



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

June 28, 2021

REPLY TO ATTENTION OF
ECW-15J

VIA EMAIL

Mr. Patrick Goodale
Goodale Enterprises, LLC
0-21 Fennessy Road Southwest
Grand Rapids, Michigan 49544
pgoodale@goodaleent.com

Dear Goodale,

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO), which resolves the issues identified in docket number SDWA-05-2021-0003. As indicated by the filing stamp on the first page of the CAFO, the CAFO was filed with the Regional Hearing Clerk on June 28, 2021.

Pursuant to Paragraph 66 of the CAFO, Goodale Enterprises, LLC must pay the civil penalty within 30 days of the effective date, Due by July 28, 2021. The check with which you pay the civil penalty must display the case name: In the Matter of Goodale Enterprises, LLC and the docket number SDWA-05-2021-0003.

Please direct any questions regarding this matter to Taylor Girouard of my staff at 312-353-1394 or girouard.taylor@epa.gov, or your Counsel can contact Cynthia King, Associate Regional Counsel, at 312-886-6831 or cynthia.king@epa.gov.

Sincerely,

Elizabeth
Murphy

Digitally signed by
Elizabeth Murphy
Date: 2021.05.27
15:39:04 -05'00'

Elizabeth W. Murphy
Section Chief
Enforcement and Compliance Assurance Branch, Section 3

Enclosure

cc: Ann Coyle, Regional Judicial Officer
Larry Organek, Michigan Department of Environmental Quality
Cynthia King, Associate Regional Counsel
Taylor Girouard EPA
Jessica Stromsdorfer, EPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter Of:) Docket No. SDWA-05-2021-0003
)
Goodale Enterprises, LLC) Proceeding under Section 1423(c) of the
Grand Rapids, Michigan) Safe Drinking Water Act,
) 42 U.S.C. § 300h-2(c)
Respondent.)
)
_____)

Consent Agreement and Final Order

Statutory Authority

1. This is an administrative action commenced and concluded under Section 1423(c)(2) of the Safe Drinking Water Act (SDWA), 42 U.S.C. §300h-2(c)(2), and Sections 22.13(b), 22.18(b)(2) and (3), and 22.45 of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules), as codified at 40 C.F.R. Part 22.
2. Complainant is, by lawful delegation, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.
3. Respondent is Goodale Enterprises, LLC (Respondent or Goodale), a limited liability corporation doing business in Michigan.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, an administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). *See* 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the terms of this CAFO, including the assessment of the civil penalty and the compliance requirements specified below.

Jurisdiction and Waiver of Right to Judicial Review and Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c) and Section 1423(c)(3) of SDWA, 42 U.S.C. § 300h-2(c)(3), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

Statutory and Regulatory Background

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. Pursuant to Section 1422 of SDWA, 42 U.S.C § 300h-1, and EPA’s regulations at 40 C.F.R § 147.1151, EPA has primary enforcement responsibility of the UIC program in the State of Michigan to ensure that owners or operators of the injection wells within Michigan comply with the requirements of SDWA effective June 25, 1984.

15. 40 C.F.R. § 144.1(g) provides that the UIC permit programs regulates underground injection by six classes of wells and all owners or operators of these injection wells must be authorized either by permit or rule. 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).

16. 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.

17. 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, 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.

18. 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 and/or be subject to an order requiring compliance pursuant to Section 1423(c)(2) of SDWA, 42 U.S.C. § 300h-2(c)(2).

19. 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 \$7,500 for each day of violation, up to a maximum administrative penalty of \$177,500 for SDWA violations occurring after January 12, 2009 through December 6, 2013; \$7,500 for each day of violation, up to a maximum administrative penalty of \$187,500 for SDWA violations occurring after December 6, 2013 through November 2, 2015; \$11,665 for each day of violation, up to a maximum administrative penalty of \$291,641 for SDWA violations occurring after November 2, 2015; \$11,803 for each day of violation, up to a maximum administrative penalty of \$295,088 for SDWA violations occurring after November 2, 2015, where penalties are assessed on or after December 23, 2020 and/or issue an order requiring compliance.

