

From: [Griffiths, Matthew J \(DEC\)](#)
To: sstarowitz@aol.com
Cc: [Laczi, Evan G \(DEC\)](#)
Subject: Notice of Violation: PBS #8-600629 (Starowitz Farms)
Date: Monday, April 20, 2026 5:44:00 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[PBS.8-600629.NOVLetter.04-20-26.pdf](#)
[Report.PBS.8-600629.Inspection.03-23-26.pdf](#)
[PBS_8-600629_Certificate.pdf](#)

Dear Mr. Starowitz,

Please refer to the attached Notice of Violation for PBS violations observed during a compliance inspection performed by ECO Laczi on March 23, 2026 and reply to this email by **May 20, 2026** with documentation of compliance for:

- Registration Certificate Posting (attached is another copy)
- Monthly AST inspection (complete f
- Tanks Labeling (each tank was missing the tank ID # and working capacity)
- Secondary Containment (concrete dike) free of liquid & debris

Matt Griffiths

Environmental Program Specialist, Spill Prevention & Response

New York State Department of Environmental Conservation

6274 East Avon-Lima Road, Avon, NY 14414-8519

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Department of
Environmental
Conservation





NOTICE OF VIOLATION (NOV)

April 20, 2026

JAMES S STAROWITZ
STEPHEN J STAROWITZ FARMS
6885 WARBOYS ROAD
BYRON, NY 14422
Via Email: sstarowitz@aol.com

Re: Petroleum Bulk Storage (PBS) Program Site Inspection - 6 NYCRR Part 613
PBS# 8-600629 - STEPHEN J STAROWITZ FARMS
6885 WARBOYS ROAD
Byron, NY 14422

Dear JAMES S STAROWITZ:

On March 23, 2026, the New York State Department of Environmental Conservation (NYSDEC or DEC) inspected the STEPHEN J STAROWITZ FARMS facility to determine compliance with New York State's PBS regulations (6 NYCRR Part 613). The following violations were identified during that inspection and need your immediate attention to bring your facility into compliance. Citations to the applicable regulations are noted in brackets and pertain to the tank(s) listed. The PBS regulations and inspection checklist are available online at:

- <https://dec.ny.gov/sites/default/files/2024-01/part613.pdf>
- <https://dec.ny.gov/sites/default/files/2025-03/pbsinspectionform.pdf>

The law requires that you comply fully with the PBS regulations. You must correct all of the violations noted below within the stated time frame(s) and submit required documentation.

Current cert not displayed – [613-1.9(a)(2)]. The current registration certificate is not posted, or is not posted at a conspicuous location. The certificate must be posted in a location accessible to the facility operator and readily observable to a DEC inspector or emergency responder.

Within 30 calendar days after the date of the NOV, display (and submit a photograph showing) the certificate in a conspicuous location.

Tank # 3D, 30D, 5G

No 30-day inspections performed for the aboveground storage tank (AST) system – [613-4.2(h)(1) / 4.2(h)(3)]. 30-day inspections are not being performed for the AST system.

Within 30 calendar days after the date of the NOV, submit the records of a 30-day inspection.

Tank # 3D, 30D, 5G

Label incomplete/inaccurate – [613-1.12 / 4.2(d)(1)]. The tank label has either incomplete or inaccurate information.

Within 30 calendar days after the date of the NOV, submit a photograph showing the tank labeled with the Tank ID, design capacity and working capacity and the fill port with the rewritten/replaced tank label.

Corrective Action and Penalties

As a result of these violations, you may be subject to penalties. Pursuant to Environmental Conservation Law Section 71-1929, you may be liable for a civil penalty of up to \$37,500 per day for each of the above noted 6 NYCRR Part 613 violations. The violations identified in this letter require your immediate attention. Delays in correcting the violations noted above will affect the amount of penalties for which you will be liable. In addition, under Environmental Conservation Law Section 71-1933, a person may be held criminally liable if any of the foregoing violations was the result of intentional, knowing or criminally negligent conduct.

Note that the inspection may not have disclosed all violations that exist at your site. You are responsible for ensuring that the entire facility is in compliance with applicable requirements.

Except where a shorter time frame is expressly required, within 30 calendar days from the date of this notice you must submit either documentation that the violations have been corrected or a plan to achieve compliance, as noted above. In accordance with any corrective action plan, you must submit documentation after compliance is achieved.

