



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

OCT 23 2018

2018 OCT 23 PM 2:00
REGIONAL CLERK

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7016 1370 0001 3671 3006

Kulpid Patel, Owner
Meera One, LLC d/b a Lotus Farms
55 Stem Road
Seaman, OH 45679

RE: Meera One, LLC d/b/a Lotus Farms
13 Lake Street
Le Roy, NY 14482
NYSDEC Facility ID# 8-390550

Final Expedited Settlement
Docket No. RCRA-02-2018-7704

Dear Mr. Patel:

The U.S. Environmental Protection Agency (EPA) Region 2 is in receipt of Meera One, LLC's penalty payment of \$7,510, 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 Meera One, LLC'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 Meera One, LLC'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 \$23,426 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. 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**

2018 OCT 23 PM 2:00
RECEIVED
OFFICE OF THE REGIONAL ADMINISTRATOR
NEW YORK

IN THE MATTER OF:)	
)	Docket No. RCRA-02-2018-7704
Meera One, LLC d/b/a Lotus Farms)	
)	
Respondent)	EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER
)	
)	
)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) has determined that Meera One LLC, d/b/a Lotus Farms (henceforth the “Respondent” or “Meera”), owner and operator of the Underground Storage Tanks (“USTs”) and the Lotus Farms facility, located at 13 Lake St., LeRoy, NY (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. § 280.41(a) requires owners and operators of UST systems to monitor them monthly for releases using one of the approved methods listed in 40 C.F.R. § 280.43. Additionally, 40 C.F.R. §280.50(c) requires that owners and operators of USTs report to the implementing agency within 24 hours or another reasonable time period specified by the implementing agency (for this requirement, the implementing agency is the New York State Department of Environmental Conservation (“NYSDEC”), which has set a 2 hour time period) any monitoring results from an interstitial monitor that indicate a release may have occurred unless (1) the monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result or (2) The leak is contained in the secondary containment and (i) Except as provided for in §280.43(g)(2)(iv), any liquid in the interstitial space not used as part of the interstitial monitoring method (for example, brine filled) is immediately removed; and (ii) Any defective system equipment or component is immediately repaired or replaced. 40 C.F.R. § 280.52(a) further requires that owners and operators investigate and confirm all suspected releases of regulated substances requiring reporting under §280.50 within 7 days, or another reasonable time-period specified by the implementing agency (NYS DEC requires this to be done within 48 hours), using techniques laid out in the regulations.

During the March 24, 2017 UST Inspection of the Facility, the Inspector noted that monthly release detection of the diesel fuel UST was conducted through electronic interstitial monitoring (EIM) via an Incon TL-550. However, the records for the diesel fuel UST continually showed that it was in an alarm status for the twelve months prior to the

