



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

AUG 01 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Article Number 7012 3460 0002 1646 4378

James P. Bruno, Esq.
Castano Quigley, LLC
155 Passaic Avenue, Suite 340
Fairfield, New Jersey 07004

Re: In the Matter of Harrison Redevelopment Agency
Docket Number TSCA-02-2016-9102

Dear Mr. Bruno:

Enclosed is a fully executed copy of the Administrative Consent Agreement and Final Order in the above-referenced proceeding, signed by the Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2.

Please note that the forty-five (45) day period for payment of the civil penalty commenced as of the date this Consent Agreement was signed by the Regional Judicial Officer. Please arrange for payment of this penalty according to the instructions given within the enclosed document under "Terms of Consent Agreement". Further, please ensure that a copy of your payment check or documentation of electronic payment is provided to the EPA staff member listed in that section of the Agreement.

Please contact Vivian Chin, of my staff, at (732) 906-6179 or by electronic mail at chin.vivian@epa.gov, should you have any questions regarding this matter.

Sincerely,

John Gorman, Chief
Pesticides and Toxic Substances Branch

Enclosure

U.S. Environmental Protection Agency-Reg 2
2016 JUL 29 PM 7:45
REGIONAL HEARINGS CLERK

U.S. Environmental Protection Agency-Reg 2
2016 AUG 4 AM 7:46
REGIONAL HEARINGS CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

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In the Matter of :
: CONSENT AGREEMENT
Harrison Redevelopment Agency : AND
: FINAL ORDER
Respondent. :
: Docket No.
Proceeding under Section 16(a) of : TSCA-02-2016-9102
the Toxic Substances Control Act. :
-----X

U.S. Environmental Protection Agency-Region 2
2016 AUG -4 11 7:47
REGIONAL HEARING OFFICE

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a). The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22 (July 1, 2000) (hereinafter "Consolidated Rules"), provide in 40 C.F.R. § 22.13(b) that when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

The Director of the Division of Enforcement and Compliance Assistance, United States Environmental Protection Agency, Region 2 (hereinafter "EPA" or "Complainant"), alleges that the Harrison Redevelopment Agency (hereinafter "Respondent") violated Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and the regulations promulgated pursuant to that Section, set forth at 40 C.F.R. Part 761, relating to polychlorinated biphenyls ("PCBs") and Section 15(1) of TSCA, 15 U.S.C. § 2614(1).

EPA and Respondent agree that settling this matter by entering into this CAFO pursuant to 40 C.F.R. § 22.13(b) and 40 C.F.R. § 22.18(b)(2) and (3), is an appropriate means of resolving this case without further litigation. This CAFO is being issued pursuant to said provisions of 40 C.F.R. Part 22. No formal or adjudicated findings of fact or conclusions of law have been made. The following constitute Complainant's findings of fact and conclusions of law.

EPA's FINDINGS OF FACT

1. Respondent is the Harrison Redevelopment Agency.
2. During at least years 2011 through 2014, Respondent owned, operated, and/or controlled the facility in and around 700 Frank E. Rodgers Boulevard, Harrison, New Jersey (hereinafter "Respondent's facility").
3. By letter dated March 21, 2012, EPA issued to Respondent an approval for PCB remediation and disposal in accordance with the specifications at 40 C.F.R. §§ 761.61(a) and (c), and for alternate decontamination in accordance with the specifications at 40 C.F.R. § 761.79(h).
4. EPA has determined that Respondent failed to comply with at least one of the conditions of the TSCA approval described in paragraph 3, above.
5. On or about March 21, 2016, Complainant sent to Respondent a Notice of Opportunity Related to Enforcement Action Under The Toxic Substances Control Act, which alleged that Respondent had violated the PCB regulations at 40 C.F.R. Part 761.
6. On April 25, 2016, the parties met for an informal settlement conference.
7. Respondent, through its designated redeveloper and current owner of the property, Heller Urban Renewal, LLC, is addressing compliance on the site through a modification of the March 21, 2012 approval referenced in paragraph 3, above. Approval of this modification has been issued by EPA letter dated May 23, 2016.

EPA's CONCLUSIONS OF LAW

1. At all times relevant to this CAFO, Respondent, as the owner and/or operator of the facility which is the subject of this CAFO, was subject to the regulations and requirements pertaining to PCBs and PCB Items promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. §2605(e), and set forth at 40 C.F.R. Part 761.
2. Respondent is a "person" within the meaning of 40 C.F.R. §761.3.
3. The approval referenced in paragraph 3 of the "Findings of Fact" section, above,

