

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

Greenidge Generation LLC
Respondent.

Proceeding under Section 3008 of the
Solid Waste Disposal Act, as
amended

**CONSENT AGREEMENT AND FINAL
ORDER**

Docket No. RCRA-02-2024-7102

PRELIMINARY STATEMENT

This Consent Agreement is entered into under the authority of Sections 3008(a) and 4005(d)(4)(A)(i) of the Resource Conservation and Recovery Act, as amended (“RCRA” or “the Act”), 42 U.S.C. §§ 6928(a) and 6945(d)(4)(A)(i), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22.

Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes the EPA Administrator to assess civil penalties for any past or current violation, and to issue compliance orders requiring compliance with requirements that are subject to enforcement under Section 3008. Section 4005(d)(4)(A) of RCRA, 42 U.S.C. § 6945(d)(4)(A), specifies that the EPA Administrator may use the authorities set forth in Sections 3007 and 3008 of RCRA, 42 U.S.C. §§ 6927 and 6928, to enforce the prohibition on open dumping under section 4005(a) of RCRA, 42 U.S.C. § 6945(a), with respect to coal combustion residuals units.

Pursuant to 40 C.F.R. § 22.13(b), where the parties agree to settlement of one or more causes of action before the filing of an administrative complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (“CA/FO”) pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3). This administrative proceeding constitutes one that is simultaneously being commenced and concluded pursuant to said provisions.

The Complainant and Respondent agree, by entering into this CA/FO, that settlement of this matter upon the terms set forth in this CA/FO is an appropriate means of resolving the claims specified herein against Greenidge Generation LLC (“Greenidge” or “Respondent”) without litigation. The parties had an initial in-person settlement conference in November 2022 and numerous discussions thereafter, all of which led to this settlement. The Findings of Fact

and Conclusions of Law set forth below, which pertain to times relevant to this proceeding, are not intended, nor are they to be construed, as Respondent either admitting or denying such findings and conclusions. No adjudicated finding of fact or conclusions of law have been made.

STATUTORY AND REGULATORY FRAMEWORK

1. RCRA, enacted on October 21, 1976, and subsequently amended, establishes a framework for the regulation of the handling and management of non-hazardous and hazardous solid wastes. *See* 42 U.S.C. § 6901, et seq.
2. RCRA Subtitle D establishes a framework for the regulation of the handling and management of (non-hazardous) solid wastes, including coal combustion residuals (“CCR”). *See* 42 U.S.C. §§ 6941- 6949.
3. RCRA authorizes EPA to use the authority provided by 42 U.S.C. §§ 6927 & 6928 to enforce the prohibition on open dumping with respect to a coal combustion residuals unit in nonparticipating states. 42 U.S.C. § 6945(d)(2). The State of New York is a “nonparticipating state” within the meaning of 42 U.S.C. § 6945(d)(2)(A).
4. In April 2015, EPA promulgated regulatory requirements for the management of CCR in landfills and surface impoundments. The CCR regulations are set forth at 40 C.F.R. Part 257, Subpart D (Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments) (“CCR Rule”). The CCR Rule establishes requirements for location standards, groundwater monitoring, corrective action, closure, post closure care, technical operating standards, inspection, monitoring, recordkeeping, and reporting. The regulatory requirements established in the CCR Rule took effect on October 19, 2015, subject to amendments promulgated by EPA after that date.

EPA’S FINDINGS OF FACT AND CONCLUSIONS OF LAW

Notice

5. EPA has given notice of this action to the State of New York.

Respondent

6. Respondent is Greenidge.
7. Respondent is a “person” as that term is defined in Section 1004(15) of the Act, 42 U.S.C. § 6903(15), and 40 C.F.R. § 260.10.

