

NEW YORK

Retail Environmental Enforcement Summary July 1, 2016 - December 31, 2016



1

The New York State Department of Environmental Conservation (DEC) enforces the state's environmental laws.



28

Enforcement actions were issued to retailers.

2

The types of retail stores facing enforcement.



Automotive stores

4



Dry cleaners

2



Gas stations

16



Grocery stores

3



Hardware store

1



Motor vehicle dealer

4

3



\$175,750

Total fines issued to retailers.

HIGHLIGHTS

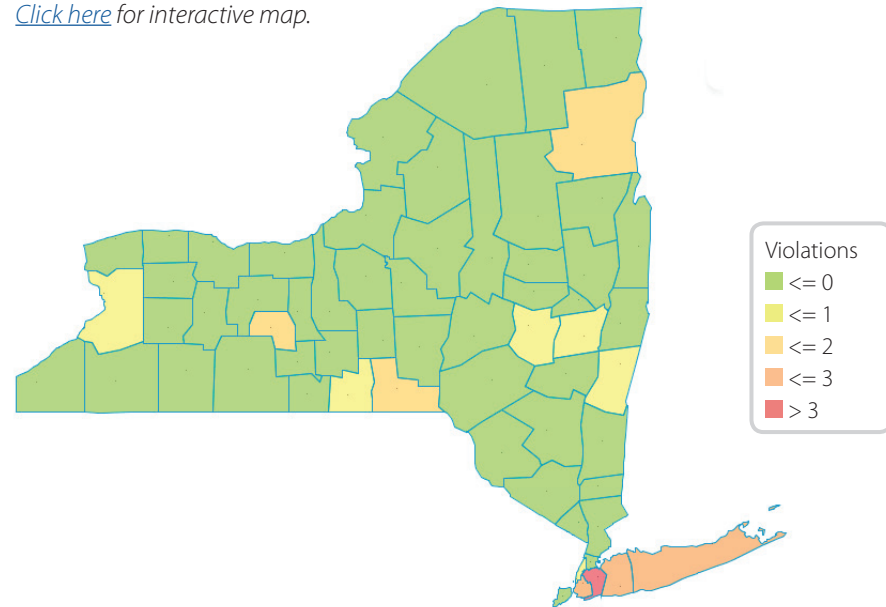
Between July 1, 2016 and December 31, 2016, the New York State Department of Environmental Conservation (DEC) issued 28 enforcement actions to retail facilities. These included automotive stores, dry cleaners, gas stations, grocery stores, motor vehicle dealers, and a hardware store. New York does not make inspection reports publicly available.

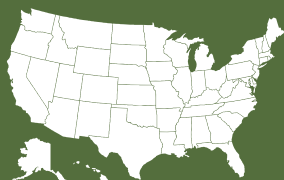
Fines ranged from \$250 to \$34,500, in addition to actions required to bring the entities into compliance. The highest fine was issued to an automotive store.

4

Enforcement by county

[Click here for interactive map.](#)





NEW YORK

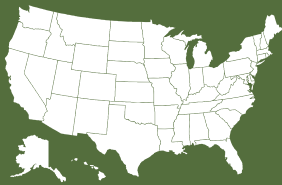
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July 1, 2016 - December 31, 2016



