OFFICE OF ADJUDICATIONS

IN THE MATTER OF	***:***	***UNDERGROUND STORAGE TANK ENFORCEMENT***
PUTNAM FUEL DEPOT	***:***	***FEBRUARY 27, 2008***

FINAL DECISION

JURISDICION

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 February 27, 2008 in the DEP Russell Hearing Room, 79 Elm Street in Hartford. The following persons were present and sworn: Vaya Singh for Putnam Fuel Depot (facility); and John Hirschfeld and Phil Wilde (staff) for the DEP Storage Tank Enforcement Unit.

2. The Department disabled ("red tagged") three underground fuel storage tanks at the facility on February 25, 2008. The red-tagged tanks include three, 6000-gallon gasoline tanks. DEP staff served a "Notice of Disabled UST Systems" on Mr. Singh, and he accepted service on behalf of the facility. General Statutes §22a-449(g). This Notice, which included the date, time and place of the hearing,

was placed into evidence, along with a copy of the UST Compliance Evaluation on file with the DEP. (Test. DEP staff.)

3. The DEP conducted a compliance inspection on December 5, 2008 and December 7, 2008. At that time it was noted that the violations included: lack of or improper reconciliation paperwork, non-functional overfill shutoff device, non-functional spill prevention device, and improperly functioning automatic tank gauging system. The facility does not contest that these violations occurred. It has apparently resolved certain violations as noted by Mr. Hirschfeld at an inspection on February 25, 2008. However, certain violations that occurred are also continuing. The facility remains out of compliance with relevant regulations regarding reconciliation paperwork and the automatic tank gauging system. Regs., Conn. State Agencies §§22a-449(d)-1; 22a-449(d)-101 through 22a-449(d)-113. (Test. DEP staff; test. V. Singh)

4. The regulations require facilities to employ inventory reconciliation methods in compliance with DEP regulations. Automatic tank-gauging (ATG) systems are typically employed to meet these requirements. Furthermore, ATG systems must also be able detect a 0.2 gallon per hour leak. Failure to use such a properly functioning system and employ such reconciliation methods means the DEP has no assurance of the integrity of the tank. A leaking tank can result in serious consequences, including groundwater contamination that could affect drinking water supplies. (Test. DEP staff.)

5. The facility will work with the DEP to bring its system into compliance. Mr. Singh indicated he has up to date reconciliation paperwork that he will supply to

the Department for its review and acceptance. In addition, Mr. Singh will supply paperwork relevant to the functioning of the ATG system and its 0.2 gallon per hour detection capability for DEP review.

6. The Department will confirm whether the facility has proper spill prevention equipment, namely "crash valves" at a separate inspection or through other means acceptable to the Department and may issue a second Notice of Disabled UST Systems if the proper equipment is not installed. The Department will not allow the facility to operate until all required equipment is installed.

CONCLUSION

There was probable cause to support and sustain this enforcement action taken by the DEP with regard to the three disabled tanks owned and operated by Putnam Fuel Depot.

/s/ Kenneth M. Collette
Kenneth M. Collette, Hearing Officer

APPENDIX A
P A R T Y L I S T

FINAL DECISION
In the Matter of Putnam Fuel Depot
UST Facility No. 116-3379

PARTY	REPRESENTED BY
UST Facility Putnam Fuel Depot 2 Grove Street Putnam, CT 06260	Owner/Operator Vaya Singh
Department of Environmental Protection	
UST Enforcement 79 Elm Street Hartford, CT 06106	John Hirschfeld Phil Wilde