UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of: Brooklyn Resource Recovery Inc. Brooklyn, New York, Respondent, In a proceeding under Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d)	**CONSENT AGREEMENT AND FINAL ORDER** **CAA-02-2022-1206**

A. PRELIMINARY STATEMENT

1. This is an administrative penalty assessment proceeding pursuant to Section 113(d) of the Clean Air Act (the "CAA" or "Act"), 42 U.S.C. § 7413(d), and Sections 22.13 and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), codified at 40 C.F.R. Part 22.

2. On behalf of the United States Environmental Protection Agency ("EPA" or "Complainant"), the Director of the Enforcement and Compliance Assurance Division ("ECAD") for EPA Region 2 is delegated the authority to settle civil administrative penalty proceedings under Section 113(d) of the Act. Specifically, pursuant to EPA Delegation of Authority 7-6-A and EPA Region 2 Delegation of Authority 7-6-A, the Administrator has delegated to the Director of ECAD, through the Regional Administrator of EPA Region 2, the authority to (a) make findings of violations, (b) issue CAA Section 113(d) administrative penalty complaints, and (c) agree to settlements and sign consent agreements memorializing those settlements, for CAA violations that occur in the jurisdiction of EPA Region 2.

3. Section 113(a) of the CAA authorizes the EPA Administrator to issue an administrative penalty order in accordance with Section 113(d) for violations associated with an applicable implementation plan after providing the requisite 30-day notice to the violator and to the State in which the implementation plan applies.

4. Section 113(d) of the CAA authorizes the EPA Administrator to issue an order assessing civil administrative penalties against any person that has violated or is violating any requirement or prohibition of subchapters I, III, IV-A, V, or VI of the Act, or any requirement or prohibition of any rule, order, waiver, permit, or plan promulgated pursuant to any of those subchapters, including but not limited to any regulation promulgated pursuant to Sections 111, 112, and 114 of the Act, 42 U.S.C. §§ 7411, 7412, and 7414.

5. Pursuant to EPA Delegation of Authority 7-6-C, the Administrator has delegated to the Regional Administrator of EPA Region 2 the authority to execute CAA Section 113(d) Final Orders.

6. Respondent is Brooklyn Resource Recovery, Inc. ("Respondent" or "BRR"), a corporation doing business in Brooklyn, New York.

7. Pursuant to Section 113(d), the Administrator and the Attorney General, through their respective delegates, have jointly determined that this matter is appropriate for an administrative penalty proceeding. Specifically, on May 5, 2022, the United States Department of Justice (DOJ) granted EPA's request for a waiver of the CAA Section 113(d) 12-month time limitation on EPA's authority to initiate an administrative penalty action in this matter.

8. Respondent is a "person" as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

9. EPA alleges that BRR violated the New York State Implementation Plan ("SIP"), along with the CAA and its implementing regulations promulgated under the CAA. The violations occurred at the Brooklyn Facility (the "Facility"), located at 5811 Preston Court in Brooklyn, New York. EPA alleges that:

a. Respondent's failure to operate the Facility's metal shredder with volatile organic compounds ("VOC") controls that met the applicable requirements in the reasonably available control technology ("RACT") regulations is a violation of 6 N.Y.C.R.R. § 212-3.1.

b. Respondent operated the Facility with a potential to emit in excess of 25 tons per year of VOC without obtaining and maintaining the required permits or federally enforceable permit conditions limiting emissions of VOC in violation of 6 N.Y.C.R.R. §§ 201-6, 201-7, and Section 502 of the Act.

The violations alleged by EPA are set forth in detail in Section E of this Consent Agreement, entitled "Conclusions of Law."

B. JURISDICTION

10. This Consent Agreement is entered into pursuant to Section 113(d) of the Act, as amended, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22.

11. The Regional Administrator is authorized to ratify this Consent Agreement, which memorializes a settlement between Complainant and Respondent. 40 C.F.R. § 22.18(b)(3).