8. Respondent presently owns and operates the Greenidge Power Generating Station (“Greenidge Station”).
9. Greenidge Station is located on Seneca Lake, approximately 14 miles south of Geneva in the Village of Dresden, Town of Torrey, Yates County, New York. The Station was formerly a coal-fired power generating facility. The coal-fired unit began operation in 1937, and the plant ceased generating electricity in 2011. During its operation as a coal-fired unit, both CCR waste (bottom ash from a sluice system) and non-CCR wastestreams were sent to an on-site surface impoundment (hereinafter the “C-Pond”).
10. The Greenidge Station is a “facility” within the meaning of 40 C.F.R. § 257.53.
11. Respondent purchased the facility in 2014 after it had ceased generating electricity. Respondent has never operated Greenidge Station as a coal-fired unit and has never disposed of CCR in the C-Pond. Respondent retrofitted the generating unit to burn primarily natural gas, with the option to co-fire up to 19% wood biomass on a MMBtu basis, and the new unit began generating electricity using natural gas in March 2017.
12. The C-Pond, as operated by Respondent, only receives non-CCR plant process wastewater and stormwater, which passes through C-Pond before discharging to Seneca Lake through Outfall 002 pursuant to the requirements of State Pollutant Discharge Elimination System (“SPDES”) permit (No. NY0001325) issued by the New York State Department of Environmental Conservation (“NYSDEC”).
13. Pursuant to 40 C.F.R. § 257.107(a), Respondent has established and maintains a publicly accessible internet site (CCR website) containing information required by the CCR Rule.
14. CCR are defined at 40 C.F.R. § 257.53 as “fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers.”
15. A “CCR unit” is defined at 40 C.F.R. § 257.53 as “any CCR landfill, CCR surface impoundment, or lateral expansion of a CCR unit, or a combination of more than one of these units, based on the context of the paragraph(s) in which it is used.”
16. A “CCR surface impoundment” is defined at 40 C.F.R. § 257.53 as “a natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of CCR and liquids, and the unit treats, stores, or disposes of CCR.”
17. The C-Pond, which previously received bottom ash, is a “CCR unit” and “CCR surface impoundment” as those terms are defined in 40 C.F.R. § 257.53.

18. The C-Pond is an “inactive CCR surface impoundment” as that term is defined in 40 C.F.R. § 257.53. It did not receive CCR on or after October 19, 2015, and still contains both CCR and liquids on or after October 19, 2015.
19. Pursuant to 40 C.F.R. § 257.100(a), inactive CCR surface impoundments are subject to all of the requirements of 40 C.F.R. Part 257 Subpart D applicable to existing CCR surface impoundments.
20. The C-Pond was not constructed with a liner that meets the requirements of 40 C.F.R. § 257.71(a)(3).
21. As promulgated in April 2015, the CCR Rule provided: “This subpart does not apply to electric utilities or independent power producers that have ceased producing electricity prior to October 19, 2015.” 40 C.F.R. § 257.50(e). This provision was vacated by the D.C. Circuit. The Court’s mandate issued on October 15, 2018. *USWAG v. EPA*, 901 F.3d 414, 449-50 (D.C. Cir. 2018).

Closure of the C-Pond

22. Pursuant to 40 C.F.R. § 257.101(a), subject to certain exceptions and the alternative closure provisions in 40 C.F.R. § 257.103, the owner or operator of an existing unlined CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR surface impoundment and either retrofit or close the CCR unit in accordance with the requirements set forth 40 C.F.R. § 257.102 by no later than April 11, 2021.
23. Pursuant to 40 C.F.R. § 257.103, a CCR surface impoundment that is subject to closure pursuant to 40 C.F.R. § 257.101(a) may nevertheless continue to receive CCR and non-CCR wastestreams provided the owner or operator submits a demonstration to EPA that all of the criteria for an alternative closure deadline in 40 C.F.R. § 257.103(f)(1) or (f)(2) have been met. Submission of a complete demonstration will toll the facility’s deadline to cease receipt of waste until EPA issues a final decision.
24. On or about November 30, 2020, Greenidge submitted a demonstration (hereafter referred to as “Demonstration”) to EPA, pursuant to 40 C.F.R. § 257.103(f)(2), for a site-specific alternative deadline to complete closure of its C-Pond. In the Demonstration, Greenidge requested that EPA permit it to continue using the C-Pond until Spring of 2023 in lieu of the CCR Rule’s April 11, 2021 closure deadline.
25. On or about January 11, 2022, EPA issued an Interim Decision subject to public notice and comment regarding Greenidge’s Demonstration. EPA determined that Greenidge is

not eligible for the extension at 40 C.F.R. § 257.103(f)(2). Because EPA's Interim Decision was noticed after the April 11, 2021 deadline to cease receipt of waste, EPA proposed a new deadline for Greenidge to cease receipt of waste into the C-Pond of no later than one hundred and thirty-five (135) days, subject to public comment, after EPA issued a final decision.

