



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 10

1200 Sixth Avenue, Suite 155, Seattle, Washington 98101

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-10-2021-0175, NPDES No. Unpermitted

Midfield Aviation, LLC ("Respondent") 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.

Attached is an "Industrial Non-filer Expedited Settlement Worksheet" ("Settlement Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the alleged violations specified in the Settlement Form.

Respondent had unauthorized discharge(s) of stormwater in violation of Section 301(a) of the Clean Water 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 alleged violations specified in the Settlement Form.

EPA is authorized to enter into this Consent Agreement and Final Order ("Agreement") under the authority vested in the Administrator of EPA by Section 309(g) of the Act, 33 U.S.C. § 1319(g), and by 40 C.F.R. Part 22. The parties enter into this Agreement to settle the civil violation(s) alleged in this Agreement for a penalty of \$2,500. Respondent consents to the assessment of this penalty and waives the right to: (1) contest the finding(s) specified in the Form; (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 Settlement Form by either: a) developing and implementing a Stormwater Pollution Prevention Plan and submitting to the permit authority a Notice of Intent to be covered by the applicable industrial stormwater permit; or b) acting to meet eligibility requirements for a waiver from industrial stormwater permit requirements as allowed by the permit authority and submitting the relevant forms (such as the No Exposure Certification form), to the permit authority.

Respondent certifies that it has submitted a bank, cashiers, or certified check, with case name and docket number noted, for the amount specified above, payable to the "Treasurer, United States of America," via certified mail, to:

U.S. EPA, Region 10
Fines and Penalties, Cincinnati Finance Center
In the Matter of: Midfield Aviation, LLC
Docket No.: CWA-10-2021-0175
P.O. Box 979077
St. Louis, Missouri 63197-9000

This Agreement settles EPA's civil penalty claims against Respondent for the alleged Clean Water Act violation(s) 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:

____ Date: _____
Edward J. Kowalski, Director
Enforcement and Compliance Assurance Division
EPA Region 10

APPROVED BY RESPONDENT:

Name
(print): _____

Title
(print): _____

Signature: _____ Date: _____

More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA has received no comments concerning this matter.

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

____ Date: _____
Richard Mednick
Regional Judicial Officer, U.S. EPA Region 10

Industrial Non-Filer Expedited Settlement Worksheet



Alleged Violation: Discharge of industrial stormwater from the below facility without authorization under the Clean Water Act in violation of Section 301.

SIC Code: 4581- Ready-Airports

Receiving Water: Indian Creek, Boise River, Snake River, Columbia River, Pacific Ocean

Name and Location of Facility:

Midfield Aviation, LLC
4814 East Linden Road
Caldwell, Idaho 83605

Docket #:

CWA-10-2021-0175

Case Developer:

Chae Park

Inspection Date:

10/28/2019

Factor 1 - Duration of Alleged Violation (D):

Date of First 0.5" Rainfall, After Facility Began Operating:

1/27/2020

Unpermitted through (Date)

5/30/2021

Years Operating w/o Permit Coverage under CWA §301:

1.3

Duration Category: 1-2 Years

0.5

Factor 2 - Company Size/Sophistication (S):

Tier Level (1-3) from Sheet 2:

Tier 1

0.5

Factor 3 - Acreage of Industrial Activity Exposed (E):

Calculated from Aerial:

0.51

Exposure Category:

0.5-2 Acres

1

Factor 4 - Pollution Control (P):

Level of Pollution Control (P):

25-75%

1

Factor 5 - Notification (N):

Previous written notification?

No

1

Expedited Settlement Formula:

D x S x E x P x N x \$10,000

Total Expedited Settlement Amount:

\$2,500

Instructions: User will enter data in all white cells. Consult instructions regarding eligibility criteria and procedures before use.

Eligible for ESA Policy?

Yes

Case Developer Notes:

This facility (Midfield Aviation, LLC) is a sub-tenant of Shore and Shore Aviation at the Caldwell Industrial Airport. It became known to EPA as a potential operator after a stormwater industrial stormwater inspection of the airport on 10/28/2019 by Idaho Department of Environmental Quality. Little was known about the daily operations of this facility prior to that inspection. After the 2019 inspection, the first rain event over 0.5" occurred on January 27, 2020. The location of the facility is fairly dry. From May of 2016 to January of 2020 there were just 12 rain events over 0.5". The size of the company is small with number of employees less than 10. The exposed footprint of the facility is just over half an acre. There are no known visible spills at the facility. Some minor BMPs need maintenance.