ENFORCEMENT DETAIL

Enforcement Area	Store type	Enforcement Type	Enforcement Summary	County	Fine (\$) and actions to comply
Air. Violations covered automotive retailers, dry cleaners, and a motor vehicle dealer. Violations included failure to obtain the required permit or registration for operating a surface coating facility, failure to comply with equipment standards and specifications, and failure to pay required regulatory fees.					
Air	Automotive store	Consent order	Failure to: <ul style="list-style-type: none"> Obtain required permit or registration for operating a surface coating facility 	Nassau	\$3,000 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> Maintain and operate the facility to minimize emissions Apply for Air Facility Registration
	Automotive store	Consent order	Failure to: <ul style="list-style-type: none"> Respond to a Notice of Violation (NOV) and Short Form Consent Order Obtain required permit or registration before operating a surface coating facility Install a filter before operating a spray booth 	Suffolk	\$5,400 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> Maintain and operate the facility to minimize emissions
	Automotive store	Consent order	Failure to: <ul style="list-style-type: none"> Obtain required permit or registration for operating a surface coating facility 	Suffolk	\$3,000 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> Maintain and operate the facility to minimize emissions
	Motor vehicle dealer	Consent order	Failure to: <ul style="list-style-type: none"> Pay regulatory fees Have a proper spray booth in a surface coating line Obtain required permit for operating an air contamination source Additionally: <ul style="list-style-type: none"> For production of unreasonable odors and/or fumes 	Suffolk	\$15,000 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> Comply with state and local air resource regulations Cease operation of the surface coating facility



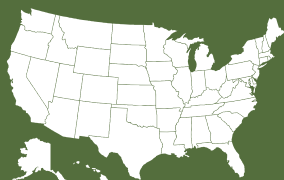
NEW YORK

Retail Environmental Enforcement Summary

July 1, 2016 - December 31, 2016



Enforcement Area	Store type	Enforcement Type	Enforcement Summary	County	Fine (\$) and actions to comply
Air	Drycleaner	Consent order	Failure to: <ul style="list-style-type: none"> • Comply with equipment standards and specifications • Achieve a perchloroethylene concentration of 300 parts-per-million (ppm) or less in the drum of the dry-cleaning machine • Comply with leak inspection and self-monitoring requirements • Comply with compliance inspection requirements 	Kings	\$1,750 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> • Repair the dry-cleaning system and conduct a compliance re-inspection, or • Remove and dispose of the perchloroethylene solvent in the dry-cleaning machine, disconnect the dry-cleaning system, and render it inoperable
	Drycleaner	• Order on consent/stipulation	• Illegally vented perchloroethylene emissions from dry cleaning equipment or emission control devices into workroom or facility	New York	\$1,500 fine.
Aboveground storage tank (AST). Violations covered gas stations and a motor vehicle dealer. Violations included failure to label an AST, failure to conduct monthly AST inspections, and failure to report spills from ASTs.					
AST	Gas station ²	Consent order	Failure to: <ul style="list-style-type: none"> • Label an AST • Color-code a fill port 	Nassau	\$8,000 fine. ³ In addition, the retailer was required to: <ul style="list-style-type: none"> • Demonstrate that all violations were corrected
	Gas station ²	Consent order	Failure to: <ul style="list-style-type: none"> • Register an AST • Label an AST • Conduct monthly inspections 	Queens	\$15,000 fine. ³ In addition, the retailer was required to: <ul style="list-style-type: none"> • Demonstrate that all violations were corrected
	Motor vehicle dealer	Consent order	Failure to: <ul style="list-style-type: none"> • Register the facility • Report spills • Protect ASTs from corrosion • Maintain monthly inspection reports 	Tioga	\$34,500 fine.



