

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

-----X  
In the Matter of Alleged Violations of Article 27, Titles 7 and 13  
of the New York State Environmental Conservation Law and  
Parts 360 and 375 of Title 6 of the Official Compilation of  
Codes, Rules and Regulations of the State of New York  
by

ORDER ON CONSENT  
Site # 1-30-053B  
Index No. W1-1173-13-09

Pall Corporation,

Respondent

-----X  
**WHEREAS,**

1. A. The New York State Department of Environmental Conservation ("Department") is responsible for inactive hazardous waste site remedial programs pursuant to Article 27, Title 13 of the Environmental Conservation Law ("ECL") and Part 375 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6 NYCRR") and may issue orders consistent with the authority granted to the Commissioner of the Department by such statute.

B. The Department is responsible for carrying out the policy of the State of New York to conserve, improve and protect its natural resources and environment and control water, land, and air pollution consistent with the authority granted to the Department and the Commissioner by Article 1, Title 3 of the ECL.

C. This Order is issued pursuant to the Department's authority under, *inter alia*, ECL Article 27, Title 13 and ECL §3-0301.

2. 6 NYCRR Part § 360 sets forth requirements relating to the management and disposal of solid waste. 6 NYCRR § 375-1 sets forth general requirements that are common to the implementation of various types of remedial programs overseen by the Department, including brownfield site remedial programs. 6 NYCRR § 375-2 sets forth the requirements specific to the inactive hazardous waste disposal remedial program. When provisions of Part 360 and subparts 375-1 and 375-2 are violated, the Department has authority to impose civil penalties pursuant to ECL §§71-2703 and 71-2705 and to seek injunctive relief pursuant to ECL §71-2727(1) and (3)(a).

3. Respondent Pall Corporation is a domestic business corporation with offices located at 25 Harbor Park Drive, Port Washington, New York, 11050.

4. Respondent is the owner and former operator of a facility located at 30 Sea Cliff Avenue, Glen Cove, Nassau County, New York (the "Site"). The Site is listed in the *Registry of Inactive Hazardous Waste Disposal Sites in New York State* as Site Number 1-30-053B. The Site is a Classification "2" pursuant to ECL 27-1305.

5. On or about July 10, 2013, a plumbing contractor while excavating on the Site for water main work did find three 1000 gallon underground storage tanks ("USTs") located within the water table. These tanks contained unknown liquid. The groundwater on the Site is contaminated with hazardous waste.

6. The Department alleges that Respondent failed to comply with the provisions of ECL Article 27, Titles 7 and 13, and 6 NYCRR §§ 360, 375-1 and 375-2 in that:

i. on or about July 10 and 11, 2013 Respondent's agent arranged for the off-Site disposal of 2,466 gallons of the unknown liquid without the express written approval of the Department; and

ii. on or about July 10 and 11, 2013 Respondent's agent arranged for the off-Site disposal of 2,466 gallons of the unknown liquid as "non-regulated oily water" without proper testing to characterize the liquid.

7. Respondent consents to the issuance of this Order without an admission or finding of liability, fault, wrongdoing, or violation of any law, regulation, permit, order, requirement, or standard of care of any kind whatsoever.

8. Solely with regard to the matters set forth below, Respondent hereby waives any right to a hearing as may be provided by law, consents to the issuance and entry of this Order, and agrees to be bound by its terms. Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Order, and agrees not to contest the validity of this Order or its terms or the validity of data submitted to the Department by Respondent pursuant to this Order.

**NOW**, having considered this matter and being duly advised, it is **ORDERED THAT**:

#### **I. PENALTY**

With respect to the civil violations which the Department alleges above against Respondent, the Department, in settlement of any and all such civil violations, hereby assesses against Respondent Pall Corporation a total civil penalty in the amount of FIVE THOUSAND U.S. DOLLARS (\$5,000.00).

Payment must be made by certified or cashier's check or money order made payable to the order of the New York State Department of Environmental Conservation. Respondents will submit the settlement payment as required by this Order along with two signed originals of this Order, to:

Office of General Counsel  
New York State Department of Environmental Conservation  
100 Hillside Avenue, Suite 1W  
White Plains, New York 10603  
Attn: Rosalie K. Rusinko

**II. COMPLIANCE**

- A. Respondent shall remove the three USTs from the Site strictly complying with the Department-approved Underground Storage Tank Removal (“UST Removal”) Work Plan and the provisions of the Environmental Conservation Law, and 6 NYCRR Parts 360 and 375.
- B. Respondent shall reimburse the Department for contractor and/or personnel costs incurred for review and oversight of the UST Removal Work Plan.

**III. RESERVATION OF RIGHTS**

The Department expressly reserves all rights to any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against anyone other than Respondent.

**IV. MATTERS COVERED**

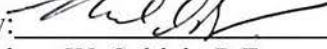
This Order only settles the civil violations alleged above.


**V. STANDARD PROVISIONS**

Respondent will further comply with the standard provisions which are attached hereto, and which constitute material and integral terms of this Order and are hereby incorporated into this document.

