



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL 13 2017

U.S. Environmental Protection Agency-Reg 2
2017 JUL 14 AM 9:01
REGIONAL HEARING CLERK

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article Number: 7016 0910 0000 4441 1723

Mark Dombal, Vice President
Alta East, Inc.
50 Industrial Place
Middletown, NY 10940

Re: Underground Storage Tank (UST) Compliance Inspections of

Table with 2 columns and 2 rows containing facility names and addresses: Highland Mills Mobil, Pottersville Valero, Monroe Valero.

Final Expedited Settlement
Docket No. RCRA-02-2017-7704

Dear Mr. Dombal:

The U.S. Environmental Protection Agency (EPA) Region 2 is in receipt of Alta East, Inc.'s penalty payment of \$3,760, the signed Expedited Settlement Agreement, and the documentation that the USTs at the above referenced facilities are now in compliance.

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.

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 Team

Enclosure

cc: Russ Brauksieck
NYSDEC
Chief – Facility Compliance Section
Division of Environmental Remediation
625 Broadway 11th Floor
Albany, NY 12233-7020

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II**

U.S. Environmental
Protection Agency-Reg 2

2017 JUL 14 AM 9:01

REGIONAL HEARING
CLERK

IN THE MATTER OF:

Alta East, Inc.

Respondent

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Docket No. RCRA-02-2017-7704

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) has determined that Alta East, Inc. (the “Respondent”), is a former owner and operator of the Underground Storage Tanks (“USTs”) at the following facilities:

Highland Mills Mobil 497 Route 32 Highland Mills, NY 10930 PBS#: 3-078859	Pottersville Valero 38 Valley Farm Road Pottersville, NY PBS#: 5-600136
Monroe Valero 425 Route 208 Monroe, NY PBS#: 3-507083	

An EPA enforcement officer noted that the USTs at the above referenced facilities 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.) During the October 15, 2015 UST inspection of the facility located at 38 Valley Farm Road Pottersville, NY an EPA contract inspector was unable to verify the existence of an approved overfill device installed on the 1,786 gallon kerosene UST. Respondent later admitted that a ball float was installed on the 1,786 gallon kerosene UST on October 26, 2015. Therefore, the Pottersville facility was in violation of 40 C.F.R. § 280.20(c) from at least October 15, 2015 through October 26, 2015.
- b.) During the October 15, 2015 UST inspection of the facility located at 38 Valley Farm Road Pottersville, NY, the inspector determined that the five USTs and pressurized lines were monitored monthly for releases by electronic interstitial monitoring (EIM). However, the inspector was provided records from the EIM monitoring system that indicated there were potential releases that needed to be investigated from at least December 22, 2014 through August 24, 2015.

EPA's March 10, 2016 Information Request Letter ("IRL") requested that Respondent provide evidence that it investigated these potential releases and provide documentation of any repair to sensors, line, or tank found to be malfunctioning and/or leaking. Respondent was also asked to provide an explanation of why some of these alarms continued for months without being addressed. In Respondent's April 8, 2016 IRL response it admitted "the dealer reported the alarms and Alta East's representative for the dealer investigated and determined the alarms were caused by water penetration or, in some cases, by anomalous signals" Respondent further admitted "in most cases, investigation disclosed that the moisture resulting in the alarm was water. In all other cases, investigation disclosed no visible liquid at all. In these cases, the sensor was often simply moist and the problem could be corrected by drying the sensor. And occasionally, the alarm condition simply stopped, indicating an anomalous signal." Between February 10, 2017 and April 13, 2017, EPA sought additional information from Respondent regarding its records regarding these repairs/investigations. Respondent failed to provide records documenting that it made the repairs it reported. Therefore, for the period of at least December 22, 2014 through August 24 2015, Respondent was in violation of 40 C.F.R. § 280.45(c), for failure to properly document repairs to its release detection equipment.

- c.) During an October 20, 2015 UST inspection of the facility located at 425 Route 208, Monroe, NY, the inspector determined the three USTs were protected from corrosion via an impressed current system. However, the onsite rectifier log had no entry after November 20, 2014. Respondent admitted in its April 8, 2016 IRL response "evidence of inspections during the period January 19, 2015 to October 22, 2015, is not available because the dealer ceased maintaining the onsite rectifier log...". Therefore, for the period from January 19, 2015 through October 22, 2015, Respondent was in violation of 40 C.F.R. § 280.31(d)(1) or failure to provide records that the impressed current rectifier was inspected every 60 days.
 - d.) During the October 21, 2015 UST inspection of the facility located at 497 Route 32, Highland Mills, NY, the inspector determined the four USTs were monitored monthly for releases via an automatic tank gauge (ATG) that conducted continual statistical leak detection (CSLD). However, there were no records provided for the diesel tank for the twelve months prior to the inspection. Respondent admitted in its April IRL response "documentation that the diesel tank was being properly monitored for releases during the period October 21, 2014 through October 21, 2015, is not available because the monitoring system was not working and the dealer failed to report the problem in violation of his contractual obligations to do so." Respondent's failure to properly monitor the diesel tank for releases from October 21, 2014 through October 28, 2015 (day of repair) is a violation of 40 C.F.R. § 280.41(a) for 1 tank.
2. The EPA and the Respondent agree that settlement of this matter for a penalty of \$3,760 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 described 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) 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, (2) submitted true and accurate proof of deposit for full payment of the civil penalty with this Agreement, and (3) agrees to release the deposit for full 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(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.
7. 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.
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 filing.

IT IS SO AGREED,

RESPONDENT:

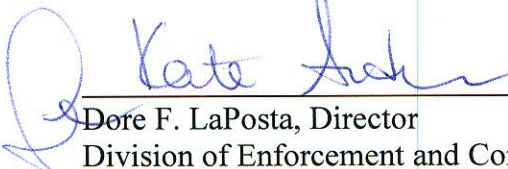
Name of individual signing (print): DW PORTO

Title: PRES

Signature: 
Alta East, Inc.

Date: 6/21/17

APPROVED BY EPA:


Dore F. LaPosta, Director
Division of Enforcement and Compliance Assistance
In the Matter of Alta East, Inc.
Docket No. RCRA-02-2017-7704

Date 7/10/17

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: July 11, 2017

Alta East, Inc.
Docket No, RCRA-02-2017-7704

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-02-2017-7704, 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:

Mark Dombal, Vice President
Alta East, Inc.
50 Industrial Place
Middletown, NY 10940

Dated: July 13, 2017

Mary E. Coyle