Factual Allegations and Alleged Violations

20. Respondent is a limited liability company 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.

21. At all times relevant to this CAFO, Respondent was authorized to operate 16 Class II injection wells in Allegan, Kent, and Ottawa Counties, Michigan pursuant to the following permits (the Permits):

- a) MI-005-2D-0005; Hiram Gates #1
- b) MI-005-2D-0006; Kamstra DeVries # I
- c) MI-005-2D-0007; AJ Schaap Comm #1-A
- d) MI-005-2D-0008; Postma Sager #1
- e) MI-005-2D-0014; L. Twining #2
- f) MI-005-2D-0015; T. Weber#8
- g) MI-005-2D-0016; PH Kluinstecker #4
- h) MI-005-2D-00 17; F.W. Sutter# I
- i) MI-005-2D-0018; J.M. Norgaard #5
- j) MI-005-2D-0028; Goodale 1-17 SWD
- k) MI-081-2D-0002; J. Thurkettle #1
- l) MI-081-2D-0003; Wildeboer #3
- m) MI-081-2D-0004; Grand Rapids Gravel #3-A
- n) MI-081-2D-0005; J. Goodale #1 BWD
- o) MI-081-2D-0008; B. Snyder# 1
- p) MI-139-2D-0012; T. Kwiatkowski #1

22. The Permits authorize the injection of saltwater from production wells owned or operated by Goodale Enterprise in the immediate area into the wells identified in Paragraph 21, subject to the terms and conditions set forth in the Permits. The Permits are authorized for the disposal of fluids.

23. Saltwater is a “fluid” and the subsurface emplacement of saltwater through the wells identified in Paragraph 21 is a “well injection.” *See* 40 C.F.R. § 144.3.

24. At all times relevant to this CAFO, Respondent owned and operated wells in the State of Michigan and was thus subject to the UIC program requirements set forth at 40 C.F.R. Parts 124, 144, 146, 147 Subparts A and X, and 148.

25. At all times relevant to this CAFO, Part I (E)(1) of the Permits requires the Respondent to comply with all conditions of the Permits (except to the extent and for the duration such non-compliance is authorized by an emergency permit pursuant to 40 C.F.R. § 144.34).

26. At all times relevant to this CAFO, Respondent did not apply for and obtain an emergency permit pursuant 40 C.F.R. § 144.34.

27. Under 40 C.F.R. § 144.51(a), each day of non-compliance constitutes a violation of SDWA and is grounds for enforcement action, permit termination, revocation and reissuing or modification of the Permits.

28. On December 16, 2014, September 11, 2017, and July 31, 2019, pursuant to Section 1445(b) of SDWA, 42 U.S.C. § 300j-4(b) and Part I (E)(6) of the Permits, an EPA credentialed inspector inspected multiple of the Respondent's facilities.

29. On May 8, 2019, EPA issued the Respondent an Information Request pursuant to Section 1445 of SDWA, 42 U.S.C. § 300j. A written response from Respondent was due within 45 days of receipt of the Information Request.

30. On May 24, 2019, Respondent sent EPA a letter requesting an additional 45 days to respond to the Information Request. EPA approved the extension request.

31. On July 31, 2019, EPA conducted a field inspection pursuant to Section 1445(b) of SDWA, 42 U.S.C. § 300j-4(b), and Part I (E)(6) of the Permits.

32. On August 7, 2019, EPA issued a request to Respondent to demonstrate Mechanical Integrity. In August 2019, Respondent conducted and provided the results of the standard annulus pressure test to EPA.

33. Based on the annulus pressure test information provided by Respondent, on August 29, 2019, EPA issued a Cease Injection Notice to Respondent due to loss of Mechanical Integrity at the MI-005-2D-0014; L. Twining #2, and MI-005-2D-0016 PH Klunstecker#4 injection wells. These wells cannot resume operations until Mechanical Integrity is demonstrated.