12. The issuance of this Consent Agreement and attached Final Order simultaneously commences and concludes this proceeding. 40 C.F.R. §§ 22.13(b) and 22.18(b).

C. GOVERNING LAW

State of New York SIP Requirements (VOC RACT)

13. 40 C.F.R. § 51.100(s), which applies to SIPs, defines VOC as, in relevant part, "any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions."

14. The New York SIP VOC RACT provisions have been federally approved by the EPA.

See, e.g., 73 Fed. Reg. 21548 (April 22, 2008); 84 Fed. Reg. 38878 (Aug. 8, 2019); 86 Fed. Reg. 54375 (Oct. 1, 2021).

15. The federally approved SIP for the State of New York has at all relevant times included 6 N.Y.C.R.R. Part 200 ("General Provisions"), including relevant definitions contained therein. *See* 6 N.Y.C.R.R. § 200.1 and 6 N.Y.C.R.R. § 200.7.

16. The federally approved SIP for the State of New York has at all relevant times included 6 N.Y.C.R.R. Part 212-3 ("Reasonably Available Control Technology for Major Facilities").

17. Pursuant to 6 N.Y.C.R.R. § 212-3.1(a)(1), facilities located in the New York City metropolitan area with an annual potential to emit 25 tons or more of VOC must demonstrate and implement RACT.

18. Pursuant to 6 N.Y.C.R.R. § 212-3.1(b), facilities subject to § 212-3.1(a) must have submitted a compliance plan to the New York State Department of Environmental Conservation ("NYSDEC") by October 20, 1994. The compliance plan must either have included the RACT analysis required by 6 N.Y.C.R.R. § 212-3.1(c) or a plan to limit the annual potential to emit VOC below the applicability levels pursuant to 6 N.Y.C.R.R. § 212-3.1(d).

19. Pursuant to 6 N.Y.C.R.R. § 212-3.1(c), facilities subject to § 212-3.1(a) must identify RACT for each emission point that emits VOC for major VOC facilities. The compliance plan must identify the emission points that do not employ RACT, and a schedule for implementation of RACT must be included in the plan. A RACT analysis is not required for emission points with VOC emission rate potentials less than 3.0 pounds per hour and actual emissions in the absence of control equipment less than 15.0 pounds per day at facilities located in the New York City metropolitan area. *Id.*

20. The federally approved SIP for the State of New York has at all relevant times included 6 N.Y.C.R.R. Part 201 ("Permits and Certificates").

21. Pursuant to 6 N.Y.C.R.R. § 201-7.1 ("Federally Enforceable Emissions Cap"), the owner

or operator of a facility subject to 6 N.Y.C.R.R. Part 201 may elect to accept federally enforceable permit conditions which restrict or cap emissions from the facility or an emission source below one or more applicable requirements.

22. Pursuant to 6 N.Y.C.R.R. § 212-3.1(d), any facility with federally and state-enforceable conditions in a permit to operate that limits its annual potential to emit VOC below the applicability levels of 6 N.Y.C.R.R. § 212-3.1(a) by May 31, 1995 is exempt from the RACT analysis and implementation requirements of that section.

23. Pursuant to 6 N.Y.C.R.R. § 212-3.1(e), any facility that is subject to the RACT requirements after May 31, 1995 remains subject to them, even if its annual potential to emit VOC later falls below the applicability threshold.

24. Pursuant to 6 N.Y.C.R.R. §§ 212-3.1(c) and (f), facilities subject to § 212-3.1(a) that commence construction after August 15, 1994 of an emission point with emission rate potentials of at least 3.0 pounds of VOC per hour and actual emissions in the absence of control equipment of at least 15 pounds of VOC per day must submit a RACT demonstration for VOC emissions with each application for a permit to operate and must implement RACT on any such emission points when operation commences.

25. The federally approved SIP for the State of New York has at all relevant times included 6 N.Y.C.R.R. Part 202 ("Emissions Verification").

