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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 HAWTHORNE STREET
SAN FRANCISCO, CALIFORNIA 94105**

In the Matter of:)	Docket No. CAA-09-2026-0053
)	
Waste Management of Alameda)	
County, Inc.)	CONSENT AGREEMENT AND
)	FINAL ORDER
Respondent.)	
)	

I. CONSENT AGREEMENT

The United States Environmental Protection Agency, Region IX, and Waste Management of Alameda County, Inc. ("Respondent") agree to settle this matter and consent to the entry of this Consent Agreement and Final Order ("CAFO"), which simultaneously commences and concludes this matter in accordance with 40 C.F.R. §§ 22.13 and 22.18.

A. AUTHORITY, JURISDICTION, AND PARTIES

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1. This is a civil administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act (“CAA” or the “Act”), 42 U.S.C. § 7413(d), and 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 Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, Region IX (“EPA”), who has been duly delegated the authority to initiate and settle civil administrative penalty proceedings under Section 113(d) of the Act.
3. Respondent is Waste Management of Alameda County, Inc., (“WMAC”), which at all relevant times owned and operated the Altamont Landfill located at 10840 Altamont Pass Road in Livermore, California.
4. A liquefied natural gas plant (“LNG Plant”) was operated at the Altamont Landfill by High Mountain Fuels, LLC (“HMF”) from approximately January 2010 until June 2023, and is now taken out of service and removed.
5. Pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), the EPA and the United States Department of Justice jointly determined that this matter, which involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty assessment.
6. On September 9, 2024, the EPA issued to Respondent a Finding and Notice of Violation (“FNOV”) and provided a copy of the FNOV to the California Air Resources Board (“CARB”) and the Bay Area Air Quality Management District (“BAAQMD”), providing notice to both of

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the alleged violations described in section I.C of this CAFO and providing Respondent an opportunity to confer with the EPA. On November 13, 2024, representatives of Respondent and the EPA discussed the September 9, 2024 FNOV. Respondent WMAC responded to the FNOV by correspondence dated September 19, 2024. Respondent neither admits nor denies the violations alleged in the FNOV and set forth herein.

B. STATUTORY AND REGULATORY AUTHORITY

7. This proceeding arises under Sections 111, 112, and 502 of the CAA, 42 U.S.C. §§ 7411, 7412, and 7661a, and the regulations promulgated thereunder.

New Source Performance Standards (NSPS) General Provisions and Subpart WWW

8. Section 111(b) of the CAA, 42 U.S.C. § 7411(b), requires EPA to promulgate standards of performance for new stationary sources, which reflect the degree of emission limitation achievable through the application of the best system of emission reduction for each source category.

9. Pursuant to Section 111(b) of the CAA, 42 U.S.C. § 7411(b), EPA promulgated the NSPS General Provisions at 40 C.F.R. Part 60, Subpart A, which apply to owners or operators of any stationary source that contains an affected facility, the construction or modification of which is commenced after the date of publication of any NSPS standard applicable to the facility.

10. The NSPS General Provisions were first promulgated on December 28, 1971, at 36 Fed. Reg. 24877, and have been amended numerous times since then.

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11. Pursuant to Section 111(b) of the CAA, 42 U.S.C. § 7411(b), on March 12, 1996, EPA

promulgated the NSPS Subpart WWW at 40 C.F.R. Part 60, Subpart WWW (“Landfill NSPS” or “NSPS Subpart WWW”). See 61 Fed. Reg. 9919, as amended.

12. The NSPS Subpart WWW applied to municipal solid waste (“MSW”) landfills that

commenced construction, reconstruction, or modification on or after May 30, 1991, but before July 18, 2014. 40 C.F.R. § 60.750(a).

National Emission Standards for Hazardous Air Pollutants (“NESHAP”) General Provisions and Subpart AAAA

13. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), requires EPA to promulgate emission

standards for sources of hazardous air pollutants (“HAPs”) to achieve the maximum emission reduction of HAPs achievable for each source category.

14. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA first promulgated the

NESHAP General Provisions, at 40 C.F.R. Part 63, Subpart A, on March 16, 1994, at 59 Fed. Reg. 12430. They have been amended numerous times since then and apply as specified in the relevant NESHAP, 40 C.F.R. § 63.1(a)(4)(i).

15. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), on January 16, 2003, EPA

promulgated regulations at 40 C.F.R. Part 63, Subpart AAAA (the “Landfill NESHAP”). See 68 Fed. Reg. 2227.

16. The HAPs emitted by MSW landfills include, but are not limited to, vinyl chloride, ethyl

benzene, toluene, and benzene. See 68 Fed. Reg. 2227.

17. EPA promulgated amendments to the Landfill NESHAP at 40 C.F.R. Part 63, Subpart AAAA on

March 26, 2020. See 85 Fed. Reg. 17244.

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18. Section 63.1935(a)(3) of the Landfill NESHAP provides, in pertinent part, that an owner or operator of an MSW landfill that has accepted waste since November 8, 1987, is subject to the Landfill NESHAP if the landfill has a design capacity equal to or greater than 2.5 million megagrams (Mg) and 2.5 million cubic meters (m³) and has estimated uncontrolled emissions equal to or greater than 50 Mg per year of NMOC.
19. Section 63.1930(a) of the Landfill NESHAP provides, in pertinent part, that before September 28, 2021, MSW landfills subject to the Landfills NESHAP must meet the requirements of the Landfill NSPS at 40 C.F.R. Part 60, Subpart WWW.
20. Section 63.1930(b) of the Landfill NESHAP provides, in pertinent part, that beginning no later than September 27, 2021, MSW landfills subject to the Landfills NESHAP must meet the requirements of Subpart AAAA.
21. Section 63.1990 of the Landfill NESHAP defines “treated landfill gas” to mean landfill gas processed in a treatment system, and a “treatment system” means a system that filters, de-waters, and compresses landfill gas for sale or beneficial use.

Landfill State Plan

22. Under Section 111(d) of the CAA, 42 U.S.C. § 7411(d), EPA must promulgate regulations that require states to submit plans that establish and implement standards of performance for existing sources for designated pollutants.
23. On November 17, 1975, pursuant to Section 111(d) of the CAA, EPA promulgated 40 C.F.R. Part 60, Subpart B, which establishes procedures and requirements for submittal of state plans to implement standards of performance for existing sources for designated pollutants. See 40 C.F.R. §§ 60.20–60.29; 40 Fed. Reg. 53346.

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24. Under 40 C.F.R. § 60.22(a), concurrent with or after proposing standards of performance for new sources pursuant to Section 111(b) of the CAA, EPA is required to publish a draft guideline document containing information pertinent to control of designated pollutants from designated facilities.
25. Under 40 C.F.R. § 60.23(a)(1), within 9 months after a final guideline document is published under 40 C.F.R. § 60.22(a), each state is required to adopt and submit to EPA a plan for the control of the designated pollutant to which the guideline document applies.
26. Under 40 C.F.R. § 60.27(d), EPA is required to promulgate the regulations proposed under 40 C.F.R. § 60.27(c) within six months after the date required for submission of a state plan unless the state submits an appropriate plan prior to promulgation.
27. On August 29, 2016, EPA published Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills at 40 C.F.R. Part 60, Subpart Cf, concurrent with promulgating Standards of Performance for Municipal Solid Waste Landfills at 40 C.F.R. Part 60, Subpart XXX. 81 Fed. Reg. 59276 and 59332.
28. Sources subject to 40 C.F.R. Part 60, Subpart WWW at the time of publication of Subpart Cf would need to continue to comply with the requirements of Subpart WWW until they became subject to a revised state or federal plan. 81 Fed. Reg. 59276, 59286.
29. State plans implementing the Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills at 40 C.F.R. Part 60, Subpart Cf, were due on May 30, 2017.
30. On May 30, 2017, the California Air Resources Board (“CARB”) submitted a plan for the State of California pursuant to CAA Section 111(d) for existing MSW landfills, the “California State Plan for Compliance with the Federal Emission Guidelines for Municipal Solid Waste

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Landfills,” codified in the California Code of Regulations as 17 C.C.R. §§ 95460-95476 (“State Plan”).

