

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for William D. Chin 7/11/18  
Name of Case Attorney Date

in the ORC (RAA) at 918-1113  
Office & Mail Code Phone number

Case Docket Number CAA-01-2018-0010

Site-specific Superfund (SF) Acct. Number \_\_\_\_\_

This is an original debt  This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Greater New Haven Water  
Pollution Control Authority and Synagro  
260 East Street  
New Haven, CT 06511

Total Dollar Amount of Receivable \$ 36,000 Due Date: 8/11/18

SEP due? Yes  No  Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

1<sup>st</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

5<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

For RHC Tracking Purposes:

Copy of Check Received by RHC \_\_\_\_\_ Notice Sent to Finance \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

IFMS Accounts Receivable Control Number \_\_\_\_\_

If you have any questions call: \_\_\_\_\_  
in the Financial Management Office

\_\_\_\_\_  
Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

July 11, 2018

Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Mail Code: ORC04-6  
Boston, Massachusetts 02109-3912



Re: In the Matter of: Greater New Haven Water Pollution Control Authority and Synagro Northeast, LLC, Docket No. CAA-01-2018-0010

Dear Ms. Santiago:

Please accept for filing the attached original and one copy of a Consent Agreement and Final Order (CAFO) settling the above-captioned Clean Air Act case against Greater New Haven Water Pollution Control Authority and Synagro Northeast, LLC's for alleged violations of CAA Sewage Sludge Incinerator Federal Plan requirements at their facility located at 260 East Street in New Haven, Connecticut.

Please note that this enforcement action has no accompanying administrative complaint. Instead, pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2), this CAFO simultaneously commences and settles the action.

If you have any questions regarding the CAFO, please call me at 617-918-1728. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in blue ink that reads "William D. Chin".

William D. Chin  
Enforcement Counsel  
U.S. EPA, Region 1

cc: Sidney J. Holbrook, Greater New Haven  
Michael T. Oxford, Synagro

In the Matter of: Greater New Haven Water Pollution Control Authority and Synagro Northeast, LLC, Docket No. CAA-01-2018-0010

**CERTIFICATE OF SERVICE**

I certify that I hand-delivered to the office of the Regional Hearing Clerk the original and one copy of the final Consent Agreement and Final Order (CAFO) in the above-captioned case, together with a cover letter, and arranged to send a copy of the CAFO and letter via first class mail to Respondents at the addresses set forth below:

BY HAND-DELIVERY: (original and one copy)

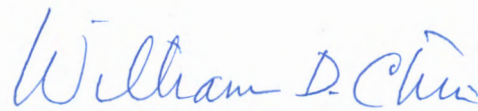
Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Mail Code: ORC04-6  
Boston, MA 02109-3912

VIA FIRST CLASS MAIL: (copy)

Sidney J. Holbrook  
Executive Director  
Greater New Haven Water Pollution Control Authority  
260 East Street  
New Haven, CT 06511

Michael T. Oxford  
Vice President, Operations/Incineration  
Synagro Northeast, LLC  
345 E. Shore Parkway  
New Haven, CT 06512

Dated: 7/11/18



William D. Chin  
Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Mail Code: OES04-4  
Boston, MA 02109-3912  
617-918-1728

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

In the Matter of: )  
)  
Greater New Haven )  
Water Pollution Control Authority )  
260 East Street )  
New Haven, CT 06511 )  
)  
Synagro Northeast, LLC )  
345 E. Shore Parkway )  
New Haven, CT 06512 )  
)  
Respondents. )  
)  
Proceeding under Section 113(d) )  
of the Clean Air Act, 42 U.S.C. § 7413(d) )  
\_\_\_\_\_ )

**Docket No. CAA-01-2018-0010**

**CONSENT AGREEMENT  
AND FINAL ORDER**



**CONSENT AGREEMENT**

1. The Complainant, United States Environmental Protection Agency, Region 1 (“EPA”), alleges that the Greater New Haven Water Pollution Control Authority (“Greater New Haven”) and Synagro Northeast, LLC (“Synagro”) (collectively “Respondents”) violated requirements for sewage sludge incinerators, found at 40 C.F.R. Part 62, Subpart LLL, at Greater New Haven’s facility located at 260 East Street in New Haven, Connecticut. These standards are promulgated pursuant to the Clean Air Act (“CAA”, or the “Act”).

2. EPA and Respondents agree to settlement of this matter through this Consent Agreement and Final Order (“CAFO”) without the filing of an administrative complaint, as authorized under 40 C.F.R. § 22.13(b).

3. EPA and Respondents agree that settlement of this matter is in the public interest, and that entry of this CAFO without further litigation is the most appropriate means of resolving this matter.

