

MTBE leak pinned on OK Petroleum

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A West Hempstead gas station whose owner has a checkered environmental and legal record has been identified by state regulators as responsible for contaminating the West Hempstead public water supply last summer with the fuel additive MTBE.

The station is operated by OK Petroleum, a family-owned West Babylon fuel company whose president has been convicted of evading federal gasoline taxes and whose court records show was convicted of violating New York State's environmental conservation law.

OK Petroleum has also been cited for violations, some minor, of the state's petroleum storage law, said officials at the state Department of Environmental Conservation. In a Jan. 31 letter to the company, the DEC said past gas spills at the OK Petroleum station at 164 Hempstead Ave. had released methyl tertiary butyl ether -- a potential carcinogen banned by the state in 2004 -- into the ground. It eventually tainted public supply wells at the West Hempstead-Hempstead Gardens Water District, about a mile south of the station.

"It probably took about five years," said Joseph Haas, a DEC engineering geologist. "It could have been a spill as small as a half-gallon per day."

That drip led to the largest MTBE-related public health alert on Long Island to date. Haas said other spills may also have contributed to the MTBE contamination, adding, "We have not ruled out sending additional letters to other locations."

The DEC's letter to OK Petroleum said the state would seek reimbursement of cleanup, as well as interest and penalties. The DEC has spent nearly \$2 million to investigate the West Hempstead contamination and protect the district's remaining uncontaminated wells.

John Musacchia, OK Petroleum's president, denied that his company is responsible for the contamination, but said it had not yet received the DEC's letter. "The DEC is a pain in the ass," Musacchia said Monday. "It's not my spill."

In the first weeks after the public health alert, DEC staff found a leaky valve and faulty spill detector at the OK Petroleum station at 164 Hempstead Ave. Those violations were not related to the MTBE release that fouled West Hempstead's water. But "the fact that it wasn't in compliance makes you question how well the facility was run," Haas said, adding that the company met with the DEC this summer but has failed to comply with a cleanup directive.

Musacchia was convicted in 1988 of attempting to evade more than \$1 million in federal gasoline taxes. While serving time in federal prison, he was charged, along with his son Leo Musacchia, with illegal disposal of hazardous waste in a Suffolk County district attorney sting

operation. Court records indicate that the elder Musacchia was convicted of violating New York State environmental conservation law and either served a 30-day sentence or paid a \$1,000 fine.

Musacchia could not be reached Monday evening to comment on those convictions.

DEC investigators said their months-long probe eventually led them in the direction of the OK Petroleum station at 164 Hempstead Ave.

"The samples on his property didn't show a big plume of MTBE migrating off the property, so we had to do additional work before we were confident that the MTBE did emanate from his property," Haas said.

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