



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9 – PACIFIC SOUTHWEST REGION
75 Hawthorne Street
San Francisco, CA 94105-3901

SETTLEMENT CONFIDENTIAL

Via E-mail

Amy Mastright
Trico Welding, Inc.
1723 N Ventura Ave
Ventura, CA 93001
tricowelding@att.net

RE: Trico Welding, Inc., U.S. EPA Docket No. CWA-09-2023-0015

Dear Amy Mastright:

On February 2, 2022, Region 9 of the U.S. Environmental Protection Agency (EPA) conducted a stormwater compliance inspection of Trico Welding, Inc.'s metal fabrication facility (Facility) located at 1723 N. Ventura Ave., Ventura, CA 93001, to evaluate the Facility's compliance with the California State Water Resources Control Board (SWRCB) Order No. 2014-0057-DWQ, National Pollutant Discharge Elimination System (NPDES), General Permit No. CAS000001 for Discharges of Stormwater Associated with Industrial Activities (the Permit) and Section 402 of the Clean Water Act (Act), 33 U.S.C. § 1342(p). EPA's February 2, 2022 inspection, as well as subsequent review of NOAA rainfall records, indicate that the Facility discharged industrial stormwater without authorization by any permit issued under the Act, in violation of section 301 of the Act, 33 U.S.C § 1311. EPA provides its findings of violation in the attached Industrial Non-Filer Expedited Settlement Offer Worksheet (Worksheet). EPA previously transmitted the February 2, 2022 compliance inspection report (Inspection Report) to Trico Welding, Inc. on March 14, 2022.

EPA followed up on the inspection findings by requesting information from both Trico Welding, Inc. and the owner of the Property on which the Facility is located (Property Owner) to gather more information about the business as well as the site where it is located. While EPA has received a response to this request for information from the Property Owner, EPA has not received a response from Trico Welding, Inc.

Further, EPA's subsequent review of the online permit application database shows that continuing through the end of 2022, Trico Welding, Inc. still had not submitted an application either for coverage under the Permit or for a waiver from the Permit conditions.

Section 309 of the Act, 33 U.S.C. § 1319, authorizes EPA to take enforcement actions and seek penalties, including administrative civil penalties, for violations of the Act such as those specified in the attached Worksheet. EPA may commence a proceeding for the assessment of a civil administrative penalty by filing an administrative complaint or by agreeing to settle before

the filing of a complaint by entering into a consent agreement and final order. Alternatively, EPA may use an Expedited Settlement Agreement (ESA) to quickly conclude an enforcement action if the nature and duration of the violations and amount of economic benefit at issue make an ESA appropriate. EPA has developed an ESA process (Industrial Non-Filer Policy) to address industrial facilities discharging stormwater without authorization under the Act. Pursuant to its Industrial Non-Filer Policy, EPA offers Trico Welding, Inc. the opportunity to resolve this matter with the enclosed ESA. To do so, Trico Welding, Inc. must (1) correct the deficiencies identified in the Inspection Report and Worksheet, and (2) sign and return to EPA the attached ESA within 60 days of receiving this letter offer, under which Trico Welding, Inc. agrees to pay an administrative civil penalty of \$1,850.

Trico Welding, Inc. must demonstrate it corrected the deficiencies identified in the Inspection Report and Worksheet within 60 days of receiving this offer by submitting evidence, including documentation and photographs, of the actions taken to bring the Facility into compliance with the Act. In addition, industrial stormwater non-filers must implement one of the following options to demonstrate compliance:

1. Obtain stormwater Permit coverage for future stormwater discharges by developing a site-specific stormwater pollution prevention plan for Trico Welding, Inc. and submitting the required Permit Registration Documents to NeT-MSGP at <https://cdx.epa.gov/> to seek Permit coverage for future stormwater discharges; or
2. Prevent exposure of industrial activities to stormwater in accordance with the eligibility requirements of the No Exposure Certification and submitting the required Permit Registration Documents to NeT-MSGP at <https://cdx.epa.gov/>.

Please note that by signing the ESA, Trico Welding, Inc. certifies it has corrected all violations identified in the Inspection Report and alleged in the Worksheet.

If Trico Welding, Inc. brings its Facility into compliance with the Act within 60 days of receiving this letter, and decides to enter into the ESA, please sign and return the ESA, together with documentation of Trico Welding, Inc.'s correction of the deficiencies identified by EPA, within 60 days of your receipt of this letter offer to:

U.S. EPA Region 9
Attn: Kristine Karlson
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 9
email: karlson.kristine@epa.gov
cc: brewer.erin@epa.gov

Although your signature on the enclosed ESA commits Trico Welding, Inc. to pay a civil administrative penalty, do not pay the penalty when you return the signed ESA to EPA. Rather, you must wait to pay the penalty until after EPA countersigns the ESA and then posts it on the EPA Region 9 website for a 30-day public notice and comment period. After the end of the 30-day public notice and comment period, and after any public comments are addressed, the ESA is submitted to EPA Region 9's Regional Judicial Officer for review and signature. After the

Regional Judicial Officer signs the ESA, it is then filed by the Regional Hearing Clerk for EPA Region 9, upon which it becomes effective. You must then pay the penalty within 10 calendar days of the ESA's effective date, *i.e.*, the date it is filed by EPA Region 9's Regional Hearing Clerk.

