



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

MAR 26 2019

REGIONAL HEADQUARTERS  
290 BROADWAY  
NEW YORK, NY 10007-1866  
MAR 26 11:56 AM

**Certified Mail - Return Receipt Requested**  
**Article Number: 7018 2290 0000 4960 7584**

Michelle DeGrandi  
Environmental Attorney - RPLG  
Department of Veterans Affairs  
14312 Hayes Street  
Overland Park, KS 66221

**Article Number: 7018 2290 0000 4960 7577**

Joan E. McInerney, MD, MBA, MA, FACEP Network Director  
New York/New Jersey VA Health Network  
130 W. Kingsbridge Road  
Building 16  
Bronx, New York 10468

Re: In the Matter of U.S. Department of Veteran Affairs  
Docket No: RCRA-02-2019-7101

Dear Ms. DeGrandi and Ms. McInerney:

Enclosed is a copy of the fully executed Consent Agreement and Final Order (CA/FO) under Section 3008 of the Resource Conservation and Recovery Act as amended, 42 U.S.C. ' 6928, resolving the above referenced action. Pursuant to the terms of the CA/FO, the civil penalty must be received by the Government on or before thirty (30) calendar after March 26, the date of the signature of the Final Order.

Please do not hesitate to contact me if you have any questions. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amy R. Chester".

Amy R. Chester  
Assistant Regional Counsel  
212 637-3213

Enclosure

**cc:** Thomas Killeen, Chief  
Hazardous Waste Compliance Section  
Bureau of Hazardous Waste Management  
New York State Department of Environmental Conservation  
625 Broadway, 5<sup>th</sup> Floor  
Albany, New York 12233-7250

Russ Brauksieck  
Chief, Facility Compliance Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway- 11<sup>th</sup> Floor  
Albany, New York 12233-7020

Robert Gomez, Chief  
Bureau of Hazardous Waste Compliance and Enforcement  
New Jersey Department of Environmental Protection  
Mail Code 09-03  
9 Ewing Street  
P.O. Box 420  
Trenton, New Jersey 08625-0420

John Olko, Acting Bureau Chief  
Bureau of Hazardous Waste and UST Compliance and Enforcement  
New Jersey Department of Environmental Protection  
Mail Code 09-03  
9 Ewing Street  
P.O. Box 420  
Trenton, New Jersey 08625-0420

James W. Meyers, P.E.  
Chief - Office of Pollution Control  
Suffolk County Department of Health Services  
15 Horseblock Place  
Farmingville, New York 11738

Walter T. Petrule  
Associate Public Health Sanitarian  
Office of Pollution Control  
Suffolk County Department of Health Services  
15 Horseblock Place  
Farmingville, New York 11738

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

----- x

In The Matter of:

U.S. Department of Veteran Affairs

Respondent,

Proceeding Under Sections 3008 and 9006  
of the Solid Waste Disposal Act as  
amended.

----- x

CONSENT AGREEMENT  
AND  
FINAL ORDER

Docket No.: RCRA-02-2019-7101

REGIONAL HEARING  
CLERK

2019 MAR 26 AM 11:56

PRELIMINARY STATEMENT

This is a civil administrative proceeding instituted pursuant to Sections 3008 and 9006 of the Solid Waste Disposal Act, as amended by various laws, including the Resource Conservation and Recovery Act, the Hazardous and Solid Waste Amendments of 1984 (“HSWA”), and the Federal Facilities Compliance Act of 1992, 42 U.S.C. §§ 6901 - 6991 (together hereafter the “Act” or “RCRA”), for injunctive relief and the assessment of civil penalties. The United States Environmental Protection Agency (“EPA”) has promulgated regulations governing the handling and management of hazardous waste at 40 C.F.R. Parts 260 – 273 and 279 and governing the operation of underground storage tanks (“USTs”) at 40 C.F.R. Part 280.

Section 3006(b) of the Act, 42 U.S.C. § 6926(b), provides that EPA’s Administrator may, if certain criteria are met, authorize a state to operate a hazardous waste program (within the meaning of Section 3006 of the Act, 42 U.S.C. § 6926) in lieu of the regulations comprising the federal hazardous waste program (the Federal Program). The State of New York and the State of New Jersey have been authorized by EPA to conduct hazardous waste programs (“authorized state programs”).

