1, 2017 to October 1, 2018. EPA’s July 27, 2018 IRL-NOV requested that the Respondents provide a full copy of any financial responsibility mechanism that covered the USTs at the Ithaca facility for third party bodily injury during the period of at least June 25, 2017 (12 months prior to the inspection) through October 1, 2017. Respondents’ September 12, 2018 response resubmitted the policy that provided coverage for third-party bodily injury from October 1, 2017 to October 1, 2018. The response did not provide documentation that the USTs at the Ithaca facility had the required insurance coverage prior to October 1, 2017.

Respondents' failure to maintain required financial responsibility that includes third party bodily injury liability coverage for the USTs at the five facilities prior to October 1, 2017 (as described above) for the above-referenced time periods is a violation of 40 C.F.R. § 280.93.

2. The EPA and the Respondents agree that settlement of this matter for a penalty of **\$850**, 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.
9. 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.

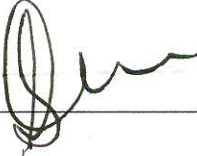
Chokshi Realty Group LLC, et. al.
Docket No. RCRA-02-2019-7704

IT IS SO AGREED,

RESPONDENTS:

Name of individual signing (print): SAKSHI MAHOTRA

Title: Office Mgr
Deep Patel on behalf of
Chokshi Realty Group LLC
Tulsi Chandan Corp. d.b.a. Quik Shoppe, LLC
Shree Marutinandan Corp d.b.a. Happy Landing 003
P&C Store Corp. d.b.a. Quik Shoppe 105
Patel & Chokshi Corp. d.b.a. Sunny Happy Landing, and
Patel 1 LLC d.b.a. Quik Shoppe 110

Signature:  _____

Date: 9/9/19

COMPLAINANT:

 _____
Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Date 9/16/19

Chokshi Realty Group LLC, et. al.
Docket No. RCRA-02-2019-7704

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 17, 2019*

Chokshi Realty Group LLC , et al.
Docket No, RCRA-02-2019-7704

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-02-2019-7703, 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:**

Deep Patel, CEO
Chokshi Realty Group LLC
8403 Main St.
Interlaken, NY 14847

Tulsi Chandan Corp.
d.b.a. Quik Shoppe, LLC
8403 Main Street
Interlaken, NY 14847

Shree Marutinandan Corp
d.b.a. Happy Landing 003
81 Victory Hwy
Painted Post, NY 14870

P&C Store Corp.
d.b.a. Quik Shoppe 105
46 Main St.
Hammondsport, NY 14840

Patel & Chokshi Corp.
d.b.a. Sunny Happy Landing
7567 State Route 96
Interlaken, NY 14847

Patel 1 LLC
d.b.a. Quik Shoppe 110
317 3rd St.
Ithaca, NY 14853

Dated: Sept. 24, 2019

