

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

7016 0340 0000 4616 5270

January 20, 2017

Rome Gas Inc.
Attn: John Tal
114 Danberry Circle
New Hartford, NY 13413

A1 Easy Mart Inc.
Attn: Sadruddin Lakhani
49 Union Street
Sidney, NY 13838
7016 0340 0000 4616 5287

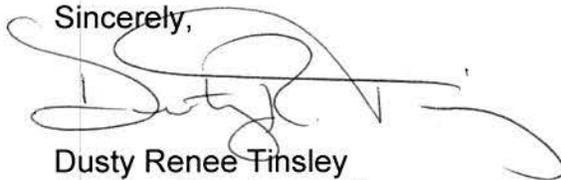
Re: Order on Consent
R4-2016-0406-70
Rome Gas Inc. and
A1 Easy Mart Inc.

Dear Mr. Tal:

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

This will also acknowledge receipt of \$2,700 1st of 3 payments of the civil penalty pursuant to Paragraph I. Your second payment of \$2,666.67 is due on or before February 13, 2017.

Sincerely,



Dusty Renee Tinsley
Assistant Regional Attorney
Region 4

Enclosure

ec: T. Lane
L. Winterberger



Department of
Environmental
Conservation

**STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

In the Matter of Violations of Article 17 of New
York State Environmental Conservation Law and
6 New York State Compilation of Rules and
Regulations Part 613

ORDER ON CONSENT

-by-

R4-2016-0406-70
PBS # 4-442542

Rome Gas Inc.
114 Danberry Circle
New Hartford, NY 13413

A1 Easy Mart Inc.
49 Union Street
Sidney, New York 13838

Respondents

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.

RESPONDENTS

2. 6 NYCRR Part 613-1.3(v) defines "facility" to mean "a single property, or contiguous or adjacent properties used for a common purpose which are owned or operated by the same person or persons, on or in which are located: (1) one or more tank systems having a combined storage capacity of more than 1,100 gallons (including a major facility); or (2) an underground tank system having a storage capacity that is greater than 110 gallons."
3. 6 NYCRR Part 613-1.3(w) defines "facility owner" as "any person who has legal or equitable title to the real property of a facility."
4. 6 NYCRR Part 613-1.3(ao) defines "operator" as "any person who leases, operates, controls, or supervises a facility."
5. Respondent Rome Gas Inc. is the facility owner of the Petroleum Bulk Storage ("PBS") facility (#4-442542) known as A1 Easy Mart located at 49 Union Street, Sidney, NY 13838 (Delaware County) ("Facility"). The Facility contains one or more tank systems having a combined storage capacity of more than 1,100 gallons or an underground tank system having a storage capacity that is greater than 110 gallons.

6. Respondent A1 Easy Mart Inc. is the operator of the Facility.
7. On January 25, 2016, Department staff inspected the Facility and observed violations of Environmental Conservation Law (“ECL”) Article 17 and regulations promulgated thereunder.
8. Department staff sent Respondents a Notice of Violation dated January 26, 2016 (“NOV”) setting forth the violations of the ECL Article 17 and regulations promulgated thereunder.
9. On June 3, 2016, Department staff inspected the Facility and observed new and continuing violations from the January 25, 2016 inspection.
10. Located at the Facility are underground tanks 9A, 9B, and 13. In accordance with 6 NYCRR Parts 613-1.3(bg) and (bo), 613-2.1(a), and 613-3.1(a), Tanks 9A and 9B are Subpart 2 tanks and Tank 13 is a Subpart 3 tank.

First Cause of Action
Registration Information
(Tank 13)

11. 6 NYCRR Part 613-1.9 (formerly 6 NYCRR Part 612.2) states that “The facility owner must ensure that the registration information identified in subdivision (e) of this section remains current and accurate.”
12. 6 NYCRR Part 613-1.9 (e)(3) states that “Changes in the following registration items are considered information corrections: (i) contact information; (ii) class A or class B operator; (iii) tank system status; (iv) tank system equipment; or (v) type of petroleum stored.”
13. During the January 25, 2016 inspection, Department staff determined that the registration for the Facility did not reflect current site status as the registration contained an inaccurate leak detection method for Tank 13.
14. The leak detection method of a tank is part of the tank system equipment.
15. Respondents’ failure to ensure that the registration information identified in 6 NYCRR Part 613-1.9(e) remains current and accurate is a violation of 6 NYCRR Part 613-1.9.