When sending documentation and/or compliance plans, be sure to reference PBS # 8-600629.

Sincerely,



Matthew J Griffiths
NYSDEC, Region 8

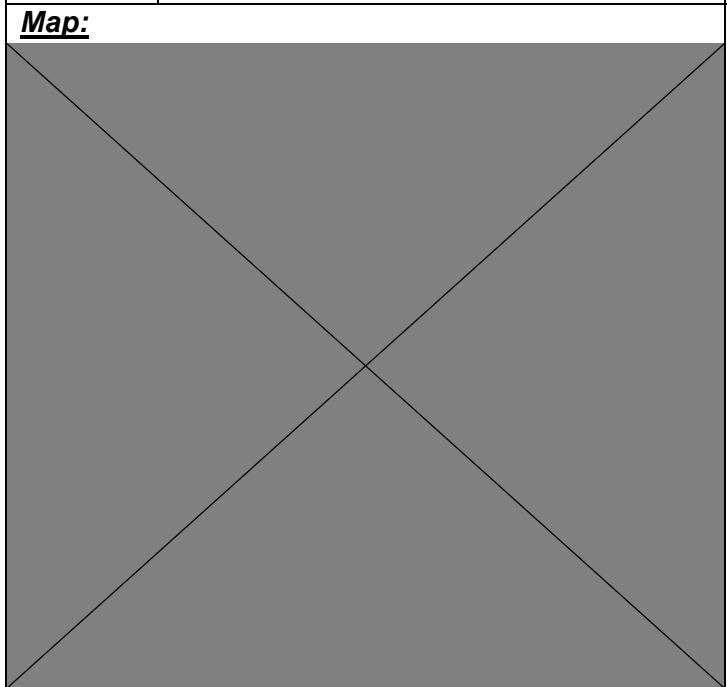
Enclosures: Inspection Report, PBS Certificate

ECC: ECO Laczi, NYSDEC Region 8, Division of Law Enforcement

New York State Department of Environmental Conservation
Petroleum Bulk Storage (PBS) Inspection Form

Facility Information				Mail Contact			
PBS Number		8-600629		Contact Name		James S STAROWITZ	
Facility Name		STEPHEN J STAROWITZ FARMS		Company Name		STEPHEN J STAROWITZ FARMS	
Street Address		6885 WARBOYS ROAD		Street Address		6885 WARBOYS ROAD	
City		Byron		City		BYRON	
County		Genesee	ZIP Code	14422	State	NY	ZIP Code
Phone Number		585-548-2626		Email		sstarowitz@aol.com	
Facility Status		1 - Active		PIN			

Facility Information				
Latitude	43.111390731		Longitude	-78.025859764



Inspection-Specific Questions

Inspection Information			Facility Representative	
Inspector Name		ECO Laczi	Rep. Name	
Inspection Date		March 23, 2026	Stephen Starowitz	
NOV Date			Title	
Case Closed Date			Owner	
Is the inspection announced or unannounced?		UA - Unannounced	Signature:	
			Was site access granted?	
			Y - Yes	

Comments:
 -On 3-23-26, ECO E Laczi inspected PBS #8-600629 and observed the following violations: 1) tanks not numbered, 2) current registration not posted, and 3) No record of monthly inspections

Site-Specific Questions

Registration

REG_info – *Is the registration information current and accurate? Note: this pertains to tank system information not captured in other questions.*

Y – Yes

REG_cert – *Is the registration certificate signed/posted at a conspicuous location at the facility?*

ND – Cert not displayed

As-Built Diagram

AB_dia – *Does the facility have a complete/accurate as-built diagram?*

XT – As-built diagram not required - no Cat. 2/3 UST systems on site [SP2/SP3/SP5]