34. On September 4, 2019, Respondent submitted its response to the Information Request and the documents requested by the EPA.

35. On October 14, 2020, EPA issued a Notice of Intent to File to Respondent and provided Respondent an opportunity to confer on the alleged violations stated in the Notice of Intent.

36. On November 25, 2020, EPA and the Respondent held a phone conference in response to the Notice of Intent to discuss the allegations.

37. On January 19, 2021, Respondent submitted, and EPA reviewed a written response following the November 25, 2020 discussion.

38. On January 20, 2021, EPA and the Respondent held a phone conference to discuss the allegations.

Count 1 – Failure to Conduct Required Weekly Monitoring

39. The statements in Paragraphs 1 through 38 of this CAFO are hereby incorporated by reference as if set forth in full.

40. At all times relevant to this CAFO, Parts II (B)(2)(d) and III (A) of the Permits required Respondent to monitor and record annulus and injection pressure at least weekly using calibrated gauges. 40 C.F.R. § 144.51(j) requires that samples and measurements taken for the purpose of monitoring be representative of the monitored activity.

41. In the response to the Information Request, Respondent stated that during the requested time period not all injection and annulus pressure measurements were being taken and recorded. Prior to January 1, 2018, pressure measurements for injection and annulus pressure were taken periodically, but the frequency in which these pressure measurements were taken was not documented.

42. From October of 2015 through December of 2017, EPA alleges that Respondent failed to conduct the at least weekly measurements of injection and annulus pressure as required by the Permits.

43. Respondent's alleged failure to record annulus pressure and injection pressure measurements with a calibrated gauge is a violation of Parts II (B)(2)(d) and III (A) of the Permits, the UIC regulations at 40 C.F.R. § 144.51, and SDWA.

Count 2 – Submission of Inaccurate Reports

44. The statements in Paragraphs 1 through 38 of this CAFO are hereby incorporated by reference as if set forth in full.

45. At all times relevant to this CAFO, Part II (B)(3)(a) of the Permits requires monthly reports to be submitted to EPA. Reports submitted each month must include a minimum of weekly measurements taken with a calibrated gauge of injection pressure, annulus pressure, flow rate and cumulative volume as required in Parts II (B)(2)(d) and III (A).

46. In the response to the Information Request, Respondent stated that during the requested time period, injection and annulus pressure measurements were not being routinely taken and recorded at all of the wells.

47. Respondent stated in their response to the Information Request that prior to February 2018, pressure values submitted were not always based on actual measurements taken at the well sites. The reported injection and annulus pressures of “0” were assumed “0” because the wells generally operated in a gravity state. Starting in February 2018 Respondent stated that values for tubing and annular pressure on monthly monitoring reports submitted were collected and recorded through the use of a calibrated gauge for all of the wells.

48. EPA alleges that Respondent was not conducting the monitoring of injection pressure and annulus pressure at the frequency required by the Permits. However, the Respondent submitted monthly reports to EPA with weekly values for the injection pressure and annulus pressure. The values submitted on the Respondent’s reports were not always based on actual pressure measurement taken.

49. From October of 2015 through January of 2018, EPA alleges that Respondent submitted inaccurate monthly reports to EPA.

50. Respondent’s failure to accurately report weekly annulus pressure and injection pressure measurements is a violation of Part II (B)(3)(a) and Part III (A) of the Permits, the UIC regulations at 40 C.F.R. § 144.51(a), and SDWA.

Count 3 – Injection of Unauthorized Fluids

51. The statements in Paragraphs 1 through 38 of this CAFO are hereby incorporated by reference as if set forth in full.

52. At all times relevant to this CAFO, Part I (E)(18) of the Permits restricts the permittee to only allow the injection of oil field brines or those fluids used in the enhancement of oil and gas production as specified in 40 CFR 146.5(b). Further, no fluids other than those from sources noted in the administrative record and approved by the Director shall be injected.

