



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

SEP 16 2010

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2010 SEP 16 P 12:22
-200-300-0000
HEARING
DESK

Certified Mail – Return Receipt Requested

Lee S. Sharp, Esq.
Halloran & Sage LLP
One Goodwin Square
Hartford, CT 06103

Re: In the Matter of Drew University
Docket No.: RCRA-02-2010-7105

Dear Ms. Sharp:

Enclosed is a 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.

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 cursive script, appearing to read "A. R. Chester".

Amy R. Chester
Assistant Regional Counsel
212 637-3213

Enclosure

cc: Michael Hastry, Chief
Bureau of Hazardous Waste Compliance and
Enforcement
Central Field Office
New Jersey Department of Environmental Protection
300 Horizon Center
P.O. Box 407
Trenton, NJ 08625-0407

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.II
2010 SEP 16 P 12:22
REGIONAL HEARING
CLERK

In The Matter of: Drew University Respondent, Proceeding Under Section 3008 of the Solid Waste Disposal Act, as amended.	CONSENT AGREEMENT AND FINAL ORDER Docket No.: RCRA-02-2010-7105
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PRELIMINARY STATEMENT

This civil administrative proceeding was 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 United States Code (U.S.C.) §§ 6901-6991 (together hereafter the "Act" or "RCRA").

The Complainant in this proceeding, Dore LaPosta, the Director of the Division of Enforcement and Compliance Assistance, Region 2 EPA, has been duly delegated the authority to institute and carry forward this proceeding.

The Respondent is Drew University (hereinafter "Drew" or "Respondent"). Drew is a private university with both undergraduate and graduate programs located in Madison, New Jersey.

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). Pursuant to Section 3006(b) of the Act, 42 U.S.C. § 6926(b), the State of New Jersey was authorized by EPA to conduct a hazardous waste program (the "authorized State Program"). 64 Fed. Reg. 41823 (Aug. 2, 1999). There have been changes in the scope of the authorized State Program as a result of EPA's authorization of New Jersey's regulations incorporating by reference changes to the federal program promulgated by EPA between July 2, 1993 and July 31, 1998. 67 Fed. Reg. 76995 (Dec. 16, 2002). These changes became effective February 14, 2003. Prior to February 14, 2003, the authorized State Program incorporated by reference, with some modifications, the regulations in the federal program at 40 Code of Federal Regulations (C.F.R.) Parts 124, 260-266, 268 and 270 as set forth in the 1993 edition. 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 authorized regulations comprising the original State Program, authorized in 1999, can be found in the New Jersey Register. See 28 N.J.R. 4606 (Oct. 21, 1996). The New Jersey regulations authorized in 2002 can be found at 31 N.J.R. 166 (Jan. 19, 1999). EPA is authorized to enforce regulations comprising the authorized State Program. New Jersey is not authorized for any HSWA regulations adopted by EPA after July 31, 1998. EPA retains primary responsibility for

requirements promulgated pursuant to the Hazardous and Solid Waste Amendments (“HSWA”) since July 31, 1998.

The Complainant issued a Complaint, Compliance Order and Notice of Opportunity for Hearing (the “Complaint”) to Respondent on or about March 31, 2010. The Complaint alleged that Respondent failed to comply with RCRA and federally authorized New Jersey hazardous waste regulations at its Madison, New Jersey campus. Complainant and Respondent conducted settlement negotiations which led to this agreement.

Complainant and Respondent agree, by entering into this Consent Agreement and Final Order (“CA/FO”), that settlement of this matter upon the terms set forth in this CA/FO is an appropriate means of resolving this case without further litigation.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Respondent

1. Drew is a "person," as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 40 C.F.R. § 260.10, as incorporated by reference by the New Jersey Administrative Code ("NJAC") 7:26G-4.1(a).
2. The Drew University campus in Madison, New Jersey constitutes a "facility" as that term is defined in 40 C.F.R. § 260.10, as incorporated by reference by NJAC 7:26G-4.1(a).
3. Drew is the "owner" of the facility as that term is defined in 40 C.F.R. § 260.10, as incorporated by reference by NJAC 7:26G-4.1(a).
4. Drew is the "operator" of the facility as that term is defined in 40 C.F.R. § 260.10, as incorporated by reference by NJAC 7:26G-4.1(a).

