

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 9**

75 Hawthorne Street  
San Francisco, California 94105

IN THE MATTER OF:	)	DOCKET NO. CWA-09-2019-00__
	)	
Cabras Marine Corporation	)	<b>CONSENT AGREEMENT AND</b>
178 Industrial Avenue	)	<b>FINAL ORDER</b>
Piti, Guam 96915	)	
	)	<i>Class II Administrative Penalty Proceeding under</i>
	)	<i>Section 309(g) of the Clean Water Act, 33 U.S.C.</i>
	)	<i>§ 1319(g), and 40 C.F.R. §§ 22.13(b) and 22.18</i>
<u>Respondent.</u>	)	

**CONSENT AGREEMENT**

**I. AUTHORITY AND PARTIES**

1. This is a Class II civil administrative penalty proceeding under Sections 309(g)(1)(A) and 2(B) of the Clean Water Act (“CWA”), 33 U.S.C. §§ 1319(g)(1)(A) and (2)(B), and 40 C.F.R. Part 22 (*Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*).
2. Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), the Administrator of the United States Environmental Protection Agency (“EPA”) is authorized to assess administrative penalties against persons who violate Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342. The Administrator has delegated this authority to the Regional Administrator of the EPA Region 9, who in turn has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, hereinafter “Complainant.”
3. Respondent is Cabras Marine Corporation.
4. This Consent Agreement and Final Order (“CA/FO”), which contains the elements of a complaint required by 40 C.F. R. § 22.14(a), simultaneously commences and concludes this penalty proceeding, as authorized by 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

NOW THEREFORE, before the taking of any testimony, without adjudication of any issue of fact or law, and upon consent by the EPA and Respondent, it is hereby STIPULATED, AGREED, AND ORDERED:

**II. STATUTORY AND REGULATORY FRAMEWORK**

5. CWA Section 301(a), 33 U.S.C. § 1311(a), makes it unlawful for a person to discharge pollutants from a point source into waters of the United States, including the Territorial Seas, except as authorized by a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to CWA Section 402, 33 U.S.C. § 1342.

6. CWA Section 402, 33 U.S.C. § 1342, establishes the NPDES program and authorizes the EPA and authorized states to issue permits governing the discharge of pollutants from point sources into waters of the United States and CWA Section 402(p), 33 U.S.C. § 1342(p), requires that NPDES permits be issued for stormwater discharges “associated with industrial activity.”
7. 40 C.F.R. § 122.26(b)(14)(ii) defines stormwater discharges associated with industrial activity to include ship building and repair classified under SIC Code 3731.
8. CWA Section 402(p)(4), 33 U.S.C. § 1342(p)(4), requires dischargers of stormwater associated with industrial activity to seek coverage under a promulgated general permit or seek individual permit coverage.
9. On June 16, 2015, EPA issued the most recent version of the NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (hereinafter referred to as the “2015 MSGP”), which was effective on the date of issuance. The 2015 MSGP replaced the 2008 MSGP, which expired September 29, 2013 but which was administratively continued until EPA’s issuance of the 2015 MSGP. Like the 2008 MSGP, the 2015 MSGP provides for a Master Permit (No. GUR050000) for the Territory of Guam (“Guam”) that covers stormwater discharges associated with industrial activities in Guam. See 2015 MSGP Appendix C.9. The 2015 MSGP’s Master Permit conditions for Guam remain the same as under the 2008 MSGP. *See* 2015 MSGP Part 9.9.4. Facilities in Guam requiring coverage under the 2015 MSGP Master Permit for Guam must develop a Storm Water Pollution Prevention Plan (“SWPPP”) and file a Notice of Intent (“NOI”) to be covered.
10. A discharger obtaining coverage under the General Permit on or after July 1, 2015 must submit a Notice of Intent (“NOI”) to the EPA pursuant to 40 C.F.R. § 122.28(b)(2).
11. Pursuant to CWA Section 309(g)(2)(B), 33 U.S.C. § 1319(g)(2)(B), and 40 C.F.R. Part 19.4, the EPA may assess a Class II civil administrative penalty of up to \$16,000 per day of violation, not to exceed \$187,500 in total, against a person for CWA Section 301(a) violations that occurred on or after April 4, 2013. For violations that occurred after November 2, 2015, where penalties are assessed on or after January 15, 2018, the EPA may assess a penalty up to \$21,933 per day of violation, not to exceed \$274,159 in total.

