

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 2

-----X
In the Matter of :
: **CONSENT AGREEMENT AND**
: **FINAL ORDER**
:
Westchester County, New York, :
:
Respondent. :
: **Docket No.**
: **RCRA-02-2016-7504**
Proceeding under Section 9006 :
of the Solid Waste Disposal Act, :
as amended. :
-----X

This administrative proceeding for the assessment of a civil penalty and for compliance was commenced pursuant to Section 9006 of the Solid Waste Disposal Act, as amended, 42 U.S.C. § 6991 (the “Act”). That provision authorizes the Administrator of the United States Environmental Protection Agency (“EPA” or “Agency”), *inter alia*, to issue an order requiring compliance with any requirement of Subchapter IX of the Act, 42 U.S.C. §§ 6991 – 6991m, and/or to assess a penalty whenever an owner or operator of an underground storage tank fails to comply with “any requirement or standard promulgated by the Administrator under 42 U.S.C. §] 6991b of [the Act].” On September 29, 2016, Complainant in this proceeding, the Director of the Division of Enforcement and Compliance Assistance, EPA, Region 2, issued a Complaint and Notice of Opportunity for Hearing, bearing docket number RCRA-02-2016-7504 (“Complaint”), to Respondent, Westchester County, New York. The Complaint alleges 22 separate counts against Respondent for failing to comply with requirements governing the operation of underground storage tanks that are set forth in 40 C.F.R. Part 280 and which EPA promulgated under authority of Section 9003 of the Act, 42 U.S.C. § 6991b.

This Consent Agreement and Final Order (“CA/FO”) is being entered into by the parties pursuant to 40 C.F.R. § 22.18(b). No formal findings of fact or conclusions of law have been made by an administrative or judicial tribunal. The following constitute EPA’s findings of fact and conclusions of law for purposes of this consent agreement, and Respondent neither admits nor denies such findings or conclusions.

EPA FINDINGS OF FACT

1. Respondent is Westchester County, a county within, and a political subdivision existing under the authority of, the State of New York.

2. Respondent is, and has been for all times referenced below, the owner and/or operator of underground storage tanks (“USTs”) at the following facilities (each of which is located within Westchester County, New York):

- (a) Valhalla Campus – DPW&T, 35 Woods Road, Valhalla, New York (the “Valhalla facility”);
- (b) Sprout Brook Ashfill, 5729 Albany Post Road, Cortland Manor, New York (the “Sprout Brook facility”);
- (c) Dunwoodie Golf Course, 1 Wasylenko Road, Yonkers, New York (the “Dunwoodie facility”);
- (d) Tibbetts Brook Park, Midlands Avenue, Yonkers, New York (the “Tibbetts facility”);
- (e) Playland Park, Playland Parkway, Rye, New York (the “Playland facility”);
- (f) Saxon Woods Golf Course, 315 Mamaroneck Road, Mamaroneck, New York (the “Saxon Woods facility”);
- (g) PRC General Maintenance, Thompson Street, Tuckahoe, New York (the “PRC facility”);
- (h) Mountain Lakes Camp, 200 Hawley Road, North Salem, New York (the “Mountain Lakes facility”);
- (i) Bronx River Parkway Maintenance Area, Crane Road, Scarsdale, New York (the “Bronx River facility”);
- (j) Sprain Lake Golf Course, 290 East Grassy Sprain Road, Yonkers, New York (the “Sprain Lake facility”);
- (k) Mohansic Golf Course, Baldwin Road, Yorktown Heights, New York (the “Mohansic facility”);
- (l) Westchester County Airport, 240 Airport Road, White Plains, New York (the “Airport facility”);
and
- (m) Ridge Road Park, Ridge Road, Greenburgh, New York (the “Ridge Road facility”).

3. Two USTs are located (and have been for all times referenced below) at each of the aforementioned (paragraph 2, above) facilities, with these exceptions: (a) at the Playland facility, three USTs; (b) at the Mohansic facility, one UST; and (c) at the Airport facility, three USTs.

4. Each of the aforementioned (paragraphs 2 and 3, above) USTs contain (and have contained for the times referenced below) gasoline, diesel fuel or waste oil.

5. Pursuant to Section 9005(a) of the Act, 42 U.S.C. § 6991d(a), a duly designated representative of EPA conducted an inspection of one or more of the aforementioned (paragraph 2, above) facilities on the following dates: (a) July 8, 2013; (b) July 10, 2013; (c) July 11, 2013; (d) July 12, 2013; (e) July 15, 2013; (f) July 16, 2013; (g) July 17, 2013; and (h) July 22, 2013. The purpose of these inspections was for EPA to ascertain Respondent’s compliance with the requirements of the Act

and of the regulations codified at 40 C.F.R. Part 280 in its ownership and operation of the afore-referenced USTs.

6. On or about each of the following dates, EPA issued to Respondent, pursuant to Section 9005(a) of the Act, 42 U.S.C. § 6991d(a), an “information request letter” (hereinafter, “IRL”): **(a)** October 21, 2013; **(b)** April 18, 2014; and **(c)** April 19, 2016. Respondent submitted its responses to the EPA IRLs as follows: **(a)** on or about January 24, 2014 and February 24, 2014; **(b)** on or about May 23, 2014; and **(c)** on or about July 22, 2016, August 19, 2016 and September 15, 2016 (respectively).

7. Respondent failed to maintain for a period of at least one year the required records attesting that release detection monitoring had been provided for the following USTs: **(a)** the two USTs at the Valhalla facility for the months of August 2012 and September 2012; **(b)** the two USTs at the Sprout Brook facility for the months of July 2012 through April 2013; **(c)** the two USTs at the Dunwoodie facility for the months of August 2012, December 2012, February 2013, April 2013 and June 2013; **(d)** the two USTs at the Tibbetts facility for the months of July 2012 through June 2013; **(e)** two of the three USTs at the Playland facility for the months of July 2012, August 2012 and November 2012, and the third UST at the Playland facility for the month of June 2013; **(f)** the two USTs at the Saxon Wood facility for the months of July 2012 through June 2013; **(g)** the two USTs at the PRC facility for the months of July 2012 through June 2013; **(h)** the two USTs at the Mountain Lakes facility for the months of November 2012, April 2013 and June 2013; **(i)** the two USTs at the Bronx River facility for the months of July 2012, September 2012 and June 2013; **(j)** the two USTs at the Sprain Lake facility for the months of July 2012 through June 2013; **(k)** the one UST at the Mohansic facility for the months of July 2012 through June 2013; **(l)** one of the three USTs at the Airport facility for the months of July 2012 through September 2012; and **(m)** the two USTs at the Ridge Road facility for the months of August 2012 through December 2012.

8. Respondent failed to provide the required 30-day monthly release detection monitoring as follows: **(a)** at the Tibbetts facility, for the two USTs during the period from August 3, 2013 through November 12, 2013; **(b)** at the Bronx River facility, for the two USTs within the 30-day period commencing on each of February 1, 2013, March 28, 2013 and May 31, 2013; **(c)** at the Airport facility, for the three USTs within the 30-day period commencing on each of October 9, 2012, November 21, 2012, February 4, 2013, March 25, 2013 and June 9, 2013; and **(d)** at the Ridge Road facility, for the two USTs with the 30-day period commencing on each of August 2, 2013, September 15, 2013 and November 1, 2013.

9. On each of the following dates, sensors connected to various USTs (including their associated piping) were in alarm, as follows: **(a)** at the Playland facility, on two of the three USTs on each of September 12, 2012, October 19, 2012, December 16, 2012, January 2, 2013, February 1, 2013, March 30, 2013, April 30, 2013, May 31, 2013, June 30, 2013 and July 13, 2013; **(b)** at the Playland facility, on one of the three USTs on each of September 12, 2012, December 16, 2012, January 2, 2013, February 4, 2013, March 30, 2013, April 30, 2013, May 1, 2013 and July 9, 2013; **(c)** at the PRC facility, on one of the two USTs on July 11, 2013; **(d)** at the Airport facility, on one of the three USTs on July 20, 2012, August 24, 2012, September 5, 2012, October 9, 2012, November 21, 2012, December 31, 2012, January 28, 2013, February 4, 2013 and July 17, 2013; and **(e)** at the Airport facility, on one of the three USTs on July 20, 2012, August 24, 2012, September 5, 2012, October 9, 2012, November 21, 2012, December 31, 2012, January 28, 2013, February 4, 2013, March 25, 2013, April 21, 2013, May 19, 2013 and June 9, 2013.

10. EPA has alleged in the Complaint Respondent failed to report to the New York State Department of Environmental Conservation that the associated sensor for each of the aforementioned (paragraph 9, above) USTs had been triggered (*i.e.* the sensor was in alarm mode) within 24 hours of the respective date therein listed for each UST.

11. For each of the aforementioned (paragraph 9, above) USTs and the associated dates, EPA has alleged in the Complaint Respondent failed to investigate whether the alarms on the sensors that had been triggered were precipitated by or otherwise involved a release of a “regulated substance” (as defined in Section 9001(2) of the Act, 42 U.S.C. § 6992(2), and 40 C.F.R. § 280.12), *i.e.* gasoline, diesel fuel or waste oil.

12. EPA has alleged in the Complaint Respondent failed to perform the required release detection for the underground suction piping either by conducting line tightness testing or by using the prescribed monthly monitoring method, as follows: (a) at the Mountain Lakes facility, for the two USTs for the period of July 2012 through April 2016; and (b) at the Sprain Lake facility, for the two USTs for the period of July 2012 through April 2016.

EPA CONCLUSIONS OF LAW

1. Respondent has been for all times referenced in the “EPA Findings of Fact,” above, and continues to be, a “person” within the meaning of Section 1004(6) of the Act, 42 U.S.C. § 6903(6) and 40 C.F.R. § 280.12.

2. Respondent has been for all times referenced in the “EPA Findings of Fact,” above, and continues to be the “owner” (as that term has been defined in Section 9001(3) of the Act, 42 U.S.C. § 6991(3), and 40 C.F.R. § 280.12) and “operator” (as that term has been defined in Section 9001(4) of the Act, 42 U.S.C. § 6991(4), and 40 C.F.R. § 280.12) of “the underground storage tanks” (as defined in Section 9001(1) of the Act, 42 U.S.C. § 6991(1), and 40 C.F.R. § 280.12) referenced in the “EPA Findings of Fact,” above.

3. Section 9006(a)(1) of the Act, 42 U.S.C. § 6991e(a)(1), provides, in part, that “whenever on the basis of any information, the Administrator [of EPA] determines that any person is in violation of any requirement of this subchapter [Subchapter IX of the Act, 42 U.S.C. §§ 6991-6991m], the Administrator may issue an order requiring compliance within a reasonable specified time period....”

4. Pursuant to Section 9006(d)(2)(A) of the Act, 42 U.S.C. § 6991e(d)(2)(A), “[a]ny owner or operator of an underground storage tank who fails to comply with [] any requirement or standard promulgated by the Administrator [of EPA] under section 6991b of this title [Section 9003 of the Act, 42 U.S.C. § 6991b]...shall be subject to a civil penalty....”

5. Pursuant to 40 C.F.R. § 280.34(c), Respondent was required for each of the USTs referenced in the “EPA Findings of Fact,” above, to “keep the records required” either at “the UST site and immediately for inspection by the implementing agency” or “a readily available alternative site and be provided for inspection to the implementing agency upon request....”

6. Pursuant to 40 C.F.R. § 280.45(b), Respondent was required for each of the USTs referenced in the “EPA Findings of Fact,” above, to, *inter alia*, “maintain records in accordance with [40 C.F.R.] §280.34 demonstrating compliance with all applicable requirements of this subpart [Subpart D

of 40 C.F.R. Part 280, "Release Detection"]," and said requirements include the provision that "[t]he results of any sampling, testing, or monitoring must be maintained for at least 1 year...."

7. Each of Respondent's failures to maintain for a period of at least one year the required records that release detection monitoring had been provided for the USTs for those periods of time set forth in paragraph 7 of the "EPA Findings of Fact" section, above, constitutes a failure to comply with 40 C.F.R. §§ 280.34(c) and 280.45(b).

8. Pursuant to 40 C.F.R. § 280.41(a), Respondent was required to provide release detection for each of the tanks referenced in paragraph 8 of the "EPA Findings of Fact," above "at least every 30 days for releases using one of the methods listed in [40 C.F.R.] §280.43 (d) through (h)...."

9. With regard to each of the USTs for those periods of time set forth in paragraph 8 of the "EPA Findings of Fact" section, above, Respondent's failure to provide the 30-day monthly monitoring for releases required by 40 C.F.R. § 280.41(a) constitutes a failure to comply with 40 C.F.R. § 280.41(a).

10. Respondent was required, pursuant to 40 C.F.R. § 280.50(c), to "report to [the New York State Department of Environmental Conservation, "NYSDEC"], and follow the procedures in [40 C.F.R.] § 280.52" when the "[m]onitoring from a release detection method required under [*inter alia*] [40 C.F.R.] § 280.41...indicate that a release may have occurred."

11. Respondent was required, pursuant to 40 C.F.R. § 280.52, to "immediately investigate...all suspected releases of regulated substances requiring reporting under [40 C.F.R.] §280.50...."

12. With regard to the USTs referenced in paragraph 10 of the "EPA Findings of Fact" section, above, each of Respondent's failures as EPA has alleged in the Complaint would constitute a failure to comply with 40 C.F.R. § 280.50(c).

13. With regard to the USTs referenced in paragraph 11 of the "EPA Findings of Fact" section, above, each of Respondent's failures as EPA has alleged in the Complaint would constitute a failure to comply with 40 C.F.R. § 280.52.

14. Pursuant to 40 C.F.R. § 280.41(b), Respondent was required to "provide release detection for" the underground piping connected to each of the USTs referenced in paragraph 12 of the "EPA Findings of Fact" section, above, such that the piping "must either have a line tightness test conducted at least every 3 years and in accordance with [40 C.F.R.] §280.44(b), or use a monthly monitoring method conduct in accordance with [40 C.F.R.] §280.44(c)."

15. For each of the USTs referenced in paragraph 12 of the "EPA Findings of Fact" section, above, Respondent's failure as EPA has alleged in the Complaint would constitute a failure to comply with 40 C.F.R. § 280.41(b)(2).

16. Each of the 40 C.F.R. Part 280 regulatory provisions referenced in this section constitutes a requirement of Subchapter IX, 42 U.S.C. §§ 6991 - 6991i]" for purposes of Section 9006 of the Act, 42 U.S.C. § 6991e.

17. Each of the aforementioned (paragraphs 7, 9, 12, 13 and 15 of this section, above) failures of Respondent constitutes a “violation of any requirement of this subchapter [Subchapter IX, 42 U.S.C. §§ 6991 - 6991i]” for purposes of Section 9006 of the Act, 42 U.S.C. § 6991e, and also constitutes a “fail[ure] to comply with [] any requirement or standard promulgated by the Administrator [of EPA] under section 6991b of this title [Section 9003 of the Act]” for purposes of Section 9006(d)(2)(A) of the Act, 42 U.S.C. § 6991e(d)(2)(A).

AGREEMENT ON CONSENT

Based upon the foregoing, and pursuant to Section 9006 of the Act, as amended, 42 U.S.C. § 6991e, and 40 C.F.R. § 22.18 of the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22,” it is hereby agreed by and between Complainant and Respondent, and voluntarily accepted by Respondent, that, for purposes of this Consent Agreement and in the interest of settling this matter expeditiously without the time, expense or uncertainty of a formal adjudicatory hearing on the merits, Respondent: **(a)** admits EPA, Region 2, has jurisdiction under the Act to prosecute this proceeding; **(b)** neither admits nor denies the “EPA Findings of Fact” or “EPA Conclusions of Law” as set forth in this document; **(c)** consents to the assessment of the civil penalty as set forth below; **(d)** consents to the issuance of the Final Order accompanying this Consent Agreement; and **(e)** waives any right it might possess to obtain judicial review of, or otherwise contest, said Final Order. Nothing herein is intended or is to be construed to prejudice, waive or otherwise limit any right Respondent might possess in any proceeding, other than a proceeding to enforce the terms and requirements of this Consent Agreement and accompanying Final Order (“CAFO”) or a judgment entered as a result of the CAFO, to contest, dispute or otherwise oppose under any applicable law the use or attempted use against Respondent of “EPA’s Findings of Fact” and/or “EPA’s Conclusions of Law.”

Pursuant to 40 C.F.R. § 22.31(b), the executed Consent Agreement and accompanying Final Order (“CA/FO”) shall become effective and binding when filed with the Regional Hearing Clerk of the Agency, Region 2 (such date henceforth referred to as the “effective date”).

It is further hereby agreed by and between Complainant and Respondent, and voluntarily accepted by Respondent, that there shall be compliance with the following terms and conditions:

1. By entering this Consent Agreement, Respondent hereby certifies to the best of its knowledge and information that with regard to the USTs it owns and/or operates at the facilities identified in paragraph 2 of the “EPA Findings of Fact” section above, Respondent is currently in compliance with the requirements and prohibitions set forth in 40 C.F.R. Part 280. Certifications relevant to said UST systems are attached hereto as Addendum A.

2. Effective no later than the date of the execution of this CAFO and to the extent it has not already done so, Respondent shall, in its ownership and/or operation of the USTs referenced in the Complaint, comply with the following, as applicable: (a) the release detection requirements of 40 C.F.R. § 280.41(a) for said tanks; (b) the release detection requirements of 40 C.F.R. § 280.41(b)(2) for those UST systems utilizing suction piping (as identified in paragraph 46 of the Complaint); (c) with the record keeping requirements of 40 C.F.R. §§ 280.34 and 280.45 for all of its USTs; and (d) the reporting and investigating requirements of 40 C.F.R. §§ 280.50(c) and 280.52. Respondent shall maintain compliance for such UST systems for the period of time as required by the 40 C.F.R. Part 280 regulations.

3. Respondent shall pay a civil penalty to EPA in the amount of **NINETY THOUSAND (\$90,000.00) DOLLARS**, for the violations EPA has alleged. Said amount must be received by EPA (at the address or account specified below) within 30 calendar days (all subsequent references to “days” mean “calendar days”) of the date the Regional Administrator of EPA, Region 2, executes the Final Order accompanying this Consent Agreement (the date by which payment must be received is henceforth referred to as the “due date”). EPA shall endeavor promptly to provide notice to Respondent (through its designated representative below) that the Regional Administrator has executed said Final Order and promptly to transmit to Respondent the executed CAFO.

Payment in accordance with the terms and schedule of this Consent Agreement shall be made by cashier’s check, certified check or by electronic funds transfer (EFT). If payment is made by cashier’s check or by certified check, such check shall be made payable to the “**Treasurer, United States of America,**” and shall be identified with a notation thereon listing the following: ***In re Westchester County, New York, Docket Number RCRA-02-2016-7504.*** If payment is made by either form of check, such payment shall be mailed to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

Alternatively, if Respondent chooses to make payment by EFT, Respondent shall then provide the following information to its remitter bank when such payment in accordance with this paragraph is being made:

- a. Amount of Payment
- b. SWIFT address: **FRNYUS33, 33 Liberty Street, New York, New York 10045**
- c. Account Code for Federal Reserve Bank of New York receiving payment: **68010727**
- d. Federal Reserve Bank of New York ABA routing number: **021030004**
- e. Field Tag 4200 of the Fedwire message should read: **D 68010727 Environmental Protection Agency**
- f. Name of Respondent: **Westchester County, New York**
- g. Case docket number: **RCRA-02-2016-7504**