Respondent's Regulatory Status

5. In or about August 1980, Drew notified EPA that it generates hazardous waste at its facility. This notification was made pursuant to Section 3010 of RCRA. EPA issued Drew EPA Identification Number NJD002561868 for its facility.
6. On or about November 3, 1980, Drew submitted Part A of a Hazardous Waste Permit Application (“Part A Application”) to EPA. The Part A Application indicated that certain hazardous wastes were being, and would be, stored and/or treated at the facility.
7. In November 1980, by submitting a Section 3010 Notification and Part A Application to EPA, Drew obtained “interim status” to treat and store hazardous waste at its facility pursuant to Section 3005 of RCRA and 40 C.F.R. Part 270, as incorporated by reference in NJAC 7:26G-12.1(a).
8. Drew never submitted a Part B of a Hazardous Waste Permit Application to EPA or the State for its facility.

9. Pursuant to Section 3005(c)(2)(C) and 40 C.F.R. § 270.73(g) as incorporated by reference in NJAC 7:26G-12.1(a), Drew's interim status to treat and/or store hazardous waste at its facility terminated on November 8, 1992 because it failed to submit a Part B Permit Application.

10. Pursuant to 40 C.F.R. § 265.1(b), as incorporated by reference in NJAC 7:26G-9.1(a), facilities that have interim status or were in existence on or before November 19, 1980 are subject to the regulatory standards set forth in 40 C.F.R. Part 265 or the equivalent authorized State program.

11. The requirements for generators are set forth in 40 C.F.R. Part 262, as incorporated by reference in NJAC 7:26G-6.1(a).

12. On or about July 21, 2009, Drew submitted a revised notification to EPA indicating that it was operating as a small quantity generator ("SQG"), generating between 100 to 1000 kilograms of (non-acute) hazardous waste in a calendar month at the facility. On or about June 24, 2010, Respondent indicated that it may generate more than 1000 kilograms of hazardous waste a month and should be considered a large quantity generator ("LQG").

13. Drew is a "generator" of "hazardous waste," as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference by NJAC 7:26G-4.1(a).

Drew's 2007 Participation in EPA's Self Audit Policy

14. On or about July 20, 2007, Drew self disclosed to EPA possible violations of RCRA and other federal environmental statutes at its facility pursuant to EPA's policy entitled "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations." See 65 Fed. Reg. 19618 (April 11, 2000).

15. By letter dated September 18, 2007, Drew informed EPA that the majority of the violations disclosed to the Agency had been corrected and that the remaining violations would be corrected within the next thirty days.

16. On or about September 21, 2007, EPA issued Drew a "Notice of Determination" in which EPA stated that it would not seek a penalty of \$179,500 which it had calculated using the RCRA Civil Penalty Policy for the RCRA violations disclosed by Drew. These violations included: a) failure to identify and properly manage hazardous wastes including but not limited to used paints, spray booth filters, obsolete chemicals, and contaminated rags; b) failure to provide RCRA training regarding the generation and management of hazardous waste; and c) failure to keep hazardous waste containers closed.

