

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the matter of:
Haverhill AD 1 LLC
1058 Boston Road/Crescent Farm
Haverhill, MA

Enforcement Document Number:
00014268
Issuing Bureau: BAW
Issuing Region/Office: NERO
Issuing Program: AQ
Primary Program Cited: AQ
Subpgm(s) Cited: SW
Suffix(es): N/A
FMF/Program ID # 602791

**ADMINISTRATIVE CONSENT ORDER WITH PENALTY
AND
NOTICE OF NONCOMPLIANCE**

I. THE PARTIES

1. The Department of Environmental Protection ("Department" or "MassDEP") is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21A, § 7. MassDEP maintains its principal office at One Winter Street, Boston, Massachusetts 02108, and its Northeast Regional Office at 205 Lowell Street, Wilmington, Massachusetts.
2. Haverhill AD 1 LLC ("Respondent") is a Massachusetts limited liability corporation with its principal office and mailing address located at 133 Boston Post Road, Building 15, Fl 2, Weston, Massachusetts 02493.

II. STATEMENT OF FACTS AND LAW

3. MassDEP is responsible for the implementation and enforcement of: M.G.L. c. 111, §§ 142A-142O and the Air Pollution Control Regulations at 310 CMR 6.00, 310 CMR 7.00, and 310 CMR 8.00. MassDEP has authority under M.G.L. c. 21A, § 16 and the Administrative Penalty Regulations at 310 CMR 5.00 to assess civil administrative penalties to persons in noncompliance with the laws and regulations set forth above.
4. Respondent operates a principal place of business at 1058 Boston Road, Haverhill Massachusetts 01835. At this location, Respondent owns and operates an Anaerobic Digester (AD) Facility (the "Facility") located at Crescent Farm (the "Farm"), with a combined heat and power (CHP) generator set that runs on the biogas generated from the digester tank. Two flares serve as a back-up power source for managing the biogas if or when needed. Respondent also operates an emergency generator engine at the Facility.

This information is available in alternate format. Call the MassDEP Diversity Office at 617-556-1139. TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

5. The following facts and allegations have led MassDEP to issue this Consent Order:

AIR QUALITY CONTROL

- A. The Respondent's operation involves processing manure from the Farm's dairy cows. In addition to the manure, the Facility may accept up to 125 tons per day of Source Separated Organics (SSO), averaged over a calendar year, with a maximum daily limit of 375 tons on any given day. The manure and SSO are processed through an Anaerobic Digester (AD). The biogas produced within the AD is then used as fuel for a 1000 kilowatt (kw) generator set. For these operations, MassDEP issued Air Quality Plan Approval NE-16-018 to Respondent on April 11, 2017.
- B. On November 28, 2018, MassDEP personnel visited the Haverhill AD facility for a scheduled tour of the operations. During this site visit, MassDEP personnel observed that Respondent had installed and was operating an emergency engine for non-emergency purposes. Respondent provided information to MassDEP that demonstrated that the emergency engine was run for non-emergency purposes for a total of 5,370 hours. The emergency generator was operated specifically to supply electrical power for the Digester until there was enough digester gas to be utilized in the CHP engine. The emergency engine was also operated for power during the construction phase including PLC and instrument testing.
- C. Respondent was required to obtain a Comprehensive Plan Approval (CPA) from MassDEP prior to the installation and operation of the emergency engine. Regulation 310 CMR 7.02(3)(a), in part states – "No person shall construct, substantially reconstruct, alter, or subsequently operate any facility subject to the requirements of 310 CMR 7.02(4) or (5) unless an application for a plan approval has been submitted to the Department and plan approval has been granted by the Department. Specifically, the Respondent therefore operated the emergency engine in violation of 310 CMR 7.02(5)(a)(3), which in part states that a CPA is required for "an internal combustion engine, such as a stationary combustion engine or a stationary reciprocating engine, having a maximum energy input capacity equal or greater than 3,000,000 Btu per hour, and the construction, substantial reconstruct, alteration or subsequent operation results in an increase in potential emissions of a single air contaminant of equal to or greater than one ton per year.
- D. On August 14, 2019, MassDEP personnel conducted an inspection at the Facility and discovered that the Anerobic Digester was not equipped with a ferric chloride system as a secondary control system to control potential elevated hydrogen sulfide conditions, as required in the Approval No. NE-16-018. As such, the Respondent operated the Facility in violation of 310 CMR 7.02(3)(f) –

Compliance with Plan Approvals, which states, in part “...no person shall operate a facility approved under 310 CMR 7.02 except in compliance with any plan approval issued to the facility.”