### **III. FINDINGS OF FACT, JURISDICTIONAL ALLEGATIONS, AND CONCLUSIONS OF LAW**

12. Respondent Cabras Marine Corporation is a corporation organized under the laws of Territory of Guam and is a “person” within the meaning of CWA § 502(5), 33 U.S.C. § 1362(5).
13. At all times relevant to this action, Respondent operated a dry dock facility (“Dry Dock Facility”) and associated shoreside ship repair facility (“Shoreside Facility”) located at 178 Industrial Avenue, Piti, Guam 96915, hereinafter referred to together as the “Facilities.”
14. Respondent has been engaged in ship repair at the Facilities since approximately June 15, 2013, including boat, chassis and engine repair, fabrication, sandblasting and material storage and disposal at the Shoreside Facility. Respondent’s operations at the Shoreside Facility fall within activities classified under SIC Code 3737 (Ship Building and Repairing) and is therefore an “industrial activity” for purposes of CWA § 402(p), 33 U.S.C. § 1342(p), and 40 C.F.R. § 122.26(b)(14)(ii).

15. Stormwater runoff and process wastewater from the Shoreside Facility discharges directly to Apra Harbor from an on-site storm drain inlet. The inlet is a “point source” within the meaning of CWA § 502(14), 33 U.S.C. § 1362(14).
16. Stormwater runoff and process wastewater from the Dry Dock Facility discharge directly to Apra Harbor from four authorized outfalls (NPDES Outfalls 001-004). Pollutants also discharge from the Dry Dock deck when the Dry Dock submerges. Such outfalls and the Dry Dock deck are “point sources” within the meaning of CWA § 502(14), 33 U.S.C. § 1362(14).
17. Stormwater runoff from the Facilities is a “stormwater discharge associated with industrial activity” as defined by 40 C.F.R. § 122.26(b)(14)(ii).
18. Stormwater and process wastewater discharges from the Facilities include sandblasting grit, zinc, copper, and suspended solids, among other things, and therefore contain “pollutants,” as defined by CWA § 502(6), 33 U.S.C. § 1362(6).
19. Apra Harbor is a navigable “waters of the United States” and “territorial sea” within the meaning of CWA § 502(7) and 502(8), 33 U.S.C. § 1362(7) and (8), and the CWA’s implementing regulations.
20. Respondent’s discharge of pollutants in stormwater and process wastewater from the Facilities to waters of the United States constitutes a “discharge of pollutants” within the meaning of CWA § 502(12), 33 U.S.C. § 1362(12).
21. On February 1, 2013, EPA issued NPDES permit number GU00200397 (the “Dry Dock Individual Permit”) to Respondent authorizing the discharge of wastewater and stormwater containing pollutants from the Dry Dock Facility to Apra Harbor subject to specified conditions and limitations. The Dry Dock Individual Permit’s expiration date was January 30, 2018. Respondent submitted a timely and complete application for renewal of the Dry Dock Individual Permit on July 5, 2017, therefore it has been automatically administratively extended pursuant to 40 C.F.R. § 122.6 until EPA decides on its renewal.
22. Part I.A.1 of the Permit authorizes the “discharge [of] stormwater runoff (associated with storms larger than once in 25 yr/24 hr event) ... provided [Respondent] fulfills the requirements to design, maintain, and operate a capture and divert system for 100% process wash water and most storm runoff from storms smaller than once in 25 yr/24 hr event” and use a mobile pump to transport this water and runoff to Respondent’s Shoreside Facility for treatment/filtration prior to acceptance by the local sewer treatment plant.
23. Part II of the Permit describes Respondent’s installation of a nine-inch high retention berm at each end of the Dry Dock Facility as part of its stormwater retention system.
24. Part III.D.5 of the Permit requires Respondent to develop and implement a Best Management Practices (“BMP”) Plan to reduce pollutants discharged from the Dry Dock Facility and review and update the BMP Plan as needed to comply with the Permit or as required by EPA. Respondent’s BMP Plan for the Dry Dock Facility provides that “[e]mployees shall effectively cover all 4 drainages on the deck of AFDL-21 at all times prior to performing any work” as part of Respondent’s capture and diversion system. Respondent’s BMP Plan for the Dry Dock Facility provides that employees “[a]pply a rubber seal under each drainage grill to prevent any stormwater, wash water, grit and debris from entering the receiving water.”

