

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103**

In the Matter of:	:	
	:	
SNYDER BROTHERS, INCORPORATED	:	U.S. EPA Docket No. SDWA-03-2022-0078
90 GLADE DRIVE	:	
P.O. BOX 1022	:	Proceeding under Section 1423 of the Safe Drinking
KITTANNING, PENNSYLVANIA 16201	:	Water Act
	:	
Respondent.	:	
	:	
GIBSON LEASE EXPANSION	:	
DALLAS ROAD	:	
FOSTER TOWNSHIP,	:	
MCKEAN COUNTY, PENNSYLVANIA	:	
	:	
Facility.	:	

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Snyder Brothers, Incorporated (“Respondent”) (collectively the “Parties”), pursuant to Section 1423 of the Safe Drinking Water Act (“SDWA”), 42 U.S.C. §300h-2, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. The SDWA authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order” or “CAFO”) resolve Complainant’s civil penalty claims against Respondent under the SDWA (or the “Act”) for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a).
5. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO including, but not limited to, its right to request a hearing under 40 C.F.R. § 22.15(c) and Section 1423(c)(3) of SDWA, 42 U.S.C. § 300h-2(c)(3); its right to seek federal judicial review of the CAFO pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-06; any right to contest the allegations in this CAFO; and its right to appeal this CAFO under Section 1423(c)(6) of SDWA, 42 U.S.C. § 300h-2(c)(6). Respondent also consents to the issuance of this CAFO without further adjudication.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

6. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
7. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
8. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
9. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
10. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order (“CAFO”) and waives its right to appeal the accompanying Final Order.
11. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
12. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.
13. Public noticed of this CAFO is required by 40 C.F.R. § 22.45(b)(1).

Statutory and Regulatory Background

14. Section 1421 of SDWA, 42 U.S.C. § 300h, requires that the Administrator of EPA promulgate regulations, which shall include permitting requirements as well as inspection, monitoring, recordkeeping and reporting requirements, for state underground injection control (UIC) programs to prevent underground injection which endangers drinking water sources.
15. Section 1421(d)(1) of SDWA, 42 U.S.C. § 300h(d)(1), defines “underground injection” as the subsurface emplacement of fluids by well injection and excludes the underground injection of natural gas for purposes of storage and the underground injection of fluids or propping agents (other than diesel fuels) pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities.
16. Section 1421(d)(2) of SDWA, 42 U.S.C. § 300h(d)(2), provides that underground injection endangers drinking water sources if such injection may result in the presence in underground water which supplies or can reasonably be expected to supply any public water system of any contaminant, and if the presence of such contaminant may result in such system not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons.
17. Section 1422(c) of SDWA, 42 U.S.C. § 300h-1(c), provides that the Administrator for EPA shall prescribe UIC programs applicable to those states that have not obtained primary enforcement responsibility of their UIC programs (a concept called “primacy”) or do not have primacy for all types of wells.
18. Pursuant to Sections 1421 and 1422 of SDWA, 42 U.S.C. §§ 300h and 300h-1, respectively, EPA has promulgated UIC regulations at 40 C.F.R. Parts 124 and 144 through 148.
19. EPA administers and has primary enforcement responsibility of the UIC program in the Commonwealth of Pennsylvania. The UIC program for Pennsylvania is set forth at 40 C.F.R. Part 147, Subpart NN.
20. 40 C.F.R. § 144.1(g) provides that the UIC programs regulate underground injection by six classes of wells and all owners or operators of these injection wells must be authorized either by permit or rule.
21. Class II wells inject fluids which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection; for enhanced recovery of oil or natural gas; and for storage of hydrocarbons which are liquid at standard temperature and pressure. 40 C.F.R. § 144.6(b)(1).
22. 40 C.F.R. § 144.11 further prohibits any underground injection, except into a well

authorized by rule or by permit issued under the UIC program. Specifically, 40 C.F.R. § 144.11 prohibits “[a]ny underground injection, except into a well authorized by rule or except as authorized by permit issued under the UIC program. . . .”