Failure to Make Hazardous Waste Determinations

17. Pursuant to 40 C.F.R. § 262.11, as incorporated by reference by NJAC 7:26G-6.1(a), a person who generates "solid waste," as defined in 40 C.F.R. § 261.2, must determine if the solid waste is a hazardous waste.
18. Pursuant to 40 C.F.R. § 261.2, as incorporated by reference by NJAC 7:26G-5.1(a), subject to certain inapplicable exclusions, a "solid waste" is any "discarded material" that includes "abandoned," "recycled" or "inherently waste-like materials," as those terms are further defined.
19. Pursuant to 40 C.F.R. § 261.2(b), as incorporated by reference by NJAC 7:26G-5.1(a), materials are solid wastes if they are "abandoned" by being "disposed of," "burned or incinerated" or "accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated."
20. On or prior to May 21, 2009, Drew generated and abandoned the following waste materials at its facility:
 - a. Off-specification, out-of-date, and orphaned chemicals were accumulated in a closet on the loading dock of the Hall of Sciences prior to being disposed of off-site. The material containers were covered with dust and some of the materials had crystallized. These chemicals included: mercury; sulfuric acid; phosphoric acid; formic acid; and nitric acid.
 - b. Dozens of one-gallon cans containing used or left over paints, enamel and wood stains; numerous five-gallon containers containing used or left over joint compound, as well as ceramic floor and wall tile adhesive; and four 30-gallon plastic drums containing an unknown material. All of these containers were haphazardly deposited, dumped or placed on the earthen ground in an open, outdoor area at the facility.
 - c. Rags and paper towels contaminated with mineral spirits, solvents and ink from the Dorothy Young Arts Center were deposited or placed in the general trash.
 - d. Two television sets, which contain cathode ray tubes, were deposited in the facility's waste dumpster for off-site disposal.
21. Respondent "abandoned" each of the materials identified in paragraph 20 by disposing of them on the facility's property and/or by storing or accumulating them before or in lieu of disposal off-site.
22. Each of the materials identified in paragraph 20 above was a "discarded material" and "solid waste," as defined in 40 C.F.R. § 261.2, as incorporated by NJAC 7:26G-5.1(a).

23. On or prior to May 21, 2009, Drew had not determined if any of the materials identified in paragraph 20 constituted a hazardous waste.

24. Drew's failure to determine if each solid waste generated at its facility constitutes a hazardous waste is a violation of 40 C.F.R. § 262.11, as incorporated by NJAC 7:26G- 6.1(a).

Failure To Minimize Releases

25. The Drew facility was in existence prior to November 19, 1980 and, pursuant to 40 C.F.R. § 265.1(b), as incorporated by NJAC 7:26G-9.1(a), is therefore subject to the requirements set forth in 40 C.F.R. Part 265 or the equivalent authorized State program.

26. Pursuant to 40 C.F.R. § 265.31, as incorporated by NJAC 7:26G-9.1(a), a facility must be maintained and operated to minimize 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.

27. For at least a month prior to May 21, 2009, Drew stored dozens of one-gallon containers with used or left over paint, enamel and/or wood stains; numerous five-gallon containers containing used or left over joint compound, and ceramic floor and wall tile adhesive; and four 30 gallon plastic drums with an unknown waste(s) on the ground in an open, outdoor area, identified by the facility as a "waste staging area." Most of the containers were open, and contained the above referenced materials and other unidentified waste materials. Many of the containers were rusted and filled to the brim with rainwater contaminated by these waste materials.

28. The containers and drums identified in Paragraph 27 were placed directly on earthen soil. The contents of these containers could easily spill or leak directly onto the ground. Additionally, the contents and residues in these containers could be released onto the ground or into nearby surface water during rain events.

29. Respondent subsequently determined that the liquids and/or residues in some of the containers and drums referenced in Paragraph 27 contained hazardous waste. Hazardous constituents were also present in these waste materials.

30. The waste staging area referenced in paragraph 27 was located approximately four hundred feet away from a pond, and approximately one hundred and sixty feet away from residential housing. Drew did not cover the discarded materials or secure the waste staging area. The staging area and the discarded materials were accessible to members of the public and wildlife.

31. Each action or inaction set forth in Paragraphs 27-28 and 30 constitutes a failure by Drew 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, and each action or inaction constitutes a violation of 40 C.F.R. § 265.31 as

incorporated by NJAC 7:26G-9.1(a).