Second Cause of Action
Spill Prevention Equipment in Good Working Order
(Tank 13)

16. 6 NYCRR Part 613-3.2(a)(6) (formerly 6 NYCRR Part 613.3(d)) states that “The facility must keep all gauges, valves, and other equipment for spill prevention in good working order.”
17. During the January 25, 2016 and June 3, 2016 inspections, Department staff observed water in the containment area of Tank 13 indicating water infiltration from outside the tank into the containment area due to a failure of the tank system.
18. Containment areas are equipment for spill prevention.

19. Respondents' failure to keep equipment for spill prevention in good working order is a violation of 6 NYCRR Part 613-3.2(a)(6).

Third and Fourth Causes of Action

Leak Detection Indicates a Leak – Failure to Report a Suspected Leak (Tanks 9A, 9B, and 13)

20. 6 NYCRR Part 613-3.3(a)(2) states “When a leak detection method operated in accordance with the requirements of subdivisions (c) and (d) of this section indicates that a leak may have occurred, the facility must notify the department in accordance with section 613-3.4(a) of this Subpart.”
21. 6 NYCRR Part 613-3.4(a) states “A facility must report a suspected leak to the department’s spill hotline (518-457-7362) within two hours after discovery”
22. During the January 25, 2016 and June 3, 2016 inspections, Department staff observed liquid in the containment area, a leak detection method, of Tank 13. Respondent did not notify the Department in accordance with 6 NYCRR Part 613-3.4(a) that the leak detection method indicated that a leak may have occurred from Tank 13.
23. Respondents' failure to notify the Department, in accordance with section 613-3.4(a), that the leak detection method indicated that a leak may have occurred from Tank 13 is a violation of 6 NYCRR Parts 613-3.3(a)(2).
24. 6 NYCRR Part 613-2.4(a)(1)(iii) (formerly 6 NYCRR Part 613.8) states that “A facility must report a suspected leak to the Department’s Spill Hotline (518-457-7362) within two hours after discovery and follow the procedures in subdivision (c) of this section for any of the following conditions:
- (iii) Except for inventory monitoring and statistical inventory reconciliation under sections 2.3(c)(1) and (8) of this Part, respectively, monitoring results, including alarms, from a leak detection method required under sections 2.3(a) and (b) of this Part indicate that a leak may have occurred unless the monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the 613-2.4(a) initial result.”
25. During a January 7, 2016 inspection by the U.S. Environmental Protection Agency (“USEPA”), the USEPA inspector noted that there were active alarms and suspected releases in the regular gasoline (East tank) and diesel-kerosene tank top sumps (Tanks 9A and 9B). At the time of the USEPA inspection, Respondents stated that the alarms had not been investigated.
26. During the January 25, 2016 and June 3, 2016 inspections, Department staff observed an active alarm for liquid material in the tank top sump for Tank 9A, and its interstitial piping, at the Facility. During the January inspection, Respondents stated that the alarms had not been investigated. During the June inspection, the manager stated that staff was too busy to open the sump cover and investigate the alarm. This suspected leak was not reported to the Department’s spill hotline within two hours of discovery.
27. As these alarms were not investigated by Respondents and found to be defective, the alarms indicate that a leak may have occurred requiring 6 NYCRR Part 613-

- 2.4(a)(1)(iii) reporting to the Department's Spill Hotline (518-457-7362) within two hours after discovery.
28. Respondents failed to report these suspected leaks to the Department's Spill Hotline (518-457-7362) within two hours after discovery.
29. Respondents' failure to report suspected leaks to the Department's Spill Hotline (518-457-7362) within two hours after discovery are violations of 6 NYCRR Part 613-2.4(a)(1)(iii).