Financial Responsibility

FR_ap – *Does Financial Responsibility apply to this facility?*

XTU – FR not required - no SP2/SP5 UST systems

Tank-Specific Questions

Tank System Information			
Tank ID	3D	Compartment	0 - Not part of compartmented tank
(T) Location	3 - Aboveground on saddles, legs, stilts, rack or cradle	Manifolded	0 - Not manifolded to another tank
(T) Type	01	Tank Capacity [gals.]	300
Stored (or Formerly Stored) Petroleum	0008		
Applicable Subpart	4	(P) Location	C00 - No Piping
Status	1 - In-service	(P) Type	D00 - None
(T) Install Date	August 1, 1994	(P) Install Date	
(T) Closure Date		Pumping/Dispensing Method	J06 - Tank-Mounted Dispenser
(T) Leak Detection	H00 - None	(P) Leak Detection	L00 - None
(T) Secondary Containment	G01 - Diking (AST Only)	(P) Secondary Containment	E00 - None
		Under-Dispenser Containment	FALSE - No UDC/dispenser sump
(T) Corrosion Protection	B01 - Painted/Asphalt Coating	(P) Corrosion Protection	F00 - None
(T) (Internal) Lining	A00 - None	Overfill Prevention	I04 - Product Level Gauge (AST Only)
Fill Port Catch Basin	K01 - Catch Basin		

OOS Status & Permanent Closure

OC_rc – What's the tank system's status?

1 – In-service

Tank System: Design/Construction, Installation, Compatibility, Repair

TS_cs – Does the tank system meet pertinent construction standards?

Y – Yes

TS_bf – Is the entire tank system compatible with the stored petroleum?

XP – Compatibility documentation not required - no biofuel blends greater than E10/B20

Walkthrough Inspections

WT_itm – Are the inspections being performed periodically? Note: 30-day (UST system) inspections may be performed less frequently (i.e., prior to every delivery) if deliveries are less frequent than every 30 days.

N30A – No 30-day inspections performed for the AST system [SP4/SP5]

Leak Detection

LD_trc – Tank LD Methods: select all LD methods that apply to the tank, including those required, and any supplementary methods being performed.

XT – Tank LD not required - exempt AST [SP4/SP5]

Secondary Containment

SC_trc – Tank SC Equipment: select all SC equipment that apply to the tank, including those required, and any supplementary equipment installed.

DK – Diking

SC_tri – Is the registered tank SC equipment accurate?

Y – Yes

SC_drc – Does the dispenser have a UDC/dispenser sump?

XTF – No UDC/dispenser sump but not required - non-SP2/SP5 UST system [SP3/SP4/SP5]

SC_gwo – Is the equipment in good working order?

Y – Yes

Corrosion Protection

CP_pre – Is the required equipment present? Select all corrosion protection equipment that apply to the tank system, including those required, and any supplementary equipments. Record any inaccuracies with tank/piping type/CP or internal lining under INSP_comm (p. 2).

Y – Yes (Paint)

Color Code & (Tank) Label

CL_pre – Is the required equipment present?

Y – Yes

CL_gwo – Is the equipment in good working order?

LIN – Label incomplete/inaccurate (No Tank ID # or Working Capacity)

Fill Port Catch Basin

CB_pre – Is the required equipment present?

Y – Yes

CB_gwo – Is the equipment in good working order?

Y – Yes

Overfill Prevention

OP_rc – OP equipment: select all OP equipment that apply to the tank, including those required, and any supplementary equipment installed.

LG – Level Gauge

OP_val – Is the equipment valid for the tank system?

Y – Yes

OP_gwo – Is the equipment in good working order?

Y – Yes

Tank System Information			
Tank ID	30D	Compartment	0 - Not part of compartmented tank
(T) Location	3 - Aboveground on saddles, legs, stilts, rack or cradle	Manifolded	0 - Not manifolded to another tank
(T) Type	01	Tank Capacity [gals.]	3,000
Stored (or Formerly Stored) Petroleum	0008		
Applicable Subpart	4	(P) Location	C00 - No Piping
Status	1 - In-service	(P) Type	D00 - None
(T) Install Date	August 1, 1994	(P) Install Date	
(T) Closure Date		Pumping/Dispensing Method	J06 - Tank-Mounted Dispenser
(T) Leak Detection	H00 - None	(P) Leak Detection	L00 - None

(T) Secondary Containment	G01 - Diking (AST Only)	(P) Secondary Containment	E00 - None
		Under-Dispenser Containment	FALSE - No UDC/dispenser sump
(T) Corrosion Protection	B01 - Painted/Asphalt Coating	(P) Corrosion Protection	F00 - None
(T) (Internal) Lining	A00 - None	Overfill Prevention	I04 - Product Level Gauge (AST Only)
Fill Port Catch Basin	K01 - Catch Basin		

OOS Status & Permanent Closure

OC_rc – What's the tank system's status?

1 – In-service

Tank System: Design/Construction, Installation, Compatibility, Repair

TS_cs – Does the tank system meet pertinent construction standards?