31. On January 9, 2020, the EPA finalized a partial approval and partial disapproval of CARB’s State Plan, effective February 10, 2020, and codified at 40 C.F.R. § 62.1100(b)(7). 85 Fed. Reg. 1121.
32. The State Plan applies to all MSW landfills that received solid waste after January 1, 1977. 17 C.C.R. § 95461.
33. The State Plan defines “MSW Landfill” to mean “an entire disposal facility in a contiguous geographical space where solid waste is placed in or on land.” 17 C.C.R. § 95475(a)(21).
34. Section 95464 of the State Plan provides, in pertinent part, that the owner or operator of a MSW landfill must install and operate a gas collection and control system within 18 months after approval of the Design Plan.

MSW Landfill NSPS, NESHAP, and State Plan Requirements

35. The Landfill NESHAP and NSPS require that each subject owner or operator of an MSW landfill that has a gas collection and control system (“GCCS”) with an active collection system used to comply with applicable provisions must use the active collection system to collect gas from each area, cell, or group of cells in the MSW landfill in which solid waste has been in place for five or more years if the landfill is active or two years or more if closed or at final grade. 40 C.F.R. §§ 60.752(b)(2)(ii), 60.753(a), 63.1958(a), 63.1959(b)(2)(ii)(B)(2).
36. The Landfill NESHAP and NSPS require each owner or operator of an MSW landfill with a GCCS used to comply with applicable provisions to operate the collection and control device

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in accordance with the operational, compliance and monitoring provisions of the Landfill NESHAP and NSPS. 40 C.F.R. §§ 60.752(b)(2)(iv), 63.1957(a).

37. The Landfill NESHAP prohibits venting of treated landfill gas to the ambient air. If treated landfill gas cannot be routed for subsequent sale or beneficial use, then the treated landfill gas must be controlled according to 40 C.F.R. §§ 63.1959(b)(2)(iii)(A) or (B). 40 C.F.R. § 63.1959(b)(2)(iii)(C).

38. The Landfill NSPS requires that all emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of 40 C.F.R. § 60.752(b)(2)(iii)(A) or (B). 40 C.F.R. § 60.752(b)(2)(iii)(C).

39. Sources subject to NSPS Subpart WWW must have complied with the requirements in that subpart until becoming subject to more stringent requirements in the revised Emission Guidelines at NSPS Subpart Cf, 40 C.F.R. §§ 60.30f-60.41f, as implemented through a revised state or federal plan. 81 Fed. Reg. 59276, 59286.

40. The Landfill NESHAP requires that at all times, beginning no later than September 27, 2021, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. 40 C.F.R. § 63.1955(c).

41. For collected gas that is routed to a treatment system to be processed for subsequent sale or use, the State Plan states that all emissions vented to the atmosphere from the gas treatment system are subject to the requirements of Section 95464(b)(2) of the State Plan, which provides the requirements for flares. 17 C.C.R. § 95464(b)(3)(B).