53. In the response submitted to the Information Request, Respondent obtained a producing oil well in exchange for allowing Christian Oil Co. to periodically dispose of brine into one of Respondent's Wells. Respondent does not have documentation evidencing when the injection began or outlining the agreement. The volume of brine injected from Christian Oil Co.'s wells was reported on Respondent's monthly monitoring reports from June of 2014 until May of 2019.

54. From June of 2014 to May of 2019, Respondent injected unauthorized sources of fluids into their wells. Since May of 2019 the unauthorized injections have ceased.

55. Respondent's injection of unauthorized fluids is in violation with Part I (E)(18) and Part II(A)(7) of the Permits, the UIC regulations at 40 C.F.R. § 144.51(a), and SDWA.

Count 4 – Failure to Maintain Mechanical Integrity

56. The statements in Paragraphs 1 through 38 of this CAFO are hereby incorporated by reference as if set forth in full.

57. At all times relevant to this CAFO, Part I (E)(17)(a) of the Permits requires that the Respondent must establish and shall maintain mechanical integrity of the well.

58. After the July 31, 2019 inspection and subsequent review of monitoring reports submitted by the Respondent, EPA requested Respondent to demonstrate Mechanical Integrity through a standard annulus pressure test at three wells.

59. The Respondent conducted the standard annulus pressure test in August of 2019 and reported the results to EPA on August 26, 2019.

60. Based on the results of the standard annulus pressure test and the review of monitoring reports, the Respondent failed to maintain mechanical integrity at the L Twining #2 well.

61. On August 26, 2019, Respondent tested the PH Kluinstecker #4 well on its own initiative and accord and discovered an issue with the PH Kluinstecker# 4 well's mechanical integrity.

62. Following this discovery Respondent immediately shut down that well and notified EPA of the PH Kluinstecker#4 well's loss of mechanical integrity on August 26, 2019.

63. Respondent's failure to maintain mechanical integrity is a violation with Part I (E)(17)(a) of the Permits, the UIC regulations at 40 C.F.R. § 144.51(a), and SDWA.

Civil Penalty

64. Section 1423(c)(4)(B) of SDWA, 42 U.S.C. 300h-2(c)(4)(B), requires the Administrator to take into account the seriousness of the violation, the economic benefit (if any) resulting from the violation, any history of such violations, any good faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require, when assessing a civil penalty for violations of SDWA.

65. Based upon the facts alleged in this CAFO, the factors listed in Section 1423(c)(4)(B) of SDWA, 42 U.S.C. 300h-2(c)(4)(B), EPA's UIC Program Judicial and Administrative Order Settlement Penalty Policy (September 1993) (EPA's UIC Penalty Policy), and Respondent's good faith and cooperation in resolving this matter, EPA has determined that an appropriate civil penalty to settle this action is \$119,497.

66. Within 30 days of the effective date of this CAFO, Respondent must pay a \$119,497 civil penalty by electronic funds transfer, payable to “Treasurer, United States of America,” and sent to

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, New York 10045

In the comment or description field of the electronic funds transfer, state Respondent’s name and the docket number of this CAFO.

67. A transmittal letter, stating Respondent’s name, complete address, and the case docket number must accompany the payment.

68. When it pays the penalty or any portion thereof, Respondent must send a notice of payment that states Respondent’s name and the docket number of this CAFO to EPA electronically to the addresses in Paragraph 69, to the extent possible.

69. Exhibit A provides the instructions needed for electronic submissions. Electronic submissions must be sent to the following addresses: r5weca@epa.gov, girouard.taylo@epa.gov, and king.cynthia@epa.gov. If electronic submittal is not possible, the submissions must be made by certified mail (return receipt requested) and mailed to the following addresses:

Taylor Girouard (ECW-15J)
Water Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Cynthia King (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard

Chicago, Illinois 60604

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

70. This civil penalty is not deductible for federal tax purposes.

71. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, Respondent must pay the following on any amount overdue under this CAFO: interest accrued on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2); the United States' enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings; a \$15 handling charge fee each month that any portion of the penalty is more than 30 days past due; and 6% per year penalty on any principal amount 90 days past due.

