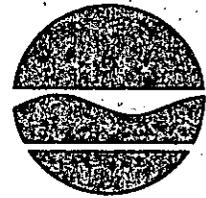


New York State Department of Environmental Conservation
Region 6 Headquarters, State Office Building, Watertown, NY 13601

315-785-2238



Thomas C. Jorling
Commissioner

October 3, 1990

Mr. Ed Salamacha, Owner
Hammond Enterprises
Main Street
Hammond, NY 13646

Dear Mr. Salamacha:

An investigation by representatives of this Department revealed that although your petroleum bulk storage tanks were required to be registered by December 27, 1986, you failed to register them until June 6, 1988. In addition, these same tanks were required to be tightness tested by December 27, 1987, and to date, we have yet to receive any test results from you. Please be advised that these actions constitute violations of the New York State Bulk Storage regulations.

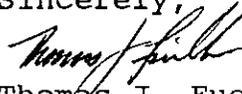
To settle the matter of these violations without litigation, I have prepared the enclosed Consent Order which provides for a civil penalty in the amount of \$6,000 with all but \$2,500 suspended provided you comply with its terms, and which requires all tanks at the facility to be either tested or permanently closed within sixty (60) days.

If you choose not to sign the Order, further legal action including the conduct of an Administrative Enforcement hearing may be taken against you. If you are determined to be in violation of the above regulations at such hearing, you could be liable for a civil penalty of up to \$25,000 per day for each violation.

Please read the Order carefully and if it meets with your approval, sign it before a notary public and return it to this office by October 26, 1990.

Your anticipated cooperation is appreciated.

Sincerely,


Thomas J. Fucillo
Assistant Regional Attorney
Region 6

TJF:JNB
Enclosure
cc: James Luz
Donald Johnson

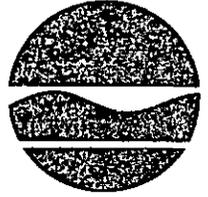
RECEIVED

OCT 2 1990

**NYS Dept. Environmental Conservation
REGION 6 - UTICA
REGIONAL ENGINEER**

New York State Department of Environmental Conservation
Region 6 Headquarters, State Office Building, Watertown, NY 13601

315-785-2238



Thomas C. Jorling
Commissioner

CERTIFIED

November 1, 1990

Mr. Ed Salamacha
Hammond Enterprises
Main Street
Hammond, NY 13646

Dear Mr. Salamacha:

Enclosed is a conformed copy of Hammond Enterprises' Consent Order.

This is to also acknowledge receipt of your check in the amount of \$750.00. Enclosed is a receipt for that amount.

Thank you for your cooperation.

Sincerely,

Thomas J. Fucillo
Assistant Regional Attorney
Region 6

TJF/as

Enclosure

cc: Donald Johnson
James Luz

STATE OF NEW YORK : DEPARTMENT OF ENVIRONMENTAL CONSERVATION
In the Matter of the Violation of Environmental Conservation
Law Article 17 by:

HAMMOND ENTERPRISES
Ed Salamacha (Owner)
Hammond (V)
St. Lawrence (Co.)

Respondent.

CONSENT ORDER
R-6-0980-90-08

WHEREAS:

1. Pursuant to Article 17 of the Environmental Conservation Law (ECL), the Department of Environmental Conservation (Department) has responsibility for the regulation of petroleum bulk storage facilities in the State of New York.

2. In accordance with that authority, the Commissioner of Environmental Conservation has promulgated 6 NYCRR Parts 612 and 613 which include the following requirements:

a. Within one year of the effective date of these regulations (December 27, 1985), the owner of any petroleum storage facility having a capacity of over eleven hundred gallons must register the facility with the Department (6 NYCRR §612.2(a)(1)).

b. The owner of any underground petroleum storage tank and connecting piping system must have the tank and pipes periodically tested for tightness within two years of the effective date of these regulations if such tank is of unknown age or due for an initial test within the first year of the effective date of these regulations (6 NYCRR

§613.5(a)(1)(ii)).