26. The public comment period on EPA's Interim Decision ended on February 23, 2022. Greenidge, as well as others, submitted comments to EPA on the Interim Decision. Rather than issuing a final decision, EPA is entering into this CA/FO with Greenidge which, among other things, establishes a deadline for Greenidge to cease placing CCR and non-CCR wastestreams in the C-Pond.

Pre-filing Settlement Discussions

27. On September 2, 2022, EPA emailed Greenidge a Notice of Potential Violations/ Opportunity to Confer ("NOPVOC") to determine its interest in pre-filing discussions regarding the potential violations of the CCR Rule at the Greenidge Station. EPA's NOPVOC asserted the following as potential violations:
 - i. Failure to install a groundwater monitoring system for the C-Pond that meets the performance standards set forth in 40 C.F.R. § 257.91. Specifically, from October 2017 through February 2021, Greenidge did not have at least three downgradient monitoring wells at the surface impoundment's waste boundary, as required. Additionally, from October 2017 through at least the issuance of the NOPVOC, Greenidge did not have an upgradient or other monitoring well that accurately represents the quality of background groundwater that has not been affected by leakage from the surface impoundment, as is also required.
 - ii. Failure to comply with certain detection monitoring sampling and analytical requirements set forth in 40 C.F.R. § 257.94(b). Specifically, Greenidge failed to collect and analyze a minimum of eight independent samples from each background and downgradient well for the constituents listed in Appendices III and IV of Part 257 by October 17, 2017.
 - iii. Failure to prepare an initial annual groundwater monitoring and corrective action report for C-Pond by January 31, 2018, and annually thereafter by January 31, 2019 and 2020, and to post annual groundwater monitoring and corrective action reports covering the years 2017, 2018 and 2019 on the company's CCR website, as required by 40 C.F.R. §§ 257.90(e) and (f).

- iv. Failure to design an initial inflow design flood control system plan by April 2017 and a periodic plan(s) within 5 years thereafter and to place these plans on the company's CCR Website, as required by 40 C.F.R. § 257.82.¹
- v. Failure to timely develop a Location Restrictions Document Report ("Location Report") demonstrating whether the C-Pond met the location requirements for existing impoundments as required by 40 C.F.R. §§ 257.60 - 257.64. Greenidge completed its Location Report in November 2020, not in October 2018, as required by 40 C.F.R. §§ 257.60 - 257.64.
- vi. Failure to timely prepare and post an initial closure and post closure plan for the C-Pond. Greenidge completed and posted its plans in November 2020, not in April 2017² as required by 40 C.F.R. §§ 257.102 and 257.104.

Compliance Actions at the C-Pond

- 28. On November 2, 2022, Greenidge representatives and EPA personnel met in person to discuss a resolution to the NOPVOC. At that meeting, Greenidge reported plans to install four additional monitoring wells for the C-Pond. EPA requested that Greenidge also install one additional well to the south of the C-Pond.
- 29. Between November 30, 2022 and December 5, 2022, subsequent to the issuance of the NOPVOC, Greenidge installed five additional monitoring wells for the C-Pond, including a well to the south of the C-Pond as requested by EPA, as part of the C-Pond's groundwater monitoring system under 40 C.F.R. § 257.91.
- 30. As of December 2022, Greenidge had completed collection and testing of the minimum of eight independent samples for the six monitoring wells that were in place prior to the installation of the five wells installed in 2022. Greenidge reinitiated the groundwater monitoring program for the reconfigured system in January 2023, with an accelerated baseline sampling phase, with one sampling event planned to be conducted every six weeks. Greenidge is currently conducting sampling for the newly installed 2022 wells.