- E. On August 14, 2019, MassDEP personnel observed that the Respondent had failed to conduct and submit to MassDEP, within 180 days of commencement of continuous operation, a sound survey and emissions testing as required by Approval No. NE-16-018, in violation of 310 CMR 7.02(3)(f) – Compliance with Plan Approvals, which states, in part “...no person shall operate a facility approved under 310 CMR 7.02 except in compliance with any plan approval issued to the facility.”
- F. Respondent, as noted above, failed to construct the anaerobic digester with a ferric chloride system as a secondary control system to control potential elevated hydrogen sulfide conditions. As a result of this failure, the Facility has experienced numerous exceedances of the hydrogen sulfide (H₂S) limit of 200 ppm. Respondent has reported to MassDEP H₂S exceedances on the following dates and in the following amounts:

Dates of Exceedance	Reported Concentration Limit > 200 ppm
2/11/19	211
2/12/19	212
2/13/19	236
3/11/19	612
3/12/19	765
8/05/20	240
8/06/20	207
10/14/20	537
10/15/20	403
10/27/20	312
10/28/20	278
3/16/21 (AM)	600
3/16/21 (PM)	400
3/22/21	460
5/07/21	302
10/15/21	224
10/18/21	254
10/20/21	204
10/21/21	340
10/22/21	230
10/25/21	368
10/26/21	334
10/27/21	201

10/28/21	213
1/03/22	204
1/06/22	206
1/07/22	228
1/12/22	238
1/13/22	201
1/19/22	296
1/20/22	293
1/21/22	258
1/24/22	311
1/25/22	323
1/26/22	324
1/27/22	245
1/28/22	292
1/31/22	297
2/01/22	297
2/02/22	300
2/03/22	300
2/04/22	250
6/22/22	400
9/09/22	250
9/16/22	210
9/19/22	250
9/20/22	270
9/21/22	220
9/22/22	225
10/03/22	250
10/04/22	250
10/05/22	210

- G. After each of the above reported exceedances of the 200 ppm H₂S limit, Respondent sent an email to MassDEP to state that the Facility had returned to compliance with the 200 ppm H₂S limit. However, for the period of 10/14/2020 to 10/15/2020, Respondent failed to send an email to MassDEP stating that the Facility had returned to compliance.
- H. For each H₂S exceedance, MassDEP alleges that the Respondent failed to comply with Regulation 310 CMR 7.02(3)(f) – Compliance with Plan Approvals, which states, in part “...no person shall operate a facility approved under 310 CMR 7.02 except in compliance with any plan approval issued to the facility.”
- I. H₂S is an odorous chemical which can negatively impact human health and public welfare. Increased H₂S emissions from the digester tank can lead to increased

Sulfur Dioxide (SO₂) from engine or flare biogas combustion. SO₂ is a National Ambient Air Quality Standard criteria air pollutant that contributes to the formation of acid rain. Failure to monitor and record releases of biogas could result in excess biogas emissions, and the methane (CH₄) within biogas is a potent greenhouse gas that contributes to climate change.