Fifth and Sixth Causes of Action

Failure to Meet Inventory Monitoring Requirements (Tanks 9A, 9B, 10, 11, and 12)

30. Tanks 9A, 9B, 10, 11, 12 and 13 are part of Category 2 UST systems. A category 2 system is any tank system whose tank was installed from December 27, 1986 through October 11, 2015, pursuant to 6 NYCRR Part 613-1.3(f).
31. 6 NYCRR Part 613-2.3(b)(1)(ii) (formerly 6 NYCRR Part 613.4(a)) states that "Every tank that is part of a Category 2 or 3 UST system must be monitored for leaks at weekly intervals in accordance with section 2.3(c)(7) of this Part. Continuous electronic monitoring satisfies the weekly monitoring requirement. Additionally, any UST system which stores any amount of motor fuel or kerosene that will be sold as part of a commercial transaction must meet the ten-day inventory monitoring requirements in section 2.3(c)(1) of this Part.
32. During the January 25, 2016 inspection, Department staff determined that Respondents failed to monitor Tanks 9A, 9B, 10, 11, and 12 for leaks at weekly intervals in accordance with section 2.3(c)(7) of 6 NYCRR Part 613.
33. Respondents' failure to monitor 9A, 9B, 10, 11, and 12 for leaks at weekly intervals in accordance with section 2.3(c)(7) of 6 NYCRR Part 613 are violations of 6 NYCRR Part 613-2.3(b)(1)(ii).
34. 6 NYCRR Part 613-2.3(c)(1)(vii) states that "Each method of leak detection for USTs used to meet the requirements of paragraph (b)(1) of this section must be conducted in accordance with the following . . . (vii) . . . At 10-day intervals, the facility must calculate the sum of the daily differences and compare it to the thresholds in clauses (a) and (b) of this subparagraph to determine if a leak is suspected."
35. During the January 25, 2016 inspection, Department staff determined that Respondents failed to, at 10-day intervals, calculate the sum of the daily differences and compare it to the thresholds in clauses (a) and (b) of 6 NYCRR Part 613-2.3 to determine if a leak is suspected for Tanks 9A, 9B, 10, 11, and 12.
36. Respondents' failure to, at 10-day intervals, calculate the sum of the daily differences and compare it to the thresholds in clauses (a) and (b) of 6 NYCRR Part 613-2.3 to determine if a leak is suspected for Tanks 9A, 9B, 10, 11, and 12 are violations of 6 NYCRR Part 613-2.3(c)(1)(vii).

Seventh Cause of Action

Failure to Meet Inventory Monitoring Requirements (Tank 13)

37. 6 NYCRR Part 613-3.3(b)(1)(ii) (formerly 6 NYCRR Part 613.4(a)) states that “Every tank that is part of a Category 2 UST system must be monitored for leaks using one of the methods listed in sections 3.3(c)(2) through (5) of this Part at weekly intervals.
38. During the January 25, 2016 inspection, Department staff determined that Respondents failed to monitor Tank 13 for leaks at weekly intervals in accordance with section 3.3(c)(5) of 6 NYCRR Part 613.
39. Respondents’ failure to monitor Tank 13, a tank that is part of a Category 2 UST system, for leaks at weekly intervals in accordance with section 3.3(c)(5) are violations of 6 NYCRR Part 613-3.3(b)(1)(ii).

Eighth and Ninth Causes of Action

Failure to Make Records Available to Department Staff

40. 6 NYCRR Part 613-1.5(a) (formerly 6 NYCRR Part 613.5(b)(4)) states that “Every facility must maintain all records (in hard copy or electronic format) and make them available to the department within three business days following the department’s request, except for the results of the last 30 days of leak detection monitoring, which must be immediately available at the time of request.”
41. During the January 25, 2016 inspection, Respondents failed to make immediately available to Department staff the 10-day inventory reconciliation reports for Tanks 9A, 9B, 10, 11, and 12. 10-day inventory reconciliation reports are results of the last 30 days of leak detection monitoring.
42. Respondents’ failure to make immediately available at the time of the request to Department staff the results of the last 30 days of leak detection monitoring, the 10-day inventory reconciliation reports, for Tanks 9A, 9B, 10, 11, and 12 are violations of 6 NYCRR Part 613-1.5(a).
43. Respondents failed to make available, within three business days following Department staff’s request, the cathodic protection records for Tanks 9A, 9B, 10, 11, and 12.
44. Respondents’ failure to make available, within three business days following Department staff’s request, the cathodic protection records for Tanks 9A, 9B, 10, 11, and 12 are violations of 6 NYCRR Part 613-1.5(a).

