

**FILED**

**9/9/25**

**7:58 AM**

**DOCKET NO. CWA-01-2025-0032**

**U.S. EPA REGION 1**

**HEARING CLERK**

**IN THE MATTER OF**

E.L. Harvey & Sons, Inc.

Trojan Recycling, Inc.

Nauset Disposal Holdings, Inc.

Arrowhead Environmental Partners, LLC

Respondents

Proceeding under Section  
309(g) of the Clean Water  
Act, 33 U.S.C. § 1319(g)

**ADMINISTRATIVE CONSENT**

**AGREEMENT AND FINAL ORDER**

1. The United States Environmental Protection Agency, Region 1 ("EPA"), enters into this Consent Agreement and Final Order ("CAFO") with E.L. Harvey & Sons, Inc., Trojan Recycling, Inc., Nauset Disposal Holdings, Inc., and Arrowhead Environmental Partners, LLC (collectively, "Respondents"). EPA and Respondents enter into this CAFO under the authority of Section 309(g) of the Clean Water Act ("CWA"), 33 U.S.C. §1319(g), and in accordance with applicable delegations and 40 C.F.R. §§ 22.13(b) and 22.18 of EPA's *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination, or Suspension of Permits* ("Consolidated Rules"), for the purpose of resolving alleged violations of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

2. Pursuant to Section 309(g)(1) of the CWA, 33 U.S.C. § 1319(g)(1), and 40 C.F.R. § 22.38(b), EPA has notified the Commonwealth of Massachusetts of this action.

3. Pursuant to Section 309(g)(4)(A), 33 U.S.C. § 1319(g)(4)(A), EPA provided public notice of, and reasonable opportunity to comment on, this action.

### **General Allegations**

4. The CWA's objectives are to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Section 101(a) of the CWA, 33 U.S.C. § 1251(a).

### **Stormwater Regulations**

5. To accomplish the objectives of the CWA, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person except in compliance with the terms and conditions of a permit issued pursuant to Section 402 or Section 404 of the CWA, 33 U.S.C. §§ 1342 or 1344, and relevant implementing regulations.

6. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), authorizes the Administrator of EPA to issue National Pollutant Discharge Elimination System (NPDES) permits for the discharge of pollutants into navigable waters in compliance with the CWA.

7. Section 502(5) of the CWA, 33 U.S.C. § 1362(5), defines "person" to include "an individual, corporation, partnership, [or] association."

8. Section 502(12) of the CWA, 33 U.S.C. § 1362(12), defines "discharge of a pollutant" to include "any addition of any pollutant to navigable waters from any point source."

9. Section 502(6) of the CWA, 33 U.S.C. § 1362(6), defines "pollutant" to include, among other things, "garbage," "chemical wastes," "biological materials," "heat," "wrecked or discarded equipment," "rock, sand," and industrial waste discharged into water.

10. Section 502(14) of the CWA, 33 U.S.C. § 1362(14), defines "point source" to include "any

discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged.”

11. Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines “navigable waters” as “the waters of the United States, including the territorial seas.”

12. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the Administrator of EPA to require the owner or operator of any point source to provide such information as the Administrator may reasonably need to carry out the objectives of the CWA, including, among other things, the development and issuance of NPDES permits under Section 402 of the CWA, 33 U.S.C. § 1342.

13. Pursuant to Sections 308 and 402 of the CWA, 33 U.S.C. §§ 1318 and 1342, EPA promulgated stormwater discharge regulations at 40 C.F.R. § 122.26.

14. Forty C.F.R. § 122.26(b)(13) defines “storm water” to include stormwater runoff, snow melt runoff, and surface runoff and drainage.

15. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), authorizes EPA to issue NPDES permits for the discharge of pollutants into navigable waters in compliance with the CWA.

16. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and implementing regulation 40 C.F.R. § 122.26(a)(1)(ii) require stormwater discharges associated with industrial activity to be authorized by an NPDES permit.

17. Forty C.F.R. § 122.26(c)(1) provides that dischargers of stormwater associated with industrial activity are required to apply for an individual permit, apply for a permit through a group application, or seek coverage under a general permit.

