



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 9 - 75 Hawthorne St San Francisco, CA 94105  
EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-09-2021-0025, NPDES No. ["Unpermitted"]

Kohala Coast Concrete & Precast, LLC ("Respondent"), a Hawaii corporation, is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

By its signature, Complainant ("EPA") finds that Respondent is responsible for unauthorized discharge(s) of stormwater in violation of Section 301(a) of the Act, 33 U.S.C. § 1311.

EPA finds, and Respondent admits, that Respondent is subject to Section 301 of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the specific days of unauthorized industrial stormwater discharges that EPA alleges. Attached is an "Industrial Non-filer Expedited Settlement Worksheet" ("Worksheet"), which is incorporated by reference. The Settlement Worksheet summarizes the allegations and calculates a proposed penalty of \$20,000, based on conditions at the Respondent's referenced facility at the time of EPA's April 1, 2019 inspection.

EPA is authorized to enter into this Expedited Settlement Agreement ("Agreement") under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement to settle the civil violation(s) alleged in this Agreement for a penalty of **\$20,000**. Respondent consents to the assessment of this penalty and waives the right to: (1) contest the finding(s) specified in the Worksheet; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the Respondent has addressed the alleged violations identified in the Worksheet by completing the requirements of an Administrative Order on Consent and submitting an application for an individual National Pollutant Discharge Elimination System permit.

Respondent certifies that, within ten (10) days after issuance of the Final Order, Respondent will submit a bank, cashiers, or certified check, payable to the "Treasurer, United States of America," via certified mail, to:

**U.S. EPA, Region 9**  
**Fines and Penalties, Cincinnati Finance Center**  
**In the Matter of: Kohala Coast Concrete & Precast, LLC**  
**Docket No. CWA-09-2021-0025**

**P.O. Box 979077**  
**St. Louis, MO 63197-9000**

This Agreement settles EPA's civil penalty claims against Respondent for the alleged violation(s) of the Act specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected alleged violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

This Agreement is binding on the parties signing below and effective upon filing with the Regional Hearing Clerk.

APPROVED BY EPA:

/s/ \_\_\_\_\_ Date: \_\_\_\_\_  
Elizabeth Berg, Assistant Director, Water Branch  
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name  
(print): \_\_\_\_\_

Title  
(print): \_\_\_\_\_

Signature: /s/ \_\_\_\_\_ Date: \_\_\_\_\_

EPA received no comments concerning this matter in response to a 30-day public notice comment period publicly noticed by EPA pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45.

Having determined that this Agreement is authorized by law,  
IT IS SO ORDERED:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Steven L Jawgiel  
Regional Judicial Officer, U.S. EPA Region 9