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NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION;
AND SHAWN LATOURETTE,
COMMISSIONER OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Plaintiffs,

v.

CHATTERPAL SINGH;
NGI VOOHEES EXTRA GAS
STATION; PGSI PITMAN XTRA;
PGSI RUNNEMEDE EXTRA; "XYZ
CORPORATIONS" 1 THROUGH 10;
AND "JOHN AND/OR JANE DOES"
1 THROUGH 10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION -
CAMDEN COUNTY
DOCKET NO.

CIVIL ACTION

**VERIFIED COMPLAINT TO ENFORCE A
FINAL AGENCY ORDER AND THE
UNDERGROUND STORAGE TANK ACT**

Plaintiffs, the New Jersey Department of Environmental Protection ("DEP"), and Shawn LaTourette, Commissioner of DEP ("Commissioner") (collectively, "Department"), having their principal offices at 401 East State Street in the City of Trenton, County of Mercer, State of New Jersey, by and through their attorney, file this Complaint against Defendants Chatterpal Singh

("Singh"), individually and as the president of co-Defendants, NGI VOORHEES EXTRA GAS STATION, PGSI PITMAN XTRA, PGSI RUNNEMEDE EXTRA, XYZ Corporations 1-10, John and/or Jane Does 1-10 (collectively "Defendants"), and allege as follows:

STATEMENT OF THE CASE

1. The Department is charged with enforcing the environmental laws and regulations that protect the diverse people and communities of the State of New Jersey. This case presents numerous violations of environmental law, which have the potential to impact the long-term health and safety of the communities involved and the people living within them. As such, the Department requests the Court's assistance in protecting New Jersey residents from the deleterious effects of environmental contamination, by requiring that Defendants comply with their environmental obligations.

2. The Department brings this civil action to enforce a Final Agency Order, and under the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 to -35) ("UST Act"), to require that Defendants properly remove and close ten out-of-service gasoline Underground Storage Tanks ("USTs"), to compel Defendants to investigate and remediate any contamination therefrom, and to recover statutory penalties for Defendants' misconduct.

3. Defendants own and/or operate retail gas stations located in Voorhees, Runnemede, and Pitman, New Jersey

("Properties"). A combined ten noncompliant, out-of-service USTs that contain or contained gasoline are located on the Properties.

4. As the owners and/or operators of the Properties and the USTs, Defendants had an obligation to close the USTs in compliance with applicable regulations, which included registering the USTs, reporting the USTs' removal to DEP, and conducting site investigations following removal of the USTs. Defendants failed to satisfy any of these requirements.

5. Over the course of several inspections of the Properties in 2018 and 2019, the Department determined that Defendants engaged in a total of thirty-eight violations of the UST Act for failing to properly maintain or register the USTs.

6. The Department issued an Administrative Order and Notice of Civil Administrative Penalty Assessment ("AONOCAPA") to Defendants, which Defendants received over sixteen months ago, notifying them of the thirty-eight violations of the UST Act and demanding removal of the USTs.

7. The AONOCAPA became a Final Agency Order on June 17, 2020, because Defendants did not request an administrative hearing to contest it within 20 days of receipt.

8. To date, Defendants have failed to remove the ten noncompliant USTs at the Properties in accordance with the UST Act and as directed by the Department's June 17, 2020 Final Agency Order based on the January 24, 2020 AONOCAPA. These failures pose

a continuing threat to the health of the community and the environment.

9. The Defendants' failure to investigate possible discharges of gasoline and adhere to the regulatory requirements for proper closure and removal of USTs poses the risk that dangerous contaminants will leak into the environment and impact public health.

10. Gasoline and its components pose a threat to the environment and public health when they enter the soil and groundwater because they persist in soil for long periods of time, threatening plant and animal life, as well as human health when ingested or inhaled. Ingesting gasoline or inhaling gasoline vapors can cause dizziness, headaches, lung irritation, and nervous system disruptions.

11. The communities surrounding Defendants' properties in Voorhees and Runnemede have significant minority populations such that they are considered "overburdened communities" within the meaning of N.J.S.A. 13:1D-158.¹ Historically, across New Jersey,

¹ "'Overburdened community' means any census block group, as determined in accordance with the most recent United States Census, in which: (1) at least 35 percent of the households qualify as low-income households; (2) at least 40 percent of the residents identify as minority or as members of a State recognized tribal community; or (3) at least 40 percent of the households have limited English proficiency." N.J.S.A. 13:1D-158. The Voorhees and Runnemede Sites are located within an area of Camden County that are listed as overburdened communities on the Department's website, pursuant to N.J.S.A. 13:1D-159.

such communities have been disproportionately exposed to high-polluting facilities, the resultant threats of high levels of air, water, and soil pollution, and the accompanying potential for increased adverse public health impacts.

12. Residents of all communities should receive fair and equitable treatment in matters affecting their environment, community, homes, and health without regard to race, income or language. See, e.g., Exec. Order No. 23 (April 20, 2018), 50 N.J.R. 1241(b) (May 21, 2018); Environmental Justice Law, N.J.S.A. 13:1D-157 to -161.

13. The Department now seeks to compel Defendants to: (1) close the ten out-of-service USTs at the Properties in compliance with the relevant environmental laws and regulations; (2) conduct site investigations to assess whether there is contamination in the soil and groundwater at the Properties and/or surrounding properties due to Defendants' conduct or omission; and (3) pay civil statutory penalties.

PARTIES

14. DEP is a principal department within the Executive Branch of the State government. DEP is charged with enforcement of the UST Act and is vested with the authority to conserve and protect natural resources, protect the environment, prevent pollution, and protect public health and safety. N.J.S.A. 13:1D-1 to -19. Those statutes empower DEP to compel parties to

remediate contamination and to bring proceedings in Superior Court when they fail to comply.

15. The Commissioner is vested with various powers and authority, including those conferred by the DEP's enabling legislation, N.J.S.A. 13:1D-1 to -19. The Commissioner is authorized by law to commence a civil action in Superior Court for appropriate relief for any violation of the UST Act. N.J.S.A. 58:10A-10(c).

16. DEP and the Commissioner maintain their principal offices at 401 East State Street, Trenton, Mercer County, New Jersey.

17. Defendant Singh is an individual with a principal address at 615 Balis Drive, Mullica Hill, Gloucester County, New Jersey.

18. Defendant Singh is the owner and operator of Defendant NGI VOORHEES EXTRA GAS STATION; Defendant PGSI PITMAN XTRA; and Defendant PGSI RUNNEMEDE EXTRA.

19. Defendant NGI VOORHEES EXTRA GAS STATION is a limited liability company organized under the laws of the State of New Jersey with a principal place of business at 1 W. Evesham, Voorhees, Camden County, New Jersey ("Voorhees Site").

20. Defendant PGSI PITMAN XTRA is a limited liability company organized under the laws of the State of New Jersey with

a principal place of business at 690 Delsea Dr., Pitman, Gloucester County, New Jersey ("Pitman Site").

21. Defendant PGSI RUNNEMEDE EXTRA is a limited liability company organized under the laws of the State of New Jersey with a principal place of business at 405 E. Clements Bridge Rd., Runnemede, Camden County, New Jersey ("Runnemede Site").

22. "XYZ Corporations" 1-10, these names being fictitious, are entities with identities that cannot be ascertained as of the filing of this Complaint, certain of which are corporate successors to, predecessors of, insurers of, or are otherwise related to, Defendants.

23. "John and/or Jane Does" 1-10, these names being fictitious, are natural individuals whose identities cannot be ascertained as of the filing of this Complaint, certain of whom are partners, officers, directors, and/or responsible corporate officials of, or are otherwise related to, Defendants and/or one or more of the XYZ Corporation Defendants.

GENERAL ALLEGATIONS

The Voorhees Site - Evesham Road

24. Defendant Singh has owned and/or operated, at all relevant times, NGI VOORHEES EXTRA GAS STATION, (collectively, "Voorhees Defendants"), a retail gas station located at the Voorhees Site.

25. The Voorhees Defendants maintain on-site "underground storage tank (UST) systems" as defined in N.J.A.C. 7:14B-1.6, consisting of three 6,000-gallon unleaded gasoline tanks and associated apparatuses.

