

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233



Thomas C. Jorling
Commissioner

M E M O R A N D U M

TO: Sudhir Jagirdar, Regional Hazardous Substances
Engineer, Region 2

FROM: Janakrai M. Desai, Chief, Compliance Inspection Section

SUBJECT: Long Island Railroad, NYD980641625 *Jorling*

DATE: JUN 3 1992

The above referenced facility has signed an order on consent, #C2-1625-91-04 effective May 8, 1992, and must meet certain requirements as set forth within the order. An inspector should visit the facility to ascertain the company's compliance with the order, as specifically indicated in the consent order. The Region should then send a memorandum to the Compliance Inspection Section outlining the company's status with regard to the order.

If you have any questions, please contact
Mr. Arvind Goswami, of my staff, at (518) 457-0532.

cc: H. Hussein, Inspector, Region 2
A. Goswami, Central Office

Hussein
Dr. Arvind
Thank you
Arvind
6/8/92

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of

Long Island Railroad

Case Number C2-1625-91-04

Respondent

ORDER ON CONSENT

WHEREAS:

1. The New York State Department of Environmental Conservation (the "Department") is responsible for enforcement of Article 27, Title 9 of the Environmental Conservation Law ("ECL") and the hazardous waste management rules and regulations promulgated thereunder in 6 NYCRR Part 370 et seq.

2. Long Island Railroad (the "Respondent") conducts operations at its facilities located at 91-53 121st Street, Richmond Hill, New York, which result in the generation of hazardous waste and so is subject to ECL Article 27, Title 9 and the 6 NYCRR Part 370 regulations promulgated pursuant thereto.

3. An inspection of Respondent's facility conducted by an authorized representative of the Department on November 30, 1990 revealed that Respondent violated the following regulations:

COUNT 1: §372.2(a)(8)(ii)/373-1.1(d)(1)(iii) & (iv) which permits a generator to accumulate hazardous wastes on-site for a period of 90 days or less. Respondent stored fifty-two containers of hazardous wastes in its hazardous waste storage area and approximately 3,000 gallons of hazardous waste in its wastewater treatment tank for over 90 days.

COUNT 2: §372.2(a)(8)(ii) which requires that the date upon which the period of accumulation begins be clearly marked and

visible for inspection on each container used to store hazardous wastes. Respondent failed to mark fifty-two drums, ten batteries, and two 16-gallon fiber containers storing hazardous wastes in the hazardous waste storage area with the accumulation start date.

COUNT 3: §373-1.1(d)(1)(iv)(d)/373-1.1(d)(1)(iii)(c)(3) which requires that each area and container used to accumulate hazardous waste in storage be identified with a sign or label stating "Hazardous Waste". Respondent failed to label ten waste batteries in the storage area with the words "Hazardous Waste".

COUNT 4: §372.2(a)(8)(i)(a)(2) which allows a generator to accumulate up to 55 gallons of hazardous waste near the point of generation provided that the containers are marked with the words "Hazardous Waste" or other words identifying the contents, and the generator complies with § 373-3.9(b)-(d). As a result of cleaning its painting equipment, Respondent accumulated spent solvents in a drum that was not labelled with the words "Hazardous Waste", or other words identifying its contents.

COUNT 5: §373-3.9(d)(1) which requires that containers holding hazardous waste be closed during storage, except when wastes are added or removed. Respondent failed to close two fiber containers storing corrosive wastes in the waste storage area.

COUNT 6: §373-3.3(b) which requires that facilities be maintained and operated in a manner which minimizes the possibility of a fire, explosion, or any unplanned release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. Respondent

operated its paint stripping operation in a manner which permitted the wastewater treatment tank to overflow, releasing wastewater which contained listed hazardous wastes into the surrounding soil.

COUNT 7: §373-3.2(g) which requires that facility personnel complete a program of training, directed by a person trained in hazardous waste management procedures, that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of Part 373-3. In addition, §373-3.2(g) requires that certain records be maintained at the facility, including the job title and job description of, and the names of persons employed in, positions related to hazardous waste management at the facility, and documentation regarding personnel training. Respondent failed to provide personnel training and maintain personnel records as required by this regulation.

