

June 19, 2015

NOTICE OF VIOLATION

Mr. Joseph Vigilante
Vigilantes Enterprises, Inc.
1214 Bristol Pike
Bensalem, PA 19020

Re: Storage Tank Program
Notice of Violation
Facility ID No. 09-42408
Vigilantes Enterprises
1214 Bristol Pike
Tanks 001A, 002A and 003A
Bensalem Township
Bucks County

Dear Mr. Vigilante:

On June 4, 2015, the Department of Environmental Protection (DEP) issued a Field Order to Vigilante Enterprises, Inc. that required it to, among other things, cease all storage tank operations at Vigilantes Enterprises (facility) and have the aboveground tank systems at the facility inspected by a DEP certified inspector, in accordance with 25 Pa. Code Chapter 245.616. On June 9, 2015, DEP certified inspector Al Ayers conducted an In-Service Aboveground Storage Tank Integrity Inspection at the facility. An inspection report documenting the findings of that inspection was provided to you (or your representative) and DEP. A preliminary review of the report reveals that the facility is operating in violation of the regulations at 25 Pa. Code Chapter 245 Subchapter G. As the facility owner and/or operator, you are obligated to comply with the Commonwealth's storage tank laws, rules and regulations.

The following violations and deficiencies have been identified at your facility based on the results of the Integrity Inspection and DEP site visits:

1. The facility did not have a Spill Prevention Response Plan with downstream notification as required by 35 P.S. Chapter 9 and 25 Pa. Code Chapter 245.603(a).
2. The facility did not have a monthly operations maintenance record or leak detection record for May 2015, as required by 25 Pa. Code Chapter 245.615(b)(5).
3. Tank 001A had minor coating failure on the tank, piping, tank supports and tie-downs, which is a violation of 25 Pa. Code Chapter 245.612(c) and (g).
4. Tank 002A had minor coating failure on the tank, piping, tank supports and tie-downs, which is a violation of 25 Pa. Code Chapter 245.612(c) and (g).
5. Tank 003A had minor to moderate coating failure on the tank, piping, tank supports and tie-downs. The end of the tank next to the stairs had moderate coating failure and corrosion. There was pitting on the Head A weld. The pitting ranged from 0.010 inch to 0.030 inch in depth. This is a violation of 25 Pa. Code Chapter 245.612(c) and (g).

6. Water has been allowed to infiltrate into all vaulted AST systems which has contributed to a corrosive environment and corrosion to the ASTs as noted by the inspector. Unmaintained vault covers and seals have allowed this water ingress and the facility is not adequately protecting the ancillary equipment from corrosion, excessive wear and deterioration, in violation of 25 Pa. Code Chapter 245.612(c).

Many of these violations have been ongoing for many years and have been the subject of previous inquiries and notices by DEP.

As noted above, the Field Order required Vigilante Enterprises, Inc. to have the aboveground storage tank systems at the facility inspected by a certified inspector in accordance with 25 Pa. Code § 245.616. That section of the regulations provides that deficiencies noted during the inspection shall be addressed and remedied. Therefore, pursuant to the Field Order and 25 Pa. Code § 245.616, Vigilante Enterprises, Inc. must address and remedy the deficiencies set forth above, submit documentation to DEP to demonstrate that it has corrected the deficiencies, and await DEP approval before it can resume storage tank operations at the facility.

As per 25 Pa. Code § 245.616(c), your facility may also be required to have enhanced In-Service inspections that are more frequent than the standard 10 year interval due to corrosion and deterioration conditions that have been present in your vaulted aboveground storage tank systems.


Regarding your outstanding corrective action issues and documentation regarding the disposition of underground storage tank 005, you may contact DEP to request a meeting to discuss these other issues at your facility.

Please be advised that continued noncompliance of the aboveground storage tank systems may subject you to actions by DEP, including penalties. The timeliness of your response and your cooperation will be a consideration in any DEP action.

This Notice of Violation is neither an order nor any other final action of DEP. It neither imposes nor waives any enforcement action available to DEP under any of its statutes. If DEP determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions pertaining to storage tank system compliance or this letter, please contact me by email at restel@pa.gov or by telephone at 484.250.5710.

Sincerely,



Ron Estel
Environmental Protection Specialist
Environmental Cleanup and Brownfields

cc: Bensalem Township
Mr. Al Ayers, Mott Tank Inspection, Inc.
Mr. Chad Clancy, Storage Tanks, C.O.
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