25. Part III.A.6 of the Permit states: “Per conditions identified in the Guam EPA 401 certification (dated November 28, 2012): “[T]he permittee must strictly implement ‘good housekeeping’ and Best Management Practices (“BMPs”) prior to each drydock submergence to prevent accumulation of debris and corroded metal scale from the drydock floor from being discharged into the receiving waters.”
26. Part III.D of the Permit requires Respondent to implement specific BMPs, including:
- a. Part III.D.1.f: “The permittee shall maintain all drydock surfaces, including the top of the wing walls, to prevent chipped paint, rust, and other debris from entering the receiving water.”
  - b. Part III.D.1.g: “Prior to lowering/submerging the drydock, the permittee shall clean wash and rinse the vessel and drydock surface (walls and floor) to remove solids (metal shaving, paint chips, spent sand grit, etc.) and other pollutants. This includes vacuuming and rinsing to clean hard-to-reach areas, or the permittee shall implement additional measures to ensure that solids are removed from the drydock surface and prevented from discharging into receiving waters.”
  - c. Part III.D.1.i: “The permittee shall properly store and dispose all wastes.”
  - d. Part IV.3.e(1)(i): “[V]ehicle and equipment storage areas must be regularly inspected and cleaned for spills and leaks (including storm inlets); and have spill response equipment (e.g., drip pans, sorbent pads) to respond immediately to spills or leaks.”
27. On October 17, 2016, the EPA sent a Request for Information under Section 308 of the Clean Water Act to Respondent requesting copies of Discharge Monitoring Reports (“DMR”) and copies of photo documentation required by the Permit that EPA had not received.
28. On January 13, 2017, Respondent provided a response to EPA’s information request, which included copies of DMRs and photo documentation indicating ship repair activities at the Dry Dock and Shoreside Facilities occurring on an average of at least four vessels annually at both Facilities.
29. On March 1, 2017, the EPA performed an inspection of both Facilities to evaluate the Respondent’s compliance with the requirements of Sections 301 and 402(p) of the CWA, 33 U.S.C. §§ 1311 and 1342(p), regulations promulgated thereunder at 40 C.F.R. § 122.26, and the Dry Dock Individual Permit. The EPA provided its inspection report (“Inspection Report”) to Respondent on May 22, 2017.
30. As described in more detail in the Inspection Report, the EPA inspectors observed the following:
- a. The Dry Dock Facility’s containment berms were perforated with rusted holes and had berm heights of only 3-inches at chock locations indicating they were insufficiently maintained and sized to capture 100% of process wastewater and stormwater up to the 25-year, 24-hour storm event.
  - b. The Dry Dock Facility’s deck outfall drains were not sufficiently plugged to prevent the discharge of process water or capture stormwater in events less than the 25-year, 24-hour rain events though the four permitted outfalls.
  - c. The Dry Dock Facility’s floor contained an accumulation of sandblast grit, paint particles and debris inside and outside its containment berm, providing the potential to discharge pollutants to receiving waters (and inspectors observed paint particles and debris floating in the Harbor water immediately adjacent to the Dry Dock).

- d. The Shoreside Facility was without NPDES permit coverage for discharges of pollutants in stormwater.
- e. The Shoreside Facility had five containers dedicated to oil spill response that were either empty or contained inadequate materials for spill prevention.
- f. The Shoreside Facility had equipment that was actively leaking oil without control measures such as drip pans or sorbent pads in place.
- g. The Shoreside Facility's surface area was stained with oil and grease indicating leaks and spills of oil and grease throughout the Facility that had not been adequately cleaned.
- h. The Shoreside Facility had drums and containers of petroleum waste and other waste materials there were improperly stored without secondary containment, without covers, without labels and with exposure to stormwater and potential to discharge.
- i. The Shoreside Facility had a storm drain inlet with discharge to Apra Harbor.
- j. The Shoreside Facility had uncontained sandblast grit and debris with stormwater exposure at the paint shop and blasting booth areas.

