

**NOTICE OF PROPOSED SAFE DRINKING WATER ACT (“SDWA”)
ADMINISTRATIVE ORDER ON CONSENT (“CONSENT ORDER”) AND
OPPORTUNITY TO COMMENT**

RESPONDENT: DEER PARK LLC C/O Lerner Properties

SITE/FACILITY: Deer Park Plaza
20-74 Deer Shore Square
North Babylon, New York 11703

PERMIT NUMBER: Not applicable

DOCKET NO.: SDWA-02-2023-8501

PUBLIC NOTICE: 2023-19

PUBLIC COMMENT PERIOD: August 18, 2023

ACTION: Notice of Proposed CONSENT ORDER and Opportunity to Comment: In the Matter of DEER PARK LLC C/O Lerner Properties, Docket No. SDWA-02-2023-8501

SUMMARY: The USEPA is providing notice of a proposed CONSENT ORDER to address violations of the SDWA. USEPA is also providing notice of opportunity to comment on the proposed CONSENT ORDER.

Part C of the SDWA specifically mandates regulation of the underground injection of fluids through wells to ensure that the quality of underground sources of drinking water is protected. Section 1422 of the SDWA requires the USEPA to administer Underground Injection Control (“UIC”) programs in states that do not have approved UIC programs. New York has not acquired primacy over the UIC program pursuant to 40 C.F.R. Part 147 and, therefore, the USEPA administers the program in New York.

The proposed CONSENT ORDER seeks to address large-capacity cesspools, Class V UIC wells, that are owned and/or operated by DEER PARK LLC C/O Lerner Properties (Respondent) located at Deer Park Plaza, 20-74 Deer Shore Square, North Babylon, New York 11703. Pursuant to 40 C.F.R. § 144.88(a), large-capacity cesspools were required to be closed by April 5, 2005. The proposed CONSENT ORDER establishes an enforceable schedule to eliminate the large-capacity cesspools located at Deer Park Plaza and upgrade the on-site sanitary waste systems to include treatment.

FOR FURTHER INFORMATION:

Douglas McKenna, Manager, Water Compliance Branch, USEPA Region 2, 290 Broadway, 21st Floor, New York, New York 10007 (212) 637-4244.

Persons wishing to receive a copy of EPA's Consolidated Rules, or review documents filed in these proceedings, comment upon the proposed assessments, or otherwise participate in any of the proceedings, should contact the person named above. Unless otherwise noted, the administrative record for these proceedings is located in the EPA Regional Office identified above, and the files will be open for public inspection during normal business hours. All pertinent information submitted by the Respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

Dated: July 18, 2023

**Dore LaPosta, Director
Enforcement and Compliance Assurance Division**