- J. Within 180 days of commencement of continuous operation at the Facility, Respondent was required to conduct both a sound survey as well as emissions testing. Respondent failed to conduct either of these Plan Approval requirements within the 180 day plan approval deadline. MassDEP alleges that the Respondent failed to comply with Regulation 310 CMR 7.02(3)(f) – Compliance with Plan Approvals, which states, in part “...no person shall operate a facility approved under 310 CMR 7.02 except in compliance with any plan approval issued to the facility.”
- K. On May 13, 2021, MassDEP personnel conducted a site visit to Haverhill AD1. MassDEP personnel observed that since January 10, 2021 Respondent had installed and operated a temporary diesel boiler with a maximum heat input capacity of 800,000 British Thermal Units per hour (BTU/hr). This boiler was installed and operated to maintain the proper temperature of the anaerobic digester.
- L. On May 13, 2021, MassDEP personnel observed that the CHP and the temporary boiler were simultaneously in operation. MassDEP personnel observed that the heat from the CHP was not being recovered and the temporary boiler was providing the required heat for the AD system.
- M. During the May 13, 2021 site visit, Respondent failed to produce requested records of historical emissions for the CHP and two back up flares (EU3, EU4 and EU5). Respondent’s failure to produce the requested records is a violation of the Record Keeping requirements found at paragraphs 17 and 18 of the Respondent’s 2017 Plan Approval. MassDEP alleges that the Respondent failed to comply with Regulation 310 CMR 7.02(3)(f) – Compliance with Plan Approvals, which states, in part “...no person shall operate a facility approved under 310 CMR 7.02 except in compliance with any plan approval issued to the facility.”
- N. On June 17, 2021, Haverhill AD1 sent an email to MassDEP identifying the number of hours that the emergency generator had operated beginning calendar year 2019 to July 2021. During that period, Haverhill AD1 operated the emergency generator for 253 hours for the purpose of providing power to the Haverhill Facility. The Respondent attributed these non-emergency operating

hours to the anaerobic digester roof membrane failure in January 2021. The roof membrane failure resulted in the CHP engine not receiving enough methane gas from the anaerobic digester to operate and therefore could not provide the Facility with electrical power.

- O. On November 9, 2021 to November 11, 2021, Respondent reported that the Seeger Clip failed which resulted in the membrane tearing thereby causing a release of approximately 51,309 cf of biogas into the environment in violation of 310 CMR 7.02(3)(f) for failing to operate in compliance with a 7.02 Plan Approval resulting in excess emissions of biogas. Haverhill AD1 replaced the membrane on November 12, 2021.

SOLID WASTE MANAGEMENT

- P. On June 21, 2017, MassDEP issued to Respondent a Recycling, Composting or Conversion Permit pursuant to 310 CMR 16.05, Transmittal Number: X272737, for the design and operation of the Haverhill AD facility (the "RCC Permit").

- Q. The RCC Permit (Condition VII.S) states in relevant portion...

5. *Special Reporting* – The Operator shall notify MassDEP and the Haverhill BOH by phone and e-mail within 6 hours during normal business hours (Monday through Saturday, 7 AM to 10 PM), or within 12 hours during non-business hours, if not otherwise required to do so sooner, of the following:
- a. the discovery of any Special Waste as defined in 310 CMR 19.000 or Hazardous Waste as defined in 310 CMR 30.000;
 - b. any incidents or disruptions which occur at the Operation that could affect the public health, safety, environment, or the Operation, including unpermitted discharges to the land, air, or waters of the Commonwealth. Any discharges of liquid organics during unloading operations, materials from the Glycerin Tank, Liquids Receiving Tank, or Hydrolyzer Tank, or digestate from the Nutrient Storage Tank greater than 100 gallons shall be reported to MassDEP under this requirement; or
 - c. any response to the Operation from other agencies, including without limitation, fire department, police department, or Occupational Health and Safety Administration.
 - d. Such notifications described shall be in addition to, and shall not substitute for, any notification(s) which may be required pursuant to 310 CMR 40.0000 (the Massachusetts Contingency Plan; "MCP") and 310 CMR 30.000 (the Massachusetts Hazardous Waste Regulations), or other applicable law or regulation.
 - e. Such notification shall be made by telephone and e-mail to MassDEP's Solid Waste Management Section, Northeast Regional Office. Such notification by telephone or e-mail shall be followed up by a

written letter within 48 hours. This notice shall, at a minimum, provide to MassDEP a description of the incident, the impact on the Operations, and a description of the actions the Operator intends to take to resume operations.