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Title V Permit

42. Pursuant to Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), it is unlawful to violate any requirement of a Title V permit issued by a permit authority with a program approved under Title V of the CAA.
43. Effective November 30, 2001, and then again on January 1, 2004, EPA issued full final approval of the Title V Program for the BAAQMD. See 40 C.F.R. Part 70, Appendix A.
44. On December 1, 2003, the BAAQMD issued the initial Title V Permit for the Landfill. On December 16, 2019, the BAAQMD issued to Waste Management of Alameda County a permit renewal for the Landfill, which is the Landfill's current Title V Permit.
45. The Title V Permit requires that all waste gas streams from the LNG Plant that are generated during normal operations, during start-up procedures, during maintenance events, and during trips or other malfunctions shall be recycled back to the LNG Plant processing equipment, shall be recycled back to the gas collection and control system, or shall be vented to the A-16 Landfill Gas Flare for further control. Condition number 24255, paragraph 3, of the Title V Permit.
46. The Title V Permit requires that each waste gas stream vented to A-16 shall be burned with a sufficient amount of supplemental landfill gas for A-16 to maintain compliance with all applicable requirements. Condition number 24255, paragraph 3 of the Title V Permit.

C. ALLEGATIONS

47. At all times relevant to this CAFO, Respondent was an "owner or operator" of the Landfill as that term is defined in the Landfill NESHAP, 40 C.F.R. § 63.2.

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48. At all times relevant to this CAFO, Respondent was an “owner or operator” of the Landfill as that term is defined in the Landfill NSPS, 40 C.F.R. § 60.2.
49. At all times relevant to this CAFO, Respondent was an “operator” or “owner” of the Landfill as that term is defined in the State Plan, 17 C.C.R. §§ 95475(a)(24) and (25).
50. At all times relevant to this CAFO, Respondent was the permit holder of the Title V permit.
51. At all times relevant to the violations alleged herein, the Title V permit for the Landfill governed a GCCS including gas collection wells and two flares, a two-turbine gas-to-energy plant, and the LNG Plant.
52. Treated landfill gas was stored as liquid natural gas at over 97 percent methane in one of three tanks located at the LNG Plant.
53. From July 1, 2019, to July 31, 2023, the tanks described in paragraph 52 of this CAFO vented directly to the atmosphere every day.
54. From July 1, 2019, to July 31, 2023, the tanks described in paragraph 52 of this CAFO vented approximately three to four times per day to prevent pressure within the tank from exceeding a 30-pound-per-square-inch limit.
55. WMAC’s August 10, 2023 transmittal of information to EPA about the LNG Plant included the statement from HMF that “LNG tanks vent to atmosphere based on pressure, which varies according to many factors, including ambient temperature and fill level.”
56. WMAC’s August 10, 2023 transmittal of information to EPA about the LNG Plant included a document prepared by HMF titled “LNG – Calculated Monthly Vent Totals,” commencing July 1, 2019, and ending July 31, 2023.

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57. The document “LNG – Calculated Monthly Vent Totals” shows that 388,090 gallons were vented from the LNG Plant tanks described in paragraph 52 of this CAFO from July 1, 2019, through July 31, 2023.
58. On June 30, 2023, the LNG Plant was shut down. It has since been decommissioned.
59. EPA alleges that from July 1, 2019, to July 31, 2023, WMAC failed to ensure that the LNG Plant tanks were compliant with the Landfill NSPS, the Landfill NESHAP, the State Plan, and/or specific provisions of the Landfill’s Title V permit as cited below.
60. EPA alleges that from July 1, 2019, to February 9, 2020, WMAC failed to ensure that all emissions from the LNG Plant tanks were controlled pursuant to 40 C.F.R. §§ 60.752(b)(2)(iii)(A) or (B), in violation of 40 C.F.R. § 60.752(b)(2)(iii)(C).
61. EPA alleges that from February 10, 2020, to July 31, 2023, WMAC failed to ensure that gas routed to the LNG Plant’s treatment system was controlled according to the requirements of 17 C.C.R. § 95464(b)(2), in violation of 17 C.C.R. § 95464(b)(3)(B) of the State Plan.
62. EPA alleges that from July 1, 2019, to September 27, 2021, WMAC failed to ensure that all emissions from the LNG Plant tanks were controlled pursuant to 40 C.F.R. §§ 60.752(b)(2)(iii)(A) or (B), in violation of 40 C.F.R. § 60.752(b)(2)(iii)(C) and in violation of 40 C.F.R. § 63.1930(a).
63. EPA alleges that from September 27, 2021, to July 31, 2023, WMAC failed to ensure that treated landfill gas emissions from the LNG Plant tanks were controlled according to the requirements of 40 C.F.R. §§ 63.1959(b)(2)(iii)(A) or (B), in violation of 40 C.F.R. § 63.1959(b)(2)(iii)(C).