26. The Voorhees Defendants applied for and were issued a general gasoline dispensing permit designated as A5166, which took effect on April 2, 2018.

27. The Department conducted a compliance evaluation at the Voorhees Site on December 18, 2018. The Department discovered numerous failures by the Voorhees Defendants to comply with relevant rules and regulations relating to the storage of "hazardous substances" as defined in N.J.S.A. 58:10-23.11b - gasoline, diesel, and gasoline-related chemicals - at the Voorhees Site:

- a. Failure to properly register all regulated USTs with the Department as required by N.J.A.C. 7:14B-2.1(a);
- b. Failure to have a Class A or B operator assigned, who would have satisfied certain training and registration requirements as required by N.J.A.C. 7:14B-2.1(a);
- c. Failure to provide valid financial responsibility information as required by N.J.A.C. 7:14B-2.1(a);
- d. Failure to submit an amended UST Questionnaire to reflect changes in insurance and designate an AB operator, as required by N.J.A.C. 7:14B-2.1(b);

- e. Failure to maintain evidence of Financial Responsibility Assurance for the Voorhees Site as required by N.J.A.C. 7:14B-15.1(h); and
- f. Failure to perform leak detection for piping for the USTs and install interstitial monitoring under the dispensers in accordance with N.J.A.C. 7:14B-6.1(a).

28. The Department provided the Voorhees Defendants a Notice of Violation ("NOV") immediately following the inspection.

29. The Department conducted a second compliance evaluation at the Voorhees Site on December 20, 2018, and again discovered numerous failures by the Voorhees Defendants to comply with relevant rules and regulations relating to the storage of "hazardous substances" as defined in N.J.S.A. 58:10-23.11b - gasoline, diesel, and gasoline-related chemicals - at the Voorhees Site:

- a. Repeated failure to maintain the requisite evidence of financial assurance for the UST systems at the Voorhees Site as required by N.J.A.C. 7:14B-15.1(h);
- b. Failure to maintain the required pre-occurrence Financial Responsibility Assurance mechanism as required by N.J.A.C. 7:14B-15.2(a); and
- c. Introduction of a hazardous substance into a regulated UST that was not properly registered, which is prohibited by N.J.A.C. 7:14B-5.9(b).

30. The Department provided the Voorhees Defendants another NOV immediately following the inspection.

31. On December 20, 2018, a delivery ban was issued to the Voorhees Defendants, prohibiting them from filling the USTs with fuel from that date forward.

32. The Department conducted a third compliance evaluation at the Voorhees Site on February 26, 2019. Despite being on notice of their noncompliance two months prior, the Department again discovered numerous failures by the Voorhees Defendants to comply with relevant rules and regulations relating to the storage of "hazardous substances" as defined in N.J.S.A. 58:10-23.11b - gasoline, diesel, and gasoline-related chemicals - at the Voorhees Site:

- a. Failure to perform an inspection of the internal lining of the UST system at the Voorhees Site within ten years of installation or every five years thereafter as required by N.J.A.C. 7:14B-4.2(b)(1)(i); and
- b. Failure to properly register all regulated tanks with the Department, as required by N.J.A.C. 7:14B-2.1(a), because the registration had been out of compliance since January 16, 2019.

33. The Department left the Voorhees Defendants a NOV at the Property immediately following the inspection. The NOV emphasized that the delivery ban dated December 2018 was still in effect.

The Runnemedede Site - Clements Bridge Road

34. Defendant Singh owns and/or operates a retail gas station, PGSI RUNNEMEDE EXTRA (collectively, "Runnemedede Defendants") located at the Runnemedede Site.

35. The Runnemedede Defendants maintain on-site "underground storage tank (UST) systems" as defined in N.J.A.C. 7:14B-1.6, consisting of one 6,000-gallon unleaded gasoline tank, two 4,000-gallon unleaded gasoline tanks, and associated apparatuses at the Runnemedede Site.

36. The Runnemedede Defendants applied for and were issued a general gasoline dispensing permit designated as A5344, which took effect on May 6, 2016.

37. The Department conducted a compliance evaluation at the Runnemedede Site on December 18, 2018. The Department discovered numerous failures by the Runnemedede Defendants to comply with relevant rules and regulations relating to the storage of "hazardous substances" as defined in N.J.S.A. 58:10-23.11b - gasoline, diesel, and gasoline-related chemicals - at the Runnemedede Site:

- a. Failure to perform UST piping leak detection and install interstitial monitoring under the dispensers in accordance with N.J.A.C. 7:14B-6.1(a); and
- b. Failure to properly designate UST operators as required by N.J.A.C. 7:14B-5A.

38. The Department provided the Runnemedede Defendants a NOV immediately following the inspection.

39. The Department conducted another compliance evaluation of the Runnemedede Site on December 20, 2018. The Department again discovered numerous failures by the Runnemedede Defendants to comply with relevant rules and regulations relating to the storage of "hazardous substances" as defined in N.J.S.A. 58:10-23.11b - gasoline, diesel, and gasoline-related chemicals - at the Runnemedede Site:

- a. Introducing a hazardous substance into a regulated UST that was not properly registered, as prohibited by N.J.A.C. 7:14B-5.9(b), resulting in DEP's imposition of a delivery ban on the facility;
- b. The insurance policy on the USTs did not accurately document the UST installation dates, as required by N.J.A.C. 7:14B-2.1, -2.2, and -5.9(b);
- c. Failure to provide evidence of the proper UST installation dates for the Runnemedede Site, as required by N.J.A.C. 7:14B-2.1, -2.2, and -5.9(b);
- d. Failure to maintain the required evidence of financial assurance, as required by N.J.A.C. 7:14B-15.1(h); and
- e. Failure to maintain the required per-occurrence Financial Responsibility Assurance mechanism at the Runnemedede Site, as required by N.J.A.C. 7:14B-15.2(a).

40. The Department provided the Runnemede Defendants a NOV immediately following the inspection.

41. On December 20, 2018, a delivery ban was issued to the Runnemede Defendants, prohibiting them from filling the USTs with fuel from that date forward.

The Pitman Site - Holly Avenue

42. Defendant Singh owns and/or operates a retail gas station, PGSI PITMAN EXTRA, (collectively, "Pitman Defendants"), located at the Pitman Site.

43. The Pitman Defendants maintain on-site "underground storage tank (UST) systems" as defined in N.J.A.C. 7:14B-1.6, consisting of four 4,000-gallon unleaded gasoline tanks and associated apparatuses at the Pitman Site.

44. The Pitman Defendants applied for, and were issued a general gasoline dispensing permit designated as A5618, which took effect on June 19, 2015.

45. The Department conducted a compliance evaluation at the Pitman Site on December 18, 2018. The Department discovered numerous failures by the Pitman Defendants to comply with relevant rules and regulations relating to the storage of "hazardous substances" as defined in N.J.S.A. 58:10-23.11b - gasoline, diesel, and gasoline-related chemicals - at the Pitman Site:

- a. Introducing a hazardous substance into a regulated UST that was known to be discharging hazardous substances, in violation of N.J.A.C. 7:14B-5.9(a);
- b. Failure to maintain requisite evidence of financial assurance for the UST systems at the Pitman Site, as required by N.J.A.C. 7:14B-15.1(h); and
- c. Failure to properly designate UST operators, as required by N.J.A.C. 7:14B-5A.

46. The Department provided the Pitman Defendants a NOV immediately following the inspection.

47. On December 18, 2018, a delivery ban was issued to the Pitman Defendants, prohibiting them from using the USTs going forward.

48. The Department conducted another compliance evaluation at the Pitman Site on December 20, 2018. The Department again discovered numerous failures by Pitman Defendants to comply with relevant rules and regulations relating to the storage of "hazardous substances" as defined in N.J.S.A. 58:10-23.11b - gasoline, diesel, and gasoline-related chemicals - at the Pitman Site:

- a. Repeated failure to maintain requisite evidence of financial assurance for the UST systems at the Pitman Site as required by N.J.A.C. 7:14B-15.1(h); and

- b. Failed to maintain the required per-occurrence Financial Responsibility Assurance mechanism at the Pitman Site as required by N.J.A.C. 7:14B-15.2(a).

