

Litigation Meeting Agenda



Committee Chair: David Imamura

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, March 2, 2026

10:00 AM

Committee Room

Joint with B&A and P&E

CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, 8th Floor, White Plains, New York, 10601, and livestreamed via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view the meeting and its video recording online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/>. This website also provides the links to documents to be discussed at a given meeting.

Legislator Colin Smith will be participating remotely from 1132 Main Street, Suite 1, Peekskill, NY 10566.

MINUTES APPROVAL

Monday, February 9, 2026 at 10:00 a.m.

I. ITEMS FOR DISCUSSION

[2026-79](#) Act - DEF/EPA Consent Agreement

AN ACT authorizing the Commissioner of the Department of Environmental Facilities to Enter Into a Consent Agreement and Final Order with the U.S. Environmental Protection Agency to settle a Civil Administrative Proceeding entitled In the Matter of Westchester County Department of Environmental Facilities Brockway Place Transfer Station, 75 Brockway Place, White Plains, NY 10601 SPIDES Permit No. NYR00C354.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS,
LITIGATION AND PARKS & ENVIRONMENT**

Guests: Dept. of Environmental Facilities: Commissioner Vincent Kopicki, First Deputy Commissioner Louis Vetrone, Assistant Commissioner Melissa Rotini

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Kenneth W. Jenkins
County Executive

Office of the County Attorney
John M. Nonna
County Attorney

February 6, 2026

Westchester County Board of Legislators
County of Westchester
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Re: Legislation authorizing a settlement in *Matter of Westchester County Department of Environmental Facilities, Brockway Place Transfer Station, 75 Brockway Place White Plains, New York 10601, SPDES Permit No. NYR00C354*

Dear Honorable Members of the Board:

Attached for your consideration is an Act which, if adopted by your Honorable Board, would authorize the County Department of Environmental Facilities (“DEF”) to enter into a Consent Agreement & Final Order (“CA/FO”) to settle *In the Matter of Westchester County Department of Environmental Facilities, Brockway Place Transfer Station, 75 Brockway Place White Plains, New York 10601, SPDES [State Pollutant Discharge Elimination System] Permit No. NYR00C354*, United States Environmental Protection Agency (“EPA”), Region 2, Docket No. CWA-02-2026-3301 (the “Proceeding”), for the amount of \$38,000.00.

As you may be aware, DEF, acting by and on behalf of Refuse Disposal District No. 1, operates a municipal solid waste and cardboard recycling transfer station known as the Brockway Place Transfer Station, which is located at 75 Brockway Place in White Plains, New York (the “Site” or the “Facility”). The Facility discharges stormwater associated with industrial activity, which is a “pollutant” within the meaning of Section 502(6) of the Clean Water Act (“CWA”), 33 U.S.C. § 1362(6), via one unpermitted outfall located on the east side of the Site to the East Branch of the Mamaroneck River, via the City of White Plains Municipal Separate Storm Sewer. EPA has issued three previous Administrative Compliance Orders—Docket Nos. CWA-02-2017-3022, CWA-02-2017-3050, and CWA-02-2022-3030—to DEF, in order to address past violations of the SPDES Multi-Sector General Permit (“MSGP”) initially discovered during an EPA Compliance Evaluation Inspection at the Facility on September 28, 2016.

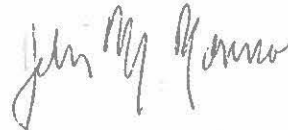
Despite the Facility’s continued implementation of new Best Management Practices, increased street sweeping and cleaning, and the installation of the AbTech Smart Vault System to prevent non-stormwater leachate discharges from the Facility, stormwater sampling results from the Facility continue to be consistently above the benchmark cutoff concentrations specified in the MSGP. The Facility has experienced recurring exceedances of the benchmark cut-off concentrations for

Aluminum, Cadmium, Chemical Oxygen Demand, Copper, Iron, Lead, Total Suspended Solids, and Zinc.

In light of the above, DEF entered into negotiations with the EPA to address the Site's noncompliance, and these negotiations have resulted in the current proposed settlement. The essential terms of the CA/FO are as follows: DEF admits the jurisdictional and factual allegations of the CA/FO; DEF waives its right to contest the allegations, at a judicial or administrative hearing, or to appeal the CA/FO; and DEF consents to the payment of a civil penalty in the amount of \$38,000.00 to address the above-described violations. Importantly, the proposed civil penalty is the lowest possible amount under the circumstances, and the CA/FO includes language detailing the DEF's compliance efforts to date. DEF has recommended approval of the settlement.

After a review of the facts and circumstances, I concur with DEF and believe that it is in the best interests of the County to enter into the CA/FO to settle this Proceeding. I therefore recommend passage of the accompanying Act.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John M. Nonna", written in a cursive style.

