



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

U.S. Environmental
Protection Agency-Region 2
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REGIONAL HEARING
CLP/NK

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**
Respondent.) **FINAL ORDER**
)

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

U.S. Environmental
Protection Agency-Region II
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REGIONAL OFFICE