- R. Respondent failed to submit a copy of the November 9, 2021 Seeger Clip Failure and Membrane Tear Notification Report to the MassDEP/Solid Waste Management Section in accordance with the RCC Permit.
- S. The RCC Permit (Condition VI.B.2) states:
“The Operator shall operate in a manner that prevents an unpermitted discharge of pollutants to air, water, land or other natural resources, does not present a significant threat to public health, safety or the environment, and does not cause or contribute to a condition of public nuisance. Unpermitted discharges of pollutants to air, water, land or other natural resources will be considered violations of this permit.”
- T. The RCC Permit (Condition VII.S.5.b) also requires notification of any discharge from the operation greater than 100 gallons.
- U. On March 7, 2022, Respondent informed MassDEP of a release of liquid digestate (pressate) from the nutrient storage tank. Respondent estimated 1.3 million gallons of pressate were released to the ground surface adjacent to the operation.
- V. Pursuant to 310 CMR 16.01(8)(a)8, the March 7, 2022 release of pressate is a failure to comply fully with the applicable provisions of 310 CMR 16.00 and the RCC Permit and constitutes a violation of 310 CMR 16.00.

Enforcement Conference

- W. On November 23, 2021, MassDEP issued a Notice of Enforcement Conference (“NOEC”) to Respondent setting a date to meet to discuss the violations listed in paragraphs II.5 herein and MassDEP’s requirements for coming into compliance.
- X. On December 15, 2021, representatives of the Respondent met with MassDEP personnel to present the Respondent’s response to the Notice of Enforcement Conference.

III. DISPOSITION AND ORDER

For the reasons set forth above, MassDEP hereby issues, and Respondent hereby consents to, this Order:

6. The parties have agreed to enter into this Consent Order because they agree that it is in their own interests, and in the public interest, to proceed promptly with the actions called for herein rather than to expend additional time and resources litigating the matters set forth above. Respondent enters into this Consent Order without admitting or denying the facts or allegations set forth herein. However, Respondent agrees not to contest such facts and allegations for purposes of the issuance or enforcement of this Consent Order.

7. MassDEP's authority to issue this Consent Order is conferred by the Statutes and Regulations cited in Part II of this Consent Order.

8. Respondent shall perform the following actions:

AIR QUALITY CONTROL

- a. Upon the effective date of this Consent Order and thereafter, Respondent shall comply with emergency engine emission limits.
- b. Within thirty (30) days of the effective date of this Consent Order, Respondent shall submit a protocol for the noise survey to MassDEP – Northeast Regional Office. *Respondent submitted a noise survey protocol to MassDEP on December 28, 2021. No further action required.*
- c. Within thirty (30) days of the effective date of this Consent Order, Respondent shall submit a pre-test protocol for the emissions testing of the CHP engine to MassDEP – Northeast Regional Office. *Although Respondent submitted a "Initial Emission Compliance Test Program Biogas Engine (EU3)" dated January 11, 2022 to MassDEP, Respondent failed to submit a pretest protocol to MassDEP prior to conducting the emission compliance test. Please see paragraph e below.*
- d. Within ninety (90) days of the effective date of this Consent Order, Respondent shall conduct the noise survey. *Respondent conducted the noise survey on September 30, 2022 into October 1, 2022. No further action required.*
- e. Within ninety (90) days of the effective date of this Consent Order, Respondent shall conduct the emissions testing of the CHP engine. *Respondent conducted the formaldehyde emissions testing on September 20, 2022. The testing indicates that the Facility is able to comply with the formaldehyde emission limits associated with their plan approval. No further action required.*
- f. Within one hundred and twenty (120) days of the effective date of this Consent Order, Respondent shall submit the results from the noise survey to MassDEP – Northeast Regional Office. *Respondent submitted the Noise Survey to MassDEP on October 18, 2022. No further action required.*