4. Payment instructions:

- a. Payment shall be in accordance with the instructions set forth in this paragraph. If Respondent makes payment by cashier’s check or certified check, then such check shall be *received* at the above-listed address on or before the date specified. If Respondent makes payment by the EFT method, then such EFT shall be *received* on or before the date specified.
- b. Failure to pay the specified amount in full within the time period set forth above may result in referral of this matter to the United States Department of Justice or the United States Department of the Treasury for collection.

c. Furthermore, if the required payment is not received on or before the date when such payment is made due under the terms of this document, interest therefor shall be assessed at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, on the overdue amount from the date such payment was to have been made through the date such payment has been received. In addition, a late payment handling charge of \$15.00 will be assessed for each thirty (30) day period or any portion thereof, following the date any such payment was to have been received, in which payment of the amount remains in arrears. In addition, a 6% per annum penalty will be applied to any principal amount that has not been received by the EPA within ninety (90) days of the date for which such payment was required hereto to have been made.

5. The civil penalty provided for in this section (including any payment for interest and late handling charge that become due) constitutes a penalty within the meaning of 26 U.S.C. § 162(f) and thus does not constitute a deductible expenditure for purposes of federal law.

6. Complainant's representative shall send both by mail and e-mail (jra3@westchestergov.com) to Respondent (to the representative designated below) a copy of the fully executed consent agreement/final order: Justin R. Adin, Associate County Attorney, Westchester County Department of Law, 148 Martine Avenue, 6th floor, White Plains, New York 10601.

7. Respondent consents to service of the executed CAFO upon the representative set forth in paragraph 5 of this section, above, by an employee of EPA other than the Regional Hearing Clerk of EPA, Region 2.

8. Except as the parties may otherwise in writing agree, all documentation and information required to be submitted in accordance with the provisions of this Consent Agreement shall be sent to:

Edward Guster, Environmental Engineer
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th floor
New York, New York 10007-1866,

and

Lee A. Spielmann
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Unless the EPA contacts listed above in this paragraph are subsequently notified in writing of an alternate contact (with adequate information, including his/her mailing address), EPA shall address any future written communications relating to this matter (including any correspondence related to payment of the penalty) to Respondent at the following address:

Justin R. Adin, Associate County Attorney
Westchester County Department of Law
148 Martine Avenue, 6th floor
White Plains, New York 10601

9. Respondent has read this Consent Agreement, understands its terms, and consents to the issuance of the Final Order accompanying this Consent Agreement. Respondent further consents to making payment of the civil penalty in accordance with the provisions set forth above.

10. This CA/FO is not intended, and shall not be construed, to waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable federal, New York and local law and regulations, nor is it intended or to be construed to be a ruling on or determination of any issue related to any federal, Commonwealth or local permit. Payment of the civil penalty in full as provided herein, together with any late payment for interest or handling charge, shall not nullify, abrogate or otherwise render nugatory Respondent's obligation to comply with applicable statutory and regulatory requirements governing the installation, operation, maintenance and closure of underground storage tanks.

11. This Consent Agreement is being voluntarily and knowingly entered into by the parties to resolve the allegations set forth in the Complaint. Respondent making full payment of the penalty amount set forth above (*i.e.* \$ 90,000.00) in accordance with the provisions of this Consent Agreement (as well as any interest or late payment handling charges that accrue) shall only resolve Respondent's liability for federal civil penalties for the facts and violations alleged in the Complaint. Nothing herein shall affect the authority of EPA or the United States on behalf of EPA to pursue appropriate injunctive or otherwise seek equitable relief or criminal sanctions for any violation(s) of law. 40 C.F.R. § 22.31(a). To the extent not inconsistent with any express provision of this CAFO, nothing herein shall be deemed to waive, extinguish or otherwise affect Respondent's ability to raise any defense in any other action brought by the EPA, the United States, or by any other person or agency, and shall not be used to preclude any claim or defense by Respondent.

12. Pursuant to C.F.R. § 22.18(b)(2), Respondent, in entering this Consent Agreement, waives any right it might possess to obtain judicial review under the Act, the Administrative Procedure Act, 5 U.S.C. §§ 701 *et seq.*, or other applicable law, and waives any right it might possess to obtain an administrative or judicial hearing on: (a) the claims set forth in or arising from the allegations in the Complaint and (b) this Consent Agreement and accompanying Final Order, including the "EPA Findings of Fact" and the "EPA Conclusions of Law" sections of this document.

13. Respondent agrees not to contest the validity or any term of this Consent Agreement and Final Order in any action, suit or proceeding brought by EPA or the United States on behalf of EPA: **(a)** to enforce this Consent Agreement or Final Order; or **(b)** to enforce a judgment relating to this Consent Agreement and Final Order.

14. This Consent Agreement and any provision herein shall not be construed as an admission of liability in any adjudicatory or administrative proceeding, except in an action, suit or proceeding to enforce any of the terms and conditions of this Consent Agreement and its accompanying Final Order.

15. Each party shall bear its own costs and fees in connection with this proceeding.

16. The undersigned signatories hereto certify that they are duly and fully authorized to enter into and ratify this Consent Agreement and all the terms, conditions and requirements set forth in this Consent Agreement, and to bind the parties on behalf of which each signatory has executed this Consent Agreement.

17. This Consent Agreement and its accompanying Final Order shall be fully binding upon the parties and their respective officers, officials, employees, successors and/or assigns.

18. Pursuant to 40 C.F.R. § 22.31(b), the Final Order shall become effective as of the date of its filing with the Regional Hearing Clerk of EPA, Region 2.

I certify under the penalty of law, to the best of my knowledge and after reasonable inquiry of the person or persons responsible for recordkeeping that the underground storage tank(s) at the facilities identified in paragraph 2 of the "EPA Findings of Fact" in the accompanying "CONSENT AGREEMENT AND FINAL ORDER" as:

- Dunwoodie Golf Course, located at 1 Wasylenko Road, Yonkers;
- Tibbets Brook Park, located at Midlands Avenue, Yonkers;
- Playland Park, located at Playland Parkway, Rye;
- Saxon Woods Golf Course, located at 315 Mamaroneck Road, Mamaroneck;
- PRC General Maintenance, located at Thompson Street, Tuckahoe;
- Mountain Lakes Camp, located at 200 Hawley Road, North Salem;
- Bronx River Parkway Maintenance Area, located at Crane Road, Scarsdale;
- Sprain Lake Golf Course, located at 290 East Grassy Sprain Road, Yonkers;
- Mohansic Golf Course, located at Baldwin Road, Yorktown Heights; and
- Ridge Road Park, Ridge Road, Greenburgh

is (are) in compliance with the requirements and prohibitions set forth in 40 C.F.R. Part 280.

PETER TAGLIAGIA

NAME (print or type)



SIGNATURE

5/9/18

DATE

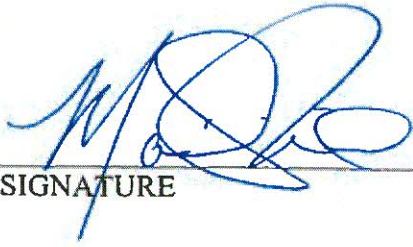
Deputy Commissioner WESTCHESTER County Parks, Recreation & Conservation

TITLE

I certify under the penalty of law, to the best of my knowledge and after reasonable inquiry of the person or persons responsible for recordkeeping that the underground storage tank(s) at the facility identified in paragraph 2 of the "EPA Findings of Fact" in the accompanying "CONSENT AGREEMENT AND FINAL ORDER" as the Sprout Brook Ashfill, located at 5729 Albany Post Road, Cortlandt Manor, New York, is (are) in compliance with the requirements and prohibitions set forth in 40 C.F.R. Part 280.