18. Forty C.F.R. § 122.26(b)(14)(vi) specifies that facilities engaging in industrial activity include facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage

yards, and automobile junkyards, including, but limited to, those classified as Standard Industrial Classification (“SIC”) code 5015 and SIC code 5093.

19. Forty C.F.R. § 122.26(b)(14)(viii) specifies that facilities engaging in industrial activity include transportation facilities classified as SIC codes 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under 40 C.F.R. § 122.26(b)(14) (i)-(vii) or (ix)-(xi) are associated with industrial activity.

20. Forty C.F.R. § 122.26(b)(14) specifies that the term “storm water discharge associated with industrial activity” includes stormwater discharges from, among other things, industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. Material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product, or waste product.

21. On January 15, 2021, EPA reissued the NPDES Multi-Sector General Permit for Stormwater

Discharges Associated with Industrial Activity (“2021 MSGP”). 86 Fed. Reg. 10269 (Feb. 19, 2021).

22. The 2021 MSGP contains terms and conditions designed to ensure the implementation of practices to minimize pollutants in stormwater discharges associated with industrial activity.

23. The 2021 MSGP, in Appendix D, specifies that facilities whose primary SIC code is 5093 are subject to the requirements in Sector N: Scrap Recycling Facilities, and facilities whose primary SIC codes are 4011 or 4212 are subject to the requirements in Sector P: Land Transportation and Warehousing.

24. The 2021 MSGP, in Part 8, includes sector-specific requirements for certain industrial activities.

25. Sector N requirements are located in Part 8, Subpart N – Sector N – Scrap Recycling and Waste Recycling Facilities.

26. Sector P requirements are located in Part 8, Subpart P – Sector P – Land Transportation and Warehousing.

27. Under the 2021 MSGP, a facility discharging stormwater associated with industrial activity is required to submit a Notice of Intent (“NOI”) to be covered under the permit; prepare and implement a Stormwater Pollution Prevention Plan (“SWPPP”); conduct inspections, monitoring, and sampling; and meet other eligibility requirements.

28. Section 1.3.2 of the 2021 MSGP requires a facility seeking permit coverage to submit to EPA a complete and accurate NOI that provides information on the facility’s industrial activities and related discharges.

### **Applicability to Respondents**

29. Respondents are “persons” within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

30. On October 30, 2023, EPA performed Clean Water Act compliance inspections at the E.L. Harvey & Sons, Inc. facilities located at 1245 Shawmut Avenue, New Bedford, Massachusetts 02746 and 1136 Shawmut Avenue and 994-998 Nash Road, New Bedford, Massachusetts 02746. On November 7, 2023, EPA also performed a Clean Water Act compliance inspection at Trojan Recycling, Inc.’s facility located at 71 Forest Street, Brockton, Massachusetts 02302. EPA also conducted a desk-top compliance evaluation of E.L. Harvey & Sons, Inc.’s facility located at 48-50 Cranberry Highway, Rochester, Massachusetts 02576. EPA also reviewed Rhode Island Department of Environmental Management records for facilities located at 800 West Main Street, Portsmouth, Rhode Island 02871 and 163 Rose Hill Road, South Kingston, Rhode Island 02879.

31. On December 12, 2023, EPA sent requests for information pursuant to Clean Water Act Section 308(a), 33 U.S.C. § 1318(a), to Waste Connections, Inc. regarding any and all facilities in New England associated with Waste Connections, Inc. EPA sent further requests for information on June 3, 2024.