4. 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:

**A. PRELIMINARY STATEMENT**

5. The provisions of this CAFO shall apply to and be binding upon EPA and upon Respondents and its officers, directors, trustees, successors, and assigns. The “Effective Date” of this CAFO shall be defined as the date that this CAFO is filed with the Regional Hearing Clerk, as described in the Final Order attached to this Consent Agreement.

6. Respondents stipulate that EPA has jurisdiction over the subject matter alleged in this CAFO. Respondents waive any defenses they might have as to jurisdiction and venue. Respondents consent to the terms of this CAFO.

7. Respondents neither admit nor deny the general or specific factual and legal allegations contained below in Section B. For purposes of this CAFO and any action necessary to enforce it, Respondents hereby waive their right to request a judicial or administrative hearing or otherwise to contest the allegations in this CAFO. Respondents waive any right to appeal this CAFO.

8. By signing this CAFO, Respondents certify that they are presently operating in compliance with 40 CFR Part 62, Subpart LLL (“Subpart LLL”) and that they have fully addressed the violations alleged herein.

### Statutory and Regulatory Authorities

9. Under the authority of Sections 111(d) and 129(b)(3) of the CAA, 42 U.S.C. §§7411(d) and 7429(b)(3), EPA has established a federal plan for the control of emissions from existing sewage sludge incinerators (“SSIs”) in states that have not submitted an approvable state plan under Sections 111(d) and 129(b)(2) of the CAA, 42 U.S.C. §§7411(d) and 7429(b)(2). The federal plan is found at 40 C.F.R. Part 62, Subpart LLL (“Subpart LLL”). *See* 81 Fed. Reg. 26039, dated April 29, 2016.

10. The State of Connecticut has not submitted an approvable state plan for the control of emissions from SSIs as allowed under Sections 111(d) and 129(b)(2) of the CAA. Therefore, the federal plan was effective on May 31, 2016 for SSIs in the State of Connecticut.

11. Regulations promulgated under CAA Sections 111(d) and 129(b)(3) are enforceable by EPA in accordance with Section 113 of the Act, 42 U.S.C. §7413.

12. Section 113(d) of the Act, 42 U.S.C. §7413(d), authorizes EPA to issue an administrative penalty order for violations of Subpart LLL.

13. Under Section 113(d) of the CAA, and the Civil Penalties Inflation Adjustment Act of 1990, as amended through 2017 (*see* 82 Fed Reg. 3633, and 40 C.F.R. Part 19), EPA may assess penalties of up to \$46,192 per day of violation for violations that occurred after November 2, 2015 and assessed on or after January 15, 2018.

14. Section 113(d) of the CAA limits EPA’s authority to issue administrative complaints to matters where the total penalty sought does not exceed \$200,000 and the first alleged date of violation occurred no more than 12 months prior to the initiation of the action, unless the EPA Administrator and the Attorney General for the U.S. Department of Justice (“DOJ”) jointly determine that a matter involving a larger penalty or longer period of violation is

appropriate for the administrative action. Pursuant to the Civil Penalties Inflation Adjustment Act of 1990, as amended through 2017 (see 82 Fed. Reg. 3633 and 40 C.F.R. Part 19), the above-described penalty cap has been raised to \$369,532. Although this CAFO alleges violations that occurred more than 12 months ago, EPA and DOJ have jointly determined that this action is an appropriate administrative penalty action under Section 113(d)(1) of the CAA, § 7413(d)(1).

**B. EPA FINDINGS**

15. Greater New Haven owns, and Synagro operates, a multi-hearth SSI located at the East Shore Water Pollution Abatement Facility (the “Facility”) that is subject to Subpart LLL.

16. Respondents operated the SSI at the Facility for several years subject to a permit issued by the Connecticut Department of Energy and Environmental Protection (“CT DEEP”) prior to the effective date of the federal plan for the control of emissions from existing SSIs.

17. Since issuance of the permit required by CT DEEP, Respondents conducted emissions testing under such permit. As reported in EPA’s ECHO (“Enforcement and Compliance History Online”) database, CT DEEP has reported that the Facility passed the air emissions tests performed under its state permit from 2013-2016.

18. On July 25, 2016, EPA issued Respondents a Notice of Violation (“NOV”). The NOV describes EPA’s findings that Respondents had violated, and were still in violation of, certain CAA requirements relating to Subpart LLL.

19. On August 31, 2016, EPA conducted an on-site inspection of the Facility.

20. In accordance with 40 C.F.R. § 62.15875, owners and operators of subject SSIs must submit a final control plan and achieve final compliance by March 21, 2016.

