



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG:11  
2011 MAR 24 A 11:19  
REGIONAL HEARING  
CLERK

MAR 21 2014

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

**Article Number: 7005 3110 0000 5940 0500**

Eileen B. Schultz, Village Clerk-Treasurer & Assessor  
Village of Lloyd Harbor  
32 Middle Hollow Road  
Huntington, NY 11743

RE: In the Matter of: Village of Lloyd Harbor (Highway Garage)  
Docket Number: SDWA-02-2014-8901

Dear Ms. Schultz:

Enclosed is a Complaint issued to the Village of Lloyd Harbor ("Respondent") by the U.S. Environmental Protection Agency ("EPA"). The EPA has determined that Respondent is in violation of Part C of the Safe Drinking Water Act ("the Act") and the regulations promulgated thereunder, relating to underground injection. Therefore, pursuant to §1423(c) of the Act, 42 U.S.C. §300h-2(c), EPA seeks (1) to assess a penalty in the amount of **\$6,500.00** against Respondent for these violations, and (2) to require Respondent to take certain actions to achieve compliance with the Act.

Respondent has the right to a hearing to contest the factual allegations in the Complaint. If the allegations are admitted, or they are found to be true after an opportunity for a hearing on them, Respondent has the right to contest the penalty and the compliance measures proposed in the Complaint. I have enclosed a copy of the administrative Consolidated Rules of Practice ("CROP"), 40 C.F.R. Part 22, which EPA follows in cases of this kind. Also note 40 C.F.R. Part 22 Subpart I. Please take particular note of 40 C.F.R. §22.15 with regard to filing an Answer in this matter. **If Respondent wishes to contest the allegations in the Complaint or the penalty proposed or the proposed compliance measures detailed in the Complaint, an Answer must be filed within thirty (30) days of your receipt of the enclosed Complaint. The Answer and one copy must be mailed to the EPA Regional Hearing Clerk at the following address:**

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

You must also send a copy of your Answer to:

Tim Murphy, Esq.  
Assistant Regional Counsel  
Water & General Law Branch  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

If Respondent does not file an Answer within thirty (30) days of receipt of this Complaint, Respondent may be judged to have defaulted. In the event of default, each allegation in the Complaint will be deemed to be admitted. Respondent will have waived the right to appear in this action and the entire proposed penalty and all proposed compliance measures may be ordered without further proceedings.

Whether or not a hearing is requested, Respondent may confer informally with the EPA concerning the alleged violations, the amount of the proposed penalty and/or the compliance measures. The EPA encourages all parties against whom it files a Complaint to pursue settlement discussions. The EPA also encourages the use of Supplemental Environmental Projects, where appropriate, as part of the settlement. Enclosed is a copy of the EPA Supplemental Environmental Projects Policy (May 1, 1998) for your consideration. Respondent may represent himself/herself or be represented by an attorney at any stage of the proceedings, including any informal discussions, whether in person or by telephone. Please note that a request for an informal conference does not substitute for a written Answer or affect what may be asserted in an Answer, nor does it extend the thirty (30) days by which to file an Answer or a Hearing Request. Any hearing held in this matter will be conducted in accordance with the CROP.

### **Offer of Settlement**

In an effort to promptly settle this matter, enclosed for your consideration is a proposed Consent Agreement and Final Order ("CA/FO"). The Agency would be prepared to enter into the enclosed CA/FO provided that Respondent:

1. Executes and returns the CA/FO within thirty (30) days of receipt of the Complaint,
2. Completes the Compliance Measures specified in Paragraph IV.2 of the Complaint within sixty (60) days of receipt of the Complaint, and
3. Pays a penalty of **\$ 3,134.00** within forty five (45) days of the effective date of the CA/FO.

If you wish to resolve this matter without further proceedings, please sign the enclosed CA/FO and return it to EPA within thirty (30) days of your receipt of this letter. Do not submit payment to EPA until after you receive a copy of an executed CA/FO.

If EPA does not receive the CA/FO, signed by you or your authorized representative, within the thirty (30) day period referenced above, then the EPA's offer of settlement is effectively withdrawn and EPA may thereafter seek the full amount of the penalty proposed in the Complaint.

EPA urges your prompt attention to this matter. If you have any questions or wish to discuss a settlement of this matter with EPA by an informal conference, please immediately contact Mr. Murphy at (212) 637-3236.