COUNT 8: §373-3.3(g) (1) which requires that the owner or operator of a hazardous waste management facility attempt to make arrangements with local police and fire departments, local emergency response teams and local hospitals to familiarize them with the facility, the properties and hazards of the waste handled at the facility, and the types of injuries that could result from a fire, explosion or release at the facility.

COUNT 9: §373-3.4 which requires that the owner or operator of a hazardous waste facility develop and maintain at the facility a contingency plan which includes a description of the actions facility personnel must take to comply with §373-3.4(b) and (g) in response to fires, explosions or any unplanned releases of

Section 1: Introduction

The first part of the document discusses the importance of maintaining accurate records. It highlights the need for consistency and the potential consequences of errors. The text is somewhat faint but appears to be a standard introductory paragraph.

Section 2: Methodology

The methodology section describes the approach used for data collection and analysis. It mentions the use of standardized procedures to ensure reliability.

The data was collected over a period of six months, from January to June 2023.

The study involved a series of interviews with participants from various departments. The interviews were conducted in a confidential setting to ensure the accuracy of the responses.

The participants were selected through a random sampling process to represent the entire organization.

The data was analyzed using statistical software to identify trends and correlations.

Section 3: Results and Discussion

The results of the study show a significant increase in productivity over the six-month period. This is attributed to the implementation of the new workflow system.

The discussion section explores the factors that contributed to this increase, including improved communication and streamlined processes.

The findings suggest that the new system is effective and should be considered for wider adoption.

The study also identified some challenges, such as initial resistance to change, which were addressed through training and support.

Overall, the study demonstrates the positive impact of the new workflow system on organizational performance.

The data indicates that productivity levels were consistently higher than in the previous year.

The study was limited by a relatively small sample size and a short duration. Future research should aim to address these limitations by conducting a larger-scale study over a longer period.

The results are consistent with previous research on the benefits of process automation.

The study concludes that the implementation of the new workflow system was a successful endeavor.

The data shows a steady decline in error rates over the course of the study.

The analysis revealed that the most common source of errors was miscommunication between team members.

The study also found that the new system reduced the time spent on administrative tasks.

This reduction in time allowed employees to focus more on their core responsibilities, leading to higher quality work.

The overall impact of the system was positive, with most participants reporting higher job satisfaction.

The study was supported by the organization's leadership, who provided the necessary resources and encouragement.

The success of the project was a testament to the collaborative effort of all involved.

hazardous waste which could threaten human health or the environment, a description of arrangements agreed to by local police and fire departments, hospitals and other emergency response services; the names, addresses, and phone numbers of emergency coordinators; a list of all emergency equipment with the description, location, and function of each item; an evacuation plan; and emergency procedures specified by §373-3.4(g). Respondent failed to maintain a contingency plan at its facility.

COUNT 10: §373-3.4(g)(4)(ii)/373-3.4(10) which requires that the operator or owner of a hazardous waste management facility immediately notify the Department whenever there is a release, fire, or explosion, and submit a written report on the incident to the Commissioner within fifteen days of the incident. Respondent failed to immediately notify the Department and to submit a written report on the overflow of the underground tank in which wastewater from its paint stripping operation is treated.

COUNT 11: §373-3.2(d)(2) which requires that the owner or operator of a hazardous waste management facility develop and follow a written waste analysis plan which describes the procedure to be used to comply with the requirement for waste analysis.

COUNT 12: §373-3.7(c) which requires that an owner or operator of a hazardous waste management facility develop a written closure plan for its facility which, among other things, describes how each hazardous waste management unit will be closed and how closure will meet closure performance standards, provides an estimate of the maximum inventory of hazardous wastes at the site,

and establishes a schedule for closure.

COUNT 13: §373-1.1(d)(1)(xii)(b) which requires that units in which elementary neutralization units or wastewater treatment units be managed in accordance with §373-3.9 and 3.10(k) and (l); and §373-3.10(1)(2)(iv) which requires that, where hazardous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow. Respondent failed to provide a cutoff mechanism for the underground tank in which wastewater from its paint stripping operation is treated.