1. The regulation requires the development of a flood control plan by October 2016. See 40 C.F.R. § 257.82(c)(3). EPA's NOPVOC, however, used April 2017, rather than October 2016, as the design compliance date for the initial flood control system plan requirement since EPA contended that Greenidge became subject to the CCR Rule on or about March 2017.

2. The regulations require the owner or operator to develop written closure and post-closure plans by October 2016. EPA's NOPVOC, however, used April 2017 as the plan development compliance date for this requirement since EPA contended that Greenidge became subject to the CCR Rule on or about March 2017.

31. Greenidge prepared and posted its initial Groundwater Monitoring and Corrective Action Report for 2020 in January 2021, posted the 2021 Annual Report in January 2022, and posted the 2022 Annual Report in January 2023, as required by 40 C.F.R. § 257.90(e) & (f).
32. Subsequent to the NOPVOC, Greenidge developed and posted an initial inflow design flood control system plan with a professional engineer's certification on its CCR Website in January 2023.

CONSENT AGREEMENT

Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and 40 C.F.R. § 22.18 of the Consolidated Rules of Practice, it is hereby agreed by and between the parties hereto, and voluntarily and knowingly accepted by Respondent, that Respondent, for purposes of this Consent Agreement and in the interest of settling this matter expeditiously without the time, expense or uncertainty of a formal adjudicatory hearing on the merits: (a) admits the jurisdictional basis for EPA prosecuting this case; (b) neither admits nor denies EPA's Findings of Fact and Conclusions of Law; (c) consents to the assessment of the civil penalty as set forth below; (d) consents to the issuance of the Final Order incorporating all the provisions of this Consent Agreement; and (e) waives its right to contest or appeal that Final Order.

Pursuant to 40 C.F.R. § 22.31(b), the executed CA/FO shall become effective and binding when filed with the Regional Hearing Clerk of the Agency, Region 2 (such date henceforth referred to as the "effective date").

Based upon the foregoing, and pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and 40 C.F.R. § 22.18, Respondent voluntarily and knowingly agrees to, and shall comply with, the following terms to the extent it has not already done so:

1. By December 31, 2023, Respondent shall collect and thereafter analyze a minimum of eight independent samples from the newly installed 2022 wells for the constituents listed in Appendices III and IV of 40 C.F.R. Part 257 as required by 40 C.F.R. § 257.94(b).
2. Within ninety days (90) calendar days of the effective date of the Final Order, Respondent shall: a) amend its 2020, 2021 and 2022 Annual Groundwater Monitoring and Corrective Action Reports ("GWMCA Reports") as necessary to include reasonably available laboratory analytical reports, statistical analysis reports, well installation reports, and well purging and sampling field data sheets for each groundwater sampling event at the Facility for those years; and b) post the amended Reports on its CCR website pursuant to 40 C.F.R. § 257.90(f).

3. No later than one hundred and twenty (120) calendar days of the effective date of the Final Order, Respondent shall revise and post its closure plan for the C-Pond on its CCR website. The revised closure plan shall:
 - a. Describe the steps necessary to close the C-Pond consistent with recognized and generally accepted good engineering practices, and at a minimum shall include all of the information set forth in 40 C.F.R. § 257.102(b)(1);
 - b. Specify measures that comply with 40 C.F.R. § 257.102(d) if leaving CCR waste in place; and
 - c. Specify measures that comply with 40 C.F.R. § 257.102(c) if closure is by removal of CCR waste.
4. No later than one hundred and eighty (180) days of the effective date of the Final Order, Respondent shall permanently cease placing CCR or any non-CCR wastestream(s) into the C-Pond, and thereafter shall initiate closure of the C-Pond pursuant to its revised closure plan and 40 C.F.R. § 257.102.
5. Respondent must complete closure of the C-Pond in accordance with the time frames set forth in 40 C.F.R. § 257.102(f), including any extensions of closure timelines as provided in 40 C.F.R. § 257.102(f).
6. In conjunction with the first semiannual synoptic groundwater elevation measurements of the facility's groundwater monitoring system (as defined in the GWMCA Report dated January 2023) that occurs after the date on which Respondent is required to permanently cease discharges into the C-Pond under Paragraph 4, Respondent shall:
 - a. install a spatial array of temporary piezometers at points along the northern border of the C-Pond and a temporary piezometer at a point along the southwestern border of the C-Pond in the vicinity of well W-1104SH (W-1104SH may be used in lieu of a piezometer on the southwestern border) and commence four (4) quarterly measurements of synoptic groundwater elevations at the northern border and two semi-annual synoptic groundwater elevation measurements at the southwestern border to evaluate the groundwater flow at the northern border;
 - b. provide in its annual GWMCA Reports potentiometric surface maps and all groundwater elevation data from its temporary piezometers and groundwater monitoring system from each synoptic measurement event. The first annual GWMCA Report containing this information shall also include boring logs and construction diagrams for each temporary piezometer, as well as survey data; and;