Sincerely,

Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance

Enclosures

1. Compliant
2. CA/FO
3. CROP
4. SEP Policy
5. U.S. EPA Small Business Resource Information Sheet

cc: Karen Maples, Regional Hearing Clerk  
(w/Complaint only)

Mark Klotz, Director (w/copy of Complaint only)  
Division of Water  
New York State Department of Environmental Conservation

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2011 MAR 24 A 11: 19  
REGIONAL HEARING  
CLERK

IN THE MATTER OF:

Village of Lloyd Harbor (Highway Garage)  
32 Middle Hollow Road  
Lloyd Harbor, NY 11743

Respondent

Proceedings under Section 1423(c)  
of the Safe Drinking Water Act,  
42 U.S.C. §300h-2(c)

**COMPLAINT,  
NOTICE OF VIOLATION,  
PROPOSED ADMINISTRATIVE ORDER  
WITH CIVIL PENALTY AND  
OPPORTUNITY TO REQUEST A  
HEARING**

**DOCKET NO.  
SDWA-02-2014-8901**

**COMPLAINT AND NOTICE OF SAFE DRINKING WATER ACT VIOLATIONS**

**I. LEGAL AUTHORITY**

1. This Complaint, Notice of Violation, Proposed Administrative Order with Civil Penalty and Opportunity to Request a Hearing, is hereinafter referred to as "Complaint" and is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 1423(c) of the Safe Drinking Water Act ("SDWA" or "Act"), 42 U.S.C. §300h-2(c). The EPA Administrator has delegated the authority to take these actions to the Regional Administrator for EPA, Region 2, who in turn has delegated the authority to the Director of the Division of Enforcement and Compliance Assistance, Region 2 ("Complainant").
2. Pursuant to Section 1423(c) of the Act, 42 U.S.C. §300h-2(c), and in accordance with the administrative Consolidated Rules of Practice ("CROP"), found at 40 C.F.R. Part 22, Complainant hereby requests that the Regional Administrator assess a civil penalty against a person for violations of the Act and the regulations promulgated thereunder and requires such person to take certain actions to achieve compliance with the Act and the regulations promulgated thereunder.
3. Section 1421(a) and (b) of the Act, 42 U.S.C. §300h(a) and (b), requires the EPA Administrator to promulgate regulations establishing minimum requirements for effective programs to prevent underground injection which endangers drinking water sources. *See* 40 C.F.R. Parts 124, 142, 144, 146, and 147, Subpart HH.

4. Section 1401(12) of the Act, 42 U.S.C. §300f(12) and 40 C.F.R. §144.3 defines “person” as, among other things, an individual, corporation, company, association, partnership or municipality.
5. Section 1422(c) of the SDWA, 42 U.S.C. §300h-1(c) requires EPA to administer the Underground Injection Control (“UIC”) program in states which do not have approved state programs. The State of New York has not acquired primacy of the UIC program. Pursuant to 40 C.F.R. §147.1651, June 25, 1984 is the effective date of the UIC program for New York for all injection activities except those on lands of the Seneca Indian Tribe.
6. Section 1421(d) of the Act, 42 U.S.C §300h(d) defines “underground injection” as the subsurface emplacement of fluids by well injection. Furthermore, underground injection endangers drinking water sources if such injection may result in the presence in underground water which supplies or can reasonably be expected to supply any public water system of any contaminant, and if the presence of such contaminant may result in such system not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons.
7. 40 C.F.R. §144.3 defines “contaminant” as any physical, chemical, biological, or radiological substance or matter in water.
8. 40 C.F.R. §144.3 defines “owner or operator” as the owner or operator of any “facility or activity” subject to regulation under the UIC program. “Facility or activity” is defined as any UIC “injection well,” or another facility or activity that is subject to regulation under the UIC program. “Site” is defined as the land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity.
9. 40 C.F.R. §144.3 defines “injection well” as a “well” into which “fluids” are being injected. A “well” is defined as a bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system. “Fluids” are defined as any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.
10. 40 C.F.R. §144.3 defines “drywell” as a well, other than an improved sinkhole or subsurface fluid distribution system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids. “Subsurface fluid distribution system” is defined as an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.
11. 40 C.F.R. §144.3 defines “underground source of drinking water” as an aquifer or its portion: (a)(1) which supplies any public water system; or (2) which contains a sufficient quantity of ground water to supply a public water system; and (i) currently supplies drinking water for human consumption; or (ii) contains fewer than 10,000 mg/l total dissolved solids; and (b) which is not an exempted aquifer.