31. On June 6, 2017, Respondent provided EPA Region 9 with information indicating Respondent had addressed the significant deficiencies identified by the EPA during the March 1, 2017 inspection, including improvement to the Dry Dock Facility's capture and diversion system to prevent the unauthorized discharge of stormwater and process wastewater to Apra Harbor.

32. On October 20, 2017, the EPA performed a follow-up inspection of both Facilities and observed:

- a. The Dry Dock Facility's berms had been upgraded and replaced to fix rusted holes and to provide nine (9) inch containment around the entire Dry Dock to comply with the Permit requirement that berms capture 100% process wash water and stormwater runoff from storms smaller than the once in 25-year, 24-hour event.
- b. The Dry Dock Facility's drainage grills had been upgraded with the installation of rubber seals to prevent the discharge of stormwater and/or process wastewater.
- c. Additional BMPs had been temporarily installed to contain sandblast grit and debris at the Dry Dock Facility's containment area and Shoreside Facility's vessel maintenance area, and both Facilities' areas were generally cleaned of wastes, oil residues, debris and sandblast grit.
- d. The Shoreside Facility remained without NPDES permit coverage for its discharges of stormwater associated with industrial activities, although Facility staff indicated Respondent had filed a NOI for MSGP coverage.
- e. The Shoreside Facility did not have adequate BMPs to prevent the discharge of sediment track-out to Harbor waters originating from the non-paved areas in the vicinity of the paint shop and blasting booth.
- f. The Shoreside Facility's waste material storage area reflected good-housekeeping and materials had been removed from the area.
- g. The Shoreside Facility contained a new roofed area for all hazardous materials but did not have secondary containment.

33. On December 27, 2017, Respondent submitted its NOI for MSGP coverage for discharges of stormwater associated with industrial activities from the Shoreside Facility, and on January 30, 2018, obtained MSGP coverage (MSGP Permit GUR053010).

34. On May 22, 2018, EPA Region 9 and Respondent entered into an Administrative Order on Consent ("Order") that required Respondent to address by August 30, 2018 the compliance deficiencies

issues observed during the March 1, 2017 inspection. Specifically, the Order required Respondent to bring its Dry Dock Facility into compliance with its individual NPDES permit by, among other things, revising its SWPPP. The Order also required Respondent to bring its Shoreside Facility into compliance with the MSGP by, among other things, installing a storm drain filtration system by May 30, 2018; installing a permanent containment facility for oily wastes by June 30, 2018; installing a permanent containment facility for materials associated with blasting grit and painting by July 30, 2018; and submission of a final report to EPA describing all actions taken to achieve compliance with the Order and the CWA within thirty days of completing the actions required by the Order.

35. On May 30, 2018, Respondent completed installation of a storm drain filtration system at the Shoreside Facility in accordance with the Order.
36. On June 1, 2018, Respondent completed installation of a liquid and oily waste storage facility in accordance with the Order.
37. On September 25, 2018, Respondent completed revisions to its SWPPP for both Facilities and submitted it on September 26, 2018 to EPA Region IX for review in accordance with the Order.
38. On February 1, 2019, Respondent completed installation of a permanent containment facility for materials associated with blasting grit and painting.
39. On February 14, 2019, Respondent provided its final report required by the Order for EPA Region 9's review and approval, and on May 3, 2019, EPA Region 9 terminated the Order after determining Respondent had brought its Facilities into compliance with the Order.
40. Between June 30, 2014 and June 6, 2017, Respondent conducted ship repair activities on at least twelve (12) vessels at the Facilities. Upon information and belief, each vessel repair resulted in at least one day of process wastewater discharge from the Facilities to Apra Harbor.
41. Between June 30, 2014 and January 30, 2018, the National Oceanic and Atmospheric Administration reports that at least 0.5 inches of rain fell on at least 167 days (including over two (2) inches of rain on at least twenty-five (25) days between June 30, 2014 and June 6, 2017) at Guam International Airport weather station, the closest monitoring station to Piti, Guam. Upon information and belief, each of these 167 half-inch rainfall events resulted in a discharge of stormwater from Respondent's Facilities to Apra Harbor.