32. Waste Connections US Holdings, Inc. (“WCUS”) responded to EPA’s requests for information on March 12, 2024, April 11, 2024, August 16, 2024, and October 25, 2024. WCUS provided EPA with the requested information concerning the following operators and each operator’s respective facilities:

a. E.L. Harvey & Sons, Inc.

i. 1245 Shawmut Avenue, New Bedford, MA

- ii. 1136 Shawmut Avenue and 994-998 Nash Road, New Bedford, MA
  - iii. 55 Evelyn Way, Vineyard Haven, MA
  - iv. 48-50 Cranberry Highway, Rochester, MA
  - v. 295 Service Road, Sandwich, MA
  - vi. 8 Industrial Way, Tyngsborough, MA
  - vii. 68 Hopkinton Road, Westborough, MA
  - viii. 50 Arbor Way, Fitchburg, MA
- b. Trojan Recycling, Inc.
  - i. 71 Forest Street, Brockton, MA
- c. Nauset Disposal Holdings, Inc.
  - i. 22 Cantor Court, Plymouth, MA
  - ii. 61 Commonwealth Avenue, South Yarmouth, MA
- d. Waste Connections of Rhode Island
  - i. 14 Canal Street, North Smithfield, RI
  - ii. 116 Shun Pike, Johnston, RI
  - iii. 163 Rose Hill Road, South Kingston, RI
  - iv. 800 West Main Road, Portsmouth, RI
- e. MTG Disposal, LLC
  - i. 19 Industrial Avenue, Seekonk, MA
- f. Arrowhead Environmental Partners, LLC
  - i. 98 Berkshire Road, Ayer, MA

g. Perry County Railroad, LLC

i. 235 All Hallows Road, Danielson, CT

33. Based on the results of the investigation described in Paragraphs 30-32, EPA has determined to bring an enforcement action concerning the following facilities operated by Respondents (the “Facilities”) that are the subject of this CAFO:

- a. E.L. Harvey & Sons, Inc. is the operator of the E.L. Harvey Transfer Station (d/b/a New Bedford Transfer Station) located at 1245 Shawmut Avenue, New Bedford, Massachusetts 02746 (the “New Bedford Transfer Station”). E.L. Harvey & Sons, Inc. is a corporation incorporated in the Commonwealth of Massachusetts with its principal place of business in Texas.
- b. E.L. Harvey & Sons, Inc. is the operator of the E.L. Harvey Maintenance Garage (d/b/a New Bedford Garage) located at 1136 Shawmut Avenue and 994-998 Nash Road, New Bedford, Massachusetts 02746 (the “New Bedford Garage”).
- c. E.L. Harvey & Sons, Inc. is the operator of New Bedford Waste Services (d/b/a Zero Waste) located at 48-50 Cranberry Highway, Rochester, Massachusetts 02576 (“Zero Waste”).
- d. Trojan Recycling, Inc. is the operator of Trojan Recycling located at 71 Forest Street, Brockton, Massachusetts 02302 (“Trojan Recycling”). Trojan Recycling, Inc. is a corporation incorporated in the Commonwealth of Massachusetts with its principal place of business in Texas.
- e. Nauset Disposal Holdings, Inc. is the operator of the Nauset Disposal Facilities,



located at 22 Cantor Court, Plymouth, Massachusetts 02360 and 61 Commonwealth Avenue, South Yarmouth, Massachusetts 02664 (the “Nauset Disposal Facilities”). Nauset Disposal Holdings, Inc. is a corporation incorporated in the State of Delaware with its principal place of business in Texas.

- f. Arrowhead Environmental Partners, LLC is the operator of the Ayer Transload Facility, located at 98 Berkshire Boulevard, Ayer, Massachusetts 01432 (the “Ayer Transload Facility”). Arrowhead Environmental Partners, LLC is a company organized in the State of Delaware with its principal place of business in Texas.

34. Respondents identified the following SIC codes for the Facilities:

- a. SIC code 5093 for the New Bedford Transfer Station, making this facility subject to the requirements of Part 8, Subpart N of the MSGP.
- b. SIC code 4212 for the New Bedford Garage, making this facility subject to the requirements of Part 8, Subpart P of the MSGP.
- c. SIC code 5093 for Zero Waste, making this facility subject to the requirements of Part 8, Subpart N of the MSGP.
- d. SIC code 5093 for Trojan Recycling, making this facility subject to the requirements of Part 8, Subpart N of the MSGP.
- e. SIC code 4212 for the Nauset Disposal Facilities, making these facilities subject to the requirements of Part 8, Subpart P of the MSGP.
- f. SIC code 4011 for the Ayer Transload Facility, making this facility subject to the requirements of Part 8, Subpart P of the MSGP.