Storage of Hazardous Waste Without a Permit

32. Drew stores hazardous waste at its facility for a finite period, at the end of which the hazardous waste is treated, disposed of or stored elsewhere. This storage occurs throughout academic semesters in various facility locations including: the hazardous waste storage area in the Hall of Sciences; the hazardous waste storage area in the Dorothy Young Arts Center; and in various satellite accumulation areas.

33. Drew's facility is a "storage" facility as that term is defined in 40 C.F.R. § 260.10, as incorporated by reference by NJAC 7:26G-4.1(a).

34. Pursuant to 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, a RCRA permit or interim status is required for the storage of hazardous waste.

35. The Drew facility does not have interim status or a permit authorizing the storage of hazardous waste at its facility.

36. Pursuant to 40 C.F.R. § 262.34(a), as incorporated by reference in NJAC 7:26G-6.1(a), a generator may accumulate hazardous waste on-site for ninety (90) days or less without having a permit or interim status provided it complies with all applicable conditions identified therein, including but not limited to the requirements set forth in Subparts C, I and D of 40 C.F.R. Part 265, as incorporated by reference by NJAC 7:26G-9.1(a).

37. Pursuant to 40 C.F.R. § 262.34(d), as incorporated by reference in NJAC 7:26G-6.1(a), a SQG may accumulate limited quantities of hazardous waste on-site for 180 days or less without having a permit or interim status provided it complies with all applicable conditions identified therein, including but not limited to requirements set forth in Subparts C and I of 40 C.F.R. Part 265, as incorporated by reference by NJAC 7:26G-9.1(a).

Failure to Comply with Conditions Set Forth in Subpart C of 40 C.F.R. Part 265 (40 C.F.R. §§ 265.30-.37), as incorporated by reference by NJAC 7:26G-9.1(a)

38. Drew failed to maintain and operate its facility in a manner to minimize threats to human health and the environment as required by 40 C.F.R. § 265.31, which is set forth in Subpart C of 40 C.F.R. Part 265 and incorporated by reference by NJAC 7:26G-9.1(a).

39. Forty C.F.R. § 265.32(b), which is set forth in Subpart C of 40 C.F.R. Part 265 and incorporated by reference by NJAC 7:26G-9.1(a), requires facilities to have a device such as a telephone or two way radio (immediately available at the scene of the operations) capable of summoning emergency assistance from local police and fire departments, or State or local emergency response teams.

40. Prior to May 21, 2009, Drew did not have a two way radio or communication system in the hazardous waste storage area located in the Dorothy Young Arts Center.

Failure to Comply with All Conditions Set Forth in Subpart D of 40 C.F.R. Part 265 (40 C.F.R. §§ 265.50-.56), as incorporated by reference by NJAC 7:26G-9.1(a)

41. Forty C.F.R § 265.51, which is set forth in Subpart D of 40 C.F.R. Part 265 and incorporated by reference by NJAC 7:26G-9.1(a), requires facility owners or operators to have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water.

42. Prior to May 21, 2009, Drew did not have a contingency plan for the facility.

Failure to Satisfy Conditions for Generators which, if Complied With, Would Have Exempted Respondent from Permitting Requirements

43. Prior to May 21, 2009, Drew failed to satisfy all the conditions set forth in 40 C.F.R. § 262.34(a), as incorporated by reference in NJAC 7:26G-6.1(a), including but not limited to conditions set forth in Subparts C and D of 40 C.F.R. Part 265, or the equivalent authorized State Program provisions, which, if complied with, would have allowed Respondent to store hazardous waste without interim status or a permit for up to 90 days.

44. Prior to May 21, 2009, Drew failed to satisfy all the conditions set forth in 40 C.F.R. § 262.34(d), as incorporated by reference in NJAC 7:26G-6.1(a), including applicable conditions set forth in Subpart C of 40 C.F.R. Part 265, or the equivalent authorized State Program provisions, which, if complied with, would have allowed Respondent to store limited amounts of hazardous waste without interim status or a permit for up to 180 days.