21. On October 17, 2016, Respondents submitted a draft control plan for the multi-hearth SSI at the Facility. Accordingly, Respondents' submission was untimely, in violation of 40 C.F.R. § 62.15875.

22. Pursuant to 40 C.F.R. § 62.15895, owners and operators of subject SSIs must submit monthly status reports from March 31, 2016, until a final control plan is submitted and final compliance is met.

23. From March 31, 2016 until September 2, 2016, Respondents failed to submit monthly status reports, in violation of 40 C.F.R. § 62.15895.

24. In accordance with 40 C.F.R. §§ 62.15995 and 62.16030(b)(9), owners and operators of subject SSIs must develop and submit a site-specific monitoring plan ("SSMP") to EPA for approval at least 60 days before March 21, 2016.

25. Respondents submitted various versions of a SSMP to EPA between January 27, 2016 and October 17, 2016, on which EPA provided comments. On January 26, 2017, EPA approved Respondents' SSMP (Revision 3, dated October 17, 2016). Accordingly, Respondents' submission was untimely, in violation of 40 C.F.R. §§ 62.15995 and 62.16030(b)(9).

26. According to 40 C.F.R. §§ 62.15955 and 62.16000, owners and operators of an SSI must demonstrate by March 21, 2016 that the SSI complies with the emissions limits and standards specified in Table 2 or 3 of Subpart LLL

27. From December 13-16, 2016, Respondents conducted the initial performance test for the SSI at the Facility. Accordingly, Respondents did not demonstrate in a timely manner that the SSI at the Facility met the required emissions limits and standards, in violation of 40 C.F.R. §§ 62.15955 and 62.16000.



28. The data results as reported in the test report for the initial performance test conducted from December 13-16, 2016 for the SSI at the Facility were lower than the emission limits and standards of Table 3 of Subpart LLL.

**C. TERMS OF SETTLEMENT**

29. Respondents consent to the terms and issuance of this CAFO, and consent for the purposes of settlement to the payment of the civil penalty as set forth in this CAFO.

30. Civil Penalty: In light of the particular facts and circumstances of this matter, with specific reference to the statutory factors of Section 113(e)(1) of the Act, EPA has determined that it is fair and proper to assess a civil penalty for the violations alleged in this CAFO in the amount of thirty-six thousand dollars (\$36,000). Respondents shall pay the penalty of thirty-six thousand dollars (\$36,000) within thirty (30) days of the Effective Date.

31. Respondents shall pay the civil penalty, described above in paragraph 30, by remitting a check or making an electronic payment, as described below.

- a. The check or other payment shall be payable to "Treasurer of the United States" and reference "Docket No. CAA-01-2018-0010." The payment shall be remitted as follows:

**If remitted by regular U.S. mail:**

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

**If remitted by any overnight commercial carrier:**

U.S. Bank  
Government Lockbox 979077  
1005 Convention Plaza  
Mail Station SL-MO-C2GL

St. Louis, Missouri 63101

**If remitted by wire transfer: Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:**

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read “D 68010727  
Environmental Protection Agency”

- b. Within 24 hours of payment of the civil penalty, Respondents shall send proof of payment with a cover letter to:

Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1  
Suite 100, Mail Code: ORC04-6  
5 Post Office Square  
Boston, MA 02109-3912

and

William Chin  
Enforcement Counsel  
U.S. EPA, Region 1  
Suite 100, Mail Code: OES4-04  
5 Post Office Square  
Boston, MA 02109-3912

- c. “Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with “Docket No. CAA-01-2018-0010.”

32. Pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), if Respondents fail to pay the penalty amount they will be subject to an action to compel payment, plus interest, enforcement expenses, and a nonpayment penalty. Interest will be assessed on the penalty if it is not paid by the due date established herein. In that event, interest will accrue from the date the CAFO was signed by the EPA Regional Judicial Officer at the “underpayment rate” established pursuant to 26 U.S.C § 6621(a)(2). In the event that the penalty is not paid when due, an additional charge will be assessed to cover the United States’ enforcement expenses, including attorneys’ fees and collection costs. A quarterly nonpayment penalty will be assessed for each quarter during which the failure to pay the penalty persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of Respondents’ outstanding penalties and nonpayment penalties hereunder accrued as of the beginning of such quarter.

33. This CAFO shall not relieve Respondents of their obligation to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit.

#### **D. GENERAL PROVISIONS**

34. The civil penalty described above in paragraph 30, any interest, and the nonpayment penalties and/or charges described above in paragraph 32, shall represent penalties assessed by EPA and shall not be deductible for purposes of federal, state, or local taxes unless allowed by law.

35. Payment of the civil penalty, and any interest, non-payment penalties, and/or other charges, does not waive, suspend, or modify the responsibility of Respondents to comply with the requirements of all of the federal laws and regulations administered by EPA and shall not be a defense to any actions subsequently commenced pursuant to said laws and regulations.