26. Pursuant to 6 N.Y.C.R.R. § 202-2.1(a)(1), the requirements of 6 N.Y.C.R.R. Subpart 202-2 apply to "…any owner or operator of a facility located in New York State which is determined to be a major source as defined in Subpart 201-2 of this Title for all or any part of such calendar year."

27. Pursuant to 6 N.Y.C.R.R. §§ 202-2.3(a)(3)(xii) and (xiii), (c)(2), 202-2.4(a), and 202-2.5(a), major sources must annually report process and fugitive emissions of all regulated air contaminants and maintain those reports for five years.

Clean Air Act Title V Operating Permit

28. Title V of the Act ("Title V") consists of CAA Sections 501 to 507, 42 U.S.C. §§ 7661-7661f.

29. In general, Title V requires each "major source" to obtain an operating permit setting forth all the air pollution requirements that apply to that source; Title V also provides for the creation of state and federal programs to issue such permits.

30. Section 501 of the CAA, 42 U.S.C. § 7661(2), defines a "major source," as used in Title V, as any stationary source or group of stationary sources located within a contiguous area and under common control that is a major source as defined in either Section 112 of the Act, Section 302 of the Act, or Part D of Subchapter I of the Act.

31. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), makes unlawful the operation of any source subject to Title V, except operation in compliance with a permit issued by a permitting authority pursuant to Title V.

32. Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), requires EPA to promulgate regulations establishing the minimum elements of a Title V operating permit program; it also sets forth the procedures by which EPA would approve, oversee, and withdraw approval of state operating permit programs.

33. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), requires each state to develop and submit to EPA a permit program meeting the requirements of Title V.

34. Section 502(e) of the CAA, 42 U.S.C. § 7661a(e), authorizes EPA to retain the authority to enforce Title V operating permits issued by a state.

35. On July 21, 1992, pursuant to CAA Section 502(b), EPA promulgated 40 C.F.R. Part 70 ("Part 70"), which governs state operating permit programs. See 57 Fed. Reg. 32295 (July. 21, 1992).

36. Section 502(d) of the Act, 42 U.S.C. § 7661a(d), and 40 C.F.R. § 70.4 require each state

to submit a permitting program, developed in accordance with Part 70, to EPA for approval. States are authorized to administer their own EPA-approved Title V operating permit programs.

37. Effective December 9, 1996, EPA granted interim approval (61 Fed. Reg. 57589, Nov. 7, 1996), and on January 31, 2002, EPA granted full approval of the New York State Title V Operating Permit Program (67 Fed. Reg. 5216, Feb. 5, 2002).

38. The New York State Title V Facility Permit Regulations ("Title V Regulations"), located at 6 N.Y.C.R.R. Part 201-6, implement numerous requirements of the CAA, and apply to, among other things, any "major facility." 6 N.Y.C.R.R. § 201-6.1(a)(1).

D. FINDINGS OF FACT

Based on the foregoing, EPA alleges as follows:

39. The following findings of fact are based in part on an investigation conducted by EPA Region 2 pursuant to Section 114 of the Act, 42 U.S.C. § 7414 ("EPA Investigation"). The EPA Investigation included, among other actions: (a) an information request made to BRR about the Facility and its operations; (b) a review of Respondent's records as provided to EPA subsequent to the information request; (c) a review of emission data and emission test results of metal shredders comparable to the metal shredder in operation at the Facility; (d) discussions with NYSDEC regarding the Facility; and (e) conversations with BRR, and materials it provided, including on April 22, 2021.

40. BRR owns and operates the scrap metal processing Facility located at 5811 Preston Court, Brooklyn, New York 11234. The Facility operated a metal shredder to process scrap automobiles and other scrap metal materials at a maximum rate of 160 tons per hour.