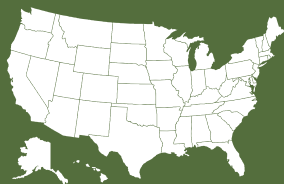
NEW YORK

Retail Environmental Enforcement Summary

July 1, 2016 - December 31, 2016



Enforcement Area	Store type	Enforcement Type	Enforcement Summary	County	Fine (\$) and actions to comply
Pesticides. Violations covered grocery stores. Retailers offered a restricted-use pesticide for sale without a commercial permit, stocked an unregistered pesticide, and offered pesticides for sale that were not registered.					
Pesticides	Grocery store	Consent order	<ul style="list-style-type: none"> Stocked a pesticide that was not registered in New York 	Yates	\$2,000 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> Dispose of the pesticide or return the pesticide to the manufacturer or distributor Submit Compliance Verification Affidavit
	Grocery store	Consent order	<ul style="list-style-type: none"> Offered a restricted-use pesticide for sale without a commercial permit Offered two pesticides for sale that had expired registrations 	Kings	\$5,500 fine.
Underground storage tank (UST). Violations covered an automotive store, gas stations, and motor vehicle dealers. Violations included failure to keep spill prevention equipment in good working order, failure to maintain spill prevention equipment, and failure to maintain a current and accurate registration with the DEC.					
UST	Gas station	Consent order	Failure to: <ul style="list-style-type: none"> Maintain spill prevention equipment Install leak monitoring equipment 	Kings	\$2,000 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> Demonstrate that all violations were corrected
	Gas station	Consent order	Failure to: <ul style="list-style-type: none"> Maintain registration Maintain spill prevention equipment Install overfill prevention Designate a Class A, B, or C operator 	Broome	\$1,250 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> Submit a registration application Submit photographs of newly installed equipment Submit information for the designated Class A, B, and C operators
	Gas station	Consent order	Failure to: <ul style="list-style-type: none"> Report spills Respond to and clean up spills Maintain spill prevention equipment Color code the fill port Perform cathodic protection tests Maintain records 	Broome	\$5,000 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> Submit photographs of maintained equipment Submit records Have an employee complete Class B operator training
	Gas station	Consent order	Failure to: <ul style="list-style-type: none"> Maintain spill prevention equipment 	Columbia	\$250 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> Empty and clean the tank top sump



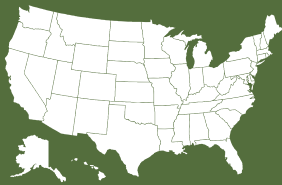
NEW YORK

Retail Environmental Enforcement Summary

July 1, 2016 - December 31, 2016



Enforcement Area	Store type	Enforcement Type	Enforcement Summary	County	Fine (\$) and actions to comply
UST	Gas station	Consent order	Failure to: <ul style="list-style-type: none"> • Meet a deadline in responding to an NOV • Maintain the fill port catch basin • Maintain inventory records • Maintain leak detection records • Label a fill port 	Erie	\$5,000 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> • Perform a tightness test on tanks • Submit repairs made • Submit the results of the cathodic protection for the test run, or • Submit a proposed work plan for repairs
	Gas station	Consent order	Failure to: <ul style="list-style-type: none"> • Color code fill ports • Maintain spill prevention equipment • Comply with requirements for out-of-service UST systems • Permanently close tanks and perform a tank closure site assessment • Implement leak detection monitoring • Maintain records 	Essex	\$13,100 fine.
	Gas station ²	Consent order	Failure to: <ul style="list-style-type: none"> • Maintain registration • Equip secondary containment • Maintain spill prevention equipment • Test equipment • Reconcile inventory 	Nassau	\$8,000 fine. ³ In addition, the retailer was required to: <ul style="list-style-type: none"> • Demonstrate that all violations were corrected
	Gas station ²	Consent order	Failure to: <ul style="list-style-type: none"> • Color code a fill port • Maintain spill prevention equipment • Install labeling 	Queens	\$15,000 fine. ³ In addition, the retailer was required to: <ul style="list-style-type: none"> • Demonstrate that all violations were corrected
	Gas station	Consent order	Failure to: <ul style="list-style-type: none"> • Maintain equipment • Maintain registration information 	Queens	\$2,000 fine.



