

EPA Files Complaints Against Three Universities for Hazardous Waste Violations: Columbia University, Long Island University, and New Jersey City University; Fines Total More than \$1.1 Million

Release Date: 11/07/2002

Contact Information:

(#02118) New York, N.Y. -- Columbia University, Long Island University and New Jersey City University face a total of \$1.1 million in penalties for alleged violations of hazardous waste regulations. The U.S. Environmental Protection Agency (EPA), as part of its ongoing efforts to ensure the protection of those working at and attending institutions of higher learning, has issued civil enforcement actions against the three universities alleging violations of federal and state laws that provide for the safe handling and disposal of hazardous wastes.

"These complaints and penalties highlight the real benefits of the self-audit and disclosure programs that EPA is promoting at colleges and universities," said EPA Regional Administrator Jane M. Kenny. "EPA encourages colleges and universities to take advantage of these programs, but they should also keep in mind that we will continue to inspect institutions that are not taking part in them."

The civil complaints, the basis for the proposed penalties, charge the universities with violations of state laws and the federal Resource Conservation and Recovery Act, which ensures that hazardous waste is managed in an environmentally sound manner from "cradle to grave". All three complaints include orders requiring the universities to promptly address the alleged deficiencies and to comply with all appropriate federal and state hazardous waste laws.

The complaint against Columbia University carries a total penalty of \$797,029. Most of the penalty, \$584,158, is the result of charges that Columbia failed to minimize the risk of fire, explosion and/or the release of hazardous chemicals into the environment. Additional charges allege that Columbia failed to determine whether the solid waste it generated was hazardous; did not obtain a permit to store hazardous waste or comply with the regulations that would exempt such storage from the permit requirements; failed to close, safely handle, and store hazardous waste containers; did not have an adequate hazardous waste contingency plan or maintain records on having responsible staff trained to implement the plan; failed to make appropriate emergency arrangements with local hospitals to familiarize them with the hazardous waste Columbia handles and the injuries or illnesses that could result from them; and did not comply with hazardous waste tracking requirements. The complaint is based upon inspections at Columbia's Morningside Heights campus and the Lamont-Doherty Earth Observatory of Columbia University in Palisades, New York, in March and July, 2001, and upon information Columbia provided in response to EPA requests for information.

Long Island University's \$219,883 penalty is the result of a civil complaint charging the university with violations of federal and New York State laws that govern the identification and storage of hazardous wastes. The complaint charges that Long Island University failed to determine whether several solid waste streams it generated were hazardous wastes; stored hazardous wastes without a permit; failed to adequately respond to EPA's requests for information about its hazardous wastes; and did not minimize the risk of fire, explosions or release of hazardous waste into the environment. Hazardous wastes that are the subject of the complaint include mercury, organic solvents, picric acid, spent fluorescent light bulbs, used computer monitors and other wastes primarily generated by or used in Long Island University's teaching and research laboratories and maintenance facilities at its Brooklyn campus. The complaint is based upon inspections EPA conducted in November 2001 at the university's Brooklyn campus.

New Jersey City University faces a penalty totaling \$88,344 for violations of state hazardous waste and tank regulations. The complaint alleges that New Jersey City University failed to determine if wastes generated at its facility met the criteria for being hazardous; did not minimize the possibility of a fire, explosion or any unplanned release of hazardous waste or hazardous waste constituents; failed to keep release detection records for two underground storage tanks (which have since been removed); and did not train employees in proper hazardous waste management and emergency procedures. The complaint is based on inspections EPA conducted in November 2000 at the university's Jersey City campus.

Each university is ordered to take steps, if they have not already done so, to comply with applicable federal and state requirements and to submit a written notice of such compliance. If not in compliance, the university must state the reasons for the noncompliance and provide a schedule for achieving prompt compliance. Each of the universities has the option to contest the facts alleged in the complaint, request a hearing on the issues raised by the complaint and compliance order, and/or enter into negotiations to reach a settlement agreement with EPA.

EPA continues to encourage participation in its Colleges and Universities Initiative, which has been in place since 1999. EPA established the initiative because it found that many such institutions were not aware of their responsibilities under various environmental laws. As part of the initiative, EPA sent letters to 365 colleges and universities in New Jersey, New York, and Puerto Rico; held free workshops to help colleges and universities comply; set up a Web site that provides information about their duties under the law; and warned them that EPA inspections of their facilities – with the risk of financial penalties – were imminent. EPA attempted to make the institutions aware of the agency's Voluntary Audit Policy through which institutions can investigate and disclose hazardous waste violations to the agency and, if the necessary conditions are met, receive a partial or complete reduction in financial penalties.

To date, 48 colleges and universities in the region have come forward to disclose violations to EPA. More than half of those schools have been granted a 100% waiver of certain penalties while the other cases are still under review. EPA has signed self-audit agreements with Rutgers University and the State University of New York (SUNY) in which those schools have committed to long-term audit, disclosure and remediation schedules in exchange for the benefits of the Voluntary Audit Policy. Previous complaints with penalties totaling \$433,669 have been filed in 2002 against Pratt Institute, Manhattan College and Princeton University. The Colleges and Universities Initiative is an ongoing program with additional investigations anticipated.

More information on EPA's Voluntary Audit Policy is available at <https://www.epa.gov/region02/capp/cip/> . The Web site for the Colleges and Universities Initiative is <https://www.epa.gov/region02/p2/college/>