



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 10, 1200 Sixth Avenue, Seattle, Washington 98101
EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-10-2025-0071 NPDES No. AK0053384

Penalty Amount: \$3,520, Inspection Date: June 4, 2024

The United States Environmental Protection Agency (EPA) and Full Cycle LLC a "person" ("Respondent"), enter into this Expedited Settlement Agreement ("Agreement") to resolve Respondent's civil penalty liability for alleged violations of the National Pollutant Discharge Elimination System permit cited above ("Permit").

The EPA finds that Respondent failed to comply with the Permit, that the Permit was issued pursuant to section 402 of the Clean Water Act (Act), 33 U.S.C. § 1342, that Respondent is a "person" as defined in section 502(5) of the Act, 33 U.S.C. § 1362(5), and that Respondent is responsible for the violations specified in the attached Expedited Settlement Offer Worksheet Violations Form for Wastewater ("Violations Form"). The Violations Form is incorporated into this Agreement by reference.

The EPA also finds, and Respondent admits, that the 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. Respondent neither admits nor denies the violations specified in the Violations Form.

Respondent agrees to pay a penalty of \$3,520 Respondent waives the rights (1) to contest the statements in the Violations Form and (2) to appeal any final order that an EPA Regional Judicial Officer may issue to ratify this Agreement (Final Order). By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Agreement.

Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any violations identified in the Violations Form have been corrected. No later than the date it signs this Agreement, Respondent shall submit an itemized list to the EPA detailing the specific actions taken to correct the violations cited in the Violations Form.

Respondent certifies that, within thirty (30) days after the effective date of the Final Order, Respondent will submit electronic payment via www.pay.gov or submit 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:

Regional Hearing Clerk
U.S. EPA, Region 10
Fines and Penalties, Cincinnati Finance Center
In the Matter of: Full Cycle LLC.
Docket No.: CWA-10-2025-0071
P.O. Box 979078
St. Louis, MO 63197-9000

Respondent agrees that consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), it will not deduct the penalties paid under this Agreement for federal tax purposes.

This Agreement, upon incorporation into a Final Order and full satisfaction by the parties, shall be a complete and full resolution of Respondent's liability for federal civil penalties for the violations and facts alleged in the Violations Form. This Agreement does not affect the right of the EPA or the United States to pursue additional violations not specifically listed in the Violations Form or appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. Nothing in this Agreement shall relieve Respondent of the duty to comply with the Act and any regulation, order, or permit issued pursuant to the Act.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, EPA will provide a copy of the Agreement to the state of Alaska for the purposes of consultation with Alaska on the appropriateness of this Agreement. EPA will also provide public notice of this Agreement and a reasonable opportunity for public 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.

This Agreement is binding on the parties signing below and becomes effective when the Final Order is executed and filed with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b).

APPROVED BY RESPONDENT:

Name
(print): _____

Title
(print): _____

Signature: _____ Date: _____

APPROVED BY EPA:

Edward J. Kowalski, Director
Enforcement and Compliance Assurance Division

More than 40 days have elapsed since providing the Agreement to Alaska and the issuance of public notice pursuant to Section 309(g)(1) and (4)(A) of the Act, 33 U.S.C. § 1319(g)(1) and (4)(A), and EPA has received no comments concerning this matter.

Katrina Chambon, Case Officer
Enforcement and Compliance Assurance Division

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

Regional Judicial Officer
Region 10
U.S. Environmental Protection Agency

Expedited Settlement Offer Worksheet Violations Form For Wastewater

Version 1 (updated April 2019)

Consult instructions regarding eligibility criteria and procedures prior to use.