COUNT 14: §373-1.1(d)(1)(xii)(b) & (c)/373-3.10(1)(2)(v) which require that containers and tanks used to treat hazardous waste be marked with the words "Hazardous Waste" and other words that identify the contents; for underground tanks the markings must be placed on a sign in the area above the tank. Respondent failed to mark the area above its underground wastewater treatment tank with the words "Hazardous Wastes".

COUNT 15: §373-3.10(1)(3) which sets forth the requirements for inspecting exempt elementary neutralization units and wastewater treatment units. Respondent failed to conduct daily inspections of wastewater treatment discharge control equipment and the level of waste in the tank, failed to conduct weekly inspections of the construction material of the wastewater treatment tanks, and failed to conduct weekly inspections of the construction materials of, and the area immediately surrounding the wastewater treatment unit for signs of leakage.

COUNT 16: §373-3.9(e) which requires that areas where

containers of hazardous wastes are stored be inspected at least weekly to detect leaking containers and deterioration of the containers or the containment system caused by corrosion or other factors. Respondent failed to inspect the hazardous waste storage area in accordance with this provision.

COUNT 17: Under §373-1.1(d)(1)(iv)(c) Respondent must submit a written notification to the Department's Regional Office stating that its facility qualifies for the exemption from Part 373 permit requirements for the storage of liquid hazardous wastes generated in Queens. Respondent failed to submit notification of exemption to the Regional Office.

COUNT 18: §372.2(b)(2)(i) which requires that, prior to shipment of hazardous wastes, the generator confirm by written communication from a designated treatment, storage or disposal facility ("TSD") that it is authorized and has capacity to accept the wastes, and that the ultimate disposal method will be followed. Respondent failed to obtain confirmations from the TSD's to which its wastes were shipped.

COUNT 19: §372.2(b)(2)(ii) requires that, prior to shipment of hazardous wastes, the generator confirm by written communication from the designated transporter that it is authorized to deliver the waste to the designated TSD. Respondent failed to obtain such confirmations from the transporters of its wastes.

COUNT 20: §373-3.10(1)(2)(i)/373-3.2(h)(1) which requires that the owner or operator of a hazardous waste management facility take precautions to prevent accidental ignition or

reaction of ignitable or reactive waste, and place "No Smoking" signs wherever there is a hazard from ignitable or reactive wastes. Respondent failed to post "No Smoking" signs in the areas where ignitable wastes are handled and accumulated.

COUNT 21: §373-3.2(d)(1) which requires that the owner or operator of a hazardous waste management facility obtain a detailed chemical and physical analysis of a representative sample of its wastes. Respondent failed to obtain an analysis of the contents of the wastewater treatment tank.

COUNT 22: §373-3.2(e)(2)(ii)(b) which requires that the owner or operator of a hazardous waste management facility provide a means to control entry, at all times, through the gates or other entrances to the active portion of the facility unless the owner or operator can make a successful demonstration pursuant to §373-3.2(e)(1). Respondent failed to keep the gates to its facility closed or otherwise control entry into the active portions of the facility and failed to make a successful demonstration pursuant to §373-3.2(e)(1).

COUNT 23: §373-3.2(e)(3) which requires that signs with the legend "Danger - Unauthorized Personnel Keep Out" be posted at each entrance to active portions of a hazardous waste management facility. Respondent failed to post such signs in its facility.

COUNT 24: §373-3.2(f) which requires that the owner or operator of a hazardous waste management facility inspect the facility for malfunctions and deterioration, operator errors, and discharges; to develop and follow a written schedule for inspecting

safety equipment; to remedy any deterioration; and to keep a record of inspections for a period of three years. Respondent failed to inspect its facilities in accordance with this regulation.

COUNT 25: §373-3.5(c) which requires the owner or operator of a hazardous waste management facility to keep a written operating record at his facility which records the location and quantity of hazardous waste, the results of waste analyses, and records of facility inspections. Respondent failed to list the location and quantity of each hazardous waste within the facility; failed to include the records and results of waste analyses; failed to include reports of incidents requiring implementation of the contingency plan; and failed to record inspections.

