

USEPA – Region II
Regional Hearing Clerk

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:)
)
) **Docket No. RCRA-02-2020-7704**
)
Cheema Petro LLC)
)
)
) **EXPEDITED SETTLEMENT**
Respondent) **AGREEMENT AND**
) **FINAL ORDER**
)
)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA") has determined that the above named (henceforth "Respondent"), is the owner and/or operators of Underground Storage Tanks ("USTs") as indicated at the following locations (the "Facilities"):

PBS#	Facility	Address	City
3-601264	CHEEMA PETRO LLC	2215 STATE ROUTE 52	PINE BUSH, NY
4-120901	CHEEMA PETRO LLC	124 FAIRVIEW AVE	HUDSON, NY
4-142395	CHEEMA PETRO LLC	3300 CARMAN ROAD	GUILDERLAND, NY
4-485853	CHEEMA PETRO LLC	591 BROADWAY	MENANDS, NY

Furthermore, EPA has determined that the Respondent has 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. § 280.93 requires that all UST system owners or operators must demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks. During EPA's UST inspections of the Facilities over the period of March 26 through 28, 2019, the inspector was provided documentation showing that each facility had the same insurance policy providing third-party bodily injury coverage that began on November 27, 2018. No earlier policy was provided to the inspector.

EPA's May 15, 2019 NOV-IRL requested that Respondent confirm that it did not have a financial assurance mechanism for the Facilities prior to November 27, 2018. Respondent's September 16, 2019 response to the May 15, 2019 NOV-TRL stated that it did not believe it required financial assurance for the Facilities prior to EPA's inspection and thus did not have it. Respondents' failure to maintain required financial responsibility that includes third party bodily injury liability coverage for the USTs at the Facilities prior to November 27, 2018 is a violation of 40 C.F.R. § 280.93.

2. The EPA and the Respondent agrees that settlement of this matter for a penalty of **\$680**, 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) consent 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 violations, (2) submitted true and accurate documentation of those 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 Respondents, (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. 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.
6. 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.
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. EPA and Respondent agree that the parties may use electronic signatures for this matter.
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.

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IT IS SO AGREED,

RESPONDENT:

Name of individual signing (print): SURINDER S CHEEMA

Title: _____
Surinder S. Cheema, President
Cheema Petro LLC

Signature: 

Date: 6/29/20

COMPLAINANT:

For

Dore LaPosta, Director
Enforcement and Compliance Assurance Division

Date _____

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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
Regional Judicial Officer
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007-1866

DATE: _____