23. 40 C.F.R. § 144.51(a) provides that any UIC permittee must comply with all conditions of its permit. Any permit noncompliance constitutes a violation of SDWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application; except that the permittee need not comply with the provisions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit under 40 C.F.R. § 144.34.
24. Section 1401(6) of SDWA, 42 U.S.C. § 300f(6), and 40 C.F.R. § 144.3 define “contaminant” as any physical, chemical, biological, or radiological substance or matter in water.
25. 40 C.F.R. § 144.3 defines “fluid” as any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.
26. 40 C.F.R. § 144.3 defines “injection well” as a “well” into which “fluids” are being injected.
27. 40 C.F.R. § 144.3 defines “permit” as an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 C.F.R. Parts 144, 145, 146 and 124.
28. Section 1401(12) of SDWA, 42 U.S.C. § 300f(12), defines “person” as an individual, corporation, company, association, partnership, State, municipality, or Federal agency (and includes officers, employees, and agents of any corporation, company, association, State, municipality, or Federal agency). *See also*, 40 C.F.R. § 144.3.
29. 40 C.F.R. § 144.3 defines “underground injection” as a “well injection.”
30. 40 C.F.R. § 144.3 defines “well” as a bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system.
31. 40 C.F.R. § 144.3 defines “well injection” as the subsurface emplacement of fluids through a well.
32. Section 1423(a)(2) of SDWA, 42 U.S.C. § 300h-2(a)(2), provides that any person found to be in violation of any requirement of an applicable UIC program in a state that does not have primacy may be assessed a civil penalty pursuant to Section 1423(c)(2) of SDWA, 42 U.S.C. § 300h-2(c)(2).
33. Under Section 1423(c)(2) of SDWA, 42 U.S.C. § 300h-2(c)(2), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$12,537 for each day of violation, up to

a maximum administrative penalty of \$313,448 for SDWA violations occurring after November 2, 2015, where the penalty is assessed after January 12, 2022.

Findings of Fact

34. Respondent is authorized under UIC Permit Number PAS2R401CMCK (“Permit”), to construct and operate up to nine Class IIR enhanced oil recovery injection wells located at Dallas Road, Foster Township, McKean County, Pennsylvania (“Facility”), also known as the Gibson Lease Expansion.
35. At all times relevant to this proceeding Respondent was subject to the provisions of the Permit and the applicable provisions of the SDWA.
36. Permit Part II.C.4, requires that Respondent make an initial “demonstration of mechanical integrity in accordance with 40 C.F.R. § 146.8” and, that Respondent “shall, after the initial demonstration” demonstrate mechanical integrity at least once every five years.
37. Permit Part II.C.4, goes on to state that Respondent “may continue operation only if he or she has successfully demonstrated to the Director the mechanical integrity of the permitted wells. The permittee shall cease injection operations if a loss of mechanical integrity becomes evident or mechanical integrity cannot be demonstrated.”
38. On December 9, 2021, EPA issued an Information Request to Respondent pursuant to Section 1445(a) of SDWA, 42 U.S.C. § 300j-4(a), 40 C.F.R. §§ 144.17 and 144.51(h) to gather information related to the Permit and historic operations and testing of the injection wells (“Information Request”).
39. On January 6, 2022, EPA received Respondent’s response to its Information Request with the requested information (“Respondent’s Response”).
40. Under 40 C.F.R. § 144.51(a) and the Permit, Respondent is required to comply with all conditions of the Permit and any noncompliance constitutes a violation of SDWA and is grounds for enforcement action, permit termination, revocation and reissuing or modification.
41. The Permit became effective November 15, 2016 and remains in effect for the life of the Facility’s operation, including proper plugging and abandonment when operations cease.
42. Respondent is a corporation, and as such, Respondent is a “person” as that term is defined at Section 1401(12) of SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 144.3.

Count I

Failure to Conduct Mechanical Integrity Testing

43. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

- 44. Pursuant to 40 CFR §§144.51(q) and 146.23, and Permit Condition Part II.C.4, Respondent was required to demonstrate mechanical integrity (“MI”) pursuant to 40 CFR §146.8 at least once every five (5) years during the life of each injection well.
- 45. The following table lists each permitted injection well at the Facility and its respective schedule for MI testing based on the test last performed:

Well Name	Last MI Test Performed	MI Test Due (Not Performed)	Last Date in Operation
WW-33	12/10/2014	12/10/2019	9/13/2021
WW-34	12/10/2014	12/10/2019	10/31/2020
WW-35	6/3/2015	6/3/2020	9/13/2021
WW-36	12/10/2014	12/10/2019	9/13/2021
WW-37	7/31/2014	7/31/2019	9/13/2021
WW-38	6/3/2015	6/3/2020	9/13/2021
WW-39	6/3/2015	6/3/2020	9/13/2021
WW-40	6/3/2015	6/3/2020	9/13/2021
WW-41	6/3/2015	6/3/2020	9/13/2021

- 46. Permit Part II.C.4, requires that Respondent make an initial “demonstration of mechanical integrity in accordance with 40 C.F.R. § 146.8” and, that Respondent “shall, after the initial demonstration” demonstrate MI at least once every five years.
- 47. The last successful MI demonstrations for injection wells WW-33, WW-34, WW-36, and WW-37 were 12/10/2014, 12/10/2014, 12/10/2014 and 7/31/2014, respectively.
- 48. Injection wells WW-33, WW-34, WW-36 and WW-37 required successful MI demonstrations by 12/10/2019, 12/10/2019, 12/10/2019 and 7/31/2019, respectively.
- 49. None of the injection wells identified in Paragraphs 47 and 48 above demonstrated successful MI since 2014.
- 50. The last successful MI demonstrations for injection wells WW-35, WW-38, WW-39, WW-40 and WW-41 were 6/3/2015.
- 51. Wells WW-35, WW-38, WW-39, WW-40 and WW-41 required successful MI demonstrations by 6/3/2020.
- 52. None of the injection wells identified in Paragraphs 50 and 51 above demonstrated successful MI since 2015.
- 53. As identified above, all of the injection wells at the Facility were operated after the applicable MI Test Due Date, and all wells remained in operation until September 13,

2021, with the exception of WW-34 which operated until October 31, 2020, when the Facility ceased operation and Respondent began the process to close and plug each well.

54. In failing to perform all required MI testing at each of the nine injection wells identified above, Respondent violated 40 CFR §§144.51(q) and 146.23, and Permit Condition Part II.C.4. Respondent is, therefore, subject to the assessment of penalties under Section 1423 of the SDWA.

Count II Unauthorized Injection

55. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
56. Pursuant to Permit Condition Part II.C.4. the Respondent “may continue operation only if he or she has successfully demonstrated to the Director the mechanical integrity of the permitted wells. The permittee shall cease injection operations if a loss of mechanical integrity becomes evident or mechanical integrity cannot be demonstrated.”
57. Pursuant to 40 C.F.R. § 144.11 “[a]ny underground injection, except into a well authorized by rule or except as authorized by permit issued under the UIC program, is prohibited.”
58. On January 22, 2020, EPA received Respondent’s 2019 Annual Report submittal for the Facility. The 2019 Annual Report showed injection operation activities during the 2019 calendar year at all nine injection wells at the Facility for all or part of 2019.
59. On February 8, 2021, EPA received Respondent’s 2020 Annual Report submittal for the Facility. The 2020 Annual Report Showed injection operation activities during the 2020 calendar year.
60. According to the 2020 Annual Report, the Facility operated all nine wells until November 2020 when the Facility had temporarily ceased operation.
61. Therefore, based on Respondent’s 2019 Annual Report, Respondent engaged in unauthorized injections at all nine injection wells in violation of Permit Condition Part II.C.4., 40 C.F.R § 144.11 and the 2019 MI demonstration requirements until temporary cessation of operations.
62. Additionally, based on Respondent’s 2020 Annual Report, it engaged in unauthorized injections at Wells WW-35, WW-38, WW-39, WW-40 and WW-41 in violation with Permit Condition Part II.C.4., 40 C.F.R § 144.11 and the MI demonstration requirements from June 3, 2020, until temporary cessation of operations in November 2020.
63. On September 13, 2021, EPA conducted an inspection at the Facility pressure plant and five wells.

64. During the inspection, EPA observed that the pressure plant and four of the wells were operating. Specifically, EPA observed Injection Wells WW-35, WW-36, WW-37, and WW-39 operating at 960 psi.
65. Therefore, based on the EPA inspection on at least September 13, 2021, Respondent engaged in unauthorized injections into injection wells WW-35, WW-36, WW-37 and WW-39 in violation of Permit Condition Part II.C.4. and 40 C.F.R. § 144.11.
66. In response to the Information Request, Respondent indicated that injections wells were in operation at the Facility until October 31, 2020.
67. Therefore, based on Respondent's Response, Annual Reports and EPA's Inspection, Respondent engaged in unauthorized injections at each of the injection wells in violation of Permit Condition Part II.C.4. and 40 C.F.R. § 144.1.
68. During the time period that the injection wells were operated without the required MI testing, as identified in the table at paragraph 46, above, Respondent was conducting unauthorized injections in violation of 40 CFR §144.11 and Permit Condition Part II.C.4. Respondent is therefore subject to the assessment of penalties under Section 1423 of the SDWA.