45. Drew's storage of hazardous waste at its facility prior to at least May 21, 2009 without interim status or a permit is a violation of 40 C.F.R. § 270.1(c) as incorporated by reference by NJAC. 7:26G-12.1(a), and Section 3005 of the Act, 42 U.S.C. § 6925.

CONSENT AGREEMENT

Pursuant to Section 3008 of RCRA and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Revocation or Suspension of Permits, 40 C.F.R. § 22.18, it is hereby agreed by and between the parties and Respondent knowingly and voluntarily agrees as follows:

1. Commencing upon the effective date of this Consent Agreement and Final Order and continuing thereafter, Respondent shall:

- a. make hazardous waste determinations for each solid waste generated at its facility pursuant to 40 C.F.R. § 262.11, as incorporated by reference by NJAC 7:26G-6.1(a);
- b. maintain and operate the facility in a manner that minimizes 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 pursuant to 40 C.F.R. § 265.31, as incorporated by NJAC 7:26G-9.1(a),
- c. comply with all applicable and appropriate provisions for the short term accumulation of hazardous waste by generators including:
 - i. the provisions for small quantity generators set forth in 40 C.F.R. § 262.34 (mainly at 40 C.F.R. § 262.34(d)), as incorporated by reference by NJAC 7:26G-6.1(a), during each calendar month in which the Respondent generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste, provided Respondent neither accumulates hazardous waste in quantities exceeding more than 6000 kilograms nor accumulates hazardous waste for more than 180 days (the rules for acute hazardous waste are more stringent and must be complied with if applicable); or
 - ii. the provisions for generators set forth in 40 C.F.R. § 262.34(a), as incorporated by reference by NJAC 7:26G-6.1(a), provided hazardous waste is accumulated on site for 90 days or less;
- d. as an alternative to compliance with the generator provisions identified in Paragraph 1.c.i. – ii. of this Consent Agreement, obtain and comply with a hazardous waste storage permit from the New Jersey State Department of Environmental Protection pursuant to applicable provisions set forth in 40 C.F.R. Part 270, as incorporated by reference by NJAC. 7:26G-12.1(a). However, Respondent must comply with the appropriate requirements cited in Paragraph 1.c. above until such permit is obtained.

2. Within thirty (30) days of the effective date of this Consent Agreement and Final Order, Respondent shall send a Compliance Report to EPA detailing its present compliance with the requirements set forth in Paragraph 1 of this Consent Agreement. This Compliance Report shall include all appropriate documentation and evidence. If appropriate, Respondent may reference documentation previously submitted to EPA. The Compliance Report should be sent to:

Ms. Meghan La Reau
RCRA Compliance Branch - Senior Enforcement Team
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866

3. For the purpose of this proceeding, Respondent admits the jurisdictional allegations of the Complaint as applied to its facility and neither admits nor denies specific factual allegations contained in the Complaint or the Findings of Fact or Conclusions of Law in this CA/FO.

4. Respondent shall pay a civil penalty to EPA in the total amount of \$145,000. Such payment shall be made by cashier's or certified checks or by Electronic Fund Transfers ("EFT"). If the payments are made by checks, then the checks 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

Each check shall be identified with a notation thereon: **In the Matter of Drew University** and shall bear thereon the Docket Number: **RCRA-02-2010-7105**. 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: "D68010727 Environmental Protection Agency."
- 6) Name of Respondent: **Drew University**
- 7) Case Number: **RCRA-02-2010-7105**.

Whether the payments are made by checks or by EFT, the Respondent shall promptly thereafter furnish reasonable proof that such payments have been made to:

Amy Chester
Assistant Regional Counsel
U.S. Environmental Protection Agency-Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

and

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency- Region 2
290 Broadway, 16th Floor

New York, New York 10007-1866

Payment must be received on or before forty-five (45) calendar days after the date of signature of the Final Order, which is located at the end of this CA/FO. The date by which payment must be received shall hereinafter be referred to as the "Due Date."

