



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 10

1200 Sixth Avenue, Suite 155, Seattle, Washington 98101

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-10-2023-0022, NPDES No. Unpermitted

The undersigned representatives of the United States Environmental Protection Agency ("EPA") and Ryan Smith and Noah Smith ("Respondents"), enter into this Expedited Settlement Agreement ("Agreement") to resolve Respondents' civil penalty liability for alleged violations of Section 301(a) of the Clean Water Act ("Act"), 33 U.S.C. § 1311(a), at the facility located at Section #, T. 9 N/., R. 14 E., Fairbanks Meridian; USGS Quad Map Central C-2 SW; Latitude 65.57033° N., Longitude 144.85272° W.; at Mile Post 126.2 of the Steese Highway, in Central, Alaska ("Site").

Respondents had unauthorized discharges of storm water from the Site in violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a). Respondents are each a "person" as defined in Section 502(5) of the Act, 33 U.S.C. § 1362(5). Respondents are each responsible for the alleged violations specified in the attached Expedited Settlement Offer (ESO) Worksheet – Findings and Alleged Violations ("Form"). The Form is incorporated into this Agreement by reference.

EPA finds, and Respondents admit, EPA has jurisdiction over this matter pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g) and 40 C.F.R. Part 22. Respondents neither admit nor deny the violations alleged in the Form.

Respondents agree to pay a civil penalty of \$1,200. Respondents waive the rights to: (1) contest the allegations in the Form; and (2) to appeal any final order an EPA Regional Judicial Officer may issue to ratify this Agreement ("Final Order"). Proof of payment of the civil penalty must accompany this signed copy of the Expedited Settlement Agreement when it is returned to EPA.

By signing this Agreement, Respondents certify that: (1) the alleged violations listed in the Form have been corrected, and Respondents have submitted true and accurate documentation to the EPA of such correction; (2) consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), Respondents will not deduct penalties paid under this Agreement for federal tax purposes; and (3) Respondents, in accordance with the attached Payment Instructions, have provided proof of payment of the civil penalty, with case name and docket number noted.

This Agreement, upon incorporation into the Final Order and full satisfaction by the parties, shall be a complete and full resolution of Respondents' liability for federal civil penalties for the violations of Section 301(a) of the Act as alleged in the Form. This Agreement does not affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or

criminal sanctions for any violations of law or to issue an administrative compliance order for any uncorrected violations listed in the Form. Nothing in this Agreement shall relieve Respondents of the duty to comply with the Act and any regulations, order, or permit issued pursuant to the Act.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, EPA will provide public notice of this Agreement and a reasonable opportunity for the public to comment on it. EPA will address any comments on the Agreement in accordance with Section 309(g)(4) of the Act, 33 U.S.C. § 1319(g)(4), and 40 C.F.R. § 22.45.

Attachments:

- 1. ESO Worksheet – Findings and Alleged Violations
2. Payment Instructions

APPROVED BY EPA:

\_\_\_\_ Date: \_\_\_\_\_
Edward J. Kowalski, Director
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENTS:

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

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

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

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, Region 10