Y – Yes

TS_bf – Is the entire tank system compatible with the stored petroleum?

XP – Compatibility documentation not required - no biofuel blends greater than E10/B20

Walkthrough Inspections

WT_itm – Are the inspections being performed periodically? Note: 30-day (UST system) inspections may be performed less frequently (i.e., prior to every delivery) if deliveries are less frequent than every 30 days.

N30A – No 30-day inspections performed for the AST system [SP4/SP5]

Leak Detection

LD_trc – Tank LD Methods: select all LD methods that apply to the tank, including those required, and any supplementary methods being performed.

XT – Tank LD not required - exempt AST [SP4/SP5]

Secondary Containment

SC_trc – Tank SC Equipment: select all SC equipment that apply to the tank, including those required, and any supplementary equipment installed.

DK – Diking

SC_tri – Is the registered tank SC equipment accurate?

Y – Yes

SC_drc – Does the dispenser have a UDC/dispenser sump?

XTF – No UDC/dispenser sump but not required - non-SP2/SP5 UST system [SP3/SP4/SP5]

SC_gwo – Is the equipment in good working order?

Y – Yes

Corrosion Protection

CP_pre – Is the required equipment present? Select all corrosion protection equipment that apply to the tank system, including those required, and any supplementary equipments. Record any inaccuracies with tank/piping type/CP or internal lining under INSP_comm (p. 2).

Y – Yes (Paint)

Color Code & (Tank) Label

CL_pre – Is the required equipment present?

Y – Yes

CL_gwo – Is the equipment in good working order?

LIN – Label incomplete/inaccurate (No Tank ID # or Working Capacity)

Fill Port Catch Basin

CB_pre – Is the required equipment present?

Y – Yes

CB_gwo – Is the equipment in good working order?

Y – Yes

Overfill Prevention

OP_rc – OP equipment: select all OP equipment that apply to the tank, including those required, and any supplementary equipment installed.

LG – Level Gauge

OP_val – Is the equipment valid for the tank system?

Y – Yes

OP_gwo – Is the equipment in good working order?

Y – Yes

Tank System Information			
Tank ID	5G	Compartment	0 - Not part of compartmented tank
(T) Location	3 - Aboveground on saddles, legs, stilts, rack or cradle	Manifolded	0 - Not manifolded to another tank
(T) Type	01	Tank Capacity [gals.]	550
Stored (or Formerly Stored) Petroleum	2712 - Gasoline/Ethanol		
Applicable Subpart	4	(P) Location	C00 - No Piping
Status	1 - In-service	(P) Type	D00 - None
(T) Install Date	August 1, 1994	(P) Install Date	
(T) Closure Date		Pumping/Dispensing Method	J06 - Tank-Mounted Dispenser
(T) Leak Detection	H00 - None	(P) Leak Detection	L00 - None
(T) Secondary Containment	G01 - Diking (AST Only)	(P) Secondary Containment	E00 - None
		Under-Dispenser Containment	FALSE - No UDC/dispenser sump
(T) Corrosion Protection	B01 - Painted/Asphalt Coating	(P) Corrosion Protection	F00 - None
(T) (Internal) Lining	A00 - None	Overfill Prevention	I04 - Product Level Gauge (AST Only)
Fill Port Catch Basin	K01 - Catch Basin		

OOS Status & Permanent Closure

OC_rc – What's the tank system's status?

1 – In-service

Tank System: Design/Construction, Installation, Compatibility, Repair

TS_cs – Does the tank system meet pertinent construction standards?

Y – Yes

TS_bf – Is the entire tank system compatible with the stored petroleum?

XP – Compatibility documentation not required - no biofuel blends greater than E10/B20

Walkthrough Inspections

WT_itm – Are the inspections being performed periodically? Note: 30-day (UST system) inspections may be performed less frequently (i.e., prior to every delivery) if deliveries are less frequent than every 30 days.

N30A – No 30-day inspections performed for the AST system [SP4/SP5]

Leak Detection

LD_trc – Tank LD Methods: select all LD methods that apply to the tank, including those required, and any supplementary methods being performed.

XT – Tank LD not required - exempt AST [SP4/SP5]

Secondary Containment

SC_trc – Tank SC Equipment: select all SC equipment that apply to the tank, including those required, and any supplementary equipment installed.