- c. upon completion and analysis of the above 4 synoptic measurement events, make and include in its next annual GWMCA Report, a determination as to whether additional groundwater monitoring wells are necessary to accurately represent the quality of groundwater passing the northern boundary of the C-Pond under 40 C.F.R. § 257.91(c)(2).
7. This CA/FO is not intended, and shall not be construed, to waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local laws and regulations relating to the management and disposal of CCR waste by Respondent, including the closure requirements for CCR units.
8. Respondent shall pay a civil penalty to EPA in the total amount of **one hundred and five thousand dollars (\$105,000.00)**. Such payment shall be made by cashier's or certified check or by electronic fund transfer (EFT).

If the payment is made by check, then the check shall be made payable to the **Treasurer, United States of America**.

If the check is sent by UPS or FedEx, it shall be mailed to:

**U.S. Environmental Protection Agency
Government Lockbox 979078
3180 Rider Trail S.
Earth City, MO 63045**

If the check is sent by the United States Post Service (including for certified mail), it shall be mailed to:

**U.S. Environmental Protection Agency
Fines and Penalties Cincinnati Finance Center
P.O. Box 979078
St. Louis, MO 63197-9000**

The check shall be identified with a notation thereon listing the following: **In the Matter of Greenidge Generation LLC** and shall bear thereon the **Docket No. RCRA-02-2024-7102**.

If Respondent chooses to make the payment by EFT, then Respondent shall provide the following information to its remitter bank:

- a. Amount of Payment - **\$105,000.00**
- b. WIFT address: **FRNYUS33, 33 Liberty Street, New York, NY 10045**.

- c. Account Code for Federal Reserve Bank of New York receiving payment: **68010727.**
- d. Federal Reserve Bank of New York ABA routing number: **021030004.**
- e. Field Tag 4200 of the Fedwire message should read: **D 8010727 Environmental Protection Agency.**
- f. Name of Respondent and Matter: **Greenidge Generation LLC**
Docket Number: RCRA-02-2024-7102.

If Respondent chooses to **make on-line payments**, Respondent shall go to www.pay.gov and enter SFO 1.1 in the search field on the tool bar on the Home Page; select Continue under “EPA Miscellaneous Payments – Cincinnati Finance Center;” and open the form and complete the required fields. Once payment has been effected, Respondent shall email proof of payment to chester.amy@epa.gov and wise.milton@epa.gov and list **In the Matter of Greenidge Generation LLC, Docket No.: RCRA-02-2024-7102** in the subject line.

The payment of **\$105,000.00** must be received at the above address (or account of EPA) on or before thirty (30) calendar days after the date of the signature of the Final Order, which is located at the end of this CA/FO.

- a. Failure to pay the requisite civil penalty amount in full according to the above provisions may result in the referral of this matter to the United States Department of Justice or Department of the Treasury for collection or other appropriate action.
- b. Furthermore, if payment is not made on or before the date specified in this document, interest for said payment shall be assessed at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, on the overdue amount from the date said payment was required to have been made through the date said payment has been received. In addition, a late payment handling charge of \$15.00 will be assessed for each thirty (30) calendar day period or any portion thereof, following the date any payment was to have been made, in which payment of the amount remains in arrears.
- c. In addition, a 6% per annum penalty will be applied to any principal amount that has not been received by the EPA within ninety (90) calendar days of the deadline for any payment. Any such non-payment penalty charge on the debt will accrue from the date any penalty payment becomes due and is not paid.
- d. The civil penalty provided for herein constitutes a “penalty” within the meaning of 26 U.S.C. § 162(f) and is not a deductible expenditure for purposes of federal or state law.

