

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



OFFICE OF ADJUDICATIONS

IN THE MATTER OF : UNDERGROUND STORAGE TANK ENFORCEMENT

ROCKY HILL SUNOCO : JANUARY 14, 2011
Facility ID No. 119-7702

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 January 13, 2011 in Conference Room 2B, 79 Elm Street in Hartford. The following persons were present: Ray LeFoll and Paul Tyler, for Rocky Hill Sunoco (facility) and Philip Wilde for the DEP Storage Tank Enforcement Unit (staff). DEP offered three exhibits: the Notice of Disabled UST Systems (DEP-1) and two UST Compliance Inspection Checklists (DEP-2 and DEP-3). DEP-1 through 3 were admitted as full exhibits.
2. The Department disabled (“red tagged”) the underground fuel storage tank system at the facility on January 11, 2011. The red-tagged tanks are three 6000-gallon fuel tanks. 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.

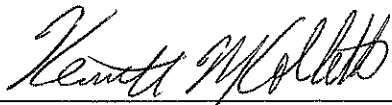
Tyler, the facility manager, and he accepted service on behalf of the facility. (Ex. DEP-1; test. 1/13/11, P. Wilde).¹

3. The DEP conducted two compliance inspections on January 10 and January 11, 2011. The facility's inventory records showed abnormal results outside of the acceptable range in the UST regulations. The facility had in place a functioning automatic tank gauging system for inventory reconciliation and leak detection. It was determined that the ATG system was providing abnormal numbers outside the acceptable range. The ATG system is too old to be updated or recalibrated and will need to be replaced. The facility then began to use stick testing as another acceptable means of inventory reconciliation but still saw abnormal numbers. These efforts showed overage values of 50-200 gallons. The abnormal inventory numbers were not sufficiently investigated or reported to DEP. The respondent does not contest that its inventory reconciliation efforts showed abnormal numbers. It is in the process of trying to rectify the situation with the installation of a new ATG system. These violations occurred and are continuing until such time that the facility produces inventory reconciliation results within the normal range. (Regs., Conn. State Agencies § 22a-449(d)-104(e)). (Exs. DEP-1, 2 and 3; test. 1/13/11, P. Wilde and P. Tyler.)

4. The parties are working together on a compliance plan that will resolve the issues related to inventory reconciliation. The respondent has made efforts to ensure that no product is leaking from the tank, including pressure testing conducted on January 13, 2011 and readings from the leak detection system that show no product has been lost. (Test. 1/13/11, P. Wilde and P. Tyler.)

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 Rocky Hill Sunoco.



Kenneth M. Collette, Hearing Officer

¹ All references to testimony are from the hearing held on January 13, 2011 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 Rocky Hill Sunoco

Site Id. No. 119-7702

PARTY

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