DK – Diking

SC_tri – Is the registered tank SC equipment accurate?

Y – Yes

SC_drc – Does the dispenser have a UDC/dispenser sump?

XTF – No UDC/dispenser sump but not required - non-SP2/SP5 UST system [SP3/SP4/SP5]

SC_gwo – Is the equipment in good working order?

Y – Yes

Corrosion Protection

CP_pre – Is the required equipment present? Select all corrosion protection equipment that apply to the tank system, including those required, and any supplementary equipments. Record any inaccuracies with tank/piping type/CP or internal lining under INSP_comm (p. 2).

Y – Yes (Paint)

Color Code & (Tank) Label

CL_pre – Is the required equipment present?

Y – Yes

CL_gwo – Is the equipment in good working order?

LIN – Label incomplete/inaccurate (No Tank ID # or Working Capacity)

Fill Port Catch Basin

CB_pre – Is the required equipment present?

Y – Yes

CB_gwo – Is the equipment in good working order?

Y – Yes

Overfill Prevention

OP_rc – OP equipment: select all OP equipment that apply to the tank, including those required, and any supplementary equipment installed.

LG – Level Gauge

OP_val – Is the equipment valid for the tank system?

Y – Yes

OP_gwo – Is the equipment in good working order?

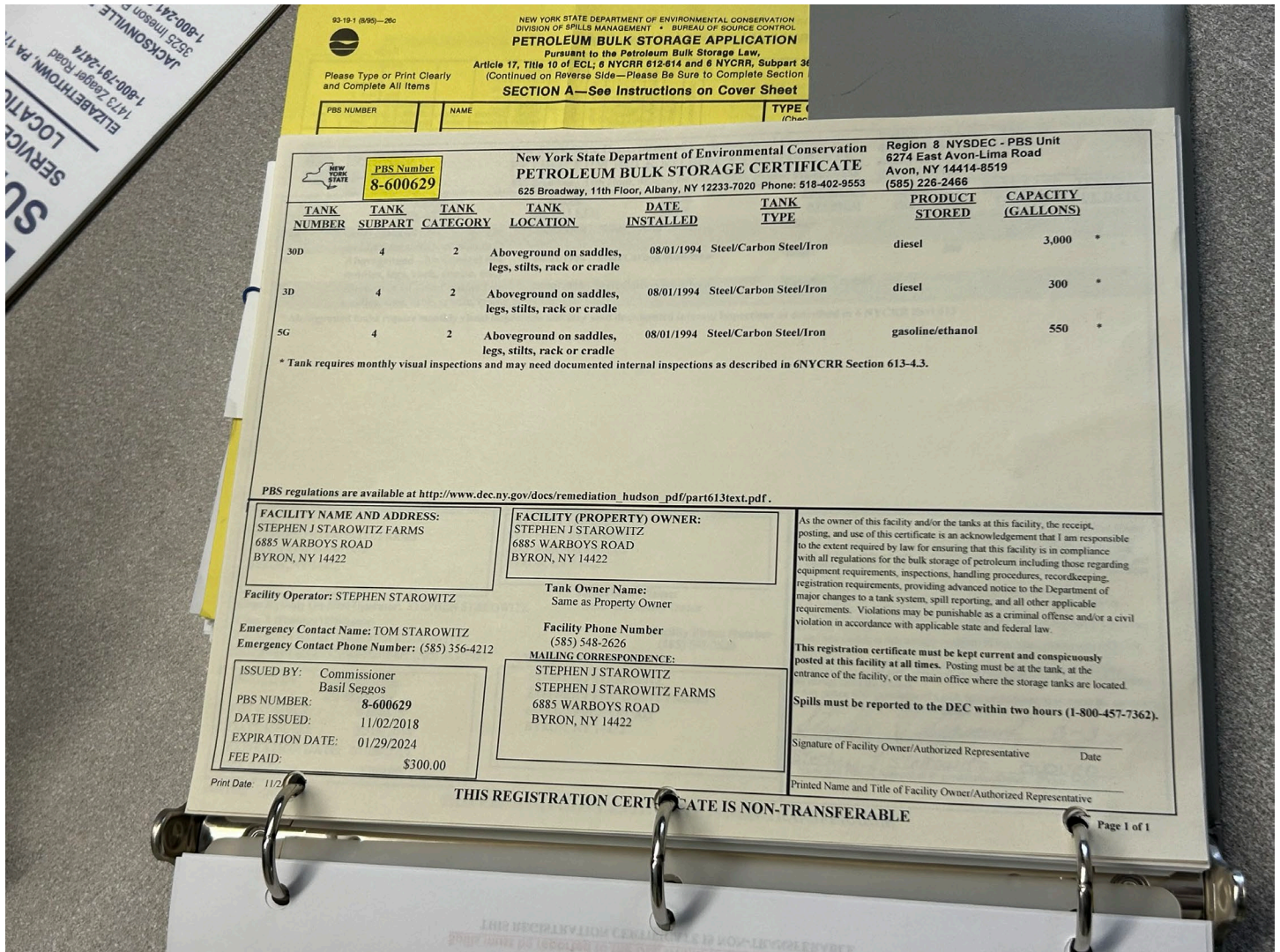
Y – Yes

Spills Observed

SP_des – Description: give this spill a short name/identifier to distinguish it from any other observed spills.

None

Photos



Expired certificate. Current certificate needs to be posted in visible location.

MONTHLY ABOVEGROUND PETROLEUM TANK INSPECTIONS

TANKS # 1, # 2, # 3 and # _____

MONTH/YEAR: 12/16

ITEM	TANK # <u>1</u>	TANK # <u>2</u>	TANK # <u>3</u>	TANK # _____
TANK CONDITION				
Leaks	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y N
Corrosion/Discoloration	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	<input checked="" type="radio"/> Y N	Y N
Cracks/Bulges/Pitting	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y N
Paint	<input checked="" type="radio"/> S U	<input checked="" type="radio"/> S U	S <input checked="" type="radio"/> U	S U
Tank Labels	<input checked="" type="radio"/> S U	<input checked="" type="radio"/> S U	<input checked="" type="radio"/> S U	S U
Gauge Functioning	<input checked="" type="radio"/> Y N	<input checked="" type="radio"/> Y N	<input checked="" type="radio"/> Y N	Y N
