



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Underground Storage Tank Enforcement: U.S. Environmental Protection Agency and Yonkers, New York Hospital Enter into Expedited Settlement Agreement Addressing Alleged Violations

Arkansas Environmental, Energy, and Water Law Blog

10/13/2016

The United States Environmental Protection Agency ("EPA") and St. Joseph's Hospital Yonkers d/b/a St. Joseph's Medical Center ("St. Joseph's") entered into an October 3rd Expedited Settlement Agreement and Final Order ("ESA") addressing alleged Resource Conservation Recovery Act ("RCRA") Subtitle I underground storage tank ("UST") violations.

The ESA states that St. Joseph's is the owner and operator of USTs at its facility in Yonkers, New York.

The alleged violations were stated to have been identified through St. Joseph's response to an EPA Information Request Letter ("IRL").

The St. Joseph's facility is alleged to have failed to comply with certain requirements of Subtitle I of RCRA and its implementing regulations at 40 C.F.R. Part 280. The violations are described as:

- St. Joseph's IRL response is alleged to have indicated that the facility's 1,500-gallon diesel fuel emergency generator UST did not have corrosion protection. This is stated to indicate a violation of the upgrade requirement of 40 C.F.R. § 280.21.
- St. Joseph's IRL response is alleged to have admitted that two regulated USTs at the facility (a 1,500-gallon diesel fuel tank and a 500-gallon UST) had not been insured for third party bodily injury but provided documentation that the insurance was acquired on February 18, 2016. This response is alleged to indicate that the USTs did not meet financial responsibility requirements of 40 C.F.R. 280.93(a). Further, failure to ensure financial responsibility, including obtaining third party bodily injury insurance is stated to be a violation of 40 C.F.R. § 280.93(a).

St. Joseph's neither admits nor denies the factual determinations contained in the ESA.

A civil penalty of \$2,980 is assessed to St. Joseph's.

[A copy of the ESA can be downloaded here.](#)