



UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
REGION 2
290 BROADWAY NEW YORK, NY 10007

REGIONAL HEARING
CLERK
2019 MAR 21 AM 10:51

U.S. Environmental
Protection Agency
Region 2

MAR 21 2019

REPLY TO THE ATTENTION OF: ANHTHU HOANG

Eric Unkauf
Epic Holdings, LLC
22 Hudson Falls Road
South Glens Falls, New York 12803

Dear Mr. Unkauf,

Enclosed please find the Consent Agreement and Final Order which EPA filed with the Region 2 Regional Judicial Officer to resolve the matter of Epic Holdings, LLC, CAA-02-2019-1201 and RCRA-02-2019-7102. Please contact me at 212-637-5033 or hoang.anhthu@epa.gov with questions.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Anhthu Hoang".

Anhthu Hoang
Assistant Regional Counsel
EPA Region 2 Office of Regional Counsel

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

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U.S. Environmental
Protection Agency
Region 2

**In the Matter of:
Epic Holdings LLC
Respondent.**

**Proceeding under Section 113(d) of the
Clean Air Act and Section 3008 of the
Solid Waste Disposal Act, as amended**

**CONSENT AGREEMENT
AND FINAL ORDER
Docket Nos: CAA-02-2019-1201
RCRA-02-2019-7102**

I. PRELIMINARY STATEMENT

1. This is a civil administrative proceeding brought under Section 113(d) of the Clean Air Act (the "CAA"), 42 U.S.C. § 7413(d), Section 3008 of the Solid Waste Disposal Act as amended by various laws including the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. §§ 6901, *et seq.* (referred to collectively as "RCRA" or the "Act") 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"), as codified at 40 C.F.R. Part 22.
2. Complainant is the United States Environmental Protection Agency, Region 2 ("EPA"). On EPA's behalf, the Director of the Division of Enforcement and Compliance Assistance for the EPA ("Director") is delegated the authority to initiate and sign consent agreements for civil administrative proceedings under Section 113(d) of the CAA (*See* EPA Delegation of Authority 7-6-A and EPA Region 2 Delegation of Authority 7-6-A for CAA violations) and Section 3008(a) of RCRA.

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3. The Region 2 Administrator has delegated the authority to issue consent orders memorializing settlements providing for a penalty no greater than \$37,500 between the agency and respondents resulting from administrative enforcement actions under the CAA and RCRA to the Regional Judicial Officer.
4. The Respondent is Epic Holdings, LLC (“Epic” or “Respondent”), a limited liability company doing business in the state of New York.
5. Complainant and Respondent agree that settlement of this action is in the public interest and consent to enter into this consent agreement (“Consent Agreement” or “Agreement”) without adjudication of any issues of law or fact herein.
6. Respondent agrees to comply with the terms of this Consent Agreement and Final Order (“CAFO”).
7. The CAA violations described in this CAFO result from the demolition and renovation activities (“Activities”) Respondent conducted at 22 Hudson Falls Rd, South Glens Falls, NY 12803 (“Facility”).
8. The RCRA violations described in this CAFO occurred during Respondent’s management of hazardous waste at the above referenced Facility (also referred to as the “Hudson Falls Property”).
9. The EPA has reviewed Financial Information submitted by Respondent to determine the extent to which Respondent is financially able to pay a civil penalty to resolve the violations referenced in this settlement. This Financial Information consists of the financial documents submitted by Respondent and identified in Appendix A. Based upon its review of this Financial Information, EPA has determined that Respondent is limited in its ability to pay a civil penalty for the violations referenced herein and is

***In the Matter of Epic Holdings LLC
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able to pay the amount specified in Paragraph I.10 below and in Section IV (Consent Agreement) below.

10. This CAFO directs Epic to pay civil penalties in the amount of \$17,250 for its violations of 40 C.F.R. Part 61 Subpart M (“Subpart M”) and certain provisions of New York State’s EPA authorized hazardous waste program, which EPA has the authority to enforce.
11. Epic neither admits nor denies the factual determinations, legal conclusions or assertions set forth in this CAFO, and reserves all its rights and defenses in this matter, as provided by law or otherwise; except that it consents to the jurisdictional basis for in this CAFO, and agrees to be bound by, and to comply fully with, the provisions in this CAFO, below.
12. The issuance of this CAFO simultaneously commences and concludes this proceeding.
See 40 C.F.R. § 22.13(b).

II. STATUTORY AND REGULATORY BACKGROUND

The CAA Authorities

EPA’s Authority to Impose Civil Penalties for CAA Violations

1. Section 113(a) 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, among other provisions, subchapter I of the Act, or any requirement or prohibition of any rule, order, waiver, permit or plan promulgated pursuant to any of that subchapter including but not limited to any regulation promulgated pursuant to Sections 112 and 114 of the CAA.
2. In this CAFO, Complainant finds that Respondent’s Activities at the Facility are