JOHN M. NONNA
Westchester County Attorney

JMN/scm

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if adopted by your Honorable Board, would authorize the County Department of Environmental Facilities (“DEF”) to enter into a Consent Agreement & Final Order (“CA/FO”) to settle *In the Matter of Westchester County Department of Environmental Facilities, Brockway Place Transfer Station, 75 Brockway Place White Plains, New York 10601, SPDES [State Pollutant Discharge Elimination System] Permit No. NYR00C354*, United States Environmental Protection Agency (“EPA”), Region 2, Docket No. CWA-02-2026-3301 (the “Proceeding”), for the amount of \$38,000.00.

Your Committee is informed that DEF, acting by and on behalf of Refuse Disposal District No. 1, operates a municipal solid waste and cardboard recycling transfer station known as the Brockway Place Transfer Station, which is located at 75 Brockway Place in White Plains, New York (the “Site” or the “Facility”). The Facility discharges stormwater associated with industrial activity, which is a “pollutant” within the meaning of Section 502(6) of the Clean Water Act (“CWA”), 33 U.S.C. § 1362(6), via one unpermitted outfall located on the east side of the Site to the East Branch of the Mamaroneck River, via the City of White Plains Municipal Separate Storm Sewer. EPA has issued three previous Administrative Compliance Orders—Docket Nos. CWA-02-2017-3022, CWA-02-2017-3050, and CWA-02-2022-3030—to DEF, in order to address past violations of the SPDES Multi-Sector General Permit (“MSGP”) initially discovered during an EPA Compliance Evaluation Inspection at the Facility on September 28, 2016.

Your Committee is further informed that, despite the Facility’s continued implementation of new Best Management Practices, increased street sweeping and cleaning, and the installation of the

AbTech Smart Vault System to prevent non-stormwater leachate discharges from the Facility, stormwater sampling results from the Facility continue to be consistently above the benchmark cutoff concentrations specified in the MSGP. The Facility has experienced recurring exceedances of the benchmark cut-off concentrations for Aluminum, Cadmium, Chemical Oxygen Demand, Copper, Iron, Lead, Total Suspended Solids, and Zinc.

Your Committee has been made aware that, in light of the above, DEF entered into negotiations with the EPA to address the Site's noncompliance, and these negotiations have resulted in the current proposed settlement. The essential terms of the CA/FO are as follows: DEF admits the jurisdictional and factual allegations of the CA/FO; DEF waives its right to contest the allegations, at a judicial or administrative hearing, or to appeal the CA/FO; and DEF consents to the payment of a civil penalty in the amount of \$38,000.00 to address the above-described violations. Importantly, the proposed civil penalty is the lowest possible amount under the circumstances, and the CA/FO includes language detailing the DEF's compliance efforts to date.

Your Committee understands that DEF has recommended approval of the settlement, and that the County Attorney concurs in that recommendation.

Your Committee finds, for the foregoing reasons, that this settlement, pursuant to the CA/FO, is prudent and reasonable, and it therefore recommends that the Act authorizing the CA/FO be adopted by this Board.

Dated: White Plains, New York
, 2026

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: Brockway Place Transfer

X NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND☐ GENERAL FUND

AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense	\$	38,000
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Total Current Year Revenue

Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations ☐ Other (explain) _____

Identify Accounts: 251-60-7500-7500-4380

Potential Related Operating Budget Expenses:	Annual Amount	38,000.00
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Describe: BOL legislation to have consent agreement with United States Environmental

Protection Agency Consent Agreement for the Brockway Place Transfer Station.

Potential Related Operating Budget Revenues:	Annual Amount
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Describe:

Anticipated Savings to County and/or Impact on Department Operations:

Current Year:

Next Four Years:

Prepared by: Sebastian Abraham

Title: Budget Specialist II

Department: Environmental Facilities

Date: February 9, 2026

Reviewed By:

Budget Director

Date:

AN ACT authorizing the Commissioner of the Department of Environmental Facilities to Enter Into a Consent Agreement and Final Order with the U.S. Environmental Protection Agency to settle a Civil Administrative Proceeding entitled *In the Matter of Westchester County Department of Environmental Facilities Brockway Place Transfer Station, 75 Brockway Place, White Plains, New York 10601 SPIDES Permit No. NYR00C354*

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

Section 1. The County of Westchester Department of Environmental Facilities (“DEF”) is hereby authorized to settle the proceeding entitled *In the Matter of Westchester County Department of Environmental Facilities Brockway Place Transfer Station, 75 Brockway Place, White Plains, New York 10601 SPIDES Permit No. NYR00C354* (the “Proceeding”), pursuant to the following terms: DEF admits the jurisdictional and factual allegations of the proposed Consent Agreement & Final Order in Docket No. CWA-02-2026-3301 (“CA/FO”); DEF waives its right to contest the allegations, at a judicial or administrative hearing, or to appeal the CA/FO; and DEF consents to the payment of a civil penalty in the amount of \$38,000.00.

Section 2. The Commissioner of DEF or the Commissioner’s Designee is hereby authorized to enter into and execute the CA/FO to settle the Proceeding, and to execute and deliver all documents necessary to accomplish the purpose hereof.

Section 3. This Act shall take effect immediately.