#### **IV. ALLEGED VIOLATIONS**

42. Respondent violated CWA Section 301(a), 33 U.S.C. § 1311(a), by:
  - a. Discharging pollutants in stormwater from Shoreside Facility point sources into waters of the United States, including the territorial seas, without NPDES permit authorization on at least 167 rain days between June 30, 2014 and January 30, 2018;
  - b. Discharging process wastewater from Shoreside Facility point sources into waters of the United States, including the territorial seas, without NPDES permit authorization on at least twelve (12) days between June 30, 2014 and January 30, 2018;

- c. Discharging stormwater from Dry Dock Facility point sources into waters of the United States, including the territorial seas, without adequate BMPs in place in violation of its NPDES Individual Permit on at least 167 rain days between June 30, 2014 and June 6, 2017; and
- d. Discharging process wastewater from Dry Dock Facility point sources into waters of the United States, including the territorial seas, while in violation of several NPDES Individual Permit requirements on at least twelve (12) days between June 30, 2014 and June 6, 2017.

**V. ADMINISTRATIVE PENALTY**

43. In consideration of the penalty factors of CWA Section 309(g), 33 U.S.C. § 1319(g), Respondent shall pay to the United States a civil administrative penalty in the amount of two hundred and fifty thousand, eight hundred and twenty-seven dollars (\$250,827) within thirty (30) calendar days of the Effective Date, as defined in Section X of this CA/FO.

44. Respondent shall make penalty payment by one of the options listed below:

- a. Check Payment. Payment by a cashier's or certified check shall be made payable to "Treasurer, United States of America" and be mailed as follows:

- i. *If by regular U.S. Postal Service Mail:*

U.S. Environmental Protection Agency  
Fines and Penalties  
PO BOX 979077  
St. Louis, MO 63197-9000

- ii. *If by overnight mail:*

U.S. Environmental Protection Agency  
Government Lockbox 979077  
USEPA Fines and Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101

- b. Automated Clearinghouse Payment: Payment by Automated Clearinghouse (ACH) via Vendor Express shall be made through the U.S. Treasury as follows:

U.S. Treasury REX/Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking

- c. Fedwire: Payment by wire transfer to the EPA shall be made through the Federal Reserve Bank of New York as follows:

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

- d. Online Payment: This payment option can be accessed from the information below:

Go to [www.pay.gov](http://www.pay.gov)  
Enter "SFO Form Number 1.1." in the search field  
Open "EPA Miscellaneous Payments – Cincinnati Finance Center" form and complete required fields

Payment instructions are available at: <http://www2.epa.gov/financial/makepayment>. If clarification regarding a particular method of payment remittance is needed, contact the EPA Cincinnati Finance Center at (513) 487-2091.

45. To ensure proper credit, Respondent shall include the following transmittal information with the penalty payment: (i) Respondent's name (as appeared on the CA/FO), complete address, contact person, and phone number; (ii) the EPA case docket number; (iii) the EPA contact person; and (iv) the reason for payment.

46. Concurrent with the payment, Respondent shall send a true and correct copy of the payment and accompanying transmittal information to the following addresses:

Regional Hearing Clerk  
Office of Regional Counsel (ORC-1)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Rich Campbell, Attorney-Advisor  
Office of Regional Counsel (ORC-2)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

47. Respondent shall not, and shall not allow any other person to, deduct any penalties and interest paid under this CA/FO from federal, state, or local taxes.
48. Pursuant to CWA Section 309(g)(9), 33 U.S.C. § 1319(g)(9), if Respondent fails to pay the assessed penalty on time, the EPA may request the U.S. Department of Justice to bring a civil action to recover the overdue amount, plus interest at currently prevailing rates from the CA/FO's Effective Date. In such an action, the validity, amount, or appropriateness of the assessed penalty shall not be subject to review. In addition to any assessed penalty and interest, Respondent shall pay attorney fees, costs for collection proceedings, and a quarterly nonpayment penalty, which shall equal 20% of

the aggregate amount of Respondent's penalties and nonpayment penalties that are unpaid as of the beginning of such quarter, for each quarter during which such failure to pay persists. The EPA may also take other debt collection actions as authorized by law, including, but not limited to, the Debt Collection Act, 33 U.S.C. § 3711, and 33 C.F.R. Part 13.