12. 40 C.F.R. §144.3 defines “ground water” as water below the land surface in a zone of saturation.
13. 40 C.F.R. §144.12 prohibits any injection activity which allows the movement of fluids containing any contaminant into an underground source of drinking water (“USDW”), if the presence of that contaminant may cause a violation of any primary drinking water regulation or may otherwise adversely affect the health of persons. *See also*, 40 C.F.R. §144.82.
14. 40 C.F.R. §144.26 requires the owner or operator of an injection well which is authorized by rule to submit inventory information to the Director. *See also*, 40 C.F.R. §144.83.
15. Pursuant to 40 C.F.R. §144.6, injection wells are classified as Class I, II, III, IV, or V. 40 C.F.R. §144.80(e) indicates that Class V wells are typically shallow wells used to place a variety of fluids directly below the land surface. 40 C.F.R. §144.81 describes the types of Class V injection wells as, among other things, drainage wells used to drain surface fluids, primarily storm runoff, into a subsurface formation and dry wells used for the injection of wastes into a subsurface formation. More specifically, 40 C.F.R. 144.81(5) indicates that dry wells used for the injection of wastes into a subsurface formation are considered regulated Class V wells. In addition, 40 C.F.R. 144.81(16) indicates that motor vehicle waste disposal wells are wells that receive or have received fluids from vehicular repair or maintenance activities, such as an auto body repair shop, automotive repair shop, new and used car dealership, specialty repair shop (e.g., transmission and muffler repair shop), or any facility that does any vehicular repair work. Fluids disposed in these wells may contain organic and inorganic chemicals in concentrations that exceed the maximum contaminant levels (MCLs) established by the primary drinking water regulations (*see* 40 C.F.R. Part 141). These fluids also may include waste petroleum products and may contain contaminants, such as heavy metals and volatile organic compounds, which pose risks to human health.
16. Pursuant to 40 C.F.R. §144.24, all Class V injection operations (as defined by 40 C.F.R. §§144.3, 144.6(e), 146.3 and 146.5(e)) are authorized to operate, provided that the owner and/or operator is in compliance with 40 C.F.R. Part 144, where applicable.
17. Pursuant to 40 C.F.R. §144.84(b)(2), certain Class V wells, including motor vehicle waste disposal wells in a ground water protection area or sensitive ground water area, are no longer authorized by rule and must either be closed or permitted for continued use as specified in the additional requirements section found at §144.88. All new motor vehicle disposal wells are prohibited as of April 5, 2000. (*See also*, 40 C.F.R. §144.85, the additional requirements under § 144.88 apply, when there is an existing motor vehicle waste disposal well on April 5, 2000, and the well is located in a ground water protection area or other sensitive ground water area that is identified by your State or EPA Region. If your State or EPA Region fails to identify ground water protection areas and/or other sensitive ground water areas, these additional requirements apply to all Class V motor vehicle wells in the State).
18. Pursuant to 40 C.F.R. §144.87(a), an owner or operator of an existing motor vehicle well located in a ground water protection area or another sensitive ground water area must comply with the new requirements found at §144.88. Section 144.87 provides specific dates when an owner or

operator of motor vehicle disposal wells must obtain a permit based on when the State or EPA delineates those areas that are either ground water protection area or another sensitive ground water area. However, if the State or EPA Region fails to identify these areas within the specified time frames, under §144.87, then these requirements apply to all existing motor vehicle waste disposal wells within your State. See also, 40 C.F.R. §144.87(f) (where a State elects not to delineate “Other Sensitive Ground Water Areas,” the additional requirements still apply regardless of the location of the motor vehicle disposal well).

19. The State of New York elected not to delineate “Other Sensitive Ground Water Areas.” Therefore, pursuant to 40 C.F.R. §144.88(b)(1)(vi), all existing motor vehicle waste disposal wells within New York State were required to be closed or permitted by no later than January 1, 2008.
20. Section 1445 of the Act, 42 U.S.C. §300j-4, authorizes EPA to conduct inspections to determine whether the owner or operator of an injection well has acted or is acting in compliance with the UIC program.

