

New York State Department of Environmental Conservation

Office of General Counsel, Region 4

1130 North Westcott Road, Schenectady, New York 12306-2014

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Website: www.dec.ny.gov



Joe Martens
Commissioner

CERTIFIED - RETURN RECEIPT REQUESTED

70121 1570 0003 0363 3765

November 4, 2013

Joseph Alonzo
Wever Petroleum
100 S. Hudson Street
Mechanicville, NY 12118

Re: Order of Consent
R4-2013-1011-126

Dear Mr. Alonzo:

Enclosed please find a copy of the fully executed Order on Consent referenced above.

This will also acknowledge receipt of \$1000 the civil penalty pursuant to Paragraph I.

Sincerely,

Richard Ostrov
Regional Attorney
Region 4

Enclosure

cc: ECO Canzeri
D. Spencer
M. Ellis

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the
Violations of Article 19
of the Environmental
Conservation Law of the
State of New York by:

Wever Petroleum, Inc.
Respondent

ORDER ON
CONSENT

File No.
R4-2013-1011-126

WHEREAS:

1. Pursuant to Environmental Conservation Law ("ECL") Article 19, the Department of Environmental Conservation ("Department") has jurisdiction over matters concerning air resources and pollution.

2. Respondent, Wever Petroleum, Inc., 100 S. Hudson Street, Mechanicville, New York 12118, is a retailer of propane ("facility"). The physical location of the facility is Schaghticoke, New York.

3. On September 12, 2013, Respondent's truck released approximately 240 gallons of propane causing the evacuation of a two block area around its facility.

Part 211 Air Violation

4. Regulations at 6 NYCRR 211.1 provide that: "No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others."

5. Respondent violated 6 NYCRR 211.1 by the release of propane on September 12, 2013.

Civil Penalties

6. Section 71-2103(1) provides that ...”any person who violates any provision of article nineteen or any code, rule or regulation which was promulgated pursuant thereto; or any order except an order directing such person to pay a penalty by a specified date issued by the commissioner pursuant thereto, shall be liable, in the case of a first violation, for a penalty not less than five hundred dollars nor more than eighteen thousand dollars for said violation and an additional penalty of not to exceed fifteen thousand dollars for each day during which such violation continues.

Waiver of Hearing

7. Respondent hereby affirmatively waives its right to a hearing in the manner provided by law, consent to the issuance and entry of this Order and agree to be bound by the terms, provisions, and conditions contained herein.

NOW, being duly advised and having considered this matter, **IT IS HEREBY ORDERED THAT:**

I. In respect of the aforesaid violations, a civil penalty in the amount of ONE THOUSAND DOLLARS (\$1,000) is hereby assessed against Respondent for the violations cited in the Order on Consent.

II. For the purpose of insuring compliance with this Order, duly authorized representatives of this Department shall be permitted access to the site in question in order to inspect and/or require such tests as may be deemed necessary to determine the status of Respondent's compliance herewith.

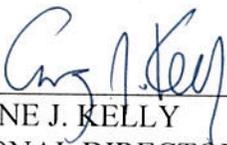
III. The effective date of this Order shall be the date upon which it is signed on behalf of the Department.

IV. Respondent shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of the provisions hereof by Respondent, its directors, officers, employees, servants, agents, successors or assigns.

V. Compliance with the terms and conditions of this Order shall be in full settlement of the violation set forth in this Order.

Rotterdam, New York
November 1, 2013

JOSEPH MARTENS
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

BY: 
EUGENE J. KELLY
REGIONAL DIRECTOR – REGION 4

CONSENT BY RESPONDENT

Respondent hereby consents to the issuance and entry of the foregoing Order, waives its right to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained herein.

By: Joseph L. Alonzo, Jr.
WEVER PETROLEUM, INC.

Title: President

Date: 10/30/13

STATE OF NEW YORK)
COUNTY OF Saratoga) ss.:

On the 30th day of October in the year 2013, before me, the undersigned,

personally appeared Joseph L. Alonzo, JR.
(Full name)

personally known to me who, being duly sworn, did depose and say that he/she/they reside at 100 S. Hudson Street, Mechanicville, NY 12118
(Full mailing address)

and that he/she/they is (are) the President
(President or other officer or director or attorney in fact
duly appointed)
of the Wever Petroleum, Inc.
(Full legal name of corporation)

the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of the board of directors of said corporation.

Sherril Wright
Notary Public, State of New York

SHERRI L. WRIGHT
NOTARY PUBLIC, State of New York
No. 01WR6223505
Qualified in Washington County
Commission Expires June 14, 2014