49. The Department provided the Pitman Defendants another NOV immediately following the inspection. The December 20, 2018 NOV noted that a delivery ban had been issued on all USTs at the Pitman Site.

50. The Department conducted another compliance evaluation at the Pitman Site on February 26, 2019. Despite being on notice of their noncompliance two months prior, the Department discovered numerous failures by the Pitman Defendants to comply with relevant rules and regulations relating to the storage of "hazardous substances" as defined in N.J.S.A. 58:10-23.11b - gasoline, diesel, and gasoline-related chemicals - at the Pitman Site:

- a. Continued failure to maintain the required per-occurrence financial responsibility insurance mechanism at the Pitman Site, as required by N.J.A.C. 7:14B-15.2(a);
- b. Failure to perform an inspection of the internal lining of the UST system at the Pitman Site within ten years of installation or every five years thereafter, as required by N.J.A.C. 7:14B-4.2(b)(1)(i); and
- c. Failure to properly register all regulated tanks at the Pitman Site with the Department following the expiration

of the prior registration on January 25, 2019, as required by N.J.A.C. 7:14B-2.1(a).

51. The Department provided the Pitman Defendants another NOV immediately following the inspection. The NOV emphasized that the delivery ban dated December 2018 was still in effect.

The January 24, 2020 AONOCAPA and Resulting Final Agency Order

52. Because the USTs located at the Voorhees, Runnemedede and Pitman Sites were subject to delivery bans in December 2018, as set forth above, they have not received or dispensed fuel since that time.

53. On January 24, 2020, the Department issued Defendants an AONOCAPA, which detailed the findings and various regulatory violations identified during the inspections and set forth in the NOVs. The AONOCAPA ordered Defendants to remove the ten out of service USTs from the Properties, in accordance with N.J.A.C. 7:14B-9.2, within 90 days of receipt of the AONOCAPA, and assessed a civil administrative penalty of \$5,000 against Defendants. See Exhibit A.

54. The January 24, 2020 AONOCAPA notified Defendants of their right to request an administrative hearing within twenty days of receipt of the AONOCAPA. The Defendants received the AONOCAPA on May 27, 2020, and were therefore obligated to request a hearing no later than June 16, 2020.

55. Defendants did not timely request an administrative hearing and, on June 17, 2020, the AONOCAPA became a Final Agency Order.

56. On October 15, 2020, the Department secured a docketed judgment for the penalty affiliated with the AONOCAPA under docket number DJ-093705-20, which was sent to Defendants on October 27, 2021.

57. On March 2, 2021, the Department notified Defendants that the AONOCAPA became a Final Agency Order.

58. USTs that are not removed or properly closed have the potential to leak their contents into the surrounding soil.

59. Gasoline and diesel fuel discharged to soil and groundwater from USTs threaten human health and the environment in a number of ways.

60. Gasoline and diesel fuel discharged to soil from USTs can be contacted by persons handling contaminated soil.

61. Gasoline and diesel fuel discharged to soil and groundwater from USTs can evaporate through soil, and the vapor can intrude into nearby human-occupied spaces. Contaminated groundwater can impact drinking water supplies.

62. Consequences of exposure to gasoline and diesel fuel include dizziness, nausea, damage to internal organs, and damage to cognitive functions.

63. To date, Defendants have not complied with the Final Agency Order. Defendants have not removed the ten out-of-service USTs or paid the \$5,000 civil administrative penalty imposed by the Final Agency Order, which was the subject of the October 15, 2020 docketed judgment.

Count I

Failure to Comply with a Final Agency Order

64. The Department repeats each allegation set forth in the preceding paragraphs as if set forth fully herein.

65. The Department entered a Final Agency Order on June 17, 2020, following Defendants' failure to request an administrative hearing to challenge the AONOCAPA in the Office of Administrative Law.

66. To date, Defendants have not complied with the Final Agency Order or satisfied the October 15, 2020 docketed judgment.

67. Pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-10 to -12, and R. 4:67-6 and R. 4:70, the Department is entitled to summary enforcement of the Final Agency Order.

68. Defendants are "persons" within the meaning of the UST Act, N.J.S.A. 58:10A-3.

69. Any person who violates an administrative order issued pursuant to the UST Act shall be subject upon order of a court to a civil penalty not to exceed \$50,000 per day for such violation, and each day's continuance of the violation shall constitute a

separate violation the Act. N.J.S.A. 58:10A-10(e); -32; see also N.J.S.A. 58:10A-24.6(c).

WHEREFORE, the Department requests judgment:

- a. Finding Defendants in violation of the Final Agency Order;
- b. Enforcing the Final Agency Order's requirements that Defendants remove the ten out-of-service USTs on the Properties;
- c. Ordering Defendants to pay a civil penalty pursuant to N.J.S.A. 58:10A-10(e) and -24.6(c) in an amount the Court deems just and proper; and,
- d. Awarding the Department such other relief as this Court deems appropriate.

Count II

Violation of the UST Act

70. The Department repeats each allegation set forth in the preceding paragraphs as if set forth fully herein.

71. Defendants are "persons" within the meaning of the UST Act, N.J.S.A. 58:10A-3.

72. An "[o]wner" means any person who owns a facility, or any person who has a legal or equitable title to a site containing a facility and has exercised control of the facility." N.J.A.C. 7:14B-1.6.

73. An "[o]perator" means each person who leases, operates, controls, supervises, or has responsibility for, the daily

operation of a facility, and each person who has the authority to operate, control, or supervise the daily operation of a facility. There may be more than one operator of an UST facility." N.J.A.C. 7:14B-1.6.

74. A "[f]acility' means one or more [UST] systems owned by one person on a contiguous piece of property." N.J.A.C. 7:14B-1.6.

75. An "[o]ut of service storage tank' means any [UST] system in which hazardous substances are contained or have been contained, but from which hazardous substances are not or have not been introduced or dispensed pending a decision to close the system or begin reuse of the system." N.J.A.C. 7:14B-1.6.

76. Any UST system that is out of service for more than twelve (12) months must be closed under N.J.A.C. 7:14B-9.1(d) and removed under N.J.A.C. 7:14B-9.2(d).

77. The USTs at the Properties have contained and may still contain gasoline.

78. Gasoline contains hazardous substances as that term is defined by N.J.S.A. 58:10-23.11b and N.J.A.C. 7:1E-1.6

79. The USTs at the Properties, have been out of service for more than 12 months and are therefore out-of-service storage tanks pursuant to N.J.A.C. 7:14B-1.6.

80. Defendants are, and have been, the owners and/or operators of the Voorhees, Runnemede, and Pitman Sites at all relevant times.

81. Defendants have repeatedly failed to comply with the UST Act.

82. Any person who violates the UST Act shall be subject upon order of a court to a civil penalty not to exceed \$50,000 per day for such violation, and each day's continuance of the violation shall constitute a separate violation the Act. N.J.S.A. 58:10A-10(e) and -32; see also N.J.S.A. 58:10A-24.6(c).

83. The UST Act regulations also require UST owners and/or operators to conduct any required remediation in accordance with the Site Remediation Reform Act, N.J.S.A. 58:10C-1 to -29. N.J.A.C. 7:14B-9.5(d).

84. The UST Act permits the Commissioner to bring an action in the Superior Court for injunctive relief, N.J.S.A. 58:10A-10(c)(1), for the reasonable costs of any investigation, inspection, or monitoring survey that led to the establishment of the violation, including the costs of preparing and litigating the case, N.J.S.A. 58:10A-10(c)(2); for reasonable costs incurred by the State in removing, correcting, or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants for which action under this subsection may have been brought, N.J.S.A. 58:10A-10(c)(3); for compensatory damages for any loss or destruction of wildlife, fish or aquatic life, or other natural resources, and for any other actual damages caused by an unauthorized discharge, N.J.S.A. 58:10A-10(c)(4); and

for the actual amount of any economic benefits accruing to the violator from any violation, including savings realized from avoided capital or noncapital costs resulting from the violation, the return earned or that may be earned on the amount of avoided costs, any benefits accruing as a result of a competitive market advantage enjoyed by reason of the violation, or any other benefit resulting from the violation, N.J.S.A. 58:10A-10(c) (5).