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64. EPA alleges that from July 1, 2019, to July 31, 2023, WMAC failed to ensure that all waste gas streams from the LNG Plant that were generated during normal operations, during start-up procedures, during maintenance events, and during trips or other malfunctions were recycled back to the LNG Plant processing equipment or gas collection or control system, or vented to the A-16 Landfill Gas Flare, in violation of Condition number 24255, paragraph 3, of the Title V Permit.

D. TERMS OF SETTLEMENT

65. For the purpose of this proceeding only, and only to the extent required by 40 C.F.R. § 22.18(b)(2), Respondent:

- i. admits the jurisdictional allegations set forth in this CAFO;
- ii. neither admits nor denies the specific factual allegations contained in section I.C of this CAFO;
- iii. consents to the assessment of the civil administrative penalty under section I.E of this CAFO;
- iv. waives any right to contest the allegations set forth in section I.C of this CAFO;
and
- v. waives the right to appeal the proposed Final Order contained in this CAFO.

66. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the CAFO.

E. CIVIL ADMINISTRATIVE PENALTY

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67. Respondent agrees to pay a civil penalty in the amount of TWO HUNDRED FIFTEEN

THOUSAND DOLLARS (\$215,000) (“Assessed Penalty”) within thirty (30) days after the Effective Date of this CAFO.

68. Respondent shall pay 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>. However, for

any payments made after September 30, 2025, and in accordance with the March 25, 2025

Executive Order on Modernizing Payments To and From America’s Bank Account,

Respondent shall pay using one of the electronic payments methods listed on EPA’s How to

Make a Payment website and will not pay with a paper check.

69. When making a payment, Respondent shall:

- i. Identify every payment with Respondent’s name and the docket number of this CAFO, CAA-09-2026-0053,
- ii. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Regional Hearing Clerk
Office of Regional Counsel
U.S. Environmental Protection Agency, Region IX
R9HearingClerk@epa.gov

Tyler Holybee
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region IX
Holybee.Tyler@epa.gov

and

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U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“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 Respondent’s name.

- iii. If Respondent fails to pay in full the Assessed Penalty within thirty (30) days of the Effective Date, then Respondent shall pay to EPA the stipulated penalty of ONE THOUSAND DOLLARS (\$1,000.00) for each day the default continues, in addition to the assessed penalty, upon written demand by EPA. Stipulated penalties shall accrue until the Assessed Penalty and all accrued stipulated penalties are paid and shall become due and payable upon EPA’s written request.

70. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts:

- i. Interest. Interest begins to accrue from the Effective Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue

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to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7413(d)(5), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the Internal Revenue Service (“IRS”) standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.

- ii. Handling Charges. The United States’ enforcement expenses including, but not limited to, attorneys’ fees and costs of handling collection.
- iii. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

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

- i. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- ii. 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.
- iii. Suspend or revoke Respondent’s licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, pursuant to 40 C.F.R. § 13.17. However, in such event,

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Respondent must be notified before such action is taken and applicable suspension or debarment procedures will be used.

- iv. Request that the Attorney General bring a civil action in the appropriate district court to enforce the Final Order and recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty and Final Order shall not be subject to review.

72. 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.

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

F. TAX REPORTING

74. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. 1.6050X-1, EPA is required to annually send to the Internal Revenue Service (“IRS”) 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, including amounts paid for “restitution or remediation of property” or to come “into compliance with

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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).