COUNT 26: §373-1.1(d)(1)(xii)(d) which requires that for batch treatment and equalization units the date that each period of accumulation begins be clearly marked and visible for inspection. Respondent failed to mark the date that the period of accumulation began for its wastewater treatment unit.

4. Respondent acknowledges that it conducts operations which are subject to ECL Article 27, Title 9 and the 6 NYCRR Part 370 regulations promulgated pursuant thereto.

5. Respondent waives its right to a hearing or to otherwise contest the Department's allegations, consents to the issuance of this Order and agrees to be bound by its terms.

NOW, THEREFORE, HAVING BEEN DULY ADVISED, IT IS ORDERED THAT:

I. Respondent shall come into compliance with the requirements of the cited regulations as follows:

a. Respondent has submitted a closure plan for the facility in accordance with 6 NYCRR §373-3.7 which plan is under review by the Department. Respondent shall modify the closure plan in accordance with any comments from the Department within 30 days of receipt of the Department's comments. Respondent shall issue a request for proposals ("RFP") for the purpose of implementing the closure plan within six weeks of receipt of final approval of the closure plan. Respondent shall select a consultant within four months of issuance of the RFP. Respondent shall enter into a contract with the consultant selected pursuant to the RFP within three months of selection of the consultant. Closure shall be completed without unreasonable delay. Respondent shall submit progress reports to the Department every three months.

b. Whereas Respondent has relocated and modified a number of operations formerly carried out at this facility, Respondent shall comply with the regulations cited in Counts 1-12, and 14-27, no later than April 30, 1992, to the extent that these requirements apply to the revised operations carried out at this facility. Respondent has submitted to the Department a hazardous waste management program for the new facility.

II. Respondent shall pay a penalty for the cited violations in the amount of \$35,000.00 (Thirty-five thousand dollars). The penalty shall be paid by check payable to the Department of Environmental Conservation and shall be due no later than

April 30, 1992. The check shall be sent to the attention of Janakrai DeSai, P.E., N.Y.S.D.E.C., Division of Hazardous Substances Regulation, 50 Wolf Road, Albany, N.Y. 12233-7252.

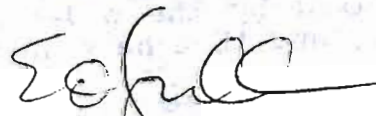
III. In the event Respondent fails to comply with the terms of the Order, this Order shall be immediately enforceable and the Department shall be entitled to seek any relief allowable at law or in equity in a proceeding initiated by the Attorney General or the Department in the Supreme Court. The Department also reserves the right to bring any future action for any violations of the Environmental Conservation Law, regulations promulgated thereunder or permits or orders issued thereunder that are not specifically alleged herein.

IV. This Order does not release Respondent from any obligations it may have under any other Orders or permits it has entered into with or received from the Department.

V. This Order shall be deemed to bind the Department and Respondent, their respective officers, directors, agents, servants, employees, successors and assigns.

Dated: *May 8* 1992
Albany, New York

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION


EDWARD O. SULLIVAN
ACTING DEPUTY COMMISSIONER FOR
THE OFFICE OF ENVIRONMENTAL
QUALITY

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of the foregoing Order, waives its right to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained herein.

LONG ISLAND RAILROAD

By: Thomas M. Taranto

Title: General Counsel and Secretary

Date: April 28, 1992

STATE OF NEW YORK)
)
COUNTY OF QUEENS)

On this 28th day of April , 1992, before me personally came Thomas M. Taranto to me known, who, being by me duly sworn, did depose and say that he resides in Syosset, N.Y. ; that he is the General Counsel & Secretary of The Long Island Rail Road Company, the corporation described in and which executed the foregoing instrument; that he knew the seal of said corporation; that the seal affixed to said instrument was such corporate seal; that it was so affixed by the order of the Board of Directors of said corporation, and that he signed his name thereto by like order.



NOTARY PUBLIC
ROGER J. SCHIERA
NOTARY PUBLIC, State of New York
No. 4949788
Qualified in Suffolk County
Commission Expires April 17, 1993