3. Respondent owns Hammond Enterprises located on Main Street in the Village of Hammond, St. Lawrence County, New York (the facility). Respondent's facility maintains petroleum bulk storage tanks with an aggregate storage capacity in excess of eleven hundred gallons.

4. A search of Department records revealed that Respondent registered the facility on June 6, 1988, eighteen (18) months after the date required by 6 NYCRR §612.2(a)(1).

5. Respondent has thus violated 6 NYCRR §612.2(a)(1).

6. In addition, the search and subsequent communications with the Respondent revealed that Respondent did not test its petroleum bulk storage tanks which are of unknown age and submit the test results to the Department by December 27, 1987. To date, Respondent has not tested its tanks.

7. Respondent has thus also violated 6 NYCRR §613.5(a)(1)(ii).

8. ECL Section 71-1929 provides for a maximum civil penalty of \$25,000 per day for each violation of ECL Article 17 or the regulations promulgated thereunder.

9. The parties desire to enter into this Order to avoid litigation of this matter and to bring about specified remedial action.

10. Respondent hereby waives its right to a hearing as provided by law and agrees to be bound by the terms of this Order.

NOW, THEREFORE, having considered this matter and being duly advised, it is ORDERED that:

I. Immediately upon the effective date of this Order, Respondent shall become obligated to pay a civil penalty of \$2,500.00. \$750.00 shall be paid within two weeks after receipt of a conformed copy of this Order. Payment shall be made to the Department of Environmental Conservation offices, 317 Washington Street, Watertown, New York 13601, attention Regional Attorney. The remaining \$1,750.00 shall be suspended, and thereafter extinguished; provided, however, the Department may vacate the suspension and assess the penalty, or any part of it, for a violation of this Order after giving Respondent written notice with an opportunity to submit a written explanation to the Department.

II. Within sixty days of the effective date of this Order, Respondent shall have a test for tightness performed on each underground storage tank at the facility and will submit said test report to the Department no later than thirty (3) days after its performance. In addition, Respondent shall periodically test all tanks thereafter in accordance with the requirements of 6 NYCRR §613.5(a)(1)(iv). Any tank at Respondent's facility which is shown by a tightness test to be leaking must be reported by Respondent within two hours of discovery of such leak. Such notification shall be made in accordance with 6 NYCRR §613.5(a)(4).

In the alternative, by the same date, Respondent shall permanently close in accordance with 6 NYCRR §613.9, each petroleum storage tank at its facility which has not been tested.

III. All submissions required under Part III of this Order shall be sent to:

Donald I. Johnson
Assistant Sanitary Engineer
Department of Environmental Conservation
Utica State Office Building
207 Genesee Street
Utica, NY 13501

IV. Respondent shall within 15 days following a written notice of a violation of this Order and demand for payment from the Department, pay to the Department a stipulated penalty in the amount of One Hundred Dollars (\$100) for each violation of this Order or any provision thereof, including scheduled dates, plus an additional One Hundred Dollars for each day such violation continues or recurs. The Department shall not be precluded by this Consent Order from taking any action authorized by law and the Department may seek the sanctions provided in the Environmental Conservation Law in addition to assessing stipulated penalties as set forth in this Order. Should the Department seek penalties and/or sanctions beyond those stipulated in this Order, Respondent shall be provided all rights mandated by applicable law and regulation.

V. The effective date of this Order is the date on which the Commissioner or his representative signs this Order.

VI. Nothing in this Order shall be construed as preventing the Department from collecting regulatory fees where applicable.

VII. A violation of this Order is remediable as allowable by law.

VIII. To ensure compliance with this Order, the ECL, and rules and regulations thereunder, authorized representatives of the Department shall be permitted access to Respondent's premises in order to make inspections to see that Respondent is in compliance.