Tenth and Eleventh Causes of Action

Failure to Investigate Suspected Leaks (Tanks 9A, 9B, and 13)

45. 6 NYCRR Part 613-2.4(c) states that “Unless corrective action is initiated in accordance with Subpart 6 of this Part, a facility must investigate any suspected leak of petroleum using either one of the methods described in paragraphs (1) or (2) of this subdivision or another procedure approved by the Department. The investigation must commence within 48 hours following the reporting required under subdivision (a) of this section. The investigation must be completed within seven days following the reporting required under subdivision (a) of this section.”

46. During the January 25, 2016 inspection, Department staff observed an active alarm on Tank 9A and determined that the active alarm was not investigated by Respondents.
47. During the June 3, 2016 inspection, Department staff observed an active alarm on Tank 9B and determined that the active alarm was not investigated by Respondents.
48. Respondents' failure to investigate suspected leaks of petroleum, the tank top sump alarms for Tank 9A and 9B, using either one of the methods described in paragraphs (1) or (2) of this 6 NYCRR Part 613-2.4(c) or another procedure approved by the Department commencing within 48 hours following the reporting required under subdivision (a) of this 6 NYCRR Part 613-2.4 and completed within seven days following the reporting required under subdivision (a) of this section are violations of 6 NYCRR Part 613-2.4(c).
49. 6 NYCRR Part 613-3.4(c) states "Unless corrective action is initiated in accordance with Subpart 613-6 of this Part, a facility must investigate any suspected leak of petroleum using either one of the methods described in paragraph (1) or (2) of this subdivision or another procedure approved by the department. The investigation must commence within 48 hours following the reporting required under subdivision (a) of this section. The investigation must be completed within seven days following the reporting required under subdivision (a) of this section. (1) System test. Every facility must conduct tightness tests pursuant to section 613-3.3(c)(1) and (d)(2) of this Subpart to determine whether a leak exists in the UST system. (i) If the system test confirms a leak, the facility must initiate corrective action in accordance with Subpart 613-6 of this Part before any repair to the UST system is undertaken. (ii) Further investigation is not required if the test results for the UST system do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a leak. (iii) The facility must conduct a site check as described in paragraph (2) of this subdivision if the test results for the UST system do not indicate that a leak exists but environmental contamination is the basis for suspecting a release."
50. During the January 25, 2016 and June 3, 2016 inspections, Department staff observed liquid in the containment area of Tank 13 and determined that the leak of liquid in the containment area of Tank 13 was not investigated by Respondents.
51. Respondents' failure to investigate the liquid which leaked into the containment area of Tank 13 is a violation of 6 NYCRR Part 613-3.4(c)(1).

Twelfth Cause of Action

Failing to Color Code the UST System Fill Port

52. 6 NYCRR Part 613-3.2(a)(4) states that "Every UST system fill port must be color coded in accordance with API RP 1637."
53. During the June 3, 2016 inspection, Department staff observed that the Tank 13 fill port was not color coded.
54. Respondents' violated 6 NYCRR Part 613-3.2(a)(4) in failing to color code the UST system fill port (Tank 13) in accordance with API RP 1637.

CIVIL PENALTY

55. 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.

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

I. **Waiver of Hearing.** Respondents have affirmatively waived their right to a hearing as provided by law and has consented to the issuing of this Order and has agreed to be bound by the provisions, terms and conditions of this Order.

II. **Civil Penalty.** In respect to the Order's violations, a civil penalty of THIRTY SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$37,500) of which EIGHT THOUSAND DOLLARS (\$8,000) shall be payable to the New York State Department of Environmental Conservation by money order or certified check in three installments as follows: the first installment in the amount of \$2,666.67 shall be received by Department staff, with the signed and notarized Order, on or before January 13, 2017; the second installment in the amount of \$2,666.67 shall be received by Department staff on or before February 13, 2017; and the third installment in the amount of \$2,666.66 shall be received by Department staff on or before March 13, 2017. TWENTY NINE THOUSAND FIVE HUNDRED DOLLARS (\$29,500) of the civil penalty is suspended conditioned on Respondents compliance with the Schedule of Compliance. Payment of the suspended civil penalty and all outstanding installment payments, if any, 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.