Respondent’s failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable:

- i. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- ii. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- iii. Respondent shall email its completed Form W-9 to Dana Sherrer in EPA’s Cincinnati Finance Department at sherrer.dana@epa.gov, on or before the date that Respondent’s penalty payment is due, pursuant to Paragraph 67 of this CAFO, 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
- iv. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA’s

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Cincinnati Finance Division with Respondent's TIN, via email, within five (5) days
of Respondent's receipt of a TIN issued by the IRS.

G. CERTIFICATION OF COMPLIANCE

75. In executing this CAFO, Respondent certifies that, to its knowledge, it is currently in
compliance with the Landfill NESHAP, the Landfill NSPS, the State Plan, and its Title V permit
with respect to the LNG Plant.

H. RETENTION OF RIGHTS

76. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's liability for
federal civil penalties for the violations and facts specifically alleged in section I.C of this
CAFO. Nothing in this CAFO is intended to or shall be construed to resolve (i) any civil
liability for violations of any provision of any federal, state, or local law, statute, regulation,
rule, ordinance, or permit not specifically alleged in section I.C of this CAFO; or (ii) any
criminal liability. EPA specifically reserves any and all authorities, rights, and remedies
available to it (including, but not limited to, injunctive or other equitable relief or criminal
sanctions) to address any violation of this CAFO or any violation not specifically alleged in
section I.C of this CAFO. Respondent reserves the right to contest any such actions and
preserves all defenses thereto.

77. This CAFO does not exempt, relieve, modify, or affect in any way Respondent's duty to
comply with all applicable federal, state, and local laws, regulations, rules, ordinances, and
permits.

I. ATTORNEY'S FEES AND COSTS

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78. Except as qualified by paragraph 70 of this CAFO, each party shall bear its own attorneys' fees, costs, and disbursements incurred in this Proceeding.

J. EFFECTIVE DATE

79. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CAFO shall be effective on the date that the Final Order contained in this CAFO, having been approved and issued by either the Regional Judicial Officer or Regional Administrator, is filed.

K. BINDING EFFECT

80. The undersigned representative of Complainant and the undersigned representative of Respondent each certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to bind the party he or she represents to this CAFO.

81. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.


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The foregoing Consent Agreement *In the Matter of: Waste Management of Alameda County, Inc.*, Docket No. CAA-09-2026-0053 is hereby stipulated, agreed, and approved for entry.

FOR RESPONDENT:

04/09/2026

Date

DocuSigned by:

2F270A619B004A9

Signature

Printed Name: Alex Oseguera

Title: President

In the Matter of: Waste Management of Alameda County, Inc.
Consent Agreement and Final Order

The foregoing Consent Agreement *In the Matter of: Waste Management of Alameda County, Inc.*, Docket No. CAA-09-2026-0053 is hereby stipulated, agreed, and approved for entry.

FOR COMPLAINANT:

Date

AMY MILLER-
BOWEN

Digitally signed by
AMY MILLER-BOWEN
Date: 2026.04.23
15:40:54 -07'00'

Amy C. Miller-Bowen
Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

In the Matter of: Waste Management of Alameda County, Inc.
Consent Agreement and Final Order

II. FINAL ORDER

EPA Region IX and Waste Management of Alameda County, Inc., having entered into the foregoing Consent Agreement, IT IS HEREBY ORDERED that this CAFO (Docket No. CAA-09-2026-0053) be entered, and Respondent shall pay a civil administrative penalty in the amount of TWO HUNDRED FIFTEEN THOUSAND DOLLARS (\$215,000) and otherwise comply with the terms set forth in the CAFO.

Beatrice
Wong

Digitally signed by
Beatrice Wong
Date: 2026.04.28
09:29:02 -07'00'

Beatrice Wong
Regional Judicial Officer
United States Environmental Protection Agency
Region IX