IX. This Order does not absolve Respondent from any legal liability or responsibility pursuant to the Navigation Law for compensation or penalties relating to any petroleum spill at the facility.

X. No change in this Order shall be effective except as set forth in written Order of the Commissioner: (a) upon written application by Respondent and with specific justification for the relief sought, or (b) upon the Commissioner's own findings after an opportunity to be heard has been given to Respondent, or (c) pursuant to the summary abatement provisions of the ECL.

XI. This Order is binding upon Respondent, its agents, employees, successors, assigns and all persons, firms and corporations acting subordinate thereto.

RECEIVED

NOV 2 1990

NYS Dept. Environmental Conservation
REGION 6 - ULICA
REGIONAL ENGINEER

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EDWARD SALAMACHA
ROSALYN SALAMACHA

RT. 1, BOX S
HAMMOND, NY 13646

4725

50-920/213

10 - 20 19 90

PAY
TO THE
ORDER OF

Department of Environmental Conservation
Seven hundred fifty dollars

\$ 750.⁰⁰/₁₀₀

~~100~~ ⁰⁰/₁₀₀ DOLLARS



The
CITIZENS National Bank
OF HAMMOND
HAMMOND, NEW YORK 13646

FOR

Rosalyn Salamacha
Hammond Enterprises

⑆02130920⑆ 01 21292 3⑆

Oct. 24-90

Attention: Ben Johnson

Dear Sir,
Enclosed you will find the
Caterform Bulk Store Application
to have our tanks closed.

We have contacted Mr.
Alan Bach in Dayton to
come and take care of the
jobs, just as soon as their
empty.

My question please call
me at 315-324-5191.

Thank You!

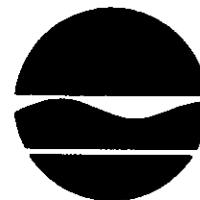
Edward Maloney (118)

RECEIVED

OCT 23 1990

NYS Dept. Environmental Conservation
REGION 6 - UTICA
REGIONAL ENGINEER

New York State Department of Environmental Conservation



Thomas C. Jorling
Commissioner

207 Genesee Street
Utica, New York 13501-2885

October 12, 1990

Edward Salamacha
Hammond Enterprises
Main Street
Hammond, NY 13646

Re: PBS No. 461830, Hammond Enterprises

Dear Mr. Salamacha:

Enclosed is a Petroleum Bulk Storage Application form to be used for notification of a substantial facility modification. The Department must be notified of substantial facility modifications pursuant to 6NYCRR 612.2(d) which states:

"Within thirty (30) days prior to substantially modifying a facility, the owner must notify the Department of such modification on forms supplied by the Department."

I have also enclosed a copy of 6NYCRR 613.9 for your information which deals with the requirements for permanent closure of tanks. If you have any specific questions regarding the closure procedure, please call me at (315) 793-2554.

Sincerely,

Donald I. Johnson
Environmental Engineer 1
Region 6 - Utica

DIJ/dk

Enclosures

PETROLEUM BULK STORAGE NOTICE

Required Test Schedule for Underground Storage Tanks



PETROLEUM BULK STORAGE NUMBER

461830

Test Date(s) Method(s)

Tests must be completed by the last day of the month indicated.
 Reporting requirements are indicated on the back of this form.

INDICATE TEST RESULTS
 (P-pass; F-fail)

TANK NUMBER	DUE DATE	TANK TYPE	CAPACITY	PRODUCT
*001	12/87	BARE STEEL	4,000	UNLEADED GAS

Tank		Piping		Unable To Test
P	F	P	F	

ACTUAL TANK TEST REPORTS MUST BE SUBMITTED WITH THIS FORM TO THE DEC OFFICE PRINTED ON THE TOP LEFT HAND CORNER. SEE BACK OF OWNER'S COPY FOR ADDITIONAL INSTRUCTIONS AND REQUIREMENTS. IF YOU HAVE ANY QUESTIONS, CALL OR WRITE TO THE DEC OFFICE PRINTED IN THE TOP LEFT CORNER OF THIS FORM.