35. Since at least June 1, 2021, Respondents have conducted “industrial activity,” within the meaning of 40 C.F.R. § 122.26(b)(14)(ii) and 40 C.F.R. § 122.26(b)(14)(iii) at the Facilities.

36. Respondents submitted NOIs to be covered under the 2021 MSGP for the Facilities on the following dates:

- a. **March 6, 2024** for the New Bedford Transfer Station.
- b. **March 6, 2024** for the New Bedford Garage.
- c. **March 6, 2024** for Zero Waste.
- d. **July 22, 2024** for Trojan Recycling.
- e. **May 31, 2024** for the Nauset Disposal Facilities.
- f. **October 22, 2024** for the Ayer Transload Facility.

**Unauthorized Discharge of Stormwater Associated with Industrial Activity**

37. Paragraphs 1 through 36 are incorporated by reference as if fully set forth herein.

38. By discharging stormwater associated with industrial activity at the Facilities during the periods described below to waters of the United States without authorization under any NPDES permit, Respondents violated Section 301(a) of the CWA, 33 U.S.C. § 1311(a):

- a. **February 14, 2022 through March 6, 2024** at the New Bedford Transfer Station and the New Bedford Garage;
- b. **February 14, 2022 through March 6, 2024** at Zero Waste;
- c. **December 1, 2022 through July 22, 2024** at Trojan Recycling;
- d. **April 1, 2022 through May 31, 2024** at the Nauset Disposal Facilities; and
- e. **August 1, 2023 through October 22, 2024** at the Ayer Transload Facility.

## **CONSENT AGREEMENT**

39. EPA and Respondents agree that settlement of this cause of action is in the public interest and that entry of this CAFO without further litigation is the most appropriate means of resolving this matter. Therefore, before taking any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the parties, it is hereby ordered and adjudged as follows:

40. Respondents admit the jurisdictional allegations set forth in this CAFO and waive any defenses they might have as to jurisdiction and venue.

41. Respondents neither admit nor deny the factual or non-jurisdictional allegations contained herein.

### **Waiver of Rights**

42. Respondents waive the right to a hearing under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), and to any appeal of the Final Order in this matter under Section 309(g)(8)(B) of the CWA, 33 U.S.C. § 1319(g)(8)(B). Respondents consent to the issuance of a Final Order without further adjudication.

43. For the purposes of this CAFO, Respondents waive any rights or defenses that Respondents have or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waive any right to challenge the lawfulness of the final order accompanying the consent agreement.

### **Penalty**

44. In settlement of the violations of Section 301 of the CWA, 33 U.S.C. § 1311, alleged

herein and arising from the investigation described in Paragraphs 30-32, Respondents consent to the assessment of a civil penalty in the amount of \$170,000 (the “Assessed Penalty”), which Respondents shall each pay the following within 10 days of the date this Consent Agreement becoming final: E.L. Harvey & Sons, Inc. shall pay \$86,000, Trojan Recycling, Inc. shall pay \$26,000, Nauset Disposal Holdings, Inc. shall pay \$38,000, and Arrowhead Environmental Partners, LLC shall pay \$20,000.

### **Payment Terms**

45. In agreeing to the penalty described in the previous paragraph, EPA has taken into account the statutory penalty factors at Section 309(g)(3) of the CWA, 33 U.S.C. § 1319(g).

46. Each Respondent shall pay its share of the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions, see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

47. When making a payment, each Respondent shall:

- a. Identify every payment with the Respondent’s name (*e.g.*, “E.L. Harvey & Sons, Inc.” or “Trojan Recycling, Inc.”), and the docket number of this Agreement, CWA-01-2025-0032.
- b. Concurrently with any payment or within 24 hours of any payment, each Respondent shall serve proof of such payment to the following person(s):

Wanda Santiago, Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 1  
Via electronic mail to:  
[r1\\_hearing\\_clerk\\_filings@epa.gov](mailto:r1_hearing_clerk_filings@epa.gov)

and

Jeff Kopf, Senior Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
Via electronic mail to:  
kopf.jeff@epa.gov

and

U.S. Environmental Protection Agency  
Cincinnati Finance Division  
Via electronic mail to:  
CINWD\_AcctsReceivable@epa.gov

48. "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, and any other information required to demonstrate that payment has been made according to EPA requirements in the amount due, and identified with the appropriate docket number and Respondents' names.

