

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of General Counsel, Region 4
1130 North Westcott Road, Schenectady, NY 12306-2014
P: (518) 357-2048 | F: (518) 357-2087
www.dec.ny.gov

CERTIFIED - RETURN RECEIPT REQUESTED
7015 0640 0000 2327 0391

November 30, 2015

Anil Patel
Pramukh Real Estate LLC
2747 Hooper Ave. B12, A-5
Old Brick, NJ 08723

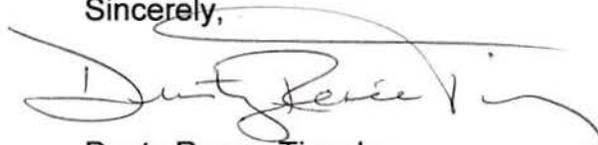
Re: Order of Consent
R4-2015-0917-107

Dear Ms. Patel:

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

This will also acknowledge receipt of \$1,000 the civil penalty pursuant to Paragraph I.

Sincerely,



Dusty Renee Tinsely
Assistant Regional Attorney
Region 4

Enclosure

cc: T. Lane

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Violations of Article 17 of New
York State Environmental Conservation Law
and the regulations promulgated thereunder,

ORDER ON CONSENT

-by-

R4-2015-0917-107
PBS # 4-057843

Pramukh Real Estate LLC
2747 Hooper Ave. B-12, A-5
Old Brick, New Jersey 08723,

Respondent.

WHEREAS:

JURISDICTION

1. The New York State Department of Environmental Conservation (“Department”) is an agency of the State charged with jurisdiction over the protection of water quality of the State pursuant to Article 17 of the ECL and the rules and regulations promulgated thereto.

RESPONDENT

2. 6 NYCRR Part 612.1(c)(18) defines “owner” as “any person who has legal or equitable title to a facility.”
3. 6 NYCRR Part 612.1(c)(16) defines “operator” as “any person who leases, operates, controls or supervises a facility.”
4. Respondent Pramukh Real Estate LLC, owns and/or operates a Petroleum Bulk Storage (“PBS”) facility (#4-057843) doing business as The Log House located at 590 Route 20, Sharon Springs, New York 13459 (Schoharie County) (“Facility”).

INSPECTION

5. On June 24, 2015, Department staff inspected the facility and observed violations of Environmental Conservation Law (“ECL”) Article 17 and the regulations promulgated thereunder.
6. Department staff sent Respondent a Notice of Violation dated June 25, 2015 setting forth violations of ECL Article 17 and the regulations promulgated thereunder (“Notice”).

VIOLATIONS

7. The violations cited in the Notice are as follows:

6 NYCRR Part 613.3 (b)	Fill Port color coding is missing or incorrect (both above and underground tanks)
6 NYCRR Part 613.3 (d)	Inadequate maintenance of spill prevention equipment (water/debris in sumps, catch basins or dispensers; inoperable alarms; sensors; etc)
6 NYCRR Part 613.5 (b)(2) & (4)	Not monitoring cathodic protection system of UST annually or keeping a record
6 NYCRR Part 613.5 (b)(4)	No records on the premises
6 NYCRR Part 613.6 (a) & (c)	Monthly inspection of AST not performed and no records maintained
6 NYCRR Part 613.8	Observed an unreported spill on the property (product in sumps or UST catch basins)
6 NYCRR Part 614.8 (a)	Failure to paint new AST for corrosion protection

CIVIL PENALTY

8. ECL Section 71-1929 provides for a civil penalty of up to \$37,500 per day for a violation of any provision of Titles 1 thru 11 inclusive and title 19 of Article 17, or the rules, regulations, orders or determinations of the Commissioner promulgated thereto. Injunctive relief is also available.
9. Respondent has affirmatively waived its right to notice and hearing in the manner provided by law, and has consented to the issuing and entering of this Order and it agrees to be bound by the terms, provisions and conditions contained herein.