## **II. JURISDICTIONAL FINDINGS**

1. Village of Lloyd Harbor (Highway Garage) (“Respondent”) is a “person” within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. §300f(12) and 40 C.F.R. §144.3 because it is a municipality.
2. Respondent owns and/or operates a Highway Garage located at 32 Middle Hollow Road, Lloyd Harbor, NY 11743, (“Facility”). Respondent is either the “owner” and/or “operator” of the Facility within the meaning of 40 C.F.R. §144.3.
3. There is a Class V injection well (Industrial Drainage Well) located at the Facility, as defined at 40 C.F.R. §§144.6, 144.80(e), and 144.81. This well is also used as a Motor Vehicle Waste Injection Well.
4. Based upon information available to EPA, there are no areas in New York State known not to be underlain by one or more aquifers. Pursuant to Title 6 of the New York Codes, Rules, and Regulations, 6 NYCRR §701.18, ground water in all areas of New York State are considered potential sources of potable drinking water, with the exception of Manhattan. The Facility’s industrial drainage well, therefore, discharges into or above an USDW.
5. Based on the above, Respondent is subject to the requirements of Part C of the SDWA, 32 U.S.C. §300h *et seq.* and the implementing regulations found at 40 C.F.R. Parts 124, 144, 146 and 147, Subpart HH.

## **III. FINDINGS OF FACT AND VIOLATION**

1. The paragraphs above are re-alleged and incorporated herein by reference.

2. On September 16, 2013 a duly authorized EPA representative conducted an inspection at Respondent's Facility.
3. During the inspection, the EPA representative observed that a stormwater drain in the Highway Garage yard received paint residues. This was confirmed by on-site staff. The inspector was also informed by on-site staff that the drain was used for vehicle wash drainage. This drain led to a drywell for passive injection into the ground.
4. Based on the inspection finding in Paragraph 3 above, the drywell is a Class V injection well or industrial drainage well ("UIC Well") and receives motor vehicle wastewater.
5. Paint residues from the products found on site (1-Propoxy-2-propanol, Quartz, Calcium Carbonate, Titanium Dioxide) are contaminants that are not permitted or authorized to be disposed of into a well.
6. Automotive wastewater typically contains hazardous substances as defined by EPA at 40 C.F.R. §302.3. The wastewater typically has constituents, such as heavy metals and volatile organic compounds, that pose risks to human health. Ethylene glycol, found in antifreeze, is of special environmental and human health concern due to its toxicity. New motor vehicle waste disposal wells were banned effective April 2000 and existing wells are to be phased out or permitted if they endanger underground sources of drinking water. (See EPA 816-F-99-016, UIC Class V Wells, New Regulatory Requirements, Nov. 1999 or [http://water.epa.gov/type/groundwater/uic/class5/upload/2007\\_12\\_12\\_uic\\_class5\\_guide\\_uic-class5\\_small\\_ent\\_compl.pdf](http://water.epa.gov/type/groundwater/uic/class5/upload/2007_12_12_uic_class5_guide_uic-class5_small_ent_compl.pdf)).
7. Respondent submitted an inventory pursuant to 40 C.F.R. §§144.26 or 144.83 on the day of the inspection.
8. To date, Respondent has not ceased injection.
9. The Facility is located above the Nassau-Suffolk sole-source aquifer, which is a USDW. See <http://www.epa.gov/Region2/water/aquifer/>.
10. Based on the Findings above, the Facility's UIC Well discharges into or above an USDW.
11. An injection activity that allows the movement of fluid containing any contaminant into an USDW, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 C.F.R. Part 142 or may otherwise adversely affect the health of persons, is prohibited.
12. Based on the Findings above, Respondent is in violation of 40 C.F.R. §144.12 by injection which may endanger USDWs.