## **VI. APPLICABILITY**

49. This CA/FO shall apply to and be binding on Respondent, Respondent's officers, directors, partners, agents, employees, contractors, successors and assigns. Action or inaction of any persons, firms, contractors, employees, agents, or corporations acting under, through, or for Respondent shall not excuse any failure of Respondent to fully perform its obligations under this CA/FO. Changes in ownership, real property interest, or transfer of personal assets shall not alter Respondent's obligations under this CA/FO.

## **VII. RESPONDENT'S ADMISSIONS AND WAIVERS**

50. In accordance with 40 C.F.R. § 22.18(b), for the purpose of this proceeding, Respondent:

- a. admits the jurisdictional allegations of the complaint;
- b. except as set forth in Paragraph 50.a, neither admits nor denies the facts stipulated in this Consent Agreement;
- c. consents to all conditions specified in this CA/FO and to the assessment of the civil administrative penalty set forth in Section V above;
- d. waives any right to contest the allegations set forth in this CA/FO; and
- e. waives its right to appeal this proposed Final Order.

## **VIII. RESERVATION OF RIGHTS**

51. In accordance with 40 C.F.R. § 22.18(c), full payment of the penalty set forth in this CA/FO only resolves Respondent's CWA civil penalty liabilities for the violations specifically alleged herein and does not in any case affect the right of the EPA to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

52. This CA/FO is not a permit or modification of any existing permit issued pursuant to any federal, state, or local laws or regulations, and shall in no way relieve or affect Respondent's obligations under any applicable federal, state or local laws, regulations, or permits.

## **IX. ATTORNEY FEES AND COSTS**

53. Unless otherwise specified, each party shall bear its own attorney fees and costs.

## **X. EFFECTIVE DATE AND TERMINATION**

54. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), the Effective Date of this CA/FO is the date the Final Order, having been signed by the Regional Judicial Officer, is filed with the Regional

Hearing Clerk. This CA/FO shall terminate when Respondent has complied with the CA/FO's requirements in full.

#### **XI. PUBLIC NOTICE**

55. Pursuant to CWA Section 309(g)(4), 33 U.S.C. § 1319(g)(4), and 40 C.F.R. § 22.45(b), this Consent Agreement is subject to public notice and comment prior to issuance of the proposed Final Order. Complainant reserves the right to withhold or withdraw consent to this Consent Agreement if public comments disclose relevant and material information that was not considered by Complainant in entering into this Consent Agreement. Respondent may withdraw from this Consent Agreement only upon receipt of written notice from the EPA that it no longer supports entry of this Consent Agreement.
56. Pursuant to CWA Section 309(g)(1), 33 U.S.C. § 1319(g)(1), the EPA has consulted with the Government of the Territory of Guam, i.e., the Guam Environmental Protection Agency, regarding this penalty action.



FOR COMPLAINANT THE U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 9:

\_\_\_\_\_  
// signed Elizabeth Berg July 26, 2019, for //  
Amy C. Miller, Director  
Enforcement and Compliance Assurance Division  
U.S. EPA Region 9

\_\_\_\_\_  
Date

Of Counsel:

Rich Campbell  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region 9

**FINAL ORDER**

It is Hereby Ordered that this Consent Agreement and Final Order (U.S. EPA Docket No. CWA-09-2019-00\_\_) be entered and that Respondent shall pay a civil penalty in the amount of two hundred and fifty thousand, eight hundred and twenty-seven dollars (**\$250,827**) in accordance with the terms of this Consent Agreement and Final Order.

Date: \_\_\_\_\_

\_\_\_\_\_  
Steven L. Jawgiel  
Regional Judicial Officer  
U.S. EPA, Region IX