41. The Facility was issued a minor source registration certificate (Registration ID: 2-6105-00253/02000) by NYSDEC pursuant to 6 N.Y.C.R.R. § 201-4 ("Registration Certificate"). The Facility's Registration Certificate was issued for three emission points: one diesel 500 kw

Caterpillar generator, and two EMD diesel direct drive motors for the shredder, each rated at 4000 horsepower ("HP"). The Registration Certificate did not include the metal shredder. On February 25, 2021, NYSDEC revised 6 N.Y.C.R.R. § 201-3.3(c)(41) to specifically exempt scrap metal and automotive shredding operations from the list of trivial activities.

42. EPA sent an information request letter dated June 9, 2020 ("IRL") to BRR pursuant to Section 114 of the Act. The IRL included, among other items, a request for information from BRR regarding: (1) the installation date, startup date, and manufacturer's rated capacity of the metal shredder; and (2) the total monthly quantity of scrap metal processed by the metal shredder and all available emission calculations (for VOC and other pollutants) for the metal shredder for calendar years 2018 and 2019.

43. On July 8, 2020, BRR provided responses to the IRL ("BRR Response").

44. BRR did not employ a regenerative thermal oxidizer ("RTO") or other control device to limit its VOC emissions to at least the minimum RACT requirements.

45. Upon information and belief, BRR had not conducted any testing at the Facility's metal shredder to measure or quantify VOC emissions to the atmosphere, nor had BRR submitted any test notices and/or protocols to NYSDEC or EPA for VOC emissions testing of the Facility's metal shredder.

46. EPA evaluated available VOC emission test results from scrap metal shredders across the United States. Based on VOC testing conducted at other comparable metal shredders within the last three years that included regulatory oversight, demonstrated adequate VOC capture, applied consistent test methods, and covered a wide range of scrap metal composition, EPA determined that reasonable VOC emission calculations could be made to determine the VOC emissions from the Facility's metal shredder.

47. EPA performed VOC emission calculations based on the total capacity of the Facility's metal shredder to process scrap metal, considering all enforceable physical and operational

limitations on production and hours of operation, and a range of VOC emission test results from other comparable metal shredding facilities, to estimate the Facility's metal shredder's potential to emit VOC, both on a pounds-of-VOC-per-hour basis and a tons-of-VOC-per-year basis.

48. Based on EPA's calculations, the VOC emissions rate of the Facility's metal shredder exceeded 3.0 pounds per hour, its actual emissions in the absence of control equipment were in excess of 15 pounds of VOC per day, and it had the potential to emit in excess of 25 tons per year of VOC.

49. The EPA Investigation reveals that Respondent had not submitted a proposed alternative or facility-specific VOC compliance plan pursuant to 6 N.Y.C.R.R. § 212-3.

50. The EPA investigation reveals that the Respondent did not maintain federally enforceable permit conditions which restricted or capped VOC emissions to below 25 tons per year.

51. The EPA Investigation also reveals that Respondent did not maintain, nor had it applied for, a Title V operating permit pursuant to 6 N.Y.C.R.R. § 201-6.

52. On August 11, 2021, EPA issued a Notice of Violation (NOV) to the Respondent, and sent a copy to NYSDEC, for, among other things, violations of the New York SIP.

53. On December 7, 2021, BRR submitted an application to NYSDEC for a State Facility Permit for its shredding operations using an emission factor of 0.43 lbs of VOC per ton of scrap, which is based on VOC emission testing conducted at comparable facilities and a throughput of 40% end-of-life vehicles (ELVs) by weight of total material processed. The application included a facility-wide VOC emission limitation of 24.5 tons of VOC per year, a limit below the major source and VOC RACT applicability thresholds.

54. On February 25, 2022, BRR finalized the sale of its hammermill shredder and diesel engines, and its shredding operations ceased. BRR submitted a formal notice of withdrawal of its permit application to NYSDEC on the same day, and forwarded this notice to the EPA.

55. By April 13, 2022, the hammermill shredder and its diesel engines were dismantled and removed from the Facility. NYSDEC visited the Facility and confirmed the shredder's removal.