DATED: Albany, New York  
  OCT 22  , 2013

Joseph J. Martens  
Commissioner  
New York State Department of  
Environmental Conservation

By:   
\_\_\_\_\_  
Robert W. Schick, P.E.  
Director  
Division of Environmental Remediation



CONSENT BY RESPONDENT

Respondent **Pall Corporation** hereby consents to the issuing and entering of this Order without further notice, waive its right to a hearing herein, and agrees to be bound by the terms, conditions and provisions contained in this Order.

By (Signature): Jerome Hanfin  
Print Name: Jerome Hanfin  
Title: Chief Compliance Officer  
Date: October 18, 2013

ACKNOWLEDGMENT

STATE OF New York ) ss:  
COUNTY OF Nassau )

On the 18<sup>th</sup> day of Oct. in the year 2013 before me personally came Jerome Hanfin to me known, who, being by me duly sworn, did depose and say that s/he resides in Pall Corporation - 25 Harbor Park Drive, Port Washington, NY that s/he is the Chief Compliance Officer of Pall Corporation, the corporations described in and which executed the above instrument; and that s/he signed his/her name thereto by authority of the board of directors of said corporations.

Jeanette Geiger  
Notary Public  
Signature and Office of individual taking acknowledgment

JEANETTE GEYER  
Notary Public, State of New York  
No. 01GE4925657  
Qualified in Nassau County  
Commission Expires April 4, ~~2010~~  
2014

## STANDARD PROVISIONS

**Payment.** Any penalty assessed pursuant to the terms and conditions of this Order shall be paid by submitting a certified or cashier's check or money order, payable to the Department of Environmental Conservation, to: Department of Environmental Conservation, Office of General Counsel, Attn: Rosalie K. Rusinko, 100 Hillside Avenue, Suite 1W, White Plains, New York 10603. Unpaid penalties imposed by this Order shall bear interest at the rate of 9 percent per annum for each day the penalty, or any portion thereof, remains unpaid. Payments received shall first be applied to accrued interest charges and then to the unpaid balance of the penalty.

**Communications.** Except as otherwise specified in this Order, any reports, submissions, and notices herein required shall be made to: NYS Department of Environmental Conservation, Office of General Counsel, Attn: Rosalie K. Rusinko, 100 Hillside Avenue, Suite 1W, White Plains, New York 10603.

**Duration.** This Order shall take effect when it is signed by the Commissioner of Environmental Conservation, or his designee, and shall expire when Respondent has fully complied with the requirements of this Order.

**Access.** For the purpose of monitoring or determining compliance with this Order, employees and agents of the Department shall be provided access to any facility, site, or records owned, operated, controlled or maintained by Respondent, in order to inspect and/or perform such tests as the Department may deem appropriate, to copy such records, or to perform any other lawful duty or responsibility.

**Force Majeure.** If Respondent cannot comply with a deadline or requirement of this Order, because of an act of God, war, strike, riot, catastrophe, or other condition which was not caused by the negligence or willful misconduct of Respondent and which could not have been avoided by the Respondent through the exercise of due care, Respondent shall apply in writing to the Department within a reasonable time after obtaining knowledge of such fact and request an extension or modification of the deadline or requirement.

**Indemnity.** Respondent shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages and costs resulting from the acts and/or omissions of Respondent, intentional, negligent, or otherwise, of every nature and description, arising out of or resulting from the compliance or attempted compliance with the provisions of this Order by Respondent or its employees, servants, agents, successors or assigns.

**Modifications.** No change in this Order shall be made or become effective except as specifically set forth by written order of the Commissioner, being made either upon written application of Respondent, or upon the Commissioner's own findings after notice and opportunity to be heard have been given to Respondent. Respondent shall have the burden of proving entitlement to any modification requested pursuant to this Standard Provision or the "Force Majeure" provision, *supra*. Respondent's requests for modification shall not be unreasonably denied by the Department, which may impose such additional conditions upon Respondent as the Department deems appropriate.

**Other Rights.** Nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting (1) any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against anyone other than Respondent; (2) any right of the Department to enforce administratively or at law or in equity, the terms, provisions and conditions of this Order; (3) any right of the Department to bring any future action, either administrative or judicial, for any other violations of the ECL, the rules and regulations promulgated thereunder, or conditions contained in orders or permits, if any, issued by the Department to Respondent; (4) the summary abatement powers of the Department, either at common law or as granted pursuant to statute or regulation.

**Entire Agreement.** This Order shall constitute the entire agreement of the Department and Respondent with respect to settlement of those violations specifically referenced herein.

**Binding Effect.** The provisions, terms, and conditions of this Order shall be deemed to bind Respondent and Respondent's heirs, legal representatives, receivers, trustees in bankruptcy, successors and assigns.

**Service.** If Respondent is represented by an attorney with respect to the execution of this Order, service of a duly executed copy of this Order upon Respondent's attorney by ordinary mail shall be deemed good and sufficient service.

**Multiple Respondents.** If more than one Respondent is a signatory to this Order, use of the term "Respondent" in these Standard Provisions shall be deemed to refer to each Respondent identified in the Order.