

During the inspection the Facility did not provide records of the annual testing of the electronic and mechanical components of the release detection method for its USTs for

the years 2022 and 2023. On September 19, 2024, Respondent provided certain records labeled “annual release detection method test records” dated March 22, 2022, February 22, 2023, and March 4, 2024. The test record for 2022, however, is nearly illegible due to the poor quality of the scanned document. This record was conducted for the previous Veeder Root TLS 350 from before Respondent began replacing their USTs later that year. Also, 2023 and 2024 records are ATG Electronic Monitoring System Certifications, but like other records done by the previous contractor, T Slack Environmental, they lack detail and context. Thus, it appears some testing was performed, but the records do not meet the minimum requirements in 40 CFR § 280.40(a)(3).

2. Complainant is the Director of the Enforcement and Compliance Assurance Division of EPA, Region 2 (“Complainant”) and has been duly delegated the authority to initiate and resolve this enforcement action
3. Respondent is a department, agency and/or instrumentality of the United States.
4. Respondent is a “person” within the meaning of 40 C.F.R. § 280.12.
5. Respondent agrees to pay a civil penalty of **Four Thousand Seven Hundred Eighty-Four Dollars (\$4,784)** (“Assessed Penalty”) to be paid within 30 days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk (“Filing Date”).
6. EPA and the Respondent agree that settlement of this matter for a penalty of **\$4,784** without further proceedings is in the public interest.
7. Respondents shall pay the Assessed Penalty and any interest, fees, and other charges due using either the Intragovernmental Payment and Collection (IPAC) application or any method, or combination of appropriate methods, as provided on the EPA website:
<https://www.epa.gov/financial/makepayment>. For additional instructions see:
<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
8. If payment made using the IPAC application, use the Agency Location Code 68-01-0727 and include the Docket Number of this agreement (**RCRA-02-2025-7701**) in the description field of the IPAC. For questions, the customer service contact is Molly Williams at 513-487-2076.
9. When making the payment via another method, Respondent shall identify the payment with Respondents’ name (The Federal Reserve Bank of New York) and the docket number of this agreement, **RCRA-02-2025-7701**.
10. However made, concurrently with the payment or within 24 hours of the payment, Respondent shall serve proof of such payment to the following person

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
Maples.Karen@epa.gov

Kevin Dyer
Compliance Assurance Section
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 2
dyer.kevin@epa.gov.

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, confirmation of credit card or debit card payment, IPAC application payment or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondents’ name.

11. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (“Agreement”) pursuant to Section 9006 of RCRA, 40 C.F.R. § 22.13(b) and § 22.18(b)(2).
12. In signing this Agreement, the Respondent (1) admits that the Respondent is subject to requirements listed above in Paragraph 1; (2) admits that EPA has jurisdiction over the Respondent and Respondent’s conduct as described herein; (3) neither admits nor denies the factual determinations contained herein; (4) consents to the assessment of the penalty in Paragraph 5 above; and (5) waives any right to contest the determinations contained herein.
13. By signing below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has: (1) corrected the alleged violations; (2) submitted true and accurate documentation of the corrections; and (3) agreed to pay the civil penalty as provided in Paragraph 5 above in accordance with EPA penalty collection procedures provided to Respondent, above.
14. Full payment of the penalty in Paragraph 5 shall only resolve Respondent’s liability for federal civil penalties for the violations and facts described in Paragraph 1, above. Full payment of this penalty shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
15. Respondent has read the Agreement, understands its terms, finds it to be reasonable and consents to the issuance and its terms.
16. This Agreement does not relieve Respondent of its obligations to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state or local permit. This Agreement does not waive, extinguish, or otherwise affect Respondent’s obligation to comply with applicable provisions of the Act and the regulations promulgated thereunder.
17. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.
18. Respondent agrees not to contest the validity of any term of this Agreement in any action, or proceeding brought by the United States, including EPA, to enforce this Agreement or to enforce a judgment relating to this Agreement.
19. By signing this Agreement, Respondent waives any right to challenge the lawfulness of the Final Order contained herein. By signing and returning this Agreement to the EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 9006(b) of RCRA or 40

C.F.R. Part 22. In addition, the Respondent waives its right to confer with the Administrator pursuant to section 6001(b)(2) of RCRA, 42 USC § 6961(b)(2) and 40 C.F.R. § 22.31(e).

20. EPA and Respondent agree that the parties may use electronic signatures for this matter.
21. Each party shall bear its own costs and fees in connection with this proceeding.
22. The provisions of this Agreement shall be binding upon EPA and Respondent, its officers, agents, authorized representatives, and successor agencies, departments or instrumentalities.
23. Pursuant to 40 C.F.R. § 22.31(b), the executed Agreement shall become effective upon the date of its filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 2, New York, New York.
24. Respondent. consents to service by e-mail and to receiving an electronic copy of the final Agreement.
25. The signing this Agreement on behalf of Respondent represents that he/she is authorized to sign on behalf of Respondent.

The Federal Reserve Bank of New York.
Docket No. RCRA-02-2025-7701

IT IS SO AGREED,

RESPONDENT:

The Federal Reserve Bank of New York

GARY J KOZDRA
Name of individual signing (print): _____

DIRECTOR OF PROPERTY MANAGEMENT EROC
Title: _____

Gary J Kozdra
Digitally signed by Gary J Kozdra
Date: 2025.09.16 11:15:37 -04'00'
Signature: _____

9/16/25
Date: _____

COMPLAINANT:

For _____
Kathleen Anderson, Director
Enforcement and Compliance Assurance Division

Date: _____

The Federal Reserve Bank of New York.
Docket No. RCRA-02-202_-7701

FINAL ORDER

The Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Expedited Settlement Agreement (“Agreement”). This Agreement, entered into by the parties to this matter, is hereby approved, incorporated herein, and issued as an Order pursuant to Section 9006 of the Act and 40 C.F.R. § 22.18(b)(3). The Effective Date of this Order shall be the date of its filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 2, New York, New York. 40 C.F.R. § 22.31(b).

BY: _____
Dana Friedman
Regional Judicial Officer
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007-1866

DATE: _____

The Federal Reserve Bank of New York.
Docket No. RCRA-02-2025-7701

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order was sent via e-mail this day to the following addressees:

Rudolph Perez
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866
Perez.Rudolph@epa.gov

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866
Maples.Karen@epa.gov

John C. Williams, President and Chief Executive Officer
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33 Liberty Street
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Richard Ostrander, General Counsel & Head
Legal and Compliance Group
The Federal Reserve Bank of New York
33 Liberty Street
New York, New York 10045-0001
Rick.ostrander@ny.frb.org

Signed

Date