E. CONCLUSIONS OF LAW

Based on the Findings of Fact set forth above, EPA alleges as follows:

56. Respondent is a "person" within the meaning of Section 302(e) of the Act and 6 N.Y.C.R.R. § 200.1(bi).

57. Respondent is the owner and operator of the Facility.

58. Respondent operated a metal shredder at the Facility that had a VOC emission rate greater than 3.0 pounds of VOC per hour and actual emissions in the absence of control equipment greater than 15 pounds of VOC per day, and operates the Facility that had the potential to emit greater than 25 tons per year of VOC and was therefore a "major source" subject to 6 N.Y.C.R.R. §§ 201- 6.1(a)(1), 202-2 and § 212-3.1.

59. Respondent's failure to operate the Facility's metal shredder with VOC controls that met the requirements of RACT is a violation of 6 N.Y.C.R.R. § 212-3.1.

60. Respondent operated the Facility with a potential to emit in excess of 25 tons per year of VOC without obtaining and maintaining the required permits or federally enforceable permit conditions limiting emissions of VOCs in violation of 6 N.Y.C.R.R. §§ 201-6, 201-7, and Section 502 of the Act.

F. TERMS OF CONSENT AGREEMENT

61. For purposes of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

a. admits that the EPA has jurisdiction over the subject matter alleged in this Consent Agreement.

b. neither admits nor denies the factual allegations and alleged violations of law stated above;

c. consents to the assessment of a civil penalty as stated below;

d. consents to the conditions specified in this Consent Agreement;

e. has submitted an appropriate a permit application to the State of New York on December 7, 2021, as summarized in Paragraph 53, above;

f. has included a VOC emission factor of 0.43 pounds per ton of scrap shredded in its permit application for the shredder, which factor is based on VOC emission testing conducted at comparable facilities and a throughput of 40% end-of-life vehicles (ELVs) by weight of total material processed;

g. has informed EPA within 10 calendar days from the date of the occurrence of the following:

(i) the date of the sale of its hammermill shredder;

(ii) the date of the removal of the hammermill shredder from the Facility;

(iii) the date on which it formally requested withdrawal of the New York State permit application it submitted on December 7, 2021, forwarding the request to EPA for its records;

h. waives any right to contest the conclusions of law set forth in Section E of this Consent Agreement; and

i. waives its right to appeal the Final Order accompanying this Consent Agreement.

62. For purposes of this proceeding, Respondent:

a. agrees that this Consent Agreement states a claim upon which relief may be granted against Respondent;

b. acknowledges that this Consent Agreement constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions under Section 113(e) of the Clean Air Act, 42 U.S.C. § 7413(e);

c. consents to the issuance of the attached Final Order;

d. 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 Final Order, including any right of judicial review under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1);

e. consents to personal jurisdiction in any action to enforce this Consent Agreement or Final Order, or both, in the United States District Court; and

f. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the Consent Agreement or Final Order, or both, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action.

Civil Penalty

63. Pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d), Respondent shall pay the civil penalty of $26,222 ("EPA Penalty") within 30 calendar days of the effective date specified in Section H of this Consent Agreement ("Effective Date"). Respondent shall pay the EPA Penalty using a method provided on the website http://www2.epa.gov/financial/additional-instructions-making-payments-epa, identifying each and every payment with "Docket No. CAA-02-2022-1206." Within 24 hours of payment of the EPA Penalty, Respondent shall send proof of payment according to the instructions contained in the paragraph immediately below.

64. Proof of payment and any other written notices to be provided by this Order shall be submitted to:

Robert Buettner, Chief
Air Compliance Branch
Enforcement and Compliance Assurance Division

U.S. Environmental Protection Agency – Region 2
290 Broadway – 21st Floor
New York, New York 10007
Buettner.Robert@epa.gov

and

Liliana Villatora, Chief, Air Branch
Office of Regional Counsel
U.S. Environmental Protection Agency – Region 2
290 Broadway – 16th Floor
New York, New York 10007
Villatora.Liliana@epa.gov

65. "Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer in the amount due, identified with "Docket No. CAA-02-2022-1206," and any other information required to demonstrate that payment has been made according to the applicable payment method.

