

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Spills Management
47-40 21st Street, Long Island City, NY 11101
Phone: (718) 482-4933 ext. 7130
Fax: (718) 482-4954



John P. Cahill
Commissioner

August 12, 1998

Scott J. Hanley
Regional Engineer
Getty Realty Corporation
4301 Boston Post Road
Bronx, New York 10466

Re: Getty S/S
3083 Webster Avenue
Bronx
Spill #: 9711128
PBS #: 2-325953

Dear Mr. Hanley:

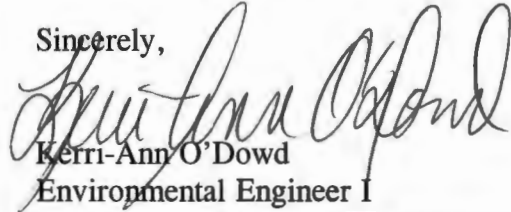
I reviewed the Tank Closure Report prepared by your consultant, Tyree Brothers Environmental Services, Inc., for the Getty S/S located at 3083 Webster Avenue, Bronx. The report satisfies the minimum requirement for a site assessment under EPA 40 CFR Part 280: identification of the release of a regulated substance by the owner or operator closing a UST. However, additional investigation is warranted and required by Article 12 of the Navigation Law (NL) because the report shows that contaminated soil remains on site following the removal of 6x550 gal gasoline USTs, 1x4,000 gal gasoline UST, 1x550 gal waste oil UST and 1x550 gal fuel oil UST.

Consequently, the Department is requiring that **Getty Realty Corporation** conduct an adequate subsurface investigation to delineate the full extent of gasoline contamination on-site and off-site. A report summarizing the findings of the subsurface investigation with conclusions and recommendations for site remediation must be submitted to my attention by **C.O.B. November 30, 1998.**

Under Section 192 of the NL, any person who discharges petroleum and fails to promptly clean up such prohibited discharge may be subject to a penalty of up to **\$25,000 a day**. The Department will hold **Getty Realty Corporation** responsible for gasoline contamination associated with spill number 9711128, that exists on-site and has migrated off-site.

If you wish to discuss this letter, please call my office at (718) 482-4933 Ext. 7130.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerri-Ann O'Dowd". The signature is written in a cursive style with a large, prominent "K" and "O".

Kerri-Ann O'Dowd
Environmental Engineer I
Environmental Remediation Division
Region 2

cc: W. J. Conroy, TBES