



New York State Department of Environmental Conservation

MEMORANDUM

TO: Sudhir Jagirdar, Regional Hazardous Substances Engineer
 FROM: ^{for} Janakrai Desai, Acting Chief, Compliance Inspection Section ^{MTA}
 SUBJECT: Long Island Rail Road Company, EPA NYD980641625, Region 2
 DATE: September 20, 1989

The above referenced facility has signed an order on consent, #RCRA C1-0001-89-04, effective September 5, 1989, and must meet certain requirements as set forth within the order. The facility is required to come into compliance with the terms of the order by January 22, 1990. An inspector should visit the facility to ascertain the company's compliance with the order, as soon as possible but no later than 30 days after the above noted scheduled compliance date. The Region should then send a memo to the Compliance Inspection Section outlining the company's status with regard to the order.

If you have any questions, please contact Michael Heck, of my staff, at (518) 457-0532.

Attachment

cc: M. Heck

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M. Heck
arrangements to follow up
inspection

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STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter Of

THE LONG ISLAND RAIL ROAD COMPANY,

Respondent,

Case No. RCRA CI-0001-89-04
NYD980641625

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ORDER ON CONSENT

1. The New York State Department of Environmental Conservation is responsible for the enforcement of Article 27, Title 9 of the Environmental Conservation Law entitled: "Industrial Hazardous Waste Management".

2. Respondent, The Long Island Rail Road Company, conducts operations at its 121st Street, Richmond Hill, New York, Queens County facility (also known as the Morris Park facility) which result in the generation of hazardous waste as defined in §27-0901(3) of the ECL and 6NYCRR 371 and is therefore subject to New York State Rules and Regulations governing the handling of hazardous waste applicable to generators in Queens County who store hazardous waste on-site generation under provisions of 6NYCRR 373-1.1(d) (iv) (a-h).

3. An inspection of Respondent's facility, conducted by the Department of Environmental Conservation on January 5, 1989, revealed conditions determined by the Department and acknowledged by the Respondent to constitute violations of the following hazardous waste management regulations:

a. 6NYCRR 372.2(a)(2) failure to make a hazardous waste determination for certain containers.

b. 6NYCRR 372.2(a)(8)(2i) failure to mark containers with accumulation start dates.

c. 6NYCRR 373-1.1(d)(iv)(d) failure to mark certain containers as hazardous waste.

d. 6NYCRR 373-3.9(f) failure to prevent accidental ignition of waste, failure to place "No Smoking" signs in storage areas, storage of containers within 50 feet of the property line.

e. 6NYCRR 373-3.7 no closure plan.

f. 6NYCRR 373-3.5(c) no operating records.

g. 6NYCRR 373-3.2(f) no inspection schedule or records.

h. 6NYCRR 373-3.2(d)(2) no waste analysis plan.

i. 6NYCRR 373-3.4 no contingency plan.

j. 6NYCRR 373-3.2(g) no personnel training in hazardous waste handling.

k. 6NYCRR 373-3.3(g)(i) no arrangements with local authorities, police, fire, emergency, regarding facility layout and type of waste handled.

l. 6NYCRR 373-3.2(e)(2) failure to post "Danger, Unauthorized Personnel Keep Out" signs in container storage areas.

m. 6NYCRR 373-3.2(c) failure to maintain required reports.

n. 6NYCRR 372(b)(2)(i) no written communication with treatment storage or disposal facility regarding capacity and authority to accept hazardous waste shipped off-site of generation by Respondent.

o. 6NYCRR 373-3.10(f) no tank inspections.

p. 6NYCRR 373-3.10 tanks not marked, "Hazardous Waste".

q. 6NYCRR 373-3.10 improper tank storage, no tank cutoff.

r. 6NYCRR 373-3.10(h) and 373-1.1(d)(iv)(f) no secondary containment.

4. Respondent, The Long Island Rail Road Company, for the purpose of compromising this proceeding hereby agrees to waive its right to a hearing or otherwise contest the determination of paragraph 3 above and consents to the issuance of this Order and agrees to be bound by its terms.

NOW having considered this matter and being duly advised, it is ordered that:

I. Respondent shall immediately take all necessary steps to prevent accidental ignition of waste, shall place "No Smoking" signs in container storage areas, shall relocate container storage areas so that the containers are at a distance in excess of 50 feet from the property line.

II. Respondent shall immediately initiate weekly inspection of waste and shall document such inspections. Respondent shall also immediately prepare operating records

describing hazardous waste and its location within the Morris Park facility.

III. Respondent shall, by September 1, 1989, issue a request for proposal for consulting services for the purpose of developing operational procedure at the Morris Park facility for the proper handling of solid waste so that the solid waste management practices at the Morris Park facility comply with 6 NYCRR 373-1.1(d)(1)(iv) and 373.3 for waste defined as hazardous waste pursuant to 6 NYCRR 371. By December 1, 1989 respondent shall enter into a contract with any consultant selected pursuant to the above-mentioned request for proposal contracting process.

IV. Respondent shall submit to the Department all plans, lists and other deliverables developed and submitted to the respondent by any such consultant in accordance with the above-mentioned contract. Such deliverables shall include preliminary and final proposed hazardous waste management plans for or involving the Morris Park facility, contingency plans, closure plans and personnel training plans.

V. Respondent shall immediately take all reasonably necessary steps to implement the aforementioned hazardous waste management plans, personnel training plans, contingency plans and closure plans. Within 120 days of receipt of an acceptable plan, the respondent shall be in complete compliance with 6 NYCRR 373-1.1(d)(1)(iv) and 373.3 except as set forth in paragraph VI below.

VI. Within 120 days of receipt of an acceptable compliance plan from the consultant, hired in accordance with paragraph III above, the Respondent shall implement any such plan and shall be in complete compliance with 6 NYCRR 373-1.1(d)(1)(iv) and 373-3 except as set forth in paragraph V above.

VII. Any violations relating to the operation of the "paint stripper tank" shall be subject to a separate Consent Order.

VIII. Respondent shall pay a penalty in the amount of EIGHT THOUSAND DOLLARS 00/100 (\$8,000). The penalty shall be paid by corporate check payable to the Department of Environmental Conservation and submitted within twenty (20) days of the receipt of the executed Consent Order to: Janakrai Desai, Chief, Compliance Inspection Section, NYSDEC, 50 Wolf Road, Room 205, Albany, New York 12233.

IX. In the event of failure of Respondent to comply with the terms of this Order, this Order shall become immediately enforceable in a proceeding initiated by the Attorney General or the Department in the Supreme Court. The Department also reserves the right to bring any future action for violations of the Environmental Conservation Law or other regulations not specifically alleged herein.

X. This Order does not release the Respondent from any obligation to pay any Environmental Regulatory Program fees which may be due under Article 72 of the ECL and the Department reserves the right to seek payment of such fees as authorized by law.

Dated: Albany, New York

September 5, 1989

Thomas M. Taranto

THE LONG ISLAND RAIL ROAD COMPANY
THOMAS M. TARANTO, ESQ.
Attorney for Respondent
Jamaica Station
Jamaica, NY 11435

N. J. Bala

DEPARTMENT OF ENVIRONMENTAL
CONSERVATION DEPUTY COMMISSIONER