66. If Respondent fails to timely pay the full amount of the EPA Penalty assessed under this Consent Agreement, the EPA may:

a. request the Attorney General to bring a civil action in an appropriate district court to recover: the amount assessed; interest at rates established pursuant to 26 U.S.C. § 6621(a)(2); the United States' enforcement expenses; and a 10 percent quarterly nonpayment penalty, pursuant to 42 U.S.C. § 7413(d)(5);

b. refer the debt to a credit reporting agency or a collection agency, or the Department of Justice, pursuant to 42 U.S.C. § 7413(d)(5); 40 C.F.R. §§ 13.13, 13.14, and 13.33;

c. collect the debt by administrative offset (*i.e.*, the withholding of money payable by the United States to, or held by the United States, for a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, pursuant to 40 C.F.R. Part 13, Subparts C and H; and

d. suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, pursuant to 40 C.F.R. § 13.17.

G. EFFECT OF CONSENT AGREEMENT AND ATTACHED FINAL ORDER

67. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this Consent Agreement and Final Order resolves only Respondent's liability to the United States for federal civil penalties for the violations specifically alleged above.

68. Penalties paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.

69. This Consent Agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

70. The terms, conditions, and compliance requirements of this Consent Agreement may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Administrator or other delegate.

71. Any violation of this Consent Agreement and Final Order may result in EPA pursuing a civil judicial action for an injunction or civil penalties of up to $109,024 per day per violation, or both, as provided in Section 113(b)(2) of the Act, 42 U.S.C. § 7413(b)(2) (as adjusted for inflation pursuant to 40 C.F.R. § 19.4), as well as criminal sanctions, as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this Consent Agreement and Final Order in an administrative, civil judicial, or criminal action. Respondent reserves and may assert any available argument and defense and may use any information submitted under this Consent Agreement and Final Order, in response to any such action pursued by the EPA.

72. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

73. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

74. The EPA reserves the right to revoke this Consent Agreement and settlement penalty if and to the extent that the EPA finds, after signing this Consent Agreement, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA. The EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. Under such circumstance, Respondent reserves the right to assert any available argument and defense to any such claim by the EPA. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.

H. EFFECTIVE DATE

75. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, the EPA will transmit a copy of the filed Consent Agreement to the Respondent. This Consent Agreement and attached Final Order shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Hearing Clerk.

SIGNATURES

The foregoing Consent Agreement in the Matter of Brooklyn Resource Recovery, Inc., Inc., Docket No. CAA-02-2022-1206, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

_____ 6/1, 2022

Christian Rosselli
Vice President
Brooklyn Resource Recovery, Inc
5811 Preston Court
Brooklyn, NY 11234

FOR COMPLAINANT

Anderson,Kate Digitally signed by Anderson,Kate Date: 2022.06.02 12:23:49 -04'00' *for* _____, 2022

Dore F. LaPosta, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 2

In the Matter of Brooklyn Resource Recovery, Inc.
CAA-02-2022-1206

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b) of the EPA's Consolidated Rules of Practice and Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), the Regional Judicial Officer of EPA Region 2 concurs in the foregoing Consent Agreement, *In the Matter of Brooklyn Resource Recovery, Inc.*, CAA-02-2022-1206. The attached Consent Agreement resolving this matter, entered into by the parties, is incorporated by reference into this Final Order and is hereby approved, ratified, and issued.

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

SO ORDERED.

HELEN FERRARA

Digitally signed by HELEN FERRARA
Date: 2022.06.08 19:03:20 -04'00'

Date: 6/8/2022

Helen Ferrara
Regional Judicial Officer
United States Environmental Protection Agency, Region 2