Mario Parise

NAME (print or type)



SIGNATURE

5-17-18

DATE

Assistant Commissioner

TITLE

I certify under the penalty of law, to the best of my knowledge and after reasonable inquiry of the person or persons responsible for recordkeeping that the underground storage tank(s) at the facility identified in paragraph 2 of the "EPA Findings of Fact" in the accompanying "CONSENT AGREEMENT AND FINAL ORDER" as the Valhalla Campus - DPW&T, located at 35 Woods Road in Valhalla, New York, is (are) in compliance with the requirements and prohibitions set forth in 40 C.F.R. Part 280.

Joseph Nicoletti, Jr., P.E
NAME (print or type)

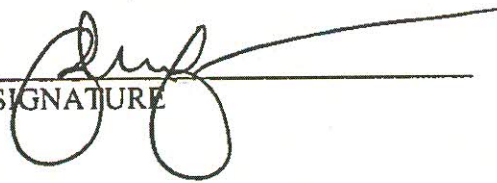

SIGNATURE

5/29/18
DATE

1st Deputy Commissioner
TITLE

I certify under the penalty of law, to the best of my knowledge and after reasonable inquiry of the person or persons responsible for recordkeeping that the underground storage tank(s) at the facility identified in paragraph 2 of the "EPA Findings of Fact" in the accompanying "CONSENT AGREEMENT AND FINAL ORDER" as the Westchester County Airport, located at 240 Airport Road, White Plains, New York, is (are) in compliance with the requirements and prohibitions set forth in 40 C.F.R. Part 280.

JOHN INSERRA
NAME (print or type)


SIGNATURE

5/29/18
DATE

ENVIRONMENTAL MANAGER
TITLE

In re Westchester County, New York
Docket Number RCRA-02-2016-7504

RESPONDENT:

BY: 
(Signature)

NAME: Justin R. Adin
(Please Print)

TITLE: Associate County Attorney

DATE: May 30, 2018

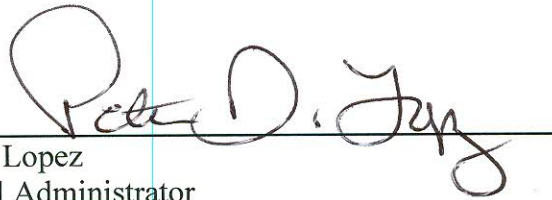
COMPLAINANT:


Dore F. LaPosta, Director
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, NY 10007-1866

JUN - 4 2018
DATE: _____

FINAL ORDER

The Regional Administrator of EPA, Region 2 concurs in the foregoing Consent Agreement in the case of *In the Matter of Westchester County, New York*, bearing Docket Number RCRA-02-2016-7504. Said Consent Agreement, having been duly accepted and entered into by the parties, is hereby ratified and incorporated into this Final Order, which is hereby issued and shall take effect when filed with the Regional Hearing Clerk of EPA, Region 2. 40 C.F.R. § 22.31(b). This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b) (3).



Peter D. Lopez
Regional Administrator
United States Environmental Protection Agency – Region 2
290 Broadway
New York, NY 10007-1866

DATE: 6/18/18

In re Westchester County, New York
Docket No. RCRA-02-2016-7504

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing "CONSENT AGREEMENT AND FINAL ORDER," bearing docket number RCRA-02-2016-7504, said Final Order having been duly executed by the Regional Administrator of the United States Environmental Protection Agency (EPA), Region 2, on June 8, 2018, in the above-referenced administrative enforcement proceeding in the following manner to the addressee listed below:

Original and One Copy
By Inter-Office Mail:

Office of Regional Hearing Clerk
U.S. Environmental Protection
Agency - Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

I further certify that on June 11, 2018, at 5:46 PM, I electronically sent to Respondent's designated representative, Justin Adin, Associate County Attorney for Westchester County, a copy (in pdf format) of the aforementioned "CONSENT AGREEMENT AND FINAL ORDER" at the following address: jra3@westchestergov.com.

Dated: June 14, 2018
New York, New York



Lee A. Spielmann