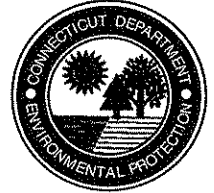


**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



OFFICE OF ADJUDICATIONS

IN THE MATTER OF : **UNDERGROUND
STORAGE TANK
ENFORCEMENT**

REGION 17 HIGH SCHOOL BUS FACILITY: **MAY 7, 2010**
Facility ID No. 61-1016

FINAL DECISION

JURISDICTION

Subdivision (2) of §22a-449(g) provides:

“Not later than two business days after placing a notice or disabling device on a nonresidential underground storage tank system pursuant to subdivision (1) of this subsection, the commissioner shall provide the owner or operator of the affected underground storage tank system with an opportunity for a hearing. Any such hearing shall be limited to whether the violation upon which the commissioner took action under subdivision (1) of this subsection occurred and whether such violation is continuing.”

FINDINGS OF FACT

1. This hearing was held on May 7, 2010 in the DEP Welch Room, 79 Elm Street in Hartford. The following persons were present: Michael Distefano, for Region 17 (facility); Omar Tyson and Lori Saliby (staff) for the DEP Storage Tank Enforcement Unit; and Jesse Bracken, compliance consultant for Region 17. DEP offered two exhibits: the Notice of Disabled UST Systems (DEP-1) and the UST Compliance Inspection Checklist (DEP-2). DEP-1 and 2 were admitted as full exhibits without objection.
2. The Department disabled (“red tagged”) the underground fuel storage tanks at the facility on May 5, 2010. The red-tagged tanks are a 2000-gallon diesel fuel tank and a 2000-gallon gasoline tank. DEP staff served a “Notice of Disabled UST Systems”, which included the date, time and place of the hearing in compliance with General Statutes

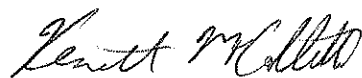
§22a-449(g), on Mr. Destefano, the facility manager, and he accepted service on behalf of the facility. (Ex. DEP-1; test. 5/7/10, O. Tyson).¹

3. The DEP conducted an unannounced compliance inspection on April 27, 2010. The facility lacked an automatic tank gauging (ATG) system to monitor for leakage or other problems, the facility's inventory reconciliation efforts did not comply with regulations, and there was no evidence that the tanks had undergone cathodic protection testing. The DEP returned to the facility on May 5, 2010 and noted the same continuing violations. The respondent does not contest that these violations occurred and are continuing and that it is out of compliance with relevant regulations. (Regs., Conn. State Agencies §§22a-449(d)-1; 22a-449(d)-101 through 22a-449(d)-113). (Exs. DEP-1 and 2; test. 5/7/10, M. Distefano and O. Tyson.)

4. The product in the tanks will remain until it is fully dispensed. The parties have agreed upon a compliance schedule they deem appropriate. DEP plans to complete a follow up inspection on May 20, 2010. Mr. Destefano has committed to compliance and will remain in communication with DEP staff regarding these efforts. (Test. 5/7/10, M. Distefano and O. Tyson.)

CONCLUSION

There was probable cause to support and sustain this enforcement action taken by the DEP with regard to the tanks owned and operated by Regional School District #17.



Kenneth M. Collette, Hearing Officer

¹ All references to testimony are from the hearing held on May 7, 2010 at DEP Headquarters in Hartford. The recording of this hearing is on file with the Office of Adjudications and is the official record of this proceeding.

SERVICE LIST

FINAL DECISION

In the Matter of Region 17 School Bus Facility

PARTY

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