CIVIL PENALTY

69. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **\$122,500**, which Respondent shall be liable to pay in accordance with the terms set forth below.
70. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in the SDWA Section 1423(c), including the following: (i) the seriousness of the violation; (ii) the economic benefit (if any) resulting from the violation; (iii) any history of such violations; (iv) any good faith efforts to comply with the applicable requirements; (v) the economic impact of the penalty on the violator; and (vi) such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case and the penalty was adjusted in accordance with the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.
71. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
 - a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action EPA Docket No. SDWA-03-2022-

0078;

- b. All checks shall be made payable to the “United States Treasury;”
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

- d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- e. A copy of Respondent’s check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously **by email** to:

Douglas Frankenthaler
Assistant Regional Counsel
frankenthaler.douglas@epa.gov

and

U.S. EPA Region III Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

- 72. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent’s failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
- 73. Payment of the civil penalty is due and payable immediately upon the effective date of this Consent Agreement. Receipt by Respondent or Respondent’s legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed as of the effective date of this Consent Agreement and Final Order by Respondent in accordance with 40 C.F.R. § 13.9(a).

74. INTEREST: Interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the effective date of this Consent Agreement and Final Order. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the effective date of this Consent Agreement and Final Order. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).
75. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
76. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
77. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
78. The parties consent to service of the Final Order by e-mail at the following valid email addresses: frankenthaler.douglas@epa.gov (for Complainant), and drockman@eckertseamans.com (for Respondent).

GENERAL SETTLEMENT CONDITIONS

79. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
80. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its

officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

81. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

82. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the SDWA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

83. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the facts and violations alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under the SDWA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

84. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

85. Pursuant to 40 C.F.R. § 22.45(b), this Consent Agreement and Final Order shall be issued only after a 40-day public notice and comment period is concluded. This Consent Agreement and Final Order will become final and effective thirty (30) days after having been signed by the Regional Administrator or his delegate, the Regional Judicial Officer, and filed with the Regional Hearing Clerk.


ENTIRE AGREEMENT

86. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent: SNYDER BROTHERS, INCORPORATED

Date: JUNE 3, 2022

By:



Bryan K. Snyder
Vice President, Snyder Brothers, Incorporated

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

By: _____
Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

By: _____
Douglas Frankenthaler
Assistant Regional Counsel
U.S. EPA – Region III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103**

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GIBSON LEASE EXPANSION	:	
DALLAS ROAD	:	
FOSTER TOWNSHIP, MCKEAN	:	
COUNTY, PENNSYLVANIA	:	
	:	
Facility.	:	

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Snyder Brothers, Incorporated, have executed a document entitled “Consent Agreement,” which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to Sections 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of EPA’s applicable penalty policies and the statutory factors set forth in Section 1423 of the SDWA, 42 U.S.C. § 300h-2(c)(2).

NOW, THEREFORE, PURSUANT TO Section 1423 of the Safe Drinking Water Act, 42 U.S.C. § 300h-2(c)(2) and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **\$122,500** in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those facts and causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent’s obligation to comply with all applicable provisions of the SDWA and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is thirty (30) days after the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: _____

By: _____
Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103-2029**

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: :
Facility.

CERTIFICATE OF SERVICE

I certify that on _____, the foregoing *Consent Agreement and Final Order*, was filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Bryan K. Snyder
Vice President
One Glade Park East
Kittanning, PA 16201
bryan.snyder@snydercos.com

David A. Rockman
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
drockman@eckertseamans.com

Copies served via email to:

Douglas Frankenthaler
Assistant Regional Counsel
U.S. EPA, Region III
Frankenthaler.douglas@epa.gov

Leah Zedella
Enforcement Specialist
U.S. EPA, Region III
Zedella.leah@epa.com

Date: _____

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III