72. If Respondent does not pay timely the civil penalty, EPA may request the United States Department of Justice bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States' enforcement expenses for the collection action under Section 1423(c)(7) of SDWA, 42 U.S.C. § 300h-2(c)(7). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

Compliance Requirements

73. As provided by Section 1423(c)(2) of SDWA, 42 U.S.C. § 300h-2(c)(2),

Respondent shall:

- a) Immediately cease injection of fluids other than from sources owned and operated by Respondent, and approved by EPA.
- b) Within 14 days of the effective date of this CAFO, measure and record injection pressure, annulus pressure, flow rate and cumulative volume at least weekly through the use of a calibrated gauge. Respondent agrees to provide

a copy of the monthly log sheet as supporting documentation in addition to routine monthly reports for 12 months following effective date.

- c) Within 90 days of the effective date of this CAFO, Respondent will submit to EPA for review and approval, and upon approval, implement a standard operating procedure (SOP) for use in providing adequate direction to all staff or contractors in monitoring, recording, and reporting practices required by the Permits. The SOP must address procedures for measuring injection pressure, annulus pressure, flow rate and cumulative volume with calibrated gauges and flow meters or totalizers. The SOP must also address how all monitoring information will be maintained in accordance with the Permits and 40 C.F.R. § 144.51(j), including all calibration and maintenance records and copies of all records from the date of the sample, measurement or report.

General Provisions

74. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: king.cynthia@epa.gov (for Complainant) and gabozzer@krlawtc.com (for Respondent).

75. All reports, notifications, documentation, and submissions required by this CAFO shall be sent to EPA in the manner described in Paragraph 69. These reports, notifications, documentation, and submissions must be signed by a duly authorized representative of Respondent and shall include the following statement consistent with 40 C.F.R. § 144.32(d):

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

76. Respondent may not withhold information based on a claim that it is confidential. However, pursuant to 40 C.F.R. Part 2, Subpart B, Respondent may assert a claim of business confidentiality regarding any portion of the information submitted in response to this CAFO, as provided in 40 C.F.R. § 2.302(a)(2). The manner of asserting such claims is specified in Exhibit

B. The name and address of any permit applicant or permittee and information which deals with the existence, absence, or level of contaminants in drinking water is not entitled to confidential treatment. 40 C.F.R. § 144.5. If Respondent finds at any time after submitting information that any portion of that information is false or incorrect, the signatory must notify EPA immediately. Knowingly submitting false information to EPA in response to this CAFO may subject Respondent to criminal prosecution under Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b), as well as 18 U.S.C. §§ 1001 and 1341. Submissions required by this CAFO shall be deemed submitted on the date they are sent electronically or on the date postmarked if sent by U.S. mail.

77. EPA may use any information submitted in accordance with this CAFO in support of an administrative, civil, or criminal action against Respondent.

78. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO. Violation of this CAFO shall be deemed a violation of SDWA for purposes of Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b).

79. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

80. This CAFO does not affect Respondent's responsibility to comply with SDWA and other applicable federal, state, or local laws and permits. Except as provided in Paragraph 78 above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal law administered by EPA.

81. Respondent certifies that it is complying with SDWA, its implementing regulations, and the Permits.

82. This CAFO constitutes a “previous violation” as that term is used in EPA’s UIC Penalty Policy and to determine Respondent’s “history of such violations” under Section 1423(c)(4)(B) of SDWA, 42 U.S.C. § 300h-2(c)(4)(B).

83. The terms of this CAFO bind Respondent and its successors and assigns.

84. Each person signing this CAFO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to the terms of this CAFO.

85. Each party agrees to bear its own costs and attorney fees in this action.

86. This CAFO constitutes the entire agreement between the parties.

87. The parties acknowledge and agree that final approval by EPA of this CAFO is subject to 40 C.F.R. § 22.45(c)(4) which sets forth requirements under which a person not a party to this proceeding may petition to set aside a consent agreement and final order on the basis that material evidence was not considered.

