



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL - 5 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article Number: 7015 3010 0000 7504 1495

Peter Halperin, Owner
Lou Hal Properties
1144 Atlantic Ave.
Baldwin, NY 11510

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

Garden City Auto & Lube
36 New Hyde Park Road
Garden City, NY 11530
Nassau County Fire Marshal #: 28667

Citgo Station
137 Hillside Ave.
Williston Park, NY 11596
Nassau County Fire Marshal #: 30759

Final Expedited Settlement
Docket No, RCRA-02-2016-7703

Dear Mr. Halperin:

The U.S. Environmental Protection Agency (EPA) Region 2 is in receipt of Lou-Hal Properties, Inc.'s penalty payment of \$300, 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 Lou-Hal Properties, 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 Lou-Hal Properties, 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 \$16,000 per UST system per day of violation

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REGIONAL HEARING
CLF/PK

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: Carrie Meek Gallagher
Regional Director
DEC Region 1
50 Circle Road
Stony Brook, NY 11790-3409

Scott D. Tusa (w/Enclosure)
Chief Fire Marshal
Nassau County Fire Marshal's Office
1194 Prospect Ave.
Westbury, NY 11590

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:) Docket No. RCRA-02-2016-7703
)
Lou-Hal Properties, Inc.,)
)
) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND**
) **FINAL ORDER**
Respondent.)
_____)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) has determined that Lou-Hal Properties, Inc. (“Respondent”), owner or operator of the one (1) Underground Storage Tank (UST) at Garden City Auto & Lube, 36 New Hyde Park Road, Garden City, NY 11530 and the three (3) USTs at Citgo Station, 137 Hillside Ave., Williston Park, NY 11596 (the “UST 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:

Garden City Auto & Lube, 36 New Hyde Park Road, Garden City, NY:

- a. 40 C.F.R. §280.45 - Records of monitoring; Failure to maintain monthly records of release detection monitoring for one UST for July and August, 2013.

Citgo Station, 137 Hillside Ave., Williston Park, NY

- b. 40 C.F.R. §280.45 - Records of monitoring; Failure to maintain monthly record of release detection monitoring for pressurized piping for March, 2015.

2. The EPA and the Respondent agree that settlement of this matter for a penalty of \$300 without the need for 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) corrected the violations identified above, (2) submitted true and accurate documentation of the corrections, (3) provided a deposit in the amount of \$300 for payment of the civil penalty

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Protection Agency-Region II
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REGIONAL OFFICE

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, (5) agreed to release the deposit for payment to the EPA upon entry of the attached Order, and (6) agreed that for future release detection recordkeeping for pressurized lines, Respondent shall maintain records of the actual liquid status sensors used to monitor the pressurized lines, rather than just the printouts stating "All Functions Normal."

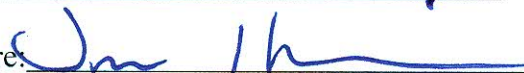
6. Upon filing, this Expedited Settlement Agreement and Final Order shall constitute full settlement of the Respondent's civil liabilities under Section 9006 of RCRA for the violation(s) described in paragraph 1, above.
7. The EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by the Respondent of RCRA, any other federal statute or regulation, or for any violations certified 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 with the EPA Region 2 Regional Hearing Clerk.

IT IS SO AGREED,

RESPONDENT:

Name of individual signing (print): Jonathan Halperin

Title: VP

Signature: 

Date: 6-15-16

APPROVED BY EPA:



Date: 6/28/16

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

Lou-Hal Properties, Inc.,
Docket No. RCRA-02-2016-7703

FINAL ORDER

The Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Expedited Settlement 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: June 29, 2016

Lou-Hal Properties, Inc.,
Docket No. RCRA-02-2016-7703

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-02-2016-7703 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:

Peter Halperin, Owner
Lou-Hal Properties, Inc.
1144 Atlantic Ave.
Baldwin, NY 11510

Dated: 7/5, 2016

Mary C. Cochrane