WHEREFORE, the Department requests judgment:

- a. Finding Defendants to be in violation of the UST Act and its implementing regulations, including for the violations outlined in the AONOCAPA and for failure to remove the ten out-of-service USTs;
- b. Ordering Defendants, jointly and severally, without regard to fault, to properly remove the ten out-of-service USTs located at the Properties in accordance with all applicable laws and regulations, including N.J.A.C. 7:14B-9.1 to -9.5;
- c. Compelling Defendants to perform any further cleanup of the Properties in conformance with the Site Remediation Reform Act, N.J.S.A. 58:10C-1 to -29, and all other applicable laws and regulations;
- d. Ordering Defendants to pay a civil penalty pursuant to N.J.S.A. 58:10A-10(e) in an amount the Court deems just and proper;

- e. Ordering Defendants to reimburse the reasonable costs for any investigation, inspection, or monitoring survey, which led, or will lead, to establishment of the violations, including the costs of preparing and litigating the case;
- f. Awarding the Department its costs and fees incurred in this action;
- g. Awarding the Department such other relief as this Court deems appropriate;
- h. Reserving the right to bring a claim against Defendants in the future for natural resource damages arising out of the discharge of hazardous substances at the Properties; and
- i. Reserving the right to bring a claim against Defendants in the future for any economic benefits that have or will accrue to Defendants, including any savings to be realized from avoided capital or noncapital costs, the return to be earned on the amount of avoided costs, any benefits that will accrue as a result of a competitive market advantage Defendants enjoyed, or any other benefit that will accrue as a result of having violated the UST Act pursuant to N.J.S.A. 58:10A-10(c)(5).

ANDREW J. BRUCK
ACTING ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

Dated: 10/8/2021

By: /s/ Richard Wille
Richard Wille
Deputy Attorney General

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, the Court is advised that Richard Wille, Deputy Attorney General, is hereby designated as trial counsel for Plaintiffs in this action.

CERTIFICATION REGARDING OTHER PROCEEDINGS AND PARTIES

Undersigned counsel hereby certifies, in accordance with R. 4:5-1(b)(2), that the matters in controversy in this action are not the subject of any other pending or contemplated action in any court or arbitration proceeding known to Plaintiffs at this time, nor is any non-party known to Plaintiffs at this time who should be joined in this action pursuant to R. 4:28, or who is subject to joinder pursuant to R. 4:29-1. If, however, any such non-party later becomes known to Plaintiffs, an amended certification shall be filed and served on all other parties and with this Court in accordance with R. 4:5-1(b)(2).

ANDREW J. BRUCK
ACTING ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

Dated: 10/8/2021

By: /s/ Richard Wille
Richard Wille
Deputy Attorney General

CERTIFICATION OF COMPLIANCE WITH RULE 1:38-7(c)

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

ANDREW J. BRUCK
ACTING ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

Dated: 10/8/2021

By: /s/ Richard Wille
Richard Wille
Deputy Attorney General

VERIFICATION

I, Michael Hollis, by way of certification, state that:

1. I am Chief of the Bureau of UST Compliance and Enforcement for the New Jersey Department of Environmental Protection.
2. I have read the Verified Complaint.
3. I certify that the factual allegations contained in paragraphs 24 through 63 of the Verified Complaint are true and correct to the best of my knowledge.
4. I am aware that if the foregoing statements made by me are willfully false, I may be subject to punishment.

DATED: October 8, 2021

 /s/ Michael Hollis
Michael Hollis, Bureau Chief
UST Compliance and Enforcement
Division of Waste & UST
Compliance and Enforcement
New Jersey Division of
Environmental Protection

EXHIBIT A



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WASTE ENFORCEMENT, PESTICIDES AND RELEASE PREVENTION
BUREAU OF UST COMPLIANCE AND ENFORCEMENT

CATHERINE R. McCABE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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January 24, 2020

Mr. Chatterpal Singh, Individual and President
NGI/ PGSI INC/ KXI
PO BOX 5662
Deptford, NJ 08096

(Collectively "CHATTERPAL SINGH")

**RE: ADMINISTRATIVE ORDER AND NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT
NGI VOORHEES EXTRA GAS STATION-1 W. Evsham Ave, Voorhees, Camden
PGSI PITMAN XTRA-690 Delsea and Holly Ave, Washington Twp, Gloucester
PGSI RUNNEMEDE EXTRA-405 Clements Bridge Rd, Runnemede, Camden
EA ID #: PEA190005 - 013936**

Dear Mr. Chatterpal Singh:

Enclosed for service upon you is an Administrative Order and Notice of Civil Administrative Penalty Assessment issued by the Department pursuant to the provisions of the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and/or the Air Pollution Control Act, N.J.S.A. 26:2C et seq. and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.

The Department may be available to meet informally with the principals of the case to discuss the enclosed enforcement action. Should such a meeting be requested and granted, be advised this does not affect the time frame within which you may request an administrative hearing under the **NOTICE OF RIGHT TO A HEARING** provision in the enclosed Notice of Civil Administrative Penalty Assessment.

If multiple respondents are named, each respondent interested in contesting the AONOCAPA must individually file an Administrative Hearing Request Checklist and Tracking Form. The Administrative Hearing Request Checklist and Tracking Form is enclosed with this letter.

Should you have any questions concerning the enforcement action or wish to request an informal meeting, please contact Ms. Kristina LeNoir at 609-221-3306.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Hollis", written over a horizontal line.

Michael Hollis, Chief
Bureau of UST Compliance and Enforcement

Enclosure

5. As the result of a compliance evaluation conducted on 12/18/2018, the Department has determined that CHATTERPAL SINGH failed to comply with applicable requirements as follows:

- a. **Requirement:** Pursuant to N.J.A.C. 7:14B- 2.1(a), any person that owns or operates an underground storage tank system shall register each tank system with the Department. [N.J.A.C. 7:14B- 2.1(a)]

Description of Noncompliance: Failed to properly register all regulated tanks with the Department. Failed to have an AB operator assigned. Also the financial responsibility is not valid, therefor the tanks are not properly registered.*

- b. **Requirement:** Pursuant to N.J.A.C. 7:14B- 2.1(b), the owner and each operator shall amend the underground storage tank facility registration pursuant to N.J.A.C. 7:14B-2.2: 1. Within 30 days after a substantial modification to a facility or the underground storage tank system; 2. Within 30 days after a change in the hazardous substance stored in an underground storage tank, except for any regulated substance that contains greater than 10 percent ethanol, greater than 20 percent biodiesel, or as identified by the Department which requires notification 30 days prior to introducing the substance into the system pursuant to N.J.A.C. 7:14B-5.3; 3. Within 30 days after any change in the ownership of the facility, including, but not limited to, the sale or transfer of all or a portion of the ownership; 4. Within 30 days after the addition, removal, replacement, or other change to an operator of the facility; 5. Within 30 days after the addition, removal, or replacement of the facility's designated Class A or Class B operator; 6. Within 30 days after termination, modification, addition, or other change to the financial responsibility for the UST system, as set forth in N.J.A.C. 7:14B-15; 7. Within seven days after taking an underground storage tank system out of service or closure of an underground storage tank system; and 8. At least 30 days prior to putting an out-of-service underground storage tank system back into service. [N.J.A.C. 7:14B- 2.1(b)]

Description of Noncompliance: Failed to submit an amended UST Questionnaire to reflect changes in status made to the UST systems. Specifically, they failed to submit an amended UST Questionnaire to reflect changes in status made to the UST systems. Specifically, insurance has not been updated and an AB operator has not been designated.
*

- c. **Requirement:** Pursuant to N.J.A.C. 7:14B-15.1(h), the owner and operator shall identify the financial assurance mechanism being used to comply with this subchapter on the New Jersey Underground Storage Tank Facility Certification Questionnaire pursuant to N.J.A.C. 7:14B-2.2(d)5 and shall maintain evidence of financial assurance at the site and at the owner or operator's place of business. An owner or operator shall submit to the Department evidence of financial assurance with any supporting documentation, pursuant to a request by the Department. [N.J.A.C. 7:14B-15.1(h)]

Description of Noncompliance: Owner and operator failed to maintain evidence of financial assurance.