Respondents agree to the terms contained in Appendix A to the Order in consideration of paying the civil penalty in installments. Appendix A is incorporated into the Order and is enforceable thereunder.

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

III. **Schedule of Compliance.** Respondents shall comply with the terms and conditions of this Order including the Schedule of Compliance. The attached Schedule of Compliance any plans approved thereunder are incorporated into the Order and are enforceable thereunder. Any records submitted to the Department shall have the owner's name, facility name and address, and contact and phone number.

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

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

VI. **Summary Abatement.** This Order shall not be construed to prohibit the

Commissioner or his duly authorized representatives from exercising any summary abatement powers, either at common law or as granted pursuant to statute or regulation.

VII. **Indemnification.** Respondents 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 Respondents, their directors, officers, employees, servants, agents, successors or assigns.

VIII. **Modification.** The provisions of this Order constitute the complete and entire Order issued to the Respondents 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 Respondents shall be construed as relieving Respondents of its obligation to obtain such formal approvals as may be required by this Order.

IX. **Access.** Respondents shall allow duly authorized representatives of the Department access to the facility without prior notice, at such times as may be desirable or necessary in order for DEC to inspect and determine the status of Respondents' compliance with this Order, Department regulations, and/or the ECL and applicable federal regulations.

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

XI. **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 Respondents 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 Respondents, their officers, directors, agents, servants, employees, successors and assigns;

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

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

E. Respondents' 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 Respondents waive 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 Respondents.

XII. Review of Submitted Documentation. 1. All documents which Respondents must submit pursuant to this Order are subject to Department approval.

2. The Department shall review each of the submittals Respondents make pursuant to this Order to determine whether it was prepared, and whether the work done to generate the data and other information in the submittal was done in accordance with this Order and generally accepted technical and scientific principles. The Department shall notify Respondents in writing of its approval or disapproval of the submittal. All Department-approved submittals shall be incorporated into and become an enforceable part of this Order; and Respondents shall implement them in accordance with their respective schedules and terms, as approved.

3.a. If the Department disapproves a submittal, it shall so notify Respondents in writing and shall specify the reasons for its disapproval. Within the time frame set forth in that written notification, Respondents shall make a revised submittal to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submittal.

b. After receipt of the revised submittal, the Department shall notify Respondents in writing of its approval or disapproval. If the revised submission is not approvable as submitted, the Department, at its option, may disapprove it or may approve it on condition that Respondents accept such modifications as may be specified by Department to make it approvable. If Respondents do not accept such modifications, the revised submission will be disapproved. If the Department disapproves the revised submittal, Respondents shall be in violation of this Order. If the Department approves the revised submittal, it shall be incorporated into and become an enforceable part of this Order.

4. Respondents shall modify and/or amplify and expand a submittal upon the Department's direction to do so if the Department determines, as a result of reviewing data generated by an activity required under this Order or as a result of reviewing any other data or facts, that further work is necessary. The Department agrees that any modifications it specifies will be reasonable and consistent with customary engineering standards.

XIII. Default. Respondents 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 Respondents were not a proximate cause. Respondents shall notify the Department in writing immediately upon obtaining knowledge of any such event. Relief under this clause shall not be available if Respondents fails to timely comply with the notice requirement set out in this paragraph.

XIV. Multiple Respondents. If more than one Respondent is a signatory to this Order, use of the term "Respondent" in this Order shall be deemed to refer to each Respondent identified in the Order.

