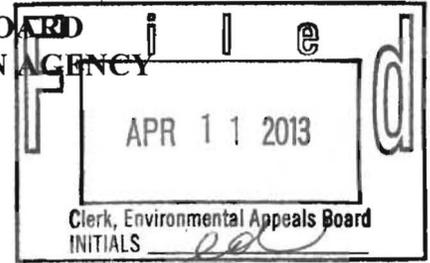


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
AboveNet Communications, Inc.)
360 Hamilton Ave.)
White Plains, N.Y. 10601)
)
)
)
)
)

Docket Nos. EPCRA-HQ-2012-8000 &
CWA-HQ-2012-8000

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b)-(c) of EPA's Consolidated Rules of Practice, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondent is ORDERED to comply with all terms of the Consent Agreement, effective immediately.

So ordered.¹

Date: April 11, 2013


Catherine R. McCabe
Judge, Environmental Appeals Board

¹ The three-member panel ratifying this matter is composed of Environmental Appeals Judges Fraser, McCabe, and Stein.

CERTIFICATE OF SERVICE

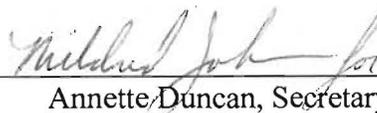
I certify that the foregoing "Consent Agreement" and "Final Order," in the Matter of *AboveNet Communications, Inc.*, Docket Nos. EPCRA-HQ-2012-8000 & CWA-HQ-2012-8000, were filed and copies of the same were mailed to the parties as indicated below:

Via Interoffice Mail:

Bernadette Rappold, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW (Mail Code 2248A)
Washington, DC 20460-0001

Via U.S. Certified Mail:

Joseph J. Green
Kelley Drye & Warren LLP
Washington Harbour, Suite 400
3050 K Street, NW
Washington, DC 20007-5108



Annette Duncan, Secretary
U.S. Environmental Protection Agency
Environmental Appeals Board

Dated: APR 11 2013