- d. **Requirement:** Pursuant to N.J.A.C. 7:14B- 6.1(a), owners and operators of new and existing underground storage tank systems shall provide a method, or combination of methods, of release detection that: 1. Can detect a release from any portion of the tank and the connected underground piping that routinely contains product; 2. Is installed, calibrated, operated, and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; and 3. Meets the performance requirements in N.J.A.C. 7:14B-6.5 or 6.6, with any performance claims and the manner of determination of the performance claims described in writing by the equipment manufacturer or installer. Permanent methods installed on or after September 4, 1990 shall be capable of detecting the leak rate or quantity specified for that method in the corresponding section of the rule with a probability of detection (Pd) of 0.95 and a probability of false alarm (Pfa) of 0.05. (b) When a release detection method operated in accordance with the performance standards in N.J.A.C. 7:14B-6.5 and 6.6 indicates a release may have occurred, owners and operators shall notify the Department in accordance with N.J.A.C. 7:14B-7. (c) Any underground storage tank system regulated pursuant to N.J.S.A. 58:10A-21 et seq. and 42 U.S.C. ??6991 et seq. that cannot apply a method of release detection that complies with the requirements of this subchapter shall complete the closure procedures in N.J.A.C. 7:14B-9. (d) Each owner and operator of any underground storage tank system regulated pursuant to N.J.S.A. 58:10A-21 et seq., but not 42 U.S.C. 6991 et seq., that cannot apply a method of release detection with the requirements of this subchapter shall complete the closure requirements of N.J.A.C. 7:14B-9 pursuant to a closure schedule that the Department has approved. [N.J.A.C. 7:14B- 6.1(a)]

Description of Noncompliance: Leak detection for piping is not being performed pursuant to the rules. Annual line tightness test is being performed, however interstitial monitoring must be installed under the dispensers. *

6. As the result of a compliance evaluation conducted on 12/20/2018, the Department has determined that CHATTERPAL SINGH failed to comply with applicable requirements as follows:

- a. **Requirement:** Pursuant to N.J.A.C. 7:14B-15.1(h), the owner and operator shall identify the financial assurance mechanism being used to comply with this subchapter on the New Jersey Underground Storage Tank Facility Certification Questionnaire pursuant to N.J.A.C. 7:14B-2.2(d)5 and shall maintain evidence of financial assurance at the site and at the owner or operator's place of business. An owner or operator shall submit to the Department evidence of financial assurance with any supporting documentation, pursuant to a request by the Department. [N.J.A.C. 7:14B-15.1(h)]

Description of Noncompliance: Owner and operator failed to maintain evidence of financial assurance. *

- b. **Requirement:** Pursuant to N.J.A.C. 7:14B-15.2(a), owners and operators shall maintain financial responsibility assurance for regulated underground storage tank systems in the per-occurrence amounts as follows:1. For petroleum underground storage tank systems

located at petroleum marketing facilities, or facilities that handle an average of more than 10,000 gallons of petroleum per month based on annual throughput for the previous calendar year: \$1,000,000; [N.J.A.C. 7:14B-15.2(a)]

Description of Noncompliance: Failed to have Financial Responsibility Assurance Mechanism as required.

- c. **Requirement:** Pursuant to N.J.A.C. 7:14B- 5.9(b), no person or business firm shall introduce hazardous substances into a regulated underground storage tank which is not properly registered with the Department pursuant to N.J.A.C. 7:14B-2.1. or where a registration has been revoked. [N.J.A.C. 7:14B- 5.9(b)]

Description of Noncompliance: A person or business firm introduced a hazardous substance into a regulated UST which was not properly registered with the Department. A delivery ban was placed on the facility for failing to have financial responsibility.*

7. As the result of a compliance evaluation conducted on 2/26/2019, the Department has determined that CHATTERPAL SINGH failed to comply with applicable requirements as follows:

- a. **Requirement:** Pursuant to N.J.A.C. 7:14B-4.2(b)1i, within 10 years after the installing the internal lining, and every five years thereafter, the lined tank shall be internally inspected and found to be structurally sound with the lining still performing in accordance with original design and specifications.

Description on Noncompliance: The internal lining has not been inspected within 10 years the installation or every five years thereafter. *

- b. **Requirement:** Pursuant to N.J.A.C. 7:14B- 2.1(a), any person that owns or operates an underground storage tank system shall register each tank system with the Department. [N.J.A.C. 7:14B- 2.1(a)]

Description of Noncompliance: Failed to properly register all regulated tanks with the Department. The registration has been pending since 1/16/19. *

8. CHATTERPAL SINGH owns and/or operates retail gas station located at 405 Clements Bridge Road, Runnemede, Camden County, NJ.
9. CHATTERPAL SINGH maintains on-site "underground storage tank (UST) systems" as defined by N.J.A.C. 7:14B-1.6, consisting of one (1) – 6,000 gallon unleaded gasoline; two (2) – 4,000 gallon unleaded gasoline and associated appurtenances. (ID# 010048)
10. Pursuant to N.J.A.C. 7:14B-1.6, all grades of gasoline and diesel fuel are defined as "Motor Fuel" which are further defined as "Hazardous Substances".
11. CHATTERPAL SINGH also maintains a general permit A5344 effective 5/6/16.
12. As the result of a compliance evaluation conducted on 12/18/2018, the Department has

determined that CHATTERPAL SINGH failed to comply with applicable requirements as follows:

- a. **Requirement:** Pursuant to N.J.A.C. 7:14B- 6.1(a), owners and operators of new and existing underground storage tank systems shall provide a method, or combination of methods, of release detection that: 1. Can detect a release from any portion of the tank and the connected underground piping that routinely contains product; 2. Is installed, calibrated, operated, and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; and 3. Meets the performance requirements in N.J.A.C. 7:14B-6.5 or 6.6, with any performance claims and the manner of determination of the performance claims described in writing by the equipment manufacturer or installer. Permanent methods installed on or after September 4, 1990 shall be capable of detecting the leak rate or quantity specified for that method in the corresponding section of the rule with a probability of detection (Pd) of 0.95 and a probability of false alarm (Pfa) of 0.05. (b) When a release detection method operated in accordance with the performance standards in N.J.A.C. 7:14B-6.5 and 6.6 indicates a release may have occurred, owners and operators shall notify the Department in accordance with N.J.A.C. 7:14B-7. (c) Any underground storage tank system regulated pursuant to N.J.S.A. 58:10A-21 et seq. and 42 U.S.C. 6991 et seq. that cannot apply a method of release detection that complies with the requirements of this subchapter shall complete the closure procedures in N.J.A.C. 7:14B-9. (d) Each owner and operator of any underground storage tank system regulated pursuant to N.J.S.A. 58:10A-21 et seq., but not 42 U.S.C. 6991 et seq., that cannot apply a method of release detection with the requirements of this subchapter shall complete the closure requirements of N.J.A.C. 7:14B-9 pursuant to a closure schedule that the Department has approved. [N.J.A.C. 7:14B- 6.1(a)]

Description of Noncompliance: Leak detection for piping is not being performed pursuant to the rules. Annual line tightness test is being performed however interstitial monitoring must be installed under the dispensers.*

- b. **Requirement:** Pursuant to N.J.A.C. 7:14B-5A.14(a), the owner and operator of an UST system shall designate Class A, Class B, and Class C operators, trained pursuant to N.J.A.C. 7:14B-5A and notify the Department of each designated Class A and Class B operator in accordance with N.J.A.C. 7:14B-2. An individual may be designated under more than one operator class, provided the individual is trained in accordance with N.J.A.C. 7:14B-5A for each class for which he or she is designated. [N.J.A.C. 7:14B-5A.14(a)]

Description of Noncompliance: The owner and operator failed to properly designate Class A, Class B, and Class C operators pursuant to N.J.A.C. 7:14B-5A. [N.J.A.C. 7:14B-5.14 (a) Navroopaul Singh has passed the ICC test, however has not been designated on the registration. *

13. As the result of a compliance evaluation conducted on 12/20/2018, the Department has determined that CHATTERPAL SINGH failed to comply with applicable requirements as

follows:

- a. **Requirement:** Pursuant to N.J.A.C. 7:14B- 5.9(b), no person or business firm shall introduce hazardous substances into a regulated underground storage tank which is not properly registered with the Department pursuant to N.J.A.C. 7:14B-2.1. or where a registration has been revoked. [N.J.A.C. 7:14B- 5.9(b)]
Description of Noncompliance: A person or business firm introduced a hazardous substance into a regulated UST which was not properly registered with the Department. The insurance policy did not accurately document the dates of the installation. The o/o has not provided evidence of the proper install dates for this facility. A Delivery Ban was placed on the facility. *
 - b. **Requirement:** Pursuant to N.J.A.C. 7:14B-15.1(h), the owner and operator shall identify the financial assurance mechanism being used to comply with this subchapter on the New Jersey Underground Storage Tank Facility Certification Questionnaire pursuant to N.J.A.C. 7:14B-2.2(d)5 and shall maintain evidence of financial assurance at the site and at the owner or operator's place of business. An owner or operator shall submit to the Department evidence of financial assurance with any supporting documentation, pursuant to a request by the Department. [N.J.A.C. 7:14B-15.1(h)]
Description of Noncompliance: Owner and operator failed to maintain evidence of financial assurance. *
 - c. **Requirement:** Pursuant to N.J.A.C. 7:14B-15.2(a), owners and operators shall maintain financial responsibility assurance for regulated underground storage tank systems in the per-occurrence amounts as follows:1. For petroleum underground storage tank systems located at petroleum marketing facilities, or facilities that handle an average of more than 10,000 gallons of petroleum per month based on annual throughput for the previous calendar year: \$1,000,000; [N.J.A.C. 7:14B-15.2(a)]
Description of Noncompliance: Failed to have Financial Responsibility Assurance Mechanism as required.
14. CHATTERPAL SINGH owns and/or operates retail gas station located at 690 Delsea Drive and Holly Avenue, Washington Twp County, NJ.
 15. CHATTERPAL SINGH maintains on-site "underground storage tank (UST) systems" as defined by N.J.A.C. 7:14B-1.6, consisting of four (4) – 4,000 gallon unleaded gasoline and associated appurtenances. (ID# 008760)
 16. Pursuant to N.J.A.C. 7:14B-1.6, all grades of gasoline and diesel fuel are defined as "Motor Fuel" which are further defined as "Hazardous Substances".
 17. CHATTERPAL SINGH also maintains a general permit A5618 effective 6/19/15.
 18. As the result of a compliance evaluation conducted on 12/18/2018, the Department has determined that CHATTERPAL SINGH failed to comply with applicable requirements as

follows:

- a. **Requirement:** Pursuant to N.J.A.C. 7:14B- 5.9(a), no person or business firm shall introduce hazardous substances into an underground storage tank system which is known to be or suspected to be leaking or discharging hazardous substances except in accordance with N.J.A.C. 7:14B-8.1(b)2i and ii. [N.J.A.C. 7:14B- 5.9(a)]

Description of Noncompliance: A person or business firm introduced hazardous substances into an UST system which is known to be or suspected to be leaking or discharging hazardous substances. Dispenser 3/4 had free product in the UDC. The meter and fuel filter were leaking. This was repaired and the cease use was lifted on 12/20/18.*

- b. **Requirement:** Pursuant to N.J.A.C. 7:14B-15.1(h), the owner and operator shall identify the financial assurance mechanism being used to comply with this subchapter on the New Jersey Underground Storage Tank Facility Certification Questionnaire pursuant to N.J.A.C. 7:14B-2.2(d)5 and shall maintain evidence of financial assurance at the site and at the owner or operator's place of business. An owner or operator shall submit to the Department evidence of financial assurance with any supporting documentation, pursuant to a request by the Department. [N.J.A.C. 7:14B-15.1(h)]

Description of Noncompliance: Owner and operator failed to maintain evidence of financial assurance. *

- c. **Requirement:** Pursuant to N.J.A.C. 7:14B-5A.14(a), the owner and operator of an UST system shall designate Class A, Class B, and Class C operators, trained pursuant to N.J.A.C. 7:14B-5A and notify the Department of each designated Class A and Class B operator in accordance with N.J.A.C. 7:14B-2. An individual may be designated under more than one operator class, provided the individual is trained in accordance with N.J.A.C. 7:14B-5A for each class for which he or she is designated. [N.J.A.C. 7:14B-5A.14(a)]

Description of Noncompliance: The owner and operator failed to properly designate Class A, Class B, and Class C operators pursuant to N.J.A.C. 7:14B-5A. Specifically, Navroopaul Singh has passed the ICC test however has not been designated on the registration. *

19. As the result of a compliance evaluation conducted on 12/20/2018, the Department has determined that CHATTERPAL SINGH failed to comply with applicable requirements as follows:

- a. **Requirement:** Pursuant to N.J.A.C. 7:14B-15.1(h), the owner and operator shall identify the financial assurance mechanism being used to comply with this subchapter on the New Jersey Underground Storage Tank Facility Certification Questionnaire pursuant to N.J.A.C. 7:14B-2.2(d)5 and shall maintain evidence of financial assurance at the site and at the owner or operator's place of business. An owner or operator shall

submit to the Department evidence of financial assurance with any supporting documentation, pursuant to a request by the Department. [N.J.A.C. 7:14B-15.1(h)]

Description of Noncompliance: Owner and operator failed to maintain evidence of financial assurance. *

- b. **Requirement:** Pursuant to N.J.A.C. 7:14B-15.2(a), owners and operators shall maintain financial responsibility assurance for regulated underground storage tank systems in the per-occurrence amounts as follows:1. For petroleum underground storage tank systems located at petroleum marketing facilities, or facilities that handle an average of more than 10,000 gallons of petroleum per month based on annual throughput for the previous calendar year: \$1,000,000; [N.J.A.C. 7:14B-15.2(a)]

Description of Noncompliance: Failed to have Financial Responsibility Assurance Mechanism as required.

20. As the result of a compliance evaluation conducted on 2/26/2019, the Department has determined that CHATTERPAL SINGH failed to comply with applicable requirements as follows:

- a. **Requirement:** Pursuant to N.J.A.C. 7:14B-15.2(a), owners and operators shall maintain financial responsibility assurance for regulated underground storage tank systems in the per-occurrence amounts as follows:1. For petroleum underground storage tank systems located at petroleum marketing facilities, or facilities that handle an average of more than 10,000 gallons of petroleum per month based on annual throughput for the previous calendar year: \$1,000,000; [N.J.A.C. 7:14B-15.2(a)]

Description of Noncompliance: Failed to have Financial Responsibility Assurance Mechanism as required.

- b. **Requirement:** Pursuant to N.J.A.C. 7:14B-4.2(b)1i, within 10 years after the installing the internal lining, and every five years thereafter, the lined tank shall be internally inspected and found to be structurally sound with the lining still performing in accordance with original design and specifications.

Description on Noncompliance: The internal lining has not been inspected within 10 years the installation or every five years thereafter.*

- c. **Requirement:** Pursuant to N.J.A.C. 7:14B- 2.1(a), any person that owns or operates an underground storage tank system shall register each tank system with the Department. [N.J.A.C. 7:14B- 2.1(a)]

Description of Noncompliance: Failed to properly register all regulated tanks with the Department. The registration expired on 1/25/19.*

The Department will not assess a penalty against you for the violations marked above with an asterisk (*) if you correct them by the deadlines below.