36. This CAFO constitutes a settlement by EPA of all claims against Respondents for civil penalties pursuant to Section 113 of the Act for the violations alleged in Section B of this CAFO. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to Federal laws and regulations administered by EPA for matters not addressed in this CAFO, and it is the responsibility of Respondents to comply with all applicable provisions of federal, state, or local law. EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to address imminent hazards.


37. Except as described above in paragraph 32, each party shall bear its own costs and fees in this proceeding, including attorney's fees, and specifically waives 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 law.

38. Each party certifies that at least one of their undersigned representatives is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind such party to this document.

[The remainder of this page is intentionally left blank.]

The foregoing Consent Agreement in the Matter of: Greater New Haven Water Pollution Control Authority and Synagro Northeast, LLC, Docket No. CAA-01-2018-0010, is hereby Stipulated, Agreed and Approved for Entry.

FOR THE GREATER NEW HAVEN WATER POLLUTION CONTROL AUTHORITY:

Signature:   
Name: SIDNEY J. HOLBROOK  
Title: EX. DIRECTOR

Date: 6/25/18

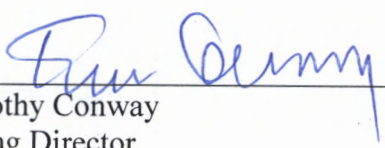
The foregoing Consent Agreement in the Matter of: Greater New Haven Water Pollution Control Authority and Synagro Northeast, LLC, Docket No. CAA-01-2018-0010, is hereby Stipulated, Agreed and Approved for Entry.

FOR SYNAGRO NORTHEAST, LLC:

Signature: Michael T. Oystard Date: June 28, 2018  
Name: Michael T. Oystard  
Title: Vice President, Northeast Region

The foregoing Consent Agreement in the Matter of: Greater New Haven Water Pollution Control Authority and Synagro Northeast, LLC, Docket No. CAA-01-2018-0010, is hereby Stipulated, Agreed and Approved for Entry.

FOR U.S. EPA, REGION 1:

  
\_\_\_\_\_  
Timothy Conway  
Acting Director  
Office of Environmental Stewardship  
U.S. EPA, Region 1

Date: 7/9/18

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of: )  
)  
Greater New Haven )  
Water Pollution Control Authority )  
260 East Street )  
New Haven, CT 06511 )  
)  
Synagro Northeast, LLC )  
345 E. Shore Parkway )  
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)

Docket No. CAA-01-2018-0010

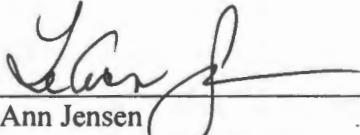
CONSENT AGREEMENT  
AND FINAL ORDER


**FINAL ORDER**

Pursuant to 40 C.F.R. § 22.18(c) of EPA's Consolidated Rules of Practice and Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

Respondents are ORDERED to comply with the terms of the above Consent Agreement, which shall become effective on the date that it is filed with the Regional Hearing Clerk.

**So ordered.**

  
\_\_\_\_\_  
LeAnn Jensen  
Regional Judicial Officer  
U.S. EPA, Region 1

Date:  July 10, 2018





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

July 11, 2018

Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Mail Code: ORC04-6  
Boston, Massachusetts 02109-3912

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Sincerely,

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William D. Chin  
Enforcement Counsel  
U.S. EPA, Region 1

cc: Sidney J. Holbrook, Greater New Haven  
Michael T. Oxford, Synagro

In the Matter of: Greater New Haven Water Pollution Control Authority and Synagro Northeast, LLC, Docket No. CAA-01-2018-0010

**CERTIFICATE OF SERVICE**

I certify that I hand-delivered to the office of the Regional Hearing Clerk the original and one copy of the final Consent Agreement and Final Order (CAFO) in the above-captioned case, together with a cover letter, and arranged to send a copy of the CAFO and letter via first class mail to Respondents at the addresses set forth below:

**BY HAND-DELIVERY:** (original and one copy)

Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Mail Code: ORC04-6  
Boston, MA 02109-3912

**VIA FIRST CLASS MAIL:** (copy)

Sidney J. Holbrook  
Executive Director  
Greater New Haven Water Pollution Control Authority  
260 East Street  
New Haven, CT 06511

Michael T. Oxford  
Vice President, Operations/Incineration  
Synagro Northeast, LLC  
345 E. Shore Parkway  
New Haven, CT 06512

Dated: 7/11/18



William D. Chin  
Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Mail Code: OES04-4  
Boston, MA 02109-3912  
617-918-1728