49. Interest, Charges, and Penalties on Late Payments. Pursuant to 33 U.S.C. § 1319(g)(9), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if any Respondent fails to timely pay its share of the Assessed Penalty as provided in Paragraph 43, that Respondent shall be subject to a civil action to collect the assessed penalty, plus interest at the prevailing rates, from the date this Consent Agreement becomes final. The rate of interest assessed shall be at the rate set forth in 31 C.F.R. § 901.9(B), promulgated under 31 U.S.C. § 3717. Any Respondent that fails to pay on a timely basis its share of the Assessed penalty shall be required to pay, in addition to its share of the Assessed Penalty and interest, attorney's fees, costs for collection proceedings, and a quarterly non-penalty payment for each quarter during which

such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such Respondent's penalties and nonpayment penalties that are unpaid as of the beginning of such quarter.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within 30 days, interest accrued is waived. If the Assessed Penalty is not paid in full within 30 days, interest will continue to accrue until the unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Interest will be assessed at prevailing rates, per 33 U.S.C. § 1319(g)(9). The rate of interest is the Internal Revenue Service ("IRS") standard underpayment rate.
- b. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of collection proceedings.
- c. Late Payment Penalty. A 20 percent quarterly non-payment penalty.

50. Late Penalty Actions. In addition to the amounts described in the prior paragraph, if Respondents fail to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions EPA may include, but are not limited to, the following:

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (*i.e.*, the withholding of money payable by the United States government to, or held by the United States government

for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the IRS for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

- c. Suspend or revoke Respondents' licenses or other privileges, or suspend or disqualify Respondents from doing business with EPA or engaging in programs that EPA sponsors or funds, per 40 C.F.R. § 13.17.
- d. Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 33 U.S.C. § 1319(g)(9). In any such action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

51. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

52. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

### **General Provisions**

53. The provisions of this CAFO shall apply to and be binding on Respondents, their officers, directors, successors, and assigns.

54. The civil penalty provided under this CAFO, and any interest, nonpayment penalties,

and charges described in this CAFO, shall represent penalties assessed by EPA within the meaning of 26 U.S.C. § 162(f) and are not tax deductible for purposes of federal, state, or local law. Accordingly, Respondents agree to treat all payments made pursuant to this CAFO as penalties within the meaning of 26 C.F.R. § 1.162-21, and further agree not to use those payments in any way as, or in furtherance of, a tax deduction under federal, state, or local law.

55. This CAFO does not constitute a waiver, suspension, or modification of the requirements of the CWA or any regulations or permits promulgated thereunder. Payment of the penalty pursuant to this CAFO resolves only Respondents' liability for federal civil penalties for the violations and facts alleged in this CAFO.

56. This CAFO in no way relieves Respondents or their employees of any criminal liability, and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to undertake any action against Respondents in response to conditions which may present an imminent and substantial endangerment to the public health, welfare, or the environment.

57. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondents' violation of this CAFO or of the statutes and regulations upon which this CAFO is based, or for Respondents' violation of any applicable provision of law.

58. Except as described in Paragraphs 48 and 49 above, the parties shall bear their own costs and fees in this action, including attorneys' fees, and specifically waive any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C



§ 504, or other applicable laws.

59. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the IRS annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law. This includes amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (*i.e.*, a copy of IRS Form 1098-F). Respondents’ failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondents to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, Respondents shall complete the following actions as applicable:

- a. Respondents shall complete IRS Form W-9s (“Request for Taxpayer Identification Number and Certification”), which are available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondents shall therein certify that their completed IRS Form W-9s include Respondents’ correct TIN or that Respondents have applied and are waiting for issuance of a TIN;
- c. Respondents shall email their completed Form W-9s to EPA’s Cincinnati Finance

Division at Chalifoux.Jessica@epa.gov within 30 days after the Final Order ratifying this Agreement is filed or within 7 days should the order become effective between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence; and

- d. In the event that Respondents have certified in their completed IRS Form W-9s that they do not yet have a TIN but have applied for a TIN, Respondents shall provide EPA's Cincinnati Finance Division with Respondents' TIN, via email, within five (5) days of Respondents' receipt of a TIN issued by the IRS.