- g. Within one hundred and twenty (120) days of the effective date of this Consent Order, Respondent shall submit the results from the emissions testing of the CHP engine to MassDEP – Northeast Regional Office. *Respondent submitted the Formaldehyde emissions testing report to the Department on October 10, 2022. No further action required.*
- h. Upon the effective date of this Consent Order and thereafter, Respondent shall continue to notify the MassDEP NERO, BAW Permit Chief by telephone: 978-604-7401, by email: nero.air@state.ma.us, as soon as possible, but no later than three (3) business days after discovery of an exceedance(s) of Table 2 requirements. A written report shall be submitted within ten (10) business days thereafter and shall include: identification of exceedance(s), duration of exceedance(s), reason for the exceedance(s), corrective actions taken, and action plan to prevent future exceedance(s). All permit deviations and/or exceedances shall be reported as described above and in Approval No. NE-16-018, including those that occur on weekends or holidays.
- i. Within thirty (30) days of the effective date of this Consent Order, Respondent shall submit a written report to MassDEP NERO of any H₂S exceedances, starting in March 2021 onward, which occurred during a weekend or holiday and had not been previously reported.
- j. Within ninety (90) days of the effective date of this Consent Order, Respondent shall install and operate an automated ferric chloride system.
- k. Within thirty (30) days of the effective date of this Consent Order, Respondent shall submit to MassDEP NERO Standard Operating and Maintenance Procedures (SOMP) outlining the actions the Respondent will take to ensure that H₂S exceedances will be dealt with as promptly as possible when exceedances occur at the Facility during unmanned operational hours (including but not limited to weekends and holidays). The SOMP shall identify the actions (including the conditions when the ferric chloride system is activated) necessary to reduce the H₂S concentrations in the anaerobic digester.

SOLID WASTE MANAGEMENT

- l. Upon the effective date of this Consent Order and thereafter, Respondent shall fully comply with the RCC Permit, including without limitation, the Special Notification Requirements of Condition VII.S.5.

9. Except as otherwise provided, all notices, submittals and other communications required by this Consent Order shall be directed to:

John MacAuley, BAW Deputy Regional Director
MassDEP
205B Lowell Street
Wilmington, MA 01887

Such notices, submittals and other communications shall be considered delivered by Respondent upon receipt by MassDEP.

10. Actions required by this Consent Order shall be taken in accordance with all applicable federal, state, and local laws, regulations, and approvals. This Consent Order shall not be construed as, nor operate as, relieving Respondent or any other person of the necessity of complying with all applicable federal, state, and local laws, regulations, and approvals.

11. For purposes of M.G.L. c. 21A, § 16 and 310 CMR 5.00, this Consent Order shall also serve as a Notice of Noncompliance for Respondent's noncompliance with the requirements cited in Part II above. MassDEP hereby determines, and Respondent hereby agrees, that any deadlines set forth in this Consent Order constitute reasonable periods of time for Respondent to take the actions described.

12. Respondent shall pay to the Commonwealth the sum of Seventy-seven Thousand Nine Hundred Fifty Dollars (\$77,950.00) within thirty (30) days of the effective date of this Consent Order as a civil administrative penalty for the violations identified in Part II above.

13. Respondent understands, and hereby waives, its right to an adjudicatory hearing before MassDEP on, and judicial review of, the issuance and terms of this Consent Order and to notice of any such rights of review. This waiver does not extend to any other order issued by the MassDEP.

14. This Consent Order may be modified only by written agreement of the parties hereto.

15. The provisions of this Consent Order are severable, and if any provision of this Consent Order or the application thereof is held invalid, such invalidity shall not affect the validity of other provisions of this Consent Order, or the application of such other provisions, which can be given effect without the invalid provision or application, provided however, that MassDEP shall have the discretion to void this Consent Order in the event of any such invalidity.

16. Nothing in this Consent Order shall be construed or operate as barring, diminishing, adjudicating or in any way affecting (i) any legal or equitable right of MassDEP to issue any additional order or to seek any other relief with respect to the subject matter covered by this Consent Order, or (ii) any legal or equitable right of MassDEP to pursue any other claim, action, suit, cause of action, or demand which MassDEP may have with respect to the subject matter covered by this Consent Order, including, without limitation, any action to enforce this Consent Order in an administrative or judicial proceeding.