The State of New York received final authorization to administer its base hazardous waste program on May 29, 1986. Since 1986, New York State has been authorized for many other hazardous waste requirements promulgated by EPA pursuant to RCRA. See 67 Fed. Reg. 49864 (August 1, 2002), 70 Fed. Reg. 1825 (January 11, 2005) 74 Fed. Reg. 31380 (July 1, 2009). New York is authorized for most hazardous waste regulations issued by EPA as of January 22, 2002 and the Uniform Hazardous Waste Manifest Amendments issued by EPA on March 4, 2005 and June 16, 2005.

The State of New Jersey was authorized by EPA to conduct a hazardous waste program on August 2, 1999 (64 Fed. Reg. 41823). At that time, the authorized state program incorporated by reference, with some modifications, the regulations in the federal program at 40 C.F.R. Parts 124, 260-266, 268 and 270, as set forth in the 1993 edition. On Dec. 16, 2002 (67 Fed. Reg. 76995), New Jersey was also authorized for the hazardous waste requirements promulgated by

EPA between July 2, 1993 and July 31, 1998. These changes became effective February 14, 2003. Thus, as of February 14, 2003, the authorized state program, with some modifications, essentially incorporates by reference the regulations in the 1998 edition of the same Parts of Title 40 of the C.F.R. New Jersey's regulations that comprised the original state program, and that were authorized in 1999, can be found in the New Jersey Register. See 28 N.J.R. 4606 (Oct. 21, 1996). The regulations authorized in 2002 can be found at 31 N.J.R.166 (Jan. 19, 1999). New Jersey is not authorized for any HSWA regulations adopted by EPA after July 31, 1998, for which EPA retains primary responsibility.

Section 3008(a) of the Act, 42 U.S.C. § 6928(a), authorizes EPA to enforce the regulations constituting the authorized state program, and EPA retains primary responsibility for the enforcement of certain requirements promulgated pursuant to HSWA.

Section 9006 of the Act, 42 U.S.C. § 6991e, authorizes EPA to issue an order requiring compliance with subchapter I of the Act [relating to UST requirements] and such Order may include civil penalties. Neither the States of New York nor New Jersey have received state program approval for the UST regulations; EPA remains responsible for enforcing the UST requirements at 40 C.F.R Part 280.

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.

The Complainant in this proceeding is the Director of the Division of Enforcement and Compliance Assistance, EPA, Region 2 and the Respondent is the United States Department of Veteran Affairs.

The Complainant and Respondent agree, by entering into this CA/FO, that settlement of this matter upon the terms set forth in this CA/FO is an appropriate means of resolving the claims specified herein against the Respondent without litigation. The parties had a settlement discussion. The findings of fact and conclusions of law set forth below, which pertain to times relevant to this proceeding, are not intended, nor are they to be construed, as Respondent either admitting or denying such findings and conclusions. No adjudicated finding of fact or conclusions of law have been made.

#### **EPA’S FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C § 6928(a)(2), EPA has given notice of this action to the State of New York and the State of New Jersey.

#### **Respondent**

2. The United States Department of Veterans Affairs (“VA” or “Respondent”) is a department, agency or instrumentality of the executive branch of the Federal government.

3. The VA Health Administration is an integrated health care system that provides medical services to veterans and their dependents at various locations throughout the United States including in the States of New York and New Jersey. Among other locations, the VA has Medical Centers (VAMCs) in Northport, Bronx, Syracuse and Castle Point, New York, and in East Orange, New Jersey. In addition to providing medical care, Respondent operates research laboratories in its facilities.
4. Respondent is a "person" as that term is defined in: Section 1004(15) of RCRA, 42 U.S.C. § 6903(15); 40 C.F.R. § 260.10, as incorporated by reference in the New Jersey Administrative Code (NJAC) 7:26G-4.1(a); Title 6 of the New York Codes, Rules and Regulations at 6 NYCRR § 370.2(b); Section 9001(5) of RCRA, 42 U.S.C. § 6991(5); and 40 C.F.R. § 280.12.