21. As the result of a compliance review conducted on 12/31/19, the Department has determined that CHATTERPAL SINGH has **not** achieved compliance with the all the Requirements listed above.
22. Based on the facts set forth in these FINDINGS, the Department has determined that CHATTERPAL SINGH has violated the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Air Pollution Control Act, N.J.S.A. 26:2C et seq. and/or the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., and the regulations promulgated pursuant thereto, specifically,

N.J.A.C. 7:14B- 2.1(a),	N.J.A.C. 7:14B- 6.1(a),	N.J.A.C. 7:14B-5A.14(a),
N.J.A.C. 7:14B- 2.1(b),	N.J.A.C. 7:14B- 6.1(a),	N.J.A.C. 7:14B-5A.14(a),
N.J.A.C. 7:14B- 2.1(b),	N.J.A.C. 7:14B- 6.1(a),	N.J.A.C. 7:14B-5A.14(d),
N.J.A.C. 7:14B- 5.10(a)1ii,	N.J.A.C. 7:14B- 6.1(a),	N.J.A.C. 7:14B-5A.14(d),
N.J.A.C. 7:14B- 5.10(a)3,	N.J.A.C. 7:14B- 6.1(a),	N.J.A.C. 7:14B-5A.14(d),
N.J.A.C. 7:14B- 5.10(a)3,	N.J.A.C. 7:14B- 6.1(a),	N.J.A.C. 7:14B-5A.14(d),
N.J.A.C. 7:14B- 5.10(a)3,	N.J.A.C. 7:14B- 6.1(a),	N.J.A.C. 7:14B- 5.9(b),
N.J.A.C. 7:14B- 5.10(a)3,	N.J.A.C. 7:14B- 6.1(a),	N.J.A.C. 7:14B- 5.9(b),
N.J.A.C. 7:14B- 5.12(a),	N.J.A.C. 7:14B- 6.6(1)h,	N.J.A.C. 7:14B-15.1(h),
N.J.A.C. 7:14B- 5.12(a),	N.J.A.C. 7:14B-5A.1(a),	N.J.A.C. 7:14B-15.1(h),
N.J.A.C. 7:14B- 5.12(c),	N.J.A.C. 7:14B-5A.1(a),	N.J.A.C. 7:14B-15.2(a),
N.J.A.C. 7:14B- 5.12(c),	N.J.A.C. 7:14B-5A.14(a),	N.J.A.C. 7:14B-15.2(a),
N.J.A.C. 7:14B- 5.9(a),	N.J.A.C. 7:14B-5A.14(a),	

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

23. CHATTERPAL SINGH shall comply with the following:
- a. CHATTERPAL SINGH shall remove the Underground Storage Tanks that have been out of service for great then 12 months in accordance with N.J.A.C. 7:14B – 9.2 at the following locations within 90 days of the effective date of this document:
- i. 690 Delsea Drive, Washington Township, Gloucester County (ID # 008760)
 - ii. 405 Clements Bridge Rd, Runnemede, Camden County (ID# 010048)
 - iii. 1 W. Evesham, Rd, Voorhees, Camden County (ID # 013936)
24. This Order shall be effective upon receipt by CHATTERPAL SINGH or someone on the violator's behalf authorized to accept service.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT
AND
NOTICE OF RIGHT TO A HEARING

25. This notice shall be effective upon receipt by CHATTERPAL SINGH or someone on the violator's behalf authorized to accept service.
26. Pursuant to N.J.S.A. 58:10A-10, N.J.S.A. 26:2C et seq. and/or N.J.A.C. 7:1E-6.5, 6.6, 6.7 and 6.8 and N.J.A.C. 7:26C-9 et seq and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is hereby assessed against the CHATTERPAL SINGH in the amount of **\$5,000.00**. The Department's rationale for the civil administrative penalty is set forth in the enclosed Penalty Assessment Worksheets, and incorporated herein.
27. Pursuant to N.J.S.A. 58:10A-10(c)5, the Department may amend the civil administrative penalty amount for any economic benefit (in dollars) which a violator has realized as a result of not complying with, or by delaying compliance with, the requirements of this Act.
28. Pursuant to N.J.S.A. 52:14B-1 et seq., CHATTERPAL SINGH is entitled to request a hearing. CHATTERPAL SINGH shall, in its request for a hearing, complete and submit the enclosed **ADMINISTRATIVE HEARING REQUEST AND CHECKLIST TRACKING FORM** along with all required information. Submittal or granting of a hearing request does not stay the terms or effect of this NOTICE.
29. If no request for a hearing is received within twenty (20) calendar days from receipt of this AONOCAPA, it shall become a Final Order upon the twenty-first (21st) calendar day following its receipt, and the penalty shall be due and payable.
30. If a timely request for a hearing is received, payment of the penalty is due when CHATTERPAL SINGH receives a notice of the denial of the request, or, if the hearing request is granted, when CHATTERPAL SINGH withdraws the request or abandons the hearing, or, if the hearing is conducted, when CHATTERPAL SINGH receives a final decision from the Commissioner in this matter.
31. Payment shall be made by check payable to Treasurer, State of New Jersey and shall be submitted along with the enclosed Enforcement Invoice to:

Department of Treasury
Division of Revenue
P.O. Box 417
Trenton, NJ 08646-0417

GENERAL PROVISIONS

32. This AONOCAPA is binding on CHATTERPAL SINGH, their principals, directors, officers, agents, successors, assigns, employees, tenants, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.
33. No obligations imposed by this AONOCAPA are intended to constitute a debt which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and the environment.
34. This AONOCAPA is issued only for the violation(s) identified in the FINDINGS hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted. By issuing this AONOCAPA, NJDEP does not waive its rights to initiate additional enforcement actions.
35. Neither the issuance of this AONOCAPA nor anything contained herein shall relieve CHATTERPAL SINGH of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.
36. Pursuant to N.J.S.A. 58:10A-10(e), any person who violates the provisions of the Water Pollution Control Act or any code, rule, or regulation promulgated pursuant thereto shall be liable to a penalty of not more than \$50,000 per day to be collected in a civil action, and any person who violates a NOCAPA issued pursuant to N.J.S.A. 58:10A-10(b), including this NOCAPA, or a court order issued pursuant to N.J.S.A. 58:10A-10(c), or who fails to pay a civil administrative penalty assessed pursuant to N.J.S.A. 58:10A-10(d) in full after it is due is subject to a civil penalty not to exceed \$50,000 per day of such violations. Each day during which the violation continues constitutes an additional, separate and distinct offense.
37. Pursuant to N.J.S.A. 58:10A-10f(1)a, any person who purposely, knowingly, or recklessly violates the Water Pollution Control Act, and the violation causes a significant adverse environmental effect, shall, upon conviction, be guilty of a crime in the second degree, and shall, notwithstanding the provisions of subsection a. of N.J.S. 2C:43-3, be subject to a fine of not less than \$25,000 and not more than \$250,000 per day of violation, or by imprisonment, or by both.
38. Pursuant to N.J.A.C. 7:14B-2.7(b), the Department may revoke the [UST] registration of a facility upon a determination of the following: 1. The New Jersey Underground Storage Tank Facility Certification Questionnaire contains false or inaccurate information; 2. The owner or operator has failed to submit a New Jersey Underground Storage Tank Facility Certification Questionnaire pursuant to N.J.A.C. 7:14B-2.2; 3. The owner or operator has failed to pay the Facility Certification fee pursuant to N.J.A.C. 7:14B-3.2; 4. An authorized representative is denied access to the facility during any reasonable hour; or 5. The owner or operator has failed to comply with any requirement of the State Act or this chapter.

39. Pursuant to N.J.S.A. 26:2C-19(b) and N.J.S.A. 26:2C-19(d), any person who violates the provisions of the Air Pollution Control Act, or any code, rule regulation or order promulgated or issued pursuant thereto, or who fails to pay a civil administrative penalty in full, shall be liable to a penalty of up to \$10,000 for the first offense, \$25,000 for the second offense, and \$50,000 for the third and each subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense.
40. Pursuant to N.J.S.A. 26:2C-19(f)1, any person who purposely or knowingly violates the provisions of the Air Pollution Control Act, or any code, rule, regulation, administrative order or court order, promulgated or issued pursuant thereto, is guilty of a crime of the third degree.
41. Pursuant to N.J.S.A. 26:2C-19(f)2, any person who recklessly violates the provisions of the Air Pollution Control Act or any code, rule, regulation, administrative order or court order promulgated or issued pursuant thereto, is guilty of a crime of the fourth degree.
42. Pursuant to N.J.A.C. 7:27-8.16(a), the Department may revoke a [Air] permit or certificate if the permittee: 1. Uses, or allows to be used, equipment or control apparatus not in compliance with the permit or certificate, or with any applicable Federal, or State law, regulation, or rule; 2. Takes any action which requires a permit revision, compliance plan change, seven-day-notice change, amendment, or change to a batch plant permit under any applicable provision at N.J.A.C. 7:27-8.17 through 22, without complying with the applicable provision; 3. Fails to allow lawful entry by authorized representatives of the Department, pursuant to N.J.A.C. 7:27-1.31; 4. Fails to pay any penalty assessed pursuant to a final order issued by the Department; 5. Fails to pay any outstanding service fees, charged in accordance with the schedules contained in N.J.A.C. 7:27-8.6, within 60 days of receipt of a fee invoice or, in the case of a renewal of a certificate, by the date of expiration of the certificate being renewed; 6. Fails to reimburse the Department within 60 days after receipt of an invoice for any of the following charges incurred by the Department: i. The charges billed by any telephone company for the maintenance of a dedicated telephone line required by the conditions of approval of a preconstruction permit or certificate for the electronic transmission of data; or ii. The charges billed by any laboratory for performing the analysis of audit samples collected pursuant to monitoring any testing required by the conditions of approval of a preconstruction permit or certificate; or 7. Fails to dispose lawfully of all aqueous and solid wastes generated as a result of the operation of the equipment or control apparatus.

