

the CCR landfill at the Facility. Despite significant changes in operation at the Facility in 2019, Respondent did not amend the closure plan until June 29, 2022.

6. EPA and Respondent agree that settlement of this matter for civil penalties of One Thousand Two Hundred and Fifty dollars (\$1,250) is in the public interest.
7. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing to contest any issues of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (7) consents to electronic service of the filed ESA.
8. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the alleged violations have been corrected and Respondent has submitted true and accurate documentation of such correction.
9. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Expedited Settlement Agreement and Final Order and to execute and legally bind Respondent to it.
10. Within thirty (30) calendar days of the effective date of this Agreement, Respondent must pay the civil penalty of \$1,250 using any method provided on the following website: <https://www.epa.gov/financial/makepayment>. Such payment shall identify Respondent by name and include the docket number assigned to this Agreement by the Regional Hearing Clerk.
11. Within 24 hours of payment, email proof of payment (e.g., a copy of the check or a statement of affirmation regarding electronic funds transfer), including Respondent's name, complete address, and docket number to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105
R9HearingClerk@epa.gov

In the matter of Salt River Project - Navajo Generating Station
Docket No. RCRA-09-2024-0026

Daniel Fernandez
Environmental Scientist
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105
fernandez.daniel@epa.gov

12. EPA reserves all its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
13. Each party shall bear its own costs and fees, if any.
14. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, states or local income tax purposes.
15. Entry of the Final Order and Payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
16. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing by the Regional Judicial Officer.

FINAL ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6938(a), and according to the terms of this Expedited Settlement Agreement and Final Order, IT IS HEREBY ORDERED THAT:

17. This Expedited Settlement Agreement be entered, and that Respondent pay a civil administrative penalty in the amount of \$1,250.00 and comply with the terms and conditions set forth in this Agreement. This Expedited Settlement Agreement and Final Order shall become effective upon filing with the Regional Hearing Clerk.

IT IS SO AGREED,

KENNETH JOE FRAZIER

Name (print):

DIRECTOR POWER GENERATION MAJOR PROJECTS

Title (print):

Kenneth Joe Frazier

Signature

Date: 3/20/2024

APPROVED BY EPA:

AMY MILLER-
BOWEN

Digitally signed by AMY
MILLER-BOWEN
Date: 2024.03.26
07:16:01 -07'00'

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division
U.S. EPA Region IX

Date: _____

IT IS SO ORDERED:

Steven Jawgiel
Regional Judicial Officer
U.S. EPA Region IX

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that the original copy of the foregoing Expedited Settlement Agreement and Final Order in the matter of Salt River Project Agricultural Improvement and Power District (Docket No. RCRA-09-2024-0026), was filed with the Regional Hearing Clerk, Region IX, and that a true and correct copy was sent by electronic mail to the following parties:

RESPONDENT: Andrea Martinez
Manager Water Quality
& Waste Management Services
PAB 359 | P.O. Box 52025
Phoenix, AZ 85072-2025
Andrea.Martinez@srpnet.com

COMPLAINANT: Andrew Helmlinger
Assistant Regional Counsel
U.S. EPA – Region IX
75 Hawthorne Street
San Francisco, CA 94105
Helmlinger.Andrew@epa.gov

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Regional Hearing Clerk
U.S. EPA – Region IX