60. As of the effective date of this CAFO, Respondents certify that the Facilities are in compliance with the CWA and the regulations promulgated thereunder, including but not limited to CWA Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

61. Respondents' obligations under the CAFO shall end when they have paid in full the scheduled civil penalty, and any interest and nonpayment penalties, required by this CAFO.

62. The terms, conditions, and requirements of this CAFO may not be modified or amended except upon the written agreement of all parties, and approval of a Regional Administrator or his or her properly authorized delegate.

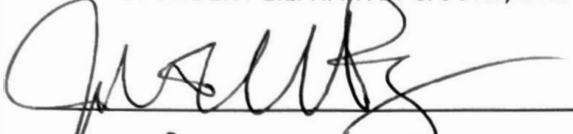
63. Respondents agree to acceptance of both (a) EPA's digital or an original signature on this CAFO and (b) service of the fully executed CAFO on the Respondents by mail or electronically by email at the following address(es): mattc@wasteconnections.com, mcampinell@bdlaw.com, and asilton@bdlaw.com. EPA agrees to acceptance of the Respondents' digital or original signatures on this CAFO.

64. Respondents understand that the mailing or email address may be made public when the CAFO and Certificate of Service are filed and uploaded to a searchable database.

65. Each undersigned representative of the parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.

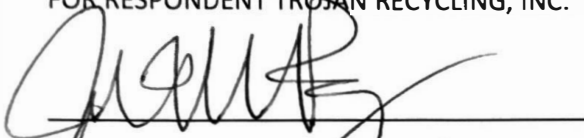
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FOR RESPONDENT E.L. HARVEY & SONS, INC.

  
\_\_\_\_\_  
John Perkey, Vice President  
Name, Title (printed)

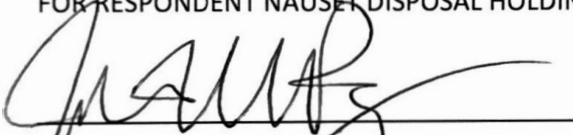
Date: 8/6/25

FOR RESPONDENT TROMAN RECYCLING, INC.

  
\_\_\_\_\_  
John Perkey, Vice President  
Name, Title (printed)


Date: 8/6/25

FOR RESPONDENT NAUSET DISPOSAL HOLDINGS, INC.

  
\_\_\_\_\_  
John Perkey, Vice President  
Name, Title (printed)

Date: 8/6/25

FOR RESPONDENT ARROWHEAD ENVIRONMENTAL PARTNERS, LLC

  
\_\_\_\_\_  
John Perkey, Vice President  
Name, Title (printed)

Date: 8/6/25

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY:

**JAMES CHOW** Digitally signed by JAMES CHOW  
Date: 2025.07.09 10:30:44 -04'00'

Date:

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James Chow, Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 1

**FINAL ORDER**

66. EPA has provided a thirty-day opportunity for public notice and comment on this proposed CAFO, pursuant to Section 309(g)(4)(A) of the CWA, 33 U.S.C. § 1319(g)(4)(A) and 40 C.F.R. § 22.45(b).

67. The foregoing Consent Agreement is incorporated by reference into this Final Order and is hereby ratified.

68. Respondents are hereby ordered to comply with the terms of the above Consent Agreement, which will become final 30 days from the date the signed CAFO is sent by the Regional Judicial Officer to the Regional Hearing Clerk for filing unless a petition to set aside the order is filed by a commenter pursuant to Section 309(g)(4)(C) of the CWA, 33 U.S.C. § 1319(g)(4)(C), and 40 C.F.R. Part 22.

Date:

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Michael J. Knapp  
Regional Judicial Officer  
U.S. EPA, Region 1