

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II

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June 11, 2020 @ 11:45 am
Regional Hearing Clerk

IN THE MATTER OF:)	Docket No. RCRA-02-2020-7701
)	
NJLG-UST I, LLC)	EXPEDITED SETTLEMENT
)	AGREEMENT AND
)	FINAL ORDER
Respondent)	
_____)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) has determined that NJLG-UST I, LLC (“NJLG” or “Respondent”), owner of the Underground Storage Tanks (“USTs”) situated at 2959 Route 10 East, Parsippany, NJ 07054 (“the facility”), failed to comply with the following requirement 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:

The automatic shutoff devices for the regular and supreme gasoline tanks at the facility failed Crompco overfill verification testing on January 31, 2018. The only overfill prevention devices on the tanks were the automatic shutoff devices in the droptubes. The automatic shutoff devices in the droptubes were repaired on August 17, 2018 and passed retesting by Crompco on August 24, 2018. The facility received fuel deliveries during the noncompliance period of January 2018 to August 2018. Respondent violated 40 C.F.R. § 280.20(c)(1)(ii) by failing to use overfill prevention equipment that would prevent overfilling associated with product transfer to the regular and supreme gasoline tanks from January 31, 2018 to August 23, 2018.

2. The EPA and the Respondent agree that settlement of this matter for a penalty of **\$1,420** 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 requirement listed above in Paragraph 1, (2) admits that the EPA has jurisdiction over the Respondent and the Respondent’s conduct as described herein, (3) neither admits nor denies the factual determinations contained herein, (4) consents to the assessment of the penalty in Paragraph 2 above, and (5) waives any right to contest the determinations contained herein.
5. By signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has: (1) corrected the alleged violation, (2) submitted true and accurate documentation of the 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 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 this Order.

6. Full payment of the penalty in Paragraph 2 shall only resolve Respondent's liability for federal civil penalties for the violation 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.
7. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal or state income tax purposes.
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 the date of its filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 2, New York, New York.


NJLG-UST I, LLC
Docket No. RCRA-02-2020-7701

IT IS SO AGREED,

RESPONDENT:

Name of individual signing (print): TAMMY HESLER

Title: Project Manager

Signature: 

Date: 4/29/2020

COMPLAINANT:

Dore LaPosta, Director
Enforcement and Compliance Assurance Division

Date _____