AN ASTERISK (*) NEXT TO THE TANK # INDICATES OVERDUE STATUS. THE OWNER OF A TANK WHICH IS OVERDUE FOR TESTING IS IN VIOLATION OF SECTION 613.5(A) OF 6NYCRR, PETROLEUM BULK STORAGE REGULATIONS.

This notice and a copy of the underground test report should be returned to DEC with the following information:

Tester's Name _____

Tester's Address _____

NAME OF FACILITY
 HAMMOND ENTERPRISES
 MAIN STREET
 HAMMOND NY
 13646

I affirm that:

1. I am trained in performance of the test and have an understanding of the variables which affect the test.
2. The test methods used meet the Department's criteria.

Tester's Signature _____

Owner's Signature _____

NAME OF OWNER
 ED SALAMACHA
 MAIN STREET
 HAMMOND NY
 13646

DEC DISPOSITION: Spoke with Ed Salamacha. He 6/13/90 stated that the tank is still in use but has never been tested. He also stated that he has not had any spillage and is careful about not spilling.

Rene Pilot

Peoples Oil Co., Inc.

58 Gouverneur Street
CANTON, NEW YORK 13617

Telephone: (315) 386-8516

D.B. WIEST, President

N. Y. State Dept.
of Conservation

Sept. 23, 1988

Dear Sirs:

Your letter of June 30, 1988 was delivered today. I have no idea where it has been in the meantime, at any rate - I have signed the check and confirmed the size of tank 2 as being 1000 gallons.

Thanks

David B. West

P.S. We do not own the tanks - we simply agreed to handle the registration for the owner.

RECEIVED

SEP 27 1988

**NYS Dept. Environmental Conservation
REGION 3 - USES
REGIONAL ENGINEER**



NOTICE REGARDING APPLICATION FOR PETROLEUM BULK STORAGE REGISTRATION

TO: DAVID B. Wiest

NAME OF [REDACTED]: Peoples OIL COMPANY, INC.

ADDRESS (Number and Street): 58 GOUVERNEUR

CITY, TOWN, VILLAGE: CANTON **STATE:** NY **ZIP CODE:** 13617

FOR:

NAME OF FACILITY: HAMMOND ENTERPRISES

ADDRESS (Number and Street): MAIN ST.

CITY, TOWN, VILLAGE: HAMMOND **STATE:** NY **ZIP CODE:** 13646

APPLICATION NUMBER: 139827 Please refer to this number in all your correspondence until a permanent Petroleum Bulk Storage Facility number is assigned.

- Your application for registration is incomplete. Please submit the following information by: 7-15-88
- You failed to include with your application, the correct amount of the required fee. Please submit a check or money order in the amount of \$ _____ payable to the Department of Environmental Conservation.
- Missing or out of range information noted below.

ITEM	REASON	
	Data Missing	Code Out of Range
PBS Number, if transfer		
Facility Information		
Owner Name and Address		
Operator Name and Address		
Emergency Contact Information		
Signature of Owner or Owner's Representative		
Action		
Tank Number		
Tank Location		
Tank Capacity	*	
Tank Type		
Product Stored		
Status		
Date Tank Installed at this Location		

PLEASE CONFIRM SIZE TANK 2

- Your application for this registration is not required. Your application and fee are being returned.
- The total capacity of your facility is 1,100 gallons or less.
- The total capacity of your facility is 400,000 gallons or more.
- Please sign check

FOR FURTHER INFORMATION, CONTACT THIS OFFICE. 315 793-2554
 ALL TANKS AT FACILITY MUST BE REGISTERED EVEN IF NOT IN USE.

APPLICANT COPY
 Neal Carrier 6-30-88

RECEIVED

SEP 27 1988

NYS Dept. Environmental Conservation
REG. DIVISION
REGIONAL OFFICE