- a. Failure to pay the civil penalty in full according to the above provisions may result in referral of this matter to the United States Department of Justice or the United States Department of the Treasury for collection.
 - b. Further, if the payment is not received on or before the Due Date, interest will be assessed at the annual rate established by the Secretary of the Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of fifteen dollars (\$15.00) will be assessed for each thirty (30) day period (or any portion thereof) following the Due Date in which the balance remains unpaid. A six percent (6%) per annum penalty will also be applied on any principal amount not paid within ninety (90) days of the Due Date.
 - c. The civil penalty constitutes a penalty within the meaning of 26 U.S.C. § 162(f). This Consent Agreement is being voluntarily and knowingly entered into by the parties to resolve (conditional upon full payment of the civil penalty herein) the specific civil and administrative claims alleged in the Complaint. Nothing herein shall be read to preclude EPA or the United States, however, from pursuing appropriate injunctive or other equitable relief or criminal sanctions for any violation of law. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable and consents to its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all the terms of the settlement are set forth herein.
5. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator, the Deputy Regional Administrator or Regional Judicial Officer where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.
6. This CA/FO does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of the Act and the regulations implementing it, nor shall it be construed as the issuance of a permit or a ruling on, or determination of, any issues related to any federal, state or local law, regulation or permit.
7. Each party shall bear its own costs and fees in this matter.

8. The representative of Respondent signing this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all the terms and conditions set forth in this Consent Agreement. The provisions of this Consent Agreement shall be binding upon Respondent and its officials including authorized representatives and successors or assigns.

9. Respondent consents to service upon Respondent by a copy of this CA/FO by an EPA employee other than the Regional Hearing Clerk.

10. The effective date of this CA/FO shall be the date of filing with the Regional Hearing Clerk, U.S. EPA, Region 2, New York, New York.

RESPONDENT:

Drew University

BY: Margaret E. L. Howard

NAME: Dr. Margaret E. L. Howard

TITLE: Vice President of Administration &
University Relations

DATE: September 7, 2010

COMPLAINANT:

United States Environmental Protection
Agency – Region 2

BY: Dore LaPosta

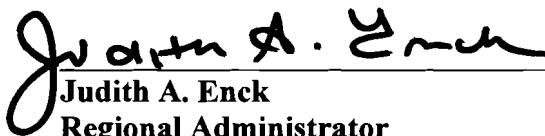
NAME: Dore LaPosta

TITLE: Director, Division of Enforcement
& Compliance Assistance

DATE: SEPTEMBER 10, 2010

FINAL ORDER

The Regional Administrator of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Consent Agreement. The Agreement entered into by the parties is hereby approved, incorporated herein, and issued as an Order pursuant to Section 3008 of the Act and 40 C.F.R. § 22.18(b)(3). The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, U.S. EPA, Region 2, New York, New York 10007.



Judith A. Enck
Regional Administrator
EPA-Region 2

DATE: 9/12/10

CERTIFICATE OF SERVICE

I hereby certify that on the SEP 15 2010 I caused a copy of the Consent Agreement and Final Order entered in In the Matter of Drew University, Docket No.: RCRA-02-2010-7105 to be sent to the following persons in the manner indicated:

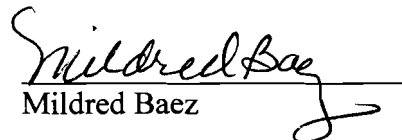
By United States First Class Mail:

Lee Sharp, Esq.
Counsel for Drew University
Halloran and Sage
One Goodwin Square
225 Asylum Street
Hartford, Connecticut 06103

By Hand Delivery:

Karen Maples
Regional Hearing Clerk
U.S. EPA – Region 2
290 Broadway, 16th Floor
New York, New York 10007

Date: SEP 15 2010


Mildred Baez