

P. Sacker



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

SEP 15 2017

2017 SEP 19 2:11:40  
U.S. Environmental Protection Agency

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7016 3560 0000 4260 4103**

Myron P. Shevell, Chairman  
New England Motor Freight, Inc.  
1-71 North Avenue East  
Elizabeth, NJ 07201

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

New England Motor Freight  
7201 Schuyler Road  
East Syracuse, NY 13057  
NYS DEC PBS #7-004928

Expedited Settlement  
Docket No. RCRA-02-2017-7707

Dear Mr. Shevell:

The U.S. Environmental Protection Agency (EPA) Region 2 is in receipt of New England Motor Freight, Inc.'s penalty payment of \$2,130, 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 New England Motor Freight, Inc.'s facilities 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 New England Motor Freight, Inc.'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 Paul Sacker of my staff at (212) 637-4237 or by e-mail at [sacker.paul@epa.gov](mailto: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

2017 SEP 12 11:11:10  
EPA REGION II

IN THE MATTER OF: )  
 )  
New England Motor Freight, Inc. )  
 )  
Respondent )  
 )  
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**Docket No. RCRA-02-2017-7707**

**EXPEDITED SETTLEMENT  
AGREEMENT AND  
FINAL ORDER**

**EXPEDITED SETTLEMENT AGREEMENT**

1. The U.S. Environmental Protection Agency (“EPA”) has determined that New England Motor Freight, Inc. (“Respondent”), owner and operator of the Underground Storage Tank (“UST”) located at New England Motor Freight, 7201 Schuyler Road, East Syracuse, NY 13057 (the “Facility”) 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. Part 280.45(c) requires that owner/operators of UST systems maintain written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site for at least one year after the servicing work is completed, or for another reasonable time period determined by the implementing agency. During EPA’s April 6, 2016 UST inspection of the Facility it was noted that the 10,000-gallon diesel UST was monitored for releases via a combination of electronic interstitial monitoring (EIM) and an automatic tank gauge that conducted continual statistical leak detection (CSLD). The inspector obtained a printout from the EIM monitor, a Veeder Root TLS-350 that indicated a high liquid alarm from May 18, 2015 through October 18, 2015 in the interstitial space. No records from the CSLD system were provided. The increased levels of liquid in the interstitial space could be an indication of a release from the tank. A review of the New York State Department of Environmental Conservation (NYSDEC)’s spill incident database revealed that no spill from an underground system was reported for this facility between May, 18, 2015 and October 19, 2015 (24 hours after last recorded alarm).

EPA’s July 20, 2016 and December 22, 2016 IRLs requested detailed information from Respondent on how it addressed the alarms for the period in question. Respondent’s August 15, 2016 IRL response and follow-up phone conversations and e-mails between Mac Walker, Real Estate Manager for Respondent and EPA Enforcement Officer, Paul Sacker, revealed that while Respondent was aware since at least April 2015 of a problem with the tank’s EIM sensor and the brine solution it was housed in that caused the sensor to create false alarms in warmer months; it determined that there was no need to report any release to the NYS DEC pursuant to 40 C.F.R. § 280.50 during the time the EIM system was in alarm, including the May 2015 alarm noted by the EPA. Furthermore, other than keeping 10-day inventory reconciliation records (a release detection method not approved by federal

