



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT

Order No. 2254

VS.

GAS & GROCERIES, LLC

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CONSENT ORDER

- A. With the agreement of Gas & Groceries, LLC ("Respondent"), the Commissioner of Environmental Protection ("Commissioner") finds the following:
1. Respondent owns, leases, operates, or controls a gasoline dispensing facility ("facility") at 75 South Turnpike Road in Wallingford, Connecticut.
2. At the facility, gasoline is dispensed from the stationary storage tank(s) into the fuel tanks of motor vehicles. Such gasoline is transferred using a Stage II vapor recovery system ("Stage II system"). A properly operating Stage II system is required by Section 22a-174-30(b)(5) of the Regulations of Connecticut State Agencies ("Regulations").
3. Pursuant to Section 22a-174-30(e)(2) of the Regulations, a Stage II test is required to be conducted and approved to verify that the Stage II system is properly operating.
4. Pursuant to Section 22a-174-30(e)(4) of the Regulations, a station that has not passed the Stage II test is not considered to be properly operating.
5. The Respondent was required to conduct and pass such testing requirements by 12/20/2010.
6. The Respondent has failed to pass such testing requirements and, therefore does not have a properly operating Stage II system.
7. By virtue of the above, the Respondent is in violation of Section 22a-174-30(e)(2), Section 22a-174-30(b)(5) and Section 22a-174-30(e)(4) of the Regulations.

Date Issued: 7/29/11

- B. With the agreement of the Respondent, the Commissioner, pursuant to Sections 22a-6, 22a-171, 22a-174, 22a-177, and 22a-178 of the Connecticut General Statutes, orders as follows:
1. Within sixty (60) days of the issuance of this Consent Order, the Respondent shall perform the required Stage II testing in accordance with the testing methods specified under Section 22a-174-30(e) to verify the facility has a properly operating Stage II system.
 2. At least seven (7) business days prior to conducting such testing, the Respondent shall notify the Commissioner in writing of the date and time of such testing and shall allow representatives of the Commissioner to be present during such testing.
 3. Within seven (7) days after completing such testing, the Respondent shall submit to the Commissioner for his review and written approval, a report including the results of such testing and all documentation necessary to verify said results.
 4. If a Stage II system fails the test required by Paragraph B.1. of this Consent Order as determined by the Commissioner, such system shall be deemed not properly operating. Within fifteen (15) days of such failure, the Respondent shall submit in writing the reasons for system failure and the means by which the problem will be corrected. Within forty-five (45) days of such failure, the Respondent shall correct the problem and perform a retest of the Stage II system in accordance with the testing methods specified under Section 22a-174-30(e) of the Regulations to verify the facility has a properly operating Stage II system. The facility shall demonstrate compliance with Section 22a-174-30 of the Regulations or cause such facility to cease dispensing gasoline until the Commissioner determines that such Stage II system is properly operating at the facility.
 5. Full compliance. The Respondent shall not be considered in full compliance with this Consent Order until all actions required by this Consent Order have been completed as approved and to the Commissioner's satisfaction.
 6. Civil penalty. The Respondent shall pay a penalty of \$2,300 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in Paragraph A.6. of this Consent Order. The Respondent shall submit the penalty amount of \$2,300 in accordance with the following payment schedule:
 - a. The Respondent shall submit the 1st payment in the amount of \$575, by 8/1/2011.
 - b. The Respondent shall submit the 2nd payment in the amount of \$575, by 12/1/2011.
 - c. The Respondent shall submit the 3rd payment in the amount of \$575, by 4/1/2012.
 - d. The Respondent shall submit the 4th payment in the amount of \$575, by 8/1/2012.

7. Payment of penalties. Payment of penalties under this Consent Order shall be mailed or personally delivered to Bureau of Financial and Support Services--Accounts Receivable Office ["F&SS"]. Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to the Treasurer, State of Connecticut. The check shall state on its face, "Bureau of Air Management Civil Penalty, Air Engineering & Enforcement Division, Consent Order No. 2254".
8. Approvals. The Respondent shall use best efforts to submit to the Commissioner all documents required by this Order in a complete and approvable form. If the Commissioner notifies the Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and the Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 days of the Commissioner's notice of deficiencies. In approving any document or other action under this Consent Order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this Consent Order. Nothing in this paragraph shall excuse noncompliance or delay.
9. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
10. Dates. The date of "issuance" of this consent order is the date the consent order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of submission to the Commissioner of any document required by this consent order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this consent order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this consent order, the word "day" as used in this consent order means calendar day. Any document or action which is required by this consent order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.
11. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this Consent Order shall be signed by the Respondent or, if the Respondent is not an individual, by the Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and the Respondent or the Respondent's chief executive officer and each such individual shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under Section §53a-157b of the Connecticut General Statutes and any other applicable law."

Respondent consents to the issuance of this Consent Order without further notice. The undersigned certifies that he/she is fully authorized to enter into this Consent Order and to legally bind Respondent to the terms and conditions of the Consent Order.

GAS & GROCERIES, LLC

Signature: 

Type Name: Hitesh Patel

Type Title: Member

Date: 7-14-11

Issued as a final order of the Commissioner of Environmental Protection.

Gary S. Rose

Gary S. Rose, Director
Engineering & Enforcement Division
Bureau of Air Management

07-28-2011

Date

*Department of Energy and Environmental Protection

*Public Act 11-80, effective July 1, 2011, established the Department of Energy and Environmental Protection as the successor agency to the Department of Environmental Protection.

MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED