

# NEW YORK

## Retail Environmental Enforcement Summary January 1, 2017 - June 30, 2017



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



**27** Enforcement actions were issued to retailers

The types of retail stores facing enforcement.



**Automotive Store 3**



**Grocery Stores 3**



**Dry Cleaners 2**



**Lumber and Other Building Materials Dealer 4**



**Gas Station 13**



**Motor Vehicle Dealers 1**



**\$249,050**

Total fines issued to retailers

**4% ↓**

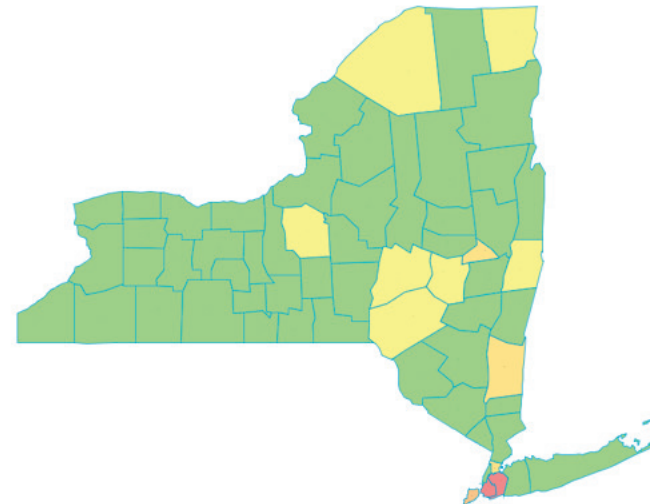
Enforcement action decrease in 2017

Enforcement by county

[Click here](#) for interactive map.

Violations

- <= 0
- <= 1
- <= 2
- <= 3
- > 3



## HIGHLIGHTS

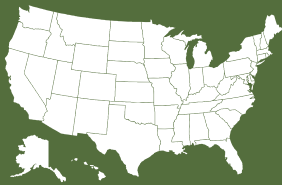
Between January 1, 2017 and June 30, 2017, 27 enforcement actions filed by the New York State Department of Environmental Conservation (DEC) were issued to retail establishments. This is only one enforcement action fewer than the total enforcement actions issued to retail entities from July 1, 2016 and December 31, 2016.

As the number of enforcement actions remained steady, so did the type of retail entities that received such actions. Retailers that received enforcement actions consisted of automotive stores, dry cleaners, gas stations, grocery stores, lumber and other building materials dealers (also called hardware stores), and motor vehicle dealers.

As was the case in the July 1, 2016 to December 31, 2016 data, retailers also received enforcement actions for air, aboveground storage tank (AST), pesticides, underground storage tank (UST), waste, and wastewater regulation noncompliance between January 1, 2017 and June 30, 2017.

Fines ranged from \$500 to \$37,500 from January 1, 2017 and June 30, 2017, while fines issued between July 1, 2016 and December 31, 2016, ranged from \$250 to \$34,500.

New York does not make inspections reports publicly available



# NEW YORK

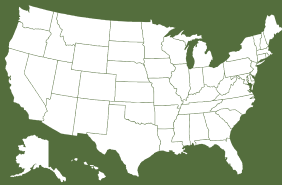
## Retail Environmental Enforcement Summary

January 1, 2017 - June 30, 2017



### ENFORCEMENT DETAIL

Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
<b>Aboveground storage tank (AST).</b> Violations covered automotive stores and gas stations. Violations included failure to clearly label ASTs and equipment, inspect ASTs monthly, and properly maintain spill prevention equipment.						
AST	Automotive stores	Orders on consent	Failure to: <ul style="list-style-type: none"> <li>• Color-code AST</li> <li>• Demonstrate universal waste accumulation time</li> <li>• Equip AST with a surface coating</li> <li>• Inform employees of proper universal waste handling and emergency procedures</li> <li>• Inspect AST system monthly</li> <li>• Keep records of AST inspections</li> <li>• Label batteries</li> <li>• Prevent discharge of petroleum</li> <li>• Properly label ASTs</li> <li>• Properly maintain AST equipment</li> <li>• Register ASTs</li> <li>• Remediate petroleum discharges</li> <li>• Report petroleum discharges</li> </ul> In addition, one retailer illegally: <ul style="list-style-type: none"> <li>• Disposed of universal wastes</li> <li>• Deposited rubbish into a tidal wetland adjacent area</li> <li>• Accumulated universal waste for more than one year from the date it was generated</li> <li>• Stored used oil in unregulated containers</li> </ul>	Kings Richmond	1 1	\$37,500 fine. \$4,500 fine.  In addition, retailers were required to: <ul style="list-style-type: none"> <li>• Complete the Wetlands Compliance Schedule</li> <li>• Submit evidence showing all violations have been corrected</li> <li>• Submit photographs of proper color-coding and labeling</li> <li>• Submit a workplan for full remediation and for abatement and prevention of additional discharges</li> </ul>



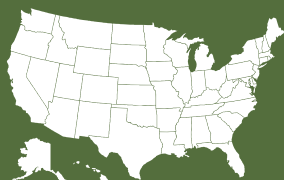
# NEW YORK

## Retail Environmental Enforcement Summary

January 1, 2017 - June 30, 2017



Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
AST	Gas stations	Orders on consent	Failure to: <ul style="list-style-type: none"> <li>• Color-code one AST at or near the fill port</li> <li>• Designate a qualified Class C Operator</li> <li>• Have an AST gauge</li> <li>• Inspect ASTs monthly</li> <li>• Keep records of inspections</li> <li>• Maintain a current and accurate facility registration</li> <li>• Notify the DEC of tank permanent closure</li> <li>• Properly label ASTs</li> <li>• Properly maintain spill prevention equipment</li> <li>• Reconcile inventory every ten days</li> </ul>	Bronx Kings Queens Richmond	1 1 1 1	\$500 fine. \$2,000 fine. \$2,500 fine. \$5,000 fine.  In addition, retailers were required to: <ul style="list-style-type: none"> <li>• Submit evidence demonstrating that all the violations have been corrected</li> </ul>
<b>Air.</b> Violations covered a dry cleaner and a lumber and other building materials dealer. Violations included failure to: obtain a permit for a facility with emission sources and register with the DEC and prevent generated fugitive dust from leaving the site.						
Air	Dry cleaner	Orders on consent	Failure to: <ul style="list-style-type: none"> <li>• Obtain a permit for a facility with emission sources and register with the DEC</li> </ul>	Dutchess	1	\$750 fine.
	Lumber and other building materials dealer	Orders on consent	Failure to: <ul style="list-style-type: none"> <li>• Prevent generated fugitive dust from leaving the site</li> </ul>	Schenectady	1	\$20,000 fine.  In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Submit a revised Fugitive Dust Control Plan</li> </ul>



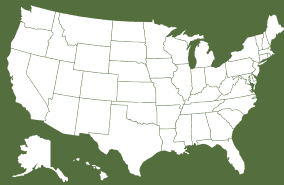
# NEW YORK

## Retail Environmental Enforcement Summary

January 1, 2017 - June 30, 2017



Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
<b>Hazardous waste.</b> Violations covered a dry cleaner and a lumber and other building materials dealer. Violations include failure to: prevent contamination in groundwater and soil, maintain adequate aisle space in the storage area, and properly label hazards waste containers and universal waste lamp containers.						
Hazardous waste	Dry cleaners	Order on consent	Failure to: <ul style="list-style-type: none"> <li>Prevent contamination of PCE, TCE, and cis-1,2-dichlorethene in both groundwater and soil</li> </ul>	Rensselaer	1	\$30,000 fine.
	Lumber and other building materials dealers	Orders on consent	Failure to: <ul style="list-style-type: none"> <li>Clearly mark the accumulation start date on hazardous waste drum</li> <li>Close a hazardous waste container</li> <li>Dispose of hazardous waste drums after 270 days</li> <li>Distribute copies of the manifest to the generator</li> <li>Equip the hazardous waste storage area with a device that can summon emergency assistance from emergency response teams</li> <li>Ensure that all employees are familiar with proper waste handling and emergency procedures</li> <li>Maintain adequate aisle space in the storage area</li> <li>Properly label waste containers</li> <li>Place universal waste lamps in proper containers</li> <li>Post the telephone number of the fire department; the location of the fire extinguishers; name and phone number of the emergency coordinator; spill control material; and fire alarm next to the phone</li> <li>Provide a state waste code in Box 13 of the manifest</li> </ul>	Kings Dutchess	1 1	\$9,000 fine. \$17,000 fine.
<b>Pesticides.</b> Violations covered a lumber and other building materials dealer. Violations included failure to: sell a pesticide that was registered and prevent sale of unregistered pesticides.						
Pesticides	Lumber and other building materials dealer <sup>2</sup>	Orders on consent	Illegally selling pesticides not registered with the DEC	St. Lawrence	1	\$1,000 fine.  In addition, the retailer was required to: <ul style="list-style-type: none"> <li>Stop selling pesticides</li> </ul>



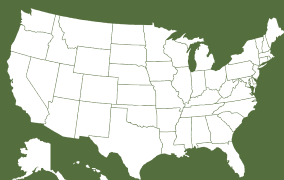
# NEW YORK

## Retail Environmental Enforcement Summary

January 1, 2017 - June 30, 2017



Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
<b>Stormwater.</b> Violations covered a gas station and a motor vehicle dealer. Violations included failure to: prevent a release of contaminated stormwater, obtain permit coverage before conducting construction activities that would disturb more than one acre of soil, and resolve issues regarding the demolition of a building.						
Stormwater	Gas station	Order on consent	Failure to: <ul style="list-style-type: none"> <li>Obtain authorization under the General Permit for Stormwater Associated with Construction Activity for activities that had the potential to affect a historical property</li> <li>Obtain permit coverage before conducting construction activities that would disturb more than one acre of soil</li> <li>Resolve issues regarding the demolition of a building</li> </ul>	Schoharie	1	\$5,000 fine.  In addition, the retailer was required to: <ul style="list-style-type: none"> <li>Submit a report that meets the requirements of the Historic American Building Survey—Historic American Engineering Record Documentation Level II</li> </ul>
	Motor vehicle dealer	Order on consent	Failure to: <ul style="list-style-type: none"> <li>Prevent a release of contaminated stormwater into a tidal wetland and water of the state</li> <li>Conduct a dye test to determine whether the retailer's oil/water separator is connected to a sanitary sewer</li> </ul>	Kings	1	\$8,000 fine.
<b>Underground storage tank (UST).</b> Violations covered an automotive store, gas stations, and grocery stores. Violations included failure to: color-code the UST system fill port, designate UST Class A, Class B, and Class C operators, and maintain the results or records of weekly leak detection monitoring.						
UST	Automotive store	Order on consent	Failure to: <ul style="list-style-type: none"> <li>Maintain the results or records of weekly leak detection monitoring</li> <li>Conduct a test of the functionality of the automatic line leak detector (ALLD) system yearly</li> </ul>	Queens	1	\$2,000 fine.



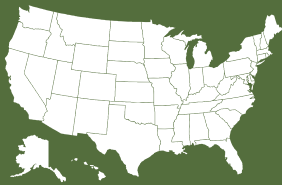
# NEW YORK

## Retail Environmental Enforcement Summary

January 1, 2017 - June 30, 2017



Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
UST	Gas stations	Orders on consent	Failure to: <ul style="list-style-type: none"> <li>• Color-code the UST system fill port</li> <li>• Conduct annual piping line leak detector functionality tests</li> <li>• Conduct monthly inspections</li> <li>• Designate UST Class A, Class B, and Class C operators</li> <li>• Investigate discrepancies in inventory monitoring</li> <li>• Investigate leak</li> <li>• Maintain a current and accurate registration</li> <li>• Maintain Stage 1 vapor recovery equipment</li> <li>• Maintain sump sensors</li> <li>• Maintain UST equipment</li> <li>• Monitor for leaks</li> <li>• Notify the DEC of closure of tank systems</li> <li>• Perform daily water measurements</li> <li>• Perform ten-day reconciliation of inventory records for tanks</li> <li>• Perform tightness test</li> <li>• Perform leak detection</li> <li>• Permanently close tank</li> <li>• Position sump sensor</li> <li>• Post registration at site location</li> <li>• Properly label tanks</li> <li>• Register facility</li> <li>• Register tank before receiving petroleum in new or replaced tank system</li> <li>• Register UST containing heating oil</li> <li>• Report and respond to spills in the tank top sump and fill port</li> <li>• Report suspected leaks to the DEC Spill Hotline within two hours of discovery</li> <li>• Retain records for tanks</li> <li>• Submit cathodic protection records</li> <li>• Update registration for tanks</li> </ul>	Bronx Clinton Delaware Onondaga Otsego Queens Richmond	1 1 1 1 1 2 1	\$550 fine. \$1,000 fine. \$1,250 fine. \$2,500 fine. \$4,000 fine. \$5,000 fine. \$22,500 fine. \$37,000 fine. In addition, retailers were required to: <ul style="list-style-type: none"> <li>• Complete daily liquid status</li> <li>• Complete manual leak detection reports</li> <li>• Maintain spill prevention equipment by emptying and cleaning the dispenser for tanks</li> <li>• Make repairs or replacements of the tanks' secondary containment, if the testing shows any problems with the secondary containment</li> <li>• Permanently close tank and submit registration application for closure and a tank closure report</li> <li>• Submit documentation for liquid removal and any repairs made</li> <li>• Submit documentation of the cleanup of kerosene spill</li> <li>• Submit documentation of the source of the leak associated with the piping sumps for tanks</li> <li>• Submit documentation showing that the remote fill piping of tank has been reinstalled</li> <li>• Test outer shell of secondary containment of tank or permanently close the tank and submit documentation of testing or closure</li> </ul>



# NEW YORK

## Retail Environmental Enforcement Summary

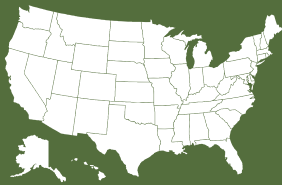
January 1, 2017 - June 30, 2017



Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
UST	Grocery stores	Orders on consent	Failure to: <ul style="list-style-type: none"> <li>• Submit an application to initially register the facility</li> <li>• Renew the facility registration</li> <li>• Equip tank with secondary containment</li> <li>• Equip tank with overfill prevention equipment</li> <li>• Maintain an accurate as-built diagram</li> <li>• Install a label at the fill port</li> <li>• Color-code at the fill port</li> <li>• Maintain all spill prevention equipment</li> <li>• Maintain records for leak detection requirements</li> <li>• Designate authorized UST Class A, B, and C Operators</li> </ul>	Kings Queens	1 1	\$2,000 fine. \$13,500 fine. In addition, retailers were required to: <ul style="list-style-type: none"> <li>• Submit either evidence that the violations have been corrected or submit a workplan and schedule for the closure of the facility</li> </ul>
<b>Wastewater.</b> Violations covered a grocery store. Violations included failure to submit a discharge monitoring report.						
Wastewater	Grocery store	Order on consent	Failure to: <ul style="list-style-type: none"> <li>• Submit a discharge monitoring report</li> </ul>	Schenectady	1	\$15,000 fine.

<sup>1</sup> See Glossary for details

<sup>2</sup> This retailer received more than one enforcement action across one enforcement area.



# NEW YORK

## Retail Environmental Enforcement Summary

January 1, 2017 - June 30, 2017



## GLOSSARY

**Order on consent** — 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 one retailer received more than one enforcement action across one enforcement area.*