#### IV. PROPOSED ADMINISTRATIVE ORDER

1. **Penalty:** EPA proposes to issue a Final Administrative Order (“Final Order”). The Final Order will be based on the foregoing Findings of Violation and pursuant to the authority of Section 1423(c) of the Act, 42 U.S.C. §300h-2(c), and the Debt Collection Improvement Act of 1996. EPA, Region 2, hereby proposes to issue a Final Administrative Order against the Respondent, assessing a penalty of **\$6,500** payable within 30 days of the Effective Date of the Final Order. EPA has determined the proposed penalty in accordance with the terms of the SDWA, which takes into account statutory factors, including the seriousness of the violation(s); the economic benefit (if any) resulting from the violation(s); the history of such violation(s); the good-faith efforts to comply with the applicable requirements; the economic impact of the penalty on the violator; and such other matters as justice may require.
2. **Compliance Measures:** In addition to paying a penalty, Respondent will be ordered to:
  - a. **Cease Injection:** As of the date the Final Order is issued and signed by the Complainant (“Effective Date”), Respondent must discontinue the use of the floor drain and UIC Well as currently utilized.
  - b. **Remediation/Closure Plan Submittal:** Within 30 days of the Effective Date of the Final Order, Respondent must submit a Remediation/Closure Plan detailing how the UIC Well subject to the Final Order will be properly remediated and, if applicable, permanently closed. The Remediation/Closure Plan must be developed in accordance with the well remediation/closure requirements incorporated into the Final Order as Attachment 1. EPA will review the Remediation/Closure Plan and approve or provide comments within 30 days after receipt from Respondent. (Please note that continued use of the UIC Well subject to this Order, for any purpose, after remediation is completed must be approved by EPA pursuant to Paragraph 2.e, below.)
  - c. **UIC Well Remediation/Closure:** Within 180 days of the effective date of the Final Order, Respondent shall complete the remediation of the UIC Well in accordance with the EPA-approved Plan.
  - d. **UIC Well Remediation/Closure Final Report Submittal:** Within 210 days of the Effective Date of the Final Order, Respondent must submit a Final Report to EPA, summarizing the work completed in fulfillment of the requirements of the Final Order and as required by the EPA-approved Remediation/Closure Plan. EPA will notify Respondent in writing as to whether the UIC Well remediation/closure and Final Report are adequate or if additional measures must be taken.
  - e. **Request for Authorization of Remediated UIC Wells:** Should Respondent desire to continue to utilize the UIC Well subject to the Final Order for disposal of any fluids after remediation required pursuant to this section is completed, Respondent must submit a written request (“Request”) to EPA within 180 days of the effective date of the Final Order indicating its desire to obtain authorization for continued injection. This Request

must include, at a minimum:

- i. The source(s) and type(s) of fluid(s) Respondent wishes to dispose of into the injection well or wells.
- ii. Any treatment of the wastes that will be done prior to injection of the wastes.
- iii. Any available analytical data demonstrating the levels of contaminants in the fluid(s) Respondent wishes to dispose of into the injection well or wells.

Once EPA completes its review of the Request, EPA will send Respondent a written response approving or denying the Request, or detailing any additional information needed to evaluate the Request and may include additional requirements that must be met in order for the Request to be approved under authorization by rule.

All information required in the Final Order must be sent to the following:

Nicole Foley Kraft, Chief  
Groundwater Compliance Section  
U.S. EPA, Region 2  
290 Broadway, 20th Floor  
New York, New York 10007-1866

3. The Final Order does not constitute a waiver, suspension or modification of the requirements of 40 C.F.R. Part 147, Subpart HH, which remain in full force and effect. Issuance of the Final Order is not an election by EPA to forego any civil or criminal action otherwise authorized under the Act.
4. Violations of the terms of the Final Order after its Effective Date or date of final judgment as described in Section 1423(c)(6) of the Act, 42 U.S.C. §300h-2(c)(6), may subject Respondent to additional civil and/or criminal enforcement actions of the Final Order, pursuant to Section 1423(b) of the Act, 42 U.S.C. §300h-2(b). Failure to act in accordance with the Final Order truthfully and accurately within the time provided may subject Respondent to sanctions authorized by federal law. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

#### **V. Opportunity for a Hearing**

1. Respondent may, within thirty (30) days of receipt of this Complaint, and as part of any Answer filed in this matter, request a hearing (“Hearing Request”) on the proposed civil penalty assessment and the actions proposed to achieve compliance with the Act, as detailed in Section IV, above. At the hearing, Respondent may contest the factual allegations set forth in the Findings sections above; the appropriateness of any penalty amount; and appropriateness of any compliance measures contained in Section IV, above. The procedures for the hearing, if one is requested, are set out in the CROP, including Subpart I. A copy of the CROP is attached.

2. Should Respondent request a hearing on this proposed penalty assessment and/or compliance measures, members of the public, to whom EPA is obligated to give notice of this proposed action, will have a right under Section 1423(c)(3) of the Act, 42 U.S.C. §300h-2(c)(3), to be heard and to present evidence on the appropriateness of the penalty assessment and compliance measures. Should Respondent not request a hearing, EPA will issue a Final Order and only members of the public who submit timely comment on this Complaint will have an additional thirty (30) days to petition EPA to set aside the Final Order and to hold a hearing thereon. EPA will grant the petition and will hold a hearing only if the petitioner's evidence is material and was not considered by EPA in the issuance of the Final Order.