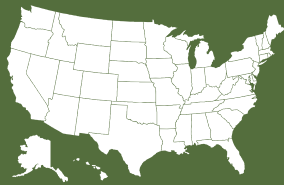
NEW YORK

Retail Environmental Enforcement Summary

July 1, 2016 - December 31, 2016



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UST	Gas Station	Consent order	Failure to: <ul style="list-style-type: none"> • Register USTs • Renew facility registration 	Queens	\$2,500 fine.
	Gas station	Consent order	Failure to: <ul style="list-style-type: none"> • Maintain records 	Queens	\$3,000 fine.
	Gas station	Consent order	Failure to: <ul style="list-style-type: none"> • Maintain spill prevention equipment • Install top sump sensors • Investigate discrepancies • Remove liquid and debris from the tank top sumps, fill port catch basins, and the dispenser sump 	Queens	\$14,000 fine.
	Gas station	Consent order	Failure to: <ul style="list-style-type: none"> • Register a UST • Provide access to dispenser sumps • Maintain spill prevention equipment 	Queens	\$2,500 fine.
	Automotive store	Consent order	Failure to: <ul style="list-style-type: none"> • Reconcile inventory records 	Queens	\$1,000 fine.
	Gas station	Consent order	Failure to: <ul style="list-style-type: none"> • Transfer facility registration 	Schoharie	\$2,000 fine.
	Motor vehicle dealer	Stipulation	<ul style="list-style-type: none"> • Petroleum discharge on its property 	Albany	The retailer was required to: <ul style="list-style-type: none"> • Submit and implement a Remediation Plan • Perform product checks and groundwater monitoring of wells
	Motor vehicle dealer	Consent order	Failure to: <ul style="list-style-type: none"> • Report a spill • Maintain secondary containment • Submit inspection information 	Yates	\$2,500 fine.



NEW YORK

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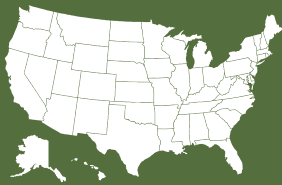


Enforcement Area	Store type	Enforcement Type	Enforcement Summary	County	Fine (\$) and actions to comply
Solid waste. Violations covered a grocery store that sold or offered to sell non-deposit containers.					
Solid waste	Grocery store	Order on consent/stipulation	• Sold or offered to sell non-deposit containers	Queens	\$1,000 fine.
Wastewater. Violations covered a hardware store that discharged without a State Pollutant Discharge Elimination System (SPDES) permit.					
Wastewater	Hardware store	Order on consent/stipulation	• Discharged without a SPDES permit	Essex	\$1,000 fine. In addition, the retailer was required to: <ul style="list-style-type: none">• Demonstrate that the outlet from the building had been disconnected• Demonstrate that an independent audit had been conducted

¹ See Glossary for details

² This retailer received one enforcement document that contained violations across multiple enforcement areas (i.e. AST and UST violations)

³ This retailer had a combined fine for one enforcement document that contained violations across multiple enforcement areas (i.e. AST and UST violations)



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GLOSSARY

Order on consent/stipulation — a formal response to noncompliance where court action is not pursued. With this document, the DEC and the regulated entity agree to a negotiated settlement of the violations. This document assesses penalties, requires corrective or remedial actions, and can modify, suspend, or revoke permits.

Retail — stores that sell goods or services to customers, typically in small quantities, for consumption or use. Retail stores can include: automotive parts and new/used tire sales, convenience stores, gas stations, distribution centers, dry cleaners, pharmacies, rental stores, sports/hunting goods stores, and variety stores.

Documents concerning state enforcement actions on retail entities are obtained by contacting the state's environmental regulatory agency directly by email and by phone, submitting Freedom of Information Act (FOIA) requests, or using online document databases. The search is refined using retail-specific criteria, such as titles and address locations of the entities, Standard Industrial Classification (SIC), or North American Industry Classification System (NAICS) codes and descriptions. Enforcement actions involving non-retailers are excluded from the data analysis and summaries.

Retail-specific state enforcement documents and data are analyzed to determine trends including: the most frequent violations, what the most common media types violations are (such as air, petroleum contamination, waste, or water), and where the retailers who were issued enforcement actions are located. Data is collected and trends are analyzed on a biannual basis.

Note that some retailers received more than one enforcement action across one or more enforcement areas.