

Hazardous Waste Enforcement: U.S. Environmental Protection Agency and City University of New York Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and City University of New York (including Brooklyn College) (“CUNY”) entered into a March 8th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of the Resource Conservation and Recovery Act (“RCRA”) hazardous waste regulations. See RCRA-02-2017-7102.

CUNY is described as the public university system of the City of New York consisting of senior colleges, community colleges and graduate or professional schools.

The CAFO addresses Brooklyn College (“BC”).

BC is stated to include approximately 120 teaching and research laboratories housed in two buildings. The buildings are stated to constitute a facility as that term is defined at Title 6 of the New York Codes, Rules and Regulations § 370.2(b).

BC is described as generating “solid waste” in carrying out its teaching and research activities, and in the course of conducting normal building maintenance operations. These activities are stated to include the generation of “hazardous waste.”

BC is further described as a small quantity generator of hazardous waste. Hazardous waste is stated to have been stored in a BC facility’s hazardous waste container storage area and in accumulation areas located throughout the campus, including the two previously referenced buildings.

The CAFO describes the BC facility as an “existing hazardous waste management facility.”

EPA is stated to have conducted on or about February 10, 11, 17, and 18, 2016, an inspection of the BC facility to determine compliance with Subtitle C of RCRA and New York’s hazardous waste regulations. BC manifests and documentation were subsequently submitted to EPA. Further, BC submitted information to EPA in response to an EPA Information Request Letter.

EPA subsequently issued CUNY a Complaint alleging the following violations of Subtitle C of RCRA and its implementing regulations, which include:

- Failure to make hazardous waste determinations for multiple waste streams in violation of 6 NYCRR § 372.2(a)(2)
- Failure to maintain or operate its Facility in a manner minimizing the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents

to air, soil, or surface water which could threaten human health or the environment in violation of 6 NYCRR 373-3.3(b)

The CAFO states the Findings of Fact and Conclusions of Law are not intended, nor are they to be construed, as CUNY either admitting or denying such Findings and Conclusions.

The CAFO assesses a civil penalty of \$44,000.

[A copy of the CAFO can be downloaded here.](#)