#### **A. Filing an Answer**

3. If Respondent wishes to avoid being found in default, Respondent must file a written Answer to this Complaint with the Regional Hearing Clerk no later than thirty (30) days from the date of receipt of this Complaint. Under authority of 40 C.F.R. §22.17, EPA may file a motion seeking a default order thirty (30) days after Respondent's receipt of the Complaint, unless Respondent files an Answer within that time. If a default order is entered, the entire proposed penalty may be assessed and the proposed compliance measures may be required, without further proceedings.
4. The Answer must clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint with respect to which Respondent has knowledge, or, clearly state that Respondent has no knowledge as to particular factual allegations in the Complaint. The Answer also shall state:
  - a. circumstances or arguments which are alleged to constitute grounds of any defense;
  - b. facts which the Respondent disputes;
  - c. basis for opposing the proposed relief;
  - d. whether a hearing has been requested.
5. Failure of Respondent to admit, deny or explain any material factual allegation in the Complaint shall constitute an admission of the allegation.

#### **B. Filing of Documents**

6. In accordance with the CROP, the Answer and any Hearing Request and all subsequent documents filed in this action should be sent to:

Regional Hearing Clerk  
U.S. EPA, Region 2  
290 Broadway – 16<sup>th</sup> Floor  
New York, New York 10007-1866

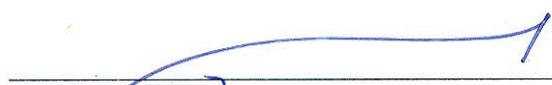
7. A copy of the Answer, any Hearing Request, and all subsequent documents filed in this action shall be sent to:

Tim Murphy, Esq.  
Assistant Regional Counsel  
Water & General Law Branch  
Office of Regional Counsel  
U.S. EPA, Region 2  
290 Broadway – 16<sup>th</sup> Floor  
New York, New York 10007

**VI. General Provisions**

1. Respondent has the right to be represented by an attorney at any stage of these proceedings.
2. This Complaint does not constitute a waiver, suspension or modification of the requirements of the Act, regulations promulgated thereunder or any applicable UIC permit.
3. Complainant specifically reserves all rights to pursue criminal enforcement as well as the right to initiate an action for imminent and substantial endangerment, including the right to seek injunctive relief and/or the imposition of statutory penalties for those violations not addressed by this Complaint. This reservation of right does not waive any other rights Complainant may have but has not stated herein.

COMPLAINT ISSUED THIS 21<sup>st</sup> DAY OF March, 2014.

  
\_\_\_\_\_  
Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance

# ATTACHMENT 1

## REQUIREMENTS FOR UNDERGROUND INJECTION CONTROL CLASS V REMEDICATION/CLOSURE PLANS

### TABLE 1 REGION 2 UIC CLEANUP OBJECTIVES

**ATTACHMENT 2**

**CONSOLIDATED RULES OF PRACTICE**

IN THE MATTER OF:

Village of Lloyd Harbor (Highway Garage)  
32 Middle Hollow Road  
Lloyd Harbor, NY 11743

Respondent

Proceedings under Section 1423(c)  
of the Safe Drinking Water Act,  
42 U.S.C. §300h-2(c)

**COMPLAINT,  
NOTICE OF VIOLATION,  
PROPOSED ADMINISTRATIVE ORDER  
WITH CIVIL PENALTY AND  
OPPORTUNITY TO REQUEST A  
HEARING**

**DOCKET NO. SDWA-02-2014-8901**

**CERTIFICATE OF SERVICE**

I certify that the foregoing "Complaint, Notice of Violation, Proposed Administrative Order and Opportunity to Request a Hearing," bearing the above-referenced docket number, was sent to the following persons, in the manner specified, on the date below:

Original and one copy by hand to:

Karen Maples  
Regional Hearing Clerk  
U.S. EPA, Region 2  
290 Broadway  
New York, New York 10007-1866

Copy by certified mail return receipt requested to:

Eileen B. Schultz, Village Clerk-Treasurer & Assessor  
Village of Lloyd Harbor (Highway Garage)  
32 Middle Hollow Road  
Lloyd Harbor, NY 11743

Date:

3/24/2014

Signed:

Mary C Cosgrove

Name and Title:

Admin. Asst.

New York, New York