EPA sets forth your options for payment in the enclosed *Expedited Settlement Agreement Payment Instructions*. Payment instructions are also available at: <http://epa.gov/financial/makepayment>, and included in the ESA itself.

Entering into the enclosed ESA and paying the penalty resolves Trico Welding, Inc.'s liability for federal civil penalties for the alleged violations specified in the Worksheet. As with any settlement of administrative civil penalties, the EPA reserves its right to issue an administrative order for compliance or to seek a federal court injunction directing compliance, should it become necessary, and/or to pursue criminal sanctions if appropriate, despite Trico Welding, Inc. and EPA entering into this ESA.

This offer will be open for a period of 60 days from your receipt of this letter by email. If you do not return the signed ESA and documentation of corrective action within that time period, this offer will be automatically withdrawn, and the EPA may pursue a more formal enforcement action for penalties. The EPA is authorized under section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2), to seek civil administrative penalties of up to \$299,857. *See* 40 C.F.R. Part 19. In addition, the EPA may take further enforcement action if you sign the ESA but do not pay the penalty within 10 days of its effective date, as explained above.

The EPA endeavors to resolve matters through settlement and is committed to settling this matter fairly and expeditiously. If you have any questions regarding this settlement offer, such as how to document corrective actions, please contact Kristine Karlson at karlson.kristine@epa.gov or (415) 947-4297. If you have legal questions, your attorney may contact Erin Brewer at brewer.erin@epa.gov or 415-972-3870.

We look forward to hearing from you.

Sincerely,

/s/

06/01/2023

Roberto Rodriguez
Assistant Director, Water Branch
Enforcement and Compliance Assurance Division

Enclosures:

Industrial Non-Filer Expedited Settlement Worksheet
Expedited Settlement Agreement
Payment Instructions



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 9 - 75 Hawthorne St San Francisco, CA 94105

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-09-2023-0015 Error! Reference source not found., NPDES No. ["Unpermitted"]

Trico Welding, Inc. ("Respondent"), a California 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. The attached "Industrial Non-filer Expedited Settlement Worksheet" ("Worksheet"), which is incorporated by reference, summarizes the allegations and calculates a proposed penalty of **\$1,850**, based on conditions at the Respondent's referenced facility at the time of EPA's February 2, 2022, 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 **\$1,850**. 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 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 a No Exposure Certification) to the permit authority.

Respondent certifies it will pay the penalty within 10 calendar days after the effective date of this Agreement by sending a check, wire transfer, automated clearing house, or online payment, using the payment instructions available at: <http://www.epa.gov/financial/makepayment>. Checks sent by

regular U.S. Postal Service mail must be made payable to the "Treasurer, United States of America," and mailed to:

U.S. EPA, Region 9
Fines and Penalties, Cincinnati Finance Center
In the Matter of: Trico Welding, Inc.
Docket No. CWA-09-2023-0015
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: 07/14/2023

Roberto Rodriguez, Assistant Director, Water Branch
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name
(print): _____

Title
(print): _____

Signature: /s/ _____ Date: 04/07/2023

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

Expedited Settlement Agreement Payment Instructions
Docket No. CWA-09-2023-0015

Payment is due no later than 10 calendar days from the date of the date the Expedited Settlement Agreement is filed by the EPA Region 9 Hearing Clerk. If the due date for the payment falls on a weekend or federal holiday, the due date is the next business day. Payment is considered made on the date it is processed by U.S. Bank, as described below. Payment must be received by 11:00 a.m. Eastern Standard Time to be considered received that day.

Payment shall be made to "Treasurer, United States of America" in a single payment of \$1,850. On your check or other form of payment, you must identify the case name (Trico Welding, Inc.) and docket number (CWA-09-2023-0015). You must submit payment using one of the following options:

By Check:	
<u>Via Regular U.S. Mail:</u> U.S. Environmental Protection Agency / Fines and Penalties Cincinnati Finance Center P.O. Box 979077 St. Louis, Missouri 63197-9000	<u>Via Overnight Commercial Carrier:</u> U.S. Bank Government Lockbox 979077 1005 Convention Plaza Mail Station SL-MO-C2GL St. Louis, Missouri 63101
By Wire Transfer:	
<u>Send directly to:</u> Federal Reserve Bank of New York ABA = 021030004 Account = 68010727 SWIFT address = FRNYUS33 33 Liberty Street New York, New York 10045 Field Tag 4200 of the Fedwire message should read: "D 68010727 Environmental Protection Agency"	
Via ACH Payment:	
U.S. Treasury REX / Cashlink ACH Receiver ABA: 051036706 Account Number: 310006, Environmental Protection Agency CTX Format Transaction Code 22 -- checking Physical location of U.S. Treasury facility: 5700 Rivertech Court Riverdale, Maryland 20737	
Via Debit or Credit Card:	
No user name, password, or account number is necessary. On-line payment can be accessed via WWW.PAY.GOV , entering 1.1 in the form search box on the left side of the screen, opening the form, and following the directions on the screen.	
NOTE: At time of payment copies of the check (or other proof of other payment) shall be sent to:	
U.S. EPA Region 9 Attn: Kristine Karlson, ENF 3-2 Enforcement & Compliance Assurance Div. 75 Hawthorne Street San Francisco, CA 94105	U.S. EPA Region 9 Ponly Tu, Regional Hearing Clerk Office or Regional Counsel, ORC-1 San Francisco, CA 94105

and