### **Hazardous Waste**

5. Respondent is and has been the "owner" and/or "operator" of the following five "facilities," as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in NJAC 7:26G-4.1(a), and 6 NYCRR § 370.2(b):
  - i. VAMC -Northport ("NOP"), located at 79 Middleville Road, Northport, New York 11768;
  - ii. James J. Peters VAMC, located at 130 West Kingsbridge Road, Bronx, New York 10468;
  - iii. VAMC Syracuse, located at 800 Irving Ave., Syracuse, New York 13210;
  - iv. VA Hudson Valley Health Care System (HCS) Castle Point Campus ("Castle Point") located at 41 Castle Point Road, Wappingers Falls, New York 12590 and
  - v. VA New Jersey Health Care System (VANJHCS) East Orange Campus, located at 385 Tremont Avenue, East Orange, New Jersey 07018.
6. In or about August 1980, April 1985, May 1987, February 1995 and February 1997, Respondent notified EPA that it generates hazardous waste at its James J. Peters VAMC, VAMC Syracuse, Castle Point -HCS, VAMC - NOP and VANJHCS East Orange Campus, respectively. These notifications were made pursuant to Section 3010 of RCRA.
7. In response to the notifications referenced above, EPA issued Respondent's facilities the following EPA hazardous waste identification numbers: James J. Peters VAMC - NY3360007279; VAMC Syracuse - NY5360010396; VAMC-NOP - NY6360010312; HCS-Castle Point - NY8360007282 and VANJHCS East Orange Campus - NJ0360010375.
8. Respondent is and has been a "generator" of "hazardous waste" at each of the facilities identified in Paragraph 5 above as those terms are defined in 6 NYCRR § 370.2(b) and 6 NYCRR § 371.1(d), respectively, and in 40 C.F.R. § 260.10, as incorporated by reference in NJAC 7:26G-4.1(a).

9. The requirements for generators are set forth in 6 NYCRR Part 372 and 40 C.F.R. Part 262, as incorporated by reference at NJAC 7:26G-6.
10. Respondent stores and has stored hazardous waste at each of the five facilities referenced in Paragraph 5 above for a finite period, at the end of which the hazardous waste is treated, disposed of or stored elsewhere. Waste is stored in each facility in a hazardous waste storage area(s) and/or a satellite accumulation area(s). Each facility is a "storage" facility as that term as defined in 6 NYCRR § 370.2(b) or 40 C.F.R. § 260.10, as incorporated by reference in NJAC 7:26G-4.1(a).
11. Respondent never submitted a RCRA Part A or Part B Permit Application to EPA, the State of New York or the State of New Jersey for any of the facilities identified in Paragraph 5 and never received "interim status" or a hazardous waste permit to treat, store or dispose of hazardous waste at any of these facilities.

### **Underground Storage Tanks**

12. Pursuant to Section 9001 of RCRA, 42 U.S.C. § 6991, and 40 C.F.R. § 280.12, an underground storage tank ("UST") is "any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which ... is 10 percent or more beneath the surface of the ground."
13. Pursuant to Section 9001 of RCRA, 42 U.S.C. § 6991, and 40 C.F.R. § 280.12, the term "regulated substances" includes "petroleum."
14. The following three tanks including their piping are located ten percent or more beneath the surface at the VAMC-NOP facility: USTs ## 49, 50 and 51.
15. Each tank referenced above stores a type of petroleum. UST # 49 is a four thousand (4,000) gallon tank which stores gasoline for vehicles and equipment; UST # 50 is a five hundred and fifty (550) gallon tank which stores gasoline fuel for a water well pump; and UST # 51 is a five hundred and fifty (550) gallon tank which stores diesel fuel to operate a water pump.
16. Respondent is and has been the "owner" and/or "operator" of each of the above referenced USTs, as those terms are defined in Section 9001, 42 U.S.C. § 6991 and 40 C.F.R. § 280.12 and is subject to the requirements set forth in 40 C.F.R. Part 280.

### **Universal Waste**

17. The standards for universal waste management are set forth in 6 NYCRR Part 374-3.1.
18. Pursuant to 6 NYCRR § 374-3.1(a) universal waste includes mercury-containing equipment and certain discarded lamps, including fluorescent and mercury vapor lamps.
19. Pursuant to 6 NYCRR § 374-3.1(i)(9) a "small quantity handler of universal waste" ("SQHUW") is a person who generates universal waste who does "not accumulate 5000

kilograms or more of universal waste at any one time.” SQHUWs are subject to regulations set forth in 6 NYCRR § 374-3.2.

20. Respondent is and has been a “SQHUW” as that term is defined in 6 NYCRR § 374-3.1(i)(9) at each of its New York State facilities referenced in Paragraph 5 above.

