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**UNITED STATES SETTLES ENVIRONMENTAL LAWSUIT
AGAINST NEW YORK CITY INVOLVING THE CITY'S
UNDERGROUND STORAGE TANK SYSTEMS**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, and ALAN J. STEINBERG, Regional Administrator for the United States Environmental Protection Agency ("EPA"), announced today that the United States has settled a civil lawsuit against the City of New York involving violations of the Resource Conservation and Recovery Act ("RCRA") in connection with the City's underground storage tank systems. The settlement, filed in Manhattan federal court, requires the City to pay \$1.3 million in civil penalties and to bring substandard tank systems into compliance with federal law. The Consent Decree also requires the City to undertake an additional environmental project to improve the City's ability to identify releases from its underground storage tanks.

The United States charged in the lawsuit that, from at least 1997, the City has been violating RCRA in connection with its underground storage tank systems. As alleged in the complaint, New York City owns at least 1600 underground storage tanks in at least 400 locations throughout the New York City metropolitan area, including all five boroughs. The complaint further explained that underground storage tanks store petroleum and other substances that can harm the environment and human health if these substances were to leak from the tanks. The complaint noted that Congress passed the subtitle of RCRA governing underground storage tanks in response to the growing number of groundwater contamination incidents caused by substances leaking from such tanks.

The lawsuit charged that New York City has for many years

committed numerous violations of RCRA and the federal Underground Storage Tank regulations issued by the EPA, including that the City failed to: upgrade or close non-compliant underground storage tank systems; provide proper methods to detect releases of hazardous substances; and report, investigate, and confirm suspected releases of regulated substances.

As part of the settlement, which was submitted to the Court today, the City agreed to pay a \$1.3 million civil monetary penalty to the federal Government, and to spend additional hundreds of thousands of dollars to carry out environmental projects that will improve the City's ability to detect releases from its underground storage tanks. In particular, the City will undertake a multi-year project to monitor releases and suspected releases from a central location for the underground storage tanks owned and operated by the Police Department, the Fire Department and the Department of Transportation. In addition, the Consent Decree requires the City to comply with RCRA by upgrading or closing non-compliant underground storage tanks.

Pursuant to federal regulations, the Consent Decree will be lodged with the Court for a period of not less than thirty days before its entry to provide public notice and to afford members of the public the opportunity to comment on the Consent Decree.

"This innovative settlement demonstrates the federal government's resolve to protect the health and safety of this City's citizens through enforcement of our nation's environmental laws. The settlement will ensure compliance with federal laws and regulations," said Mr. GARCIA. "Proper management of underground storage tanks makes sense from both an environmental and economic standpoint. A leak of just one gallon from an underground tank can be costly and time-consuming to remediate. This settlement will improve the health and safety of our City's residents."

"I am pleased that the City of New York has agreed to fix the problems it has had in managing its underground storage tanks and take responsibility for the past violations," said Mr. STEINBERG. "Leaking underground tanks can pose a serious safety risk in densely populated areas, because they contain toxic components that can seep into the soil and into underground structures, such as basements and subways. This settlement will go a long way toward ensuring that the people of New York are protected from these risks."

Mr. GARCIA praised the investigative efforts of the EPA, and its multi-year effort to bring the City's underground storage tanks into compliance.

Assistant United States Attorneys SARAH E. LIGHT and EDWARD SCARVALONE are in charge of the case.

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