DATE: 1/24/20



Michael Hollis, Chief
Bureau of UST Compliance and Enforcement

UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES
BASE PENALTY ASSESSMENT WORKSHEET

Respondent(s): CHATTERPAL SINGH

Date of Violation: 12/18/19, 12/20/18, 2/26/19

Rule violated as listed in 7:14-8.18 Table 2 7:14B-15.2(b), Failure to provide financial responsibility insurance

Base penalty for rule violated: \$5,000.00

TOTAL CIVIL ADMINISTRATIVE PENALTY = **\$5,000.00**

Comments: The three locations did not have financial responsibility insurance as required by the rule. This multi station order was assessed for \$5000.00 total with an order to remove the tanks at the three locations.

VIOLATIONS CITED WITHOUT PENALTY ASSESSMENT

The following is a list of violations that were cited in this document, but did not result in a penalty assessment. In most cases, a penalty was not assessed because the violation qualified for a grace period in accordance with P.L. 1995, c.296 (N.J.S.A. 13:1D-125 et seq.) "Fast Track Compliance Law".

N.J.A.C. 7:14B- 2.1(a),	N.J.A.C. 7:14B- 6.6(1)h,
N.J.A.C. 7:14B- 2.1(b),	N.J.A.C. 7:14B-5A.1(a),
N.J.A.C. 7:14B- 5.10(a)1ii,	N.J.A.C. 7:14B-5A.14(a),
N.J.A.C. 7:14B- 5.10(a)3,	N.J.A.C. 7:14B-5A.14(d),
N.J.A.C. 7:14B- 5.12(a),	N.J.A.C. 7:14B- 5.9(b),
N.J.A.C. 7:14B- 5.12(c),	N.J.A.C. 7:14B-15.1(h),
N.J.A.C. 7:14B- 5.9(a),	N.J.A.C. 7:14B-15.2(a),
N.J.A.C. 7:14B- 6.1(a),	

CIVIL ADMINISTRATIVE PENALTY FOR ECONOMIC BENEFIT

Pursuant to N.J.A.C. 7:14-8.13 and 7:27A-3.12 and 7:26C-9.8, the Department may, in addition to any other civil administrative penalty assessed pursuant to this subchapter include as an additional civil administrative penalty the economic benefit (in dollars) which the violator has realized as a result of not complying with, or by delaying compliance with, the requirements of the Act.

No civil administrative penalty assessed for Economic Benefit

**Administrative Hearing Request Checklist
and Tracking Form**

I. Document Being Appealed: **EA ID # PEA190005 - 013936**

January 24, 2020

Date Document Issued

II. Person Requesting Hearing (Each Respondent named in the Enforcement Document, who wants to contest the Enforcement Document must individually file a hearing request):

Name/Company

Name of Attorney (if applicable)

Address

Address

Telephone #

Telephone #

III. Please Include the Following Information As Part of Your Request:

- A. The date the alleged violator received the Enforcement Document.
- B. **A copy of the Enforcement Document** and a list of all issues being appealed.
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
- D. The defenses to each of the findings of fact in the enforcement document;
- E. Information supporting the request;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed and dated with all of the information listed above, including attachment, to:

1. New Jersey Department of Environmental Protection
Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 E. State Street, P.O. Box 402
Trenton, New Jersey 08625

2. Michael Hollis, Chief
Bureau of UST Compliance and Enforcement
New Jersey Department of Environmental Protection
Mail Code 09-03
PO Box 420
Trenton, NJ 08625-0420

3. All co-permittees (w/attachments)

IV. Signature: _____

Date: _____



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
COMPLIANCE AND ENFORCEMENT

INVOICE NO.
200065180

Program Interest
NGI VOORHEES EXTRA GAS STATION
1 W EVESHAM RD
Voorhees Twp, NJ. 08043
013936

Type of Notice
ORIGINAL (NON-INITIAL)

Amount Due
\$ 5,000.00

Billing Date
01/23/20

Due Date
02/25/20

NJEMS Bill ID
000000204940200

Summary	
Total Amount Assessed	5,000.00
Amount Received Before Creating Installment Plan (if installment plans is allowed)	0.00
Amount Transferred To Installment Plan	0.00
Installment Amount	0.00
Total Amount Credited	0.00
Total Amount Debited (Other Than Amounts Assessed)	0.00
Total Amount Due	5,000.00

REMINDER:

YOU CAN PAY THIS BILL ONLINE WITH A CREDIT CARD OR E-CHECK.
 GO TO HTTP://WWW.NJ.GOV/DEP/ONLINE AND CLICK PAY A PAPER INVOICE.
 THE SYSTEM WILL ASK FOR THE INVOICE NUMBER THAT IS FOUND AT THE TOP-RIGHT CORNER OF THIS BILL.
 THERE IS NO FEE FOR PAYING VIA E-CHECK; FOR CREDIT CARD USE, 2.0% OF THE TOTAL + \$.50 IS CHARGED.
 TO PAY BILL BY MAIL SEND A CHECK PAYABLE TO TREASURER-STATE OF NEW JERSEY.
 WRITE INVOICE NUMBER AND PROGRAM INTEREST NUMBER ON CHECK.
 RETURN CHECK WITH BOTTOM PORTION OF THIS INVOICE TO THE NJ DEPARTMENT OF TREASURY.
 IF YOU HAVE QUESTIONS SEE BACK OF INVOICE FOR CONTACT INFORMATION.

See Back Of Page for Billing Inquiries

INVOICE NO.
200065180

D9901F (R 3/14/02)



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
COMPLIANCE AND ENFORCEMENT

INVOICE NO.
200065180

Program Interest ID
013936

Type of Notice
ORIGINAL (NON-INITIAL)

Billing Date
01/23/20

Due Date
02/25/20

NJEMS Bill ID
000000204940200

Amount Due
\$ 5,000.00

For name and/or address change, check box and write corrections on the back of this invoice.

DO NOT FOLD, BEND OR MARK

Enter the Amount of your payment →

\$

RETURN THIS PORTION with your check made payable to:

TREASURER - STATE OF NEW JERSEY
 and mail to:
 NJ DEPARTMENT OF TREASURY
 DIVISION OF REVENUE
 PO BOX 417
 TRENTON, NJ 08646-0417

95
 NGI
 ATTN: CHATTARPAL SINGH
 PO BOX 5662
 Deptford Twp NJ 08096-0662

EP101010101010101000010309030611111000500000002292000651806950



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
 NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
 COMPLIANCE AND ENFORCEMENT

INVOICE NO.
 200065180

Program Interest

NGI VOORHEES EXTRA GAS STATION
 1 W EVESHAM RD
 Voorhees Twp, NJ. 08043
 013936

Type of Notice

ORIGINAL (NON-INITIAL)

Amount Due

\$ 5,000.00

Billing Date

01/23/20

Due Date

02/25/20

NJEMS Bill ID

000000204940200

AONOCAPA
 Prescribed Enforcement Action
 This bill was created by the Assessments Trigger.

ASSESSMENTS

Start-End Date: 01/23/2020-01/23/2020 Activity: PEA190005

Assessment Type: PENALTY

Regulatory Basis:

Status: Open (Pending Payment)

Amount: \$ 5000.00

Total Amount Assessed: \$ 5,000.00