#### **Audit Agreement and Past Enforcement Action**

21. In December 2004, EPA and the VA entered into a Facility Audit Agreement under which the VA would conduct environmental audits of its facilities in New York and New Jersey, including the facilities referenced in Paragraph 5. The goal of the audit was to improve environmental compliance at these VA facilities through Environmental Management Systems and through its self- disclosure and correction of environmental violations to EPA, including hazardous waste and underground storage tank requirements. EPA agreed not to impose gravity-based penalties for discovered violations that were timely disclosed and corrected.
22. In July 2012, EPA and the VA entered into a Consent Agreement and Final Order resolving a 2011 EPA issued administrative complaint alleging that in 2009 the VA violated UST requirements at three facilities located in New York and New Jersey, including its NOP facility. Among other claims, EPA’s complaint alleged that the VA failed to provide overfill protection for USTs located at the NOP facility.

#### **EPA Investigative and Enforcement Activities Related to Settlement**

23. Pursuant to Sections 3007 and 9005 of RCRA, 42 U.S.C. §§ 6927 and 6991, a duly designated representative(s) of EPA conducted inspections on or about: March 30, 2015, April 14 and 23, 2015 and March 15, 2016 at the VANJHCS East Orange Campus; May 10, 2016 at the James J Peters VAMC; July 27 and 28, 2016 at VAMC-NOP; August 18, 2016 at the VAMC Syracuse; and January 25, 2018 at HCS-Castle Point to determine Respondent’s compliance with RCRA at each of these facilities.
24. Pursuant to Sections 3007 and 3008 of RCRA, 42 U.S.C. §§ 6927 and 6928, on or about June 8 and December 16, 2016, EPA issued Respondent Information Request Letters (IRLs) and Notice of Violations (“NOVs”) regarding its VANJHCS East Orange Campus and James J. Peters VAMC facilities, respectively.
25. On or about November 23, 2016 and February 17, 2017, Respondent submitted certified responses to the above referenced IRLs and NOVs (the “East Orange Response” and “Peters VAMC Response,” respectively).
26. On or about January 4, 2017, January 11, 2017 and March 18, 2018, EPA sent Respondent copies of the inspection reports from its inspection of Respondent’s VAMC-NOP, VAMC Syracuse, and HCS-Castle Point facilities, which included a summary of EPA’s findings. EPA requested that Respondent submit a response regarding EPA’s findings.

27. On or about April 14, 2017, February 17, 2017, and April 9, 2018, Respondent submitted responses to EPA's above referenced inspection reports (the "NOP Response," "VAMC Syracuse Response," and "Castle Point Response" respectively).

### **Pre-filing Settlement Discussions**

28. On July 19, 2018, EPA sent the VA a letter to determine its interest in pre-filing discussions regarding the following EPA identified violations of Subtitles C and I of RCRA at specified VA facilities:
- i. failure to demonstrate the length of time universal waste was accumulated and/or failure to comply with universal waste accumulation limits at the Northport VAMC and James J. Peters VAMC facilities in 2016 and at the Castle Point HCS facility in 2018, as required by 6 NYCRR § 374-3.2(f);
  - ii. failure to hold universal waste in closed and/or labeled containers at the James J. Peters VAMC and the Castle Point HCS facilities in 2016 and 2018, respectively, as required by 6 NYCRR § 374-3.2(d) and 6 NYCRR § 374-3.2(e)(5);
  - iii. failure to make hazardous waste determinations on solid waste the VA generated at its Northport, James J. Peters and Syracuse VAMC facilities in 2016, as required by 6 NYCRR § 372.2(a)(2), and at its VANJHCS East Orange Campus facility in 2015 and 2016, as required by 40 C.F.R. § 262.11, as incorporated by reference by NJAC 7:26G-6.1(a);
  - iv. failure to keep copies of each complete manifest document for at least three years from the date the waste was accepted by the initial transporter at its Northport VAMC and Castle Point HCS facilities in 2015 and 2016, respectively, as required by 6 NYCRR § 372.2(c)(1)(i);
  - v. failure to provide copies of all hazardous waste manifests to the State of New York within ten calendar days of the shipment date from its Northport VAMC and Castle Point HCS facilities in 2016 and 2018, respectively, as required by 6 NYCRR § 372.2(b)(3)(iii);
  - vi. failure to comply with conditions which, if complied with, would have permitted storage of hazardous waste resulting in the storage of hazardous waste without a required permit at its Northport and James J. Peters VAMC facilities in 2016 and its VANJHCS East Orange Campus in 2015 and 2016, in violation of 6 NYCRR § 373-1.2, 40 C.F.R. § 270.1 as incorporated by reference by NJAC 7:26G-12.1(a), and Section 3005 of the Act, 42 U.S.C. § 6925;
  - vii. failure to maintain release detection monitoring records for UST #49 at its Northport VAMC facility in 2016, as required by 40 C.F.R. § 280.45; and
  - viii. failure to provide operational overfill prevention equipment on UST #50 at its Northport VAMC facility in 2016, as required by 40 C.F.R. § 280.20(c)(1)(ii).
29. In October 2018, the parties had an informal settlement conference and agreed to settle this matter as provided herein.