REMEDIES

NOW THEREFORE, having considered this matter and having been duly advised, IT IS ORDERED THAT:

I. **Civil Penalty.** With respect to the violations identified in this Order, Respondent is hereby assessed a civil penalty of FIVE THOUSAND FIVE HUNDRED DOLLARS (\$5,500) of which ONE THOUSAND DOLLARS (\$1,000) shall be payable to the New York State Department of Environmental Conservation by money order, or certified check at the time this Order is signed, notarized and returned to the Department. FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500) of the civil penalty is suspended conditioned on Respondent's compliance with the Environmental Conservation Law and all regulations promulgated thereunder for a period of two years from the effective date of this Order. Payment of the suspended civil penalty shall be due within 30 days receipt of notice from the Department setting forth the nature of the violations. The civil penalties shall be paid by check made payable to the Department of Environmental Conservation.

Payment of the above penalties shall not in any way alter Respondent's obligation to complete performance under the terms of this Order.

II. **Settlement.** This Order settles all violations identified herein as of the effective date of the Order.

III. **Binding Effect.** This Order is binding upon the Respondent, its agents, employees, successors, assigns and to all persons and firms, and corporations acting subordinate thereto.

IV. **Modification.** The provisions of this Order constitute the complete and entire Order issued to the Respondent concerning resolution of the violations identified herein. No term, condition, understanding, or agreement purporting to modify or vary any term hereof shall be binding unless made in writing and subscribed by the party to be bound pursuant to the provisions of the Order. No informal oral or written advice, guidance, suggestion, or comment by the Department regarding any report, proposal, plan, specification, schedule, comment, or statement made or submitted by Respondent shall be construed as relieving Respondent of its obligation to obtain such formal approvals as may be required by this Order.

V. **Effective Date.** The effective date of this Order shall be the date upon which it is signed on behalf of the Department.

VI. **Scope.** Except as specifically provided in this Order, nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting:

A. Any legal or equitable rights or claims, actions, proceedings, suits, causes of action or demands whatsoever that the State or Department may have against Respondent for any violations not cited in this Order on Consent.

B. Any legal or equitable rights or claims, actions, proceedings, suits, causes of action or demands whatsoever that the State or Department may have against anyone other than Respondent, its officers, directors, agents, servants, employees, successors and assigns;

C. The Department's right to enforce this Order against Respondent, its officers, directors, servants, and employees in the event that Respondent shall fail to fulfill any of the terms or provisions hereof;

D. Whatever right the Department has to bring any action or proceeding against Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns with respect to claims for natural resource damages; and

E. Respondent's right to assert all available defenses to any claims, actions, proceedings, suits, causes of actions or demands made or commenced by the State or the Department provided, however, that Respondent waives all legal or equitable rights claims, actions, proceedings, appeals, suits, causes of action, defenses or demands whatsoever that it may have to a judicial review of the validity and binding effect of this Order and whether or not this Order has been entered into voluntarily by Respondent.

VII. **Default.** Respondent shall not be in default of compliance with this Order if they are unable to comply with any provision of this Order solely because of an action of a national government or court, or an act of nature, war strike, riot, or catastrophe, as to any of which the negligence or willful misconduct of Respondent was not a proximate cause. Respondent shall notify the Department in writing immediately upon obtaining knowledge of any such event. Relief under this clause shall not be available if Respondent fails to timely comply with the notice requirement set out in this paragraph.

VIII. **Communications.** Communications shall be sent to

For Department:

Thomas Lane
New York State Department of Environmental Conservation - Region 4
1130 N. Westcott Road
Schenectady, New York 12306

For Respondent:

Anil Patel
Pramukh Real Estate LLC
2747 Hooper Ave B-12, A-5
Old Brick, New Jersey 08723

Please include entity name, address, and permit number (if applicable) on all correspondence.

DATED: November 30, 2015
Rotterdam, New York

Basil Seggos
Commissioner Designee
New York State Department of
Environmental Conservation

BY:



Keith Goertz
Regional Director
Region 4

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives its rights to notice and hearing herein and agrees to be bound by the provisions, terms and conditions contained herein.

BY: Anil Patel

TITLE: owner

DATE: 11/5/15

STATE OF NEW YORK)

COUNTY OF Schoharie) ss.:

On the 25 day of November in the year 2015, before me personally appeared Anil Patel, personally known to me who, being duly sworn, did depose and say that he/she/they reside at

Sharon Springs and that he/she/they is (are) the owner (position) of the Pramukh Real Estate (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.

Barbara L. Cousineau
Notary Public, State of New York

BARBARA L. COUSINEAU
Notary Public, State of New York
Qualified in Schoharie County, Reg. #01CO6042655
My Commission Expires May 30, 20 18