XV. **Communications.** Communications shall be sent to

For Department:

New York State Department of Environmental Conservation - Region 4
Attn: Regional Spill Engineer
1130 N. Westcott Road
Schenectady, New York 12306

For Respondents:

John Tal
Rome Gas Inc.
114 Danberry Circle
New Hartford, New York 13413

Sadruddin Lakhani
A1 Easy Mart Inc.
49 Union Street
Sidney, New York 13838

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

DATED: January 20, 2017
Rotterdam, New York

Basil Seggos
Commissioner
New York State Department of
Environmental Conservation

BY:



Keith Goertz
Regional Director
Region 4

CONSENT BY RESPONDENT

Respondent Rome Gas Inc. 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.

Rome Gas Inc.

Authorized Representative Peter Tal

SIGNED: [Signature]

TITLE: President

DATE: 1-10-17

STATE OF ny)
COUNTY OF Oneida) ss.:

On the 10th day of Jan. in the year 2017, before me, the undersigned, personally appeared Peter Tal (full name) personally known to me who, being duly sworn, did depose and say that he/she/they reside at 114 Daberry Circle, New Hartford, Ny 13413 (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 Rome Gas, 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.

[Signature]
Notary Public
Qualified in the County of:
My Commission Expires:

Christina M. Vetere
Notary Public, State of New York
REG #01VE093727
Appointed in Oneida County
My Commission Expires 6-5-2019

CONSENT BY RESPONDENT

Respondent A1 Easy Mart Inc. 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.

A1 Easy Mart Inc.

Authorized Representative Sakroddin Lakhani

SIGNED: [Signature]

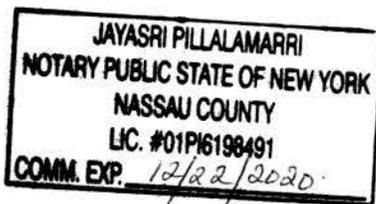
TITLE: President

DATE: 1/17/17

STATE OF New York
COUNTY OF Nassau)ss.:

On the 17th day of January in the year 2017, before me, the undersigned, personally appeared SAKRODDIN M. LAKHANI (full name) personally known to me who, being duly sworn, did depose and say that he/she/they reside at 208 MARCUS AVE, NEW HYDE PARK NY 11040 (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 A1 EASY MART 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.

Jayasri Pillalamarrri
Notary Public
Qualified in the County of: Nassau
My Commission Expires: 12/22/2020



SCHEDULE OF COMPLIANCE

1. On or before January 13, 2017, Respondents shall return to Department staff, with the signed and notarized Order and the first installment of the civil penalty payment, completed copies of the attached Appendix A Tax Information Form and Statewide Offset Program Notice which shall become a part of this Order. Each of the Respondents must complete an Appendix A form (two copies of the form are attached).
2. Within 15 days of the effective date of this Order, Respondents shall submit to Department staff documentation regarding the cleanup of the kerosene spill (Spill 1510428);
3. Within 30 days of the effective date of this Order, Respondents shall test the outer shell of the secondary containments of Tanks 13 and 9A/9B or permanently close the tanks and provide documentation of the testing or closure to Department staff;
4. Within 60 days of the effective date of this Order, Respondents shall make any necessary repairs or replacements of the secondary containment of Tanks 13 and 9A/9B if the testing shows any problems with the secondary containment;
5. Beginning on the effective date of this Order, Respondents shall complete daily liquid status and manual leak detection reports for 90 days. Respondents shall submit these daily reports to Department staff every 30 days;
6. Within 30 days of the effective date of this Order, Respondents shall submit to Department staff documentation regarding liquid removal from the interstitial space of the tanks and the sumps and any repairs made to the tanks which damage/failure led to the liquid infiltration into the interstitial space for the instances where the liquid status reports indicate liquid in the interstice (how, when, and by whom was it removed and equipment repaired) or the sumps indicated liquid through alarms; and
7. Beginning on the effective date of this Order, Respondents shall update the Leak Detection Form so that it provides for checks for all "Liquid" in the interstice rather than just petroleum, and if so, what is the liquid and how much of the liquid is in the interstice. There should be a space on the form to indicate what action was taken if liquid is found in the interstice. Within 15 days of the effective date of this Order, Respondents shall provide Department staff with a copy of the updated form.

To allow for Department review and processing, all submittals to the Department shall be clearly identified with the owner's name, Facility name and address, contact name and telephone number, and the PBS registration identification number.