## CONSENT AGREEMENT

Pursuant to Sections 3008 and 9006 of RCRA, 42 U.S.C. §§ 6928 and 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 the parties hereto, and voluntarily and knowingly accepted by Respondent, that Respondent, 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: (a) admits the jurisdictional basis for EPA prosecuting this case; (b) neither admits nor denies EPA's Findings of Fact and Conclusions of Law set forth in this Consent Agreement; (c) consents to the assessment of the civil penalty and other terms of settlement set forth below; and (d) waives its right to contest or appeal the Final Order.

Based upon the foregoing, and pursuant to Sections 3008 and 9006 of RCRA and 40 C.F.R. § 22.18, it is hereby agreed as follows:

1. Respondent hereby certifies that, as of the date of its signature to this Agreement, to the best of its knowledge and belief, it is in compliance with all the requirements cited above in Paragraph 28 in EPA's Findings of Fact and Conclusions of Law.
2. At each of the VA facilities referenced in this CA/FO, Respondent shall comply with all the applicable RCRA requirements, as amended.
3. Any responses, documentation, and other communications submitted in connection with this Consent Agreement shall be sent to:

Mr. James Sullivan  
Enforcement Officer  
Compliance Assistance & Program Support Branch  
Division of Enforcement and Compliance Assistance  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 21<sup>st</sup> floor  
New York, New York 10007-1866

and

Amy Chester  
Assistant Regional Counsel  
Office of Regional Counsel  
US Environmental Protection Agency  
290 Broadway, 16<sup>th</sup> floor  
New York, New York 10007-1866

EPA shall address any written communication related to this matter to Respondent at the following address:

Linda DiGasper  
VISN 2 Industrial Hygienist and Environmental Program Manager  
United States Department of Veteran Affairs  
VA Hudson Valley Health Care System  
2094 Albany Post Road  
Building 29-1  
Montrose, New York 10548

4. Respondent shall pay a civil penalty to EPA in the total amount of **one hundred and eighteen thousand dollars** (\$118,000.00). Such payment shall be made by check or by Electronic Fund Transfer (EFT). If the payment is made by check, then the check shall be made payable to the **Treasurer, United States of America**, and shall be mailed to:

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

The check shall be identified with a notation thereon listing the following: ***IN THE MATTER OF U.S. DEPARTMENT OF VETERAN AFFAIRS***, and shall bear thereon the **Docket Number RCRA-02-2019-7101**

If Respondent chooses to make the payment by EFT, then Respondent shall provide the following information to its remitter bank:

1. Amount of Payment.
  2. SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045.
  3. Account Code for Federal Reserve Bank of New York receiving payment: 68010727.
  4. Federal Reserve Bank of New York ABA routing number: 021030004.
  5. Field Tag 4200 of the Fedwire message should read D 68010727 Environmental Protection Agency.
  6. Name of Respondent: U.S. DEPARTMENT OF VETERAN AFFAIRS,
  7. Case Number: **RCRA-02-2019-7101**
5. The payment must be received at the above address (or account of EPA) on or before thirty (30) calendar days after the date of the signature of the Final Order, which is located at the end of this CA/FO.
  6. Complainant shall mail to Respondent a copy of the fully executed CA/FO, and Respondent consents to service of the CA/FO upon it by an employee of EPA other than the Regional Hearing Clerk.

7. Respondent has read this Consent Agreement, understands its terms, consents to the issuance of the Final Order accompanying this Consent Agreement, and consents to making full payment of the civil penalty in accordance with the terms and conditions set forth above.
8. 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 and state rules, laws and regulations governing the generation, handling, treatment, storage, transport and disposal of hazardous waste, nor is it intended or is it to be construed as a ruling on, or determination of, any issues related to any federal, state, or local permit.
9. Nothing in this document is intended or construed to waive, prejudice or otherwise affect the right of EPA, or the United States, from pursuing any appropriate remedy, sanction or penalty prescribed by law against Respondent, if Respondent has made any material misrepresentations or has provided materially false information in any document submitted during this proceeding.
10. Full payment of the penalty described in paragraph 4, above, shall only resolve Respondent's liability for federal civil penalties for the violation(s) and facts identified above in Paragraph 28 of EPA's Findings of Fact and Conclusions of Law. 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.
11. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligation to comply with RCRA, the applicable regulations thereunder, or with this CA/FO. Nothing in this CA/FO shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341.
12. The provisions of this Consent Agreement shall be binding upon Respondent, its officials, successor agencies, department or instrumentalities.
13. This Consent Agreement and any provision herein shall not be construed as an admission of liability in any criminal or civil action or other administrative proceeding, except in an action, suit or proceeding to enforce this Consent Agreement or any of its terms and conditions.
14. This CA/FO does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA and the regulations promulgated thereunder.
15. Respondent waives its right to request a hearing on this Consent Agreement, or the Final Order included herein, including any right to contest any allegations or findings of fact or conclusions of law contained within these documents. In addition, Respondent expressly waives its right to confer with the Administrator pursuant to Section 6001(b)(2) of RCRA, 42 U.S.C. § 6961(b)(2).
16. The signatory for the Respondent certifies that: a) he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all the terms, conditions and

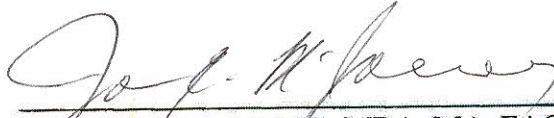
requirements set forth in this Consent Agreement, and b) he or she is duly and fully authorized to bind the party on behalf of whom (which) he or she is entering this Consent Agreement to comply with and abide by all the terms, conditions and requirements of this Consent Agreement.

17. Each party hereto shall bear its own costs and fees in this matter.

In The Matter of UNITED STATES DEPARTMENT OF VETERAN AFFAIRS  
Docket Number RCRA-02-2019-7101

RESPONDENT:

**UNITED STATES DEPARTMENT OF  
VETERAN AFFAIRS**



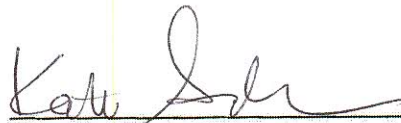
Joan E. McInerney, MD, MBA, MA, FACEP  
Network Director  
New York/New Jersey VA Health Network  
130 W. Kingsbridge Road  
Building 16  
Bronx, New York 10468

DATE: \_\_\_\_\_

3/12/19

COMPLAINANT

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY REGION 2**



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

**MAR 21 2019**

DATE: \_\_\_\_\_

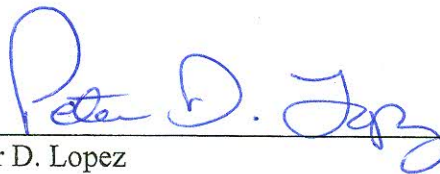
requirements set forth in this Consent Agreement, and b) he or she is duly and fully authorized to bind the party on behalf of whom (which) he or she is entering this Consent Agreement to comply with and abide by all the terms, conditions and requirements of this Consent Agreement.

17. Each party hereto shall bear its own costs and fees in this matter.

In The Matter of U.S. DEPARTMENT OF VETERAN AFFAIRS  
Docket Number RCRA-02-2019-7101

FINAL ORDER

The Regional Administrator of the United States Environmental Protection Agency for Region 2 ratifies the foregoing Consent Agreement. The Consent Agreement entered into by the parties to this matter, is hereby approved, incorporated herein, and issued as an Order pursuant to Sections 3008 and 9006 of the Act, and 40 C.F.R. § 22.18. The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2, 40 C.F.R. § 22.31(b).



---

Peter D. Lopez  
Regional Administrator  
U.S. Environmental Protection Agency  
Region 2  
290 Broadway, 26<sup>th</sup> Floor  
New York, NY 10007

DATE: \_\_\_\_\_

3/22/19

**In the Matter of United States Department of Veteran Affairs  
Docket Number RCRA-02-2019-7101**

**CERTIFICATE OF SERVICE**

I certify that I have this day caused to be sent the foregoing fully executed CONSENT AGREEMENT and FINAL ORDER, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and One Copy

By Hand:

Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency- Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, New York 10007-1866

Copy by Certified Mail,  
Return Receipt Requested:

Joan E. McInerney, MD, MBA, MA, FACEP Network  
Director  
New York/New Jersey VA Health Network  
130 W. Kingsbridge Road  
Building 16  
Bronx, New York 10468

Date:

3/26/19