17. Respondent reserves any rights it may have to appeal or defend any such order, claim, action, suit, cause of action, or demand, except that Respondent shall not challenge the validity, terms and binding nature of this Consent Order.

18. This Consent Order shall not be construed or operate as barring, diminishing, adjudicating, or in any way affecting, any legal or equitable right of MassDEP or Respondent with respect to any subject matter not covered by this Consent Order.

19. This Consent Order shall be binding upon Respondent, successors, and assigns. Respondent shall not violate this Consent Order and shall not allow or suffer Respondent's members, managers, employees, agents, contractors or consultants to violate this Consent Order. Until Respondent has fully complied with this Consent Order, Respondent shall provide a copy of this Consent Order to each successor or assignee at such time that any succession or assignment occurs.

20. In addition to the penalty set forth in this Consent Order, if Respondent violates any provision of the Consent Order, Respondent shall pay stipulated civil administrative penalties to the Commonwealth in the amount of \$1000.00 per day for each day, or portion thereof, each such violation continues.

Stipulated civil administrative penalties shall begin to accrue on the day a violation occurs and shall continue to accrue until the day Respondent corrects the violation or completes performance, whichever is applicable. Stipulated civil administrative penalties shall accrue regardless of whether MassDEP has notified Respondent of a violation or act of noncompliance. All stipulated civil administrative penalties accruing under this Consent Order shall be paid within thirty (30) days of the date MassDEP issues Respondent a written demand for payment. If simultaneous violations occur, separate penalties shall accrue for separate violations of this Consent Order. The payment of stipulated civil administrative penalties shall not alter in any way Respondent's obligation to complete performance as required by this Consent Order. MassDEP reserves its right to elect to pursue alternative remedies and alternative civil and criminal penalties which may be available by reason of Respondent's failure to comply with the requirements of this Consent Order. In the event MassDEP collects alternative civil administrative penalties, Respondent shall not be required to pay stipulated civil administrative penalties pursuant to this Consent Order for the same violations.

Respondent reserves whatever rights it may have to contest MassDEP's determination that Respondent failed to comply with the Consent Order and/or to contest the accuracy of MassDEP's calculation of the amount of the stipulated civil administrative penalty. Upon exhaustion of such rights, if any, Respondent agrees to assent to the entry of a court judgment if such court judgment is necessary to execute a claim for stipulated penalties under this Consent Order.

21. The Respondent shall pay all civil administrative penalties due under this Consent Order, including suspended, or stipulated penalties and/or any associated fees. **The Respondent has four options for payment;**

Option 1: certified check;

Option 2: cashier's check;

Option 3: on-line payment using a credit card;

Option 4: electronic transfer.

Option 1 and 2:

Certified or cashier's checks must be made payable to the Commonwealth of Massachusetts and received **within 30 days of the effective date of this Consent Order.**

If payment is made by certified check or cashier's check, the Respondent shall clearly print on the face of its payment Respondent's full name, the enforcement document number appearing on the first page of this Consent Order, and Respondent's Federal Employer Identification Number, and shall mail it to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 3982
Boston, Massachusetts 02241-3982

(IMPORTANT NOTE: DO NOT INCLUDE THE SIGNED ACOP WITH PAYMENT BY CHECK)

Option 3:

On-line Payment Using Credit Card

Your prospective BILL will contain information necessary to pay on-line by credit card.

When you receive your BILL:

LOG ONTO THE MassDEP e-PAYMENT WEB SITE AT:

<HTTPS://WWW.MASSPAYS.COM/dep>

On-line payment using credit card is due **within 30 days of the effective date of this Consent Order.**

(If a BILL (invoice) is not received within 10 days of the effective date of the consent order, you should contact The Revenue Department at 617-292-5668 to obtain a copy of your BILL (invoice))

Option 4:

Electronic Funds Transfer

Respondent must complete the attached form "Electronic Funds Transfer Request" found on the last page of this document and, **within 10 days of the effective date of this**

Consent Order, submit payment request to Director, BAS Division of Fiscal Management via Facsimile at the MassDEP Revenue Number: 617-556-1049 or via mail to:

Department of Environmental Protection
Attn: Revenue Unit
1 Winter Street, 4th Floor
Boston, MA 02108

In the event Respondent fails to pay in full any civil administrative penalty as required by this Consent Order, then pursuant to M.G.L. c. 21A, § 16, Respondent shall be liable to the Commonwealth for up to three (3) times the amount of the civil administrative penalty, together with costs, plus interest on the balance due from the time such penalty became due and attorneys' fees, including all costs and attorneys' fees incurred in the collection thereof. The rate of interest shall be the rate set forth in M.G.L. c. 231, § 6C.