High Level Alarm Working	Y N	Y N	Y N	Y N
FOUNDATION/STRUCTURAL				
Settlement/Cracks	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y N
Separations	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y N
Anchor Bolts Tight	<input checked="" type="radio"/> Y N	<input checked="" type="radio"/> Y N	Y <input checked="" type="radio"/> N	Y N
CONTAINMENT SYSTEM				
Cracks, Gaps, Punctures, Separations and/or Corrosion	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y N
Excessive Vegetation	<input checked="" type="radio"/> S U	<input checked="" type="radio"/> S U	S <input checked="" type="radio"/> U	S U
Paint/Sealant	<input checked="" type="radio"/> Y N	<input checked="" type="radio"/> Y N	<input checked="" type="radio"/> Y N	Y N
Stormwater Buildup				
Stormwater Discharge Date(s)	<u>12/1</u>	<u>12/1</u>	<u>12/1</u>	/ /
PIPES/VALVES/PUMPS				
Leakage	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y N
Stained Soil	Y N	Y N	Y N	Y N
Fills API Color Coded	<input checked="" type="radio"/> S U	<input checked="" type="radio"/> S U	<input checked="" type="radio"/> S U	S U
Paint	<input checked="" type="radio"/> S U	<input checked="" type="radio"/> S U	<input checked="" type="radio"/> S U	S U
Supports	<input checked="" type="radio"/> Y N	Y N	Y N	Y N
Drainage Valves Locked				

Inspector's Initials: [Signature]

Additional Comments: _____

Please Type or Print Clearly and Complete All Items
 Pursuant to the Petroleum Bulk Storage Act, Article 17, Title 10 of ECL, § NYCRR 612-2.4 and § NYCRR, Subpart 36 (Continued on Reverse Side—Please Be Sure to Complete Section SECTION A—See Instructions on Cover Sheet)
 TANK # _____
 NAME _____
 TYPE _____
 (Other) _____

No record of any recent monthly inspections. Must complete and retain for 3-yrs.



300 gallon diesel tank – Need to be labeled with the tank ID # (3D), and working capacity (270 gallons)



3000 gallon diesel tank – Need to be labeled with the tank ID # (30D), and working capacity (2700 gallons)



500 gallon gasoline tank – Needs to be labeled with the tank ID # (5G, and working capacity (450 gallons)



Accumulation of snow / ice melt in secondary containment (no sheen observed) – needs to be pumped empty.