



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

SEP 07 2018

2018 SEP -7 AM 8:10

**CERTIFIED MAIL/RETURN RECEIPT**

**Article Number: 7017 1450 0000 0133 6365**

Mr. John Goodwin  
Vice President Operations  
Interfaith Medical Center  
1545 Atlantic Avenue  
Brooklyn, NY 11213

Re: In the Matter of Interfaith Medical Center  
Docket No. RCRA-02-2018-7103

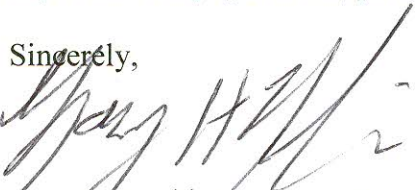
Dear Mr. Goodwin:

Enclosed is a copy of the Consent Agreement and Final Order ("CA/FO") in the above referenced proceeding signed by the Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2.

Please note that payment is due within thirty (30) days of signature of the Final Order by the Regional Judicial Officer. Please arrange for payment of this penalty according to the instructions given in that Order.

If you have any questions, please contact the undersigned at 212-637-3195.

Sincerely,

  
Gary H. Nurkin  
Assistant Regional Counsel  
Waste & Toxic Substances Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 2

2018 SEP -7 AM 8:40  
Docket Number: RCRA-02-2018-7103

In the Matter of:

**Interfaith Medical Center,**  
Respondent.

Proceeding under Section 3008 of the Solid  
Waste Disposal Act, as amended.

CONSENT AGREEMENT

AND

FINAL ORDER

Docket Number: RCRA-02-2018-7103

**PRELIMINARY STATEMENT**

This is a civil administrative proceeding instituted pursuant to Section 3008 of the Solid Waste Disposal Act as amended by various laws including the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. §§ 6901, *et seq.* (referred to collectively as “RCRA” or the “Act”).

Pursuant to 40 C.F.R. § 22.13(b), where parties agree to settlement of one or more causes of action before the filing of a Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (“CA/FO”) pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3). This administrative proceeding constitutes one that is simultaneously being commenced and concluded pursuant to said provisions of 40 C.F.R. § 22.18(b).

The parties agree that settling this matter by entering into this CA/FO is an appropriate means of resolving the RCRA claims specified herein against Interfaith Medical Center (“Respondent” or “Interfaith”), without litigation. To that end, the parties have met and discussed settlement. No adjudicated findings of fact or conclusions of law have been made in either a judicial or administrative forum.

## EPA'S FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Respondent is Interfaith.
2. Interfaith is a not-for-profit corporation organized pursuant to the laws of New York State.
3. Respondent is a "person" as that term is defined in Section 1004(15) of the Act, 42 U.S.C. § 6903(15) and 6 New York Code of Rules and Regulations ("6 N.Y.C.R.R.") § 370.2(b).
4. Interfaith is, and has been, the owner and operator of a hospital engaged in the diagnoses and treatment of illnesses and diseases that is situated at 1545 Atlantic Avenue, Brooklyn, New York 11213 (the "Brooklyn facility").
5. Interfaith is, and has been, both the "owner" and "operator" of the Brooklyn facility as these terms are defined in 6 N.Y.C.R.R. § 370.2(b).
6. Interfaith in carrying out its activities has been generating and continues to generate "hazardous waste" as defined in 6 N.Y.C.R.R. § 371.1(d).
7. As of September 16, 2016, and subsequent thereto, Interfaith has been generating and continues to generate less than 1,000 kilograms ("kgs") of hazardous waste in a calendar month.
8. As of September 16, 2016, and subsequent thereto, Interfaith is, and has been, a "generator" of both "hazardous waste" as those phrases are defined in 6 N.Y.C.R.R. 370.2(b).
9. On or about September 16, 2016, a duly authorized representative of EPA conducted an inspection of the Brooklyn facility, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to determine Interfaith's compliance with Subtitle C of RCRA and its implementing regulations, including New York's authorized hazardous waste regulations (the "2016 Inspection").
10. On or about February 17, 2017, EPA issued to Interfaith a combined Notice of Violation ("NOV") and Request for Information ("IRL").
11. The NOV, which was issued pursuant to Section 3008 of the Act, 42 U.S.C. § 6928, informed Interfaith that EPA had identified a number of potential RCRA violations at its Brooklyn facility and requested it to provide a description and documentation of the actions it had taken to correct the violations identified by EPA in that NOV.
12. The IRL, which was issued pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, sought information and documentation relating to Interfaith's handling of hazardous waste at its Brooklyn facility.