9. EPA shall mail to Respondent (to the representative designated in Paragraph 10 of this Consent Agreement), a copy of the fully executed CA/FO. Respondent consents to service of the CA/FO upon it by email and by an employee of EPA other than the Regional Hearing Clerk.
10. Except as the parties may agree otherwise in writing, all documentation and information required to be submitted in accordance with the terms and conditions of this Consent Agreement shall be sent to:

Leonard Grossman, RCRA Senior Enforcement Team Leader
Enforcement & Compliance Assurance Division
US Environmental Protection Agency 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Grossman.Lenny@epa.gov

and

Amy Chester, Assistant Regional Counsel
Office of Regional Counsel
US Environmental Protection Agency
290 Broadway, 16th Floor
New York, New York 10007-1866
Chester.Amy@epa.gov

Unless the above-named EPA contacts are later advised otherwise in writing, EPA shall address any future written communications related to this matter (including any correspondence related to payment of the penalty) to Respondent at the following address:

Dale Irwin, President
Greenidge Generation LLC
590 Plant Road, PO Box 187
Dresden, NY 14441
dirwin@greenidge.com

11. Full payment of the penalty described in Paragraph 8 of the Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violation(s) and facts described in EPA's Findings of Fact and Conclusions of Law. Full payment of this penalty shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

12. The provisions of this Consent Agreement shall be binding upon Respondent, and its successors or assigns.
13. Respondent waives its right to request or to seek any hearing in this matter including one on the terms and conditions set forth in the Consent Agreement and its accompanying Final Order and/or EPA's Findings of Fact and Conclusions of Law, above.
14. For purposes of the identification requirement of Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), performance of the work described in Paragraphs 1-7 of this Consent Agreement is restitution or required to come into compliance with law.
15. Nothing in this document is intended or construed to waive, prejudice or otherwise affect the right of EPA, or the United States, from pursuing any appropriate remedy, sanction or penalty prescribed by law against Respondent, if Respondent has made any material misrepresentations or has provided materially false information in any document submitted during this proceeding.
16. Each party agrees to bear its own costs and attorney's fees in this matter.
17. The undersigned signatory for Respondent certifies that he\she is duly and fully authorized to enter into this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.

In the Matter of Greenidge Generation LLC
Docket Number RCRA-02-2024-7102

RESPONDENT:

BY: **Dale Irwin** Digitally signed by Dale Irwin
Date: 2024.01.05 14:36:24
-05'00'

(Signature)

NAME: **Dale Irwin**

(Please Print)


TITLE: **President**

DATE: **1/5/2024**

In the Matter of Greenidge Generation LLC
Docket Number RCRA-02-2024-7102

COMPLAINANT:

**KATHLEEN
ANDERSON**

 Digitally signed by KATHLEEN
ANDERSON
Date: 2024.01.09 13:42:10 -05'00'

Kate Anderson, Acting Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 2

In the Matter of Greenidge Generation LLC
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FINAL ORDER

The Regional Administrator of EPA, Region 2 concurs in the foregoing Consent Agreement in the case of **In the Matter of: Greenidge Generation LLC**, bearing **Docket Number RCRA-02-2024-7102**. Said Consent Agreement, having been duly accepted and entered into by the parties, is hereby ratified and incorporated into this Final Order, which is hereby issued pursuant to Section 3008(a) of RCRA and shall take effect when filed with the Regional Hearing Clerk of EPA, Region 2. 40 C.F.R. § 22.31(b). This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b)(3).

LISA GARCIA Digitally signed by LISA GARCIA
Date: 2024.01.09 23:14:51
-05'00'

Lisa F. Garcia
Regional Administrator
United States Environmental Protection Agency
Region 2