88. In accordance with 1423(c)(3)(D) of SDWA, 42 U.S.C. § 300h-2(c)(3)(D), and 40 C.F.R. §§ 22.18(b)(3), 22.31(b), and 22.45, this CAFO shall become effective 30 days after the date that the Final Order contained in this CAFO, having been approved and issued by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

89. EPA may terminate this CAFO at any time by written notice to Respondent.

90. Absent the notice described in Paragraph 89 and within 30 days after Respondent concludes that it has achieved compliance with all requirements of this CAFO, Respondent may request in writing that EPA terminate this CAFO. With this request for termination, Respondent must submit to the EPA enforcement officer a written final report and certification of completion describing all actions taken to comply with all requirements of this CAFO. Respondent must include the certification language required under Paragraph 75. In response to the request for

termination and written final report, EPA may require additional information, actions, or evidence from Respondent to show compliance with this CAFO; EPA may pursue appropriate administrative or judicial action to require compliance with this CAFO; or EPA may accept the request for termination. This CAFO shall terminate on the date that EPA notifies Respondent in writing that EPA agrees with Respondent's request for termination.

Consent Agreement and Final Order
In the Matter of: Goodale Enterprises, LLC
Docket Number. SDWA-05-2021-0003

Goodale Enterprises, LLC Respondent

3-19-21
Date

Patrick Goodale
Patrick Goodale
Manager of Goodale Enterprises, LLC

**Consent Agreement and Final Order
In the Matter of: Goodale Enterprises, LLC
Docket Number: SDWA-05-2021-0003**

United States Environmental Protection Agency, Complainant

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2021.04.07
15:57:06 -05'00'

Michael D. Harris *(signature and date)*
Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: Goodale Enterprises, LLC
Docket Number. SDWA-05-2021-0003

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective 30 days after filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18, 22.31, and, 22.31, and 22.45. IT IS SO ORDERED.

ANN COYLE Digitally signed by ANN COYLE
Date: 2021.05.28 13:20:49 -05'00'

Ann Coyle *(signature and date)*
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5

Consent Agreement and Final Order
In the Matter of: Goodale Enterprises, LLC
Docket Number. SDWA-05-2021-0003

Certificate of Service

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number SDWA-05-2021-0003, which was filed on June 28, 2021, in the following manner to the following addresses:

Copy by e-mail to Respondent: Patrick Goodale
pgoodale@goodaleent.com

Copy by e-mail to Attorney for Complainant: Cynthia King
King.cynthia@epa.gov

Copy by e-mail to Attorney for Respondent: Gina Bozzer
gabozzer@krlawtc.com

Copy by e-mail to Regional Judicial Officer: Ann Coyle
Coyle.ann@epa.gov

LaDawn Whitehead *(signature and date)*
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 5

Exhibit A
Instructions for Electronic Submissions

To aid in our electronic recordkeeping efforts, EPA requests that you provide all documents responsive to this CAFO in an electronic format according to paragraphs 1 through 5, below. These electronic submissions are in lieu of hard copy submissions. Please submit hard copies of any documents that cannot be submitted electronically due to unconventional paper size.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.
3. Provide a table of contents for the electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number.
4. Please provide documents claimed as CBI in separate file folders apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the information claimed as CBI.
5. Certify that all electronic submittals including attached files have been scanned for viruses and indicate what program was used.

Exhibit B
Confidential Business and Personal Privacy Information

Assertion Requirements

Goodale Enterprises, LLC may assert a business confidentiality claim covering any parts of the information requested in the attached CAFO, as provided in 40 C.F.R. § 2.203(b).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential.

Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at 40 C.F.R. Part 2. Please clearly identify portions of otherwise non-confidential documents that you are claiming as confidential. EPA will construe the failure to furnish a confidentiality claim with your response to the information request may result in the information being made available to the public without further notice to you. EPA’s confidential business information (CBI) regulations are at 40 C.F.R. Part 2, Subpart B (sections 2.201-2.311). See <https://www.ecfr.gov>

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as “Personal Privacy Information.” Disclosure of such information to the general public may constitute an invasion of privacy.