22. Failure on the part of MassDEP to complain of any action or inaction on the part of Respondent shall not constitute a waiver by MassDEP of any of its rights under this Consent Order. Further, no waiver by MassDEP of any provision of this Consent Order shall be construed as a waiver of any other provision of this Consent Order.

23. To the extent authorized by the current owner, Respondent agrees to provide MassDEP, and MassDEP's employees, representatives and contractors, access at all reasonable times to the Facility for purposes of conducting any activity related to its oversight of this Consent Order. Notwithstanding any provision of this Consent Order, MassDEP retains all of its access authorities and rights under applicable state and federal law.

24. This Consent Order may be executed in one or more counterpart originals, all of which when executed shall constitute a single Consent Order.

25. The undersigned certify that they are fully authorized to enter into the terms and conditions of this Consent Order and to legally bind the party on whose behalf they are signing this Consent Order.

26. This Consent Order shall become effective on the date that it is executed by MassDEP.

SPECIAL INSTRUCTIONS:

Your two signed copies of the Administrative Consent Orders with Penalty (ACOP) must be delivered, for execution (signature) by MassDEP, to the following address:

John MacAuley, BAW Deputy Regional Director
MassDEP – Northeast Regional Office
205B Lowell Street
Wilmington, Massachusetts 01887

MassDEP will return **one signed copy** of the ACOP to you after MassDEP has signed, provided you have followed the above instructions. Payment will be due, pursuant to the instructions outlined within the ACOP after you receive your fully executed copy.

PLEASE DO NOT INCLUDE YOUR PAYMENT WITH THE SIGNED ACOPs SIGNED ACOPs ARE TO BE SENT TO THE ABOVE ADDRESS.

Please call Helen Howard at (617) 292-5668 if you have questions regarding payment and/or instructions.

Consented To:

HAVERHILL AD 1 LLC

By: 

Mr. John B. Hanselman
CSO

Vanguard Renewables
133 Boston Post Rd. Building 15, Fl 2
Weston, MA 02493
Federal Employer Identification No.: 81-3555396

Date: 11/14/2022

Issued By:

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 

Mr. Eric Worrall
Regional Director
MassDEP – Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

Date: 11/15/22

DEP staff may send this document electronically to any respondent requesting this type of payment option. See Letter format on following page.

Note: Respondent's request to transfer funds electronically must:

- 1.) Be submitted on Respondent's letterhead, and
- 2.) Be submitted either:
 - a) via facsimile to MassDEP Revenue Unit, at fax number 617-556-1049, or
 - b) via regular mail, as follows, (see letter on next page).

Haverhill AD 1 LLC
1058 Boston Road
Haverhill, MA

Department of Environmental Protection
Attn: Revenue Unit
1 Winter Street, 4th Floor
Boston, MA 02108
Revenue Number: 617-292-5668
Fax number: 617-556-1049

RE: Electronic Funds Transfer Request
[Respondent fills in Enforcement Document Number]

Director, BAS Division of Fiscal Management:

In order to complete a wire transfer for payment of the penalty assessed under (list enforcement number here), Haverhill AD 1 LLC requests the following information:

DEP's legal address,
DEP's Federal Tax Identification Number,
The name and address of DEP's bank,
DEP's account name and number, and
The ABA/routing number for DEP's account.

Please mail or fax this information to:
Respondent's contact name:
Address:

Sincerely,

Signed:
Print name:
Title:
Work number:

Date:
Revenue Number: 617-292-5668
Fax number: 617-556-1049