REGION 10
SEATTLE, WA 98101

LEGAL NAME AND MAILING ADDRESS OF RESPONSIBLE ENTITY		NPDES Permit Number		AK0053384	
1	Stephan Bradford				
	Executive Vice President	Permit Effective Date: June 1, 2020			
	Full Cycle LLC	Permit Expiration Date: May 31, 2025			
	PO Box 772				
Ward Cove, Alaska 99928					
LOCATION AND ADDRESS OF FACILITY		EPA Contact Name:		Katrina Chambon	
2	7037 North Tongass Highway	EPA Contact Title:		Case Officer	
	Ketchikan, Alaska 99901	EPA Office:		Anchorage, Alaska	
FACILITY DESCRIPTION / CONTACT NAMES					
3	Name of Facility Contact (ESO Worksheet recipient):		Stephan Bradford		
	Name of Authorized Official (40 CFR 122.22):		Stephan Bradford		
	Are any findings a result of an inspection?		Yes		
	Inspection Date(s) (if applicable):		06/04/2024		
	Name of Receiving Water Body (Indicate whether 303(d) listed):		Ward Cove 303(d) listed		
PRIVATE ENTITY ADJUSTMENT FACTOR					
4	Is the entity privately owned?	If yes, adjustment factor of 2.0 is applied.	Yes		2.0
FLOW ADJUSTMENT FACTOR					
5	Select the appropriate average volume of flow on a day of discharge in millions of gallons per day (MGD). If a facility discharges only on a periodic basis, do <u>not</u> include days with zero flow when calculating the average flow:				
A	<0.050 mgd (no adjustment is applied)	No adjustment factor is applied.	X		0.0
B	≥0.050 mgd and <0.250 mgd	Adjustment factor of 1.5 is applied.			
C	≥0.250 mgd and <1 mgd	Adjustment factor of 3.0 is applied.			
D	≥1 mgd and <5 mgd	Adjustment factor of 6.0 is applied.			
E	≥5 mgd and <10 mgd	Adjustment factor of 10.0 is applied.			
F	≥10 mgd and <50 mgd	Adjustment factor of 15.0 is applied.			
G	≥50 mgd	Adjustment factor of 20.0 is applied.			
REPEAT VIOLATOR ADJUSTMENT FACTOR					
6	A	How many other state and federal formal enforcement actions has the responsible entity been subject to in the last three years? Include enforcement actions at this facility and any other facilities.	For each enforcement action, adjustment factor is increased 50%.		1.0
				TOTAL ADJUSTMENT FACTOR	2.00

Notes: * RCA = Requires Corrective Action

Violation(s) / Corrective Action(s)			CWA / Permit Citation	R C A*	No. of Viol- actions	Dollar Amount w/ Adjust. Factor	Total		
MONITORING / REPORTING			ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.						
7	Failure to submit compliance schedule report:								
	A	Late but less than 30 days late					\$100	=	
	B	Submitted more than 30 days late					\$150	=	
	C	Not submitted					\$300	=	
8	Failure to submit timely discharge monitoring report (DMR) and/or DMR submitted with failure to conduct self-monitoring:								
	A	DMR late but less than 30 days late					\$100	=	
	B	DMR submitted more than 30 days late					\$150	=	
	C	DMR not submitted or DMR submitted with a failure to sample pollutants - conventional pollutants (count each conventional pollutant not reported or not sampled as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform)					\$150	=	
	D	DMR not submitted or DMR submitted with a failure to sample pollutants - toxic pollutants (count each toxic pollutant not reported or not sampled as a violation)					\$150	=	
9	Failure to conduct self-monitoring in accordance with permit requirements, including but no limited to required sample type, sample location, representative sampling, meeting 40 CFR 136 or other permit requirements (count each pollutant with one or more failures)					\$50	=		
10	Failure to submit any other required report or notice (e.g., biosolids report, pretreatment report, industrial user notification, planned changes, anticipated noncompliance, anticipated bypass, etc.):								
	A	Late but less than 30 days late					\$100	=	
	B	Submitted more than 30 days late					\$150	=	
	C	Not submitted					\$300	=	
11	24-Hour Noncompliance Notice		Failed to call the 24-hour noncompliance hotline for the exceedance of dissolved oxygen daily maximum in January 2024. Failed to call the 24-hour noncompliance hotline for the exceedance of total suspended solids daily maximum in July 2024.	Permit Part Appendix A 3.4					
	A	Failure to provide notice of noncompliance				2	\$150	=	\$300
	B	Noncompliance notice late					\$100	=	
12	5-Day Written Noncompliance Follow-up Report:		Failed to submit a 5-day written report for the exceedance dissolved oxygen daily maximum in January 2024.	Permit Part Appendix A 3.4					
	A	Failure to provide report				1	\$150	=	\$150
	B	Report provided late and/or incomplete					\$50	=	
13	Noncompliance Not Required Within 24 Hours:								
	A	Failure to provide report with DMR					\$50	=	
	B	Report provided late and/or incomplete					\$20	=	
Subtotal Monitoring / Reporting Violations			\$450						

OPERATIONS AND MAINTENANCE			ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.						
14	Failure to conduct and document self-inspections of facility (count each month with one or more missed and/or undocumented inspection)						\$80	=	
15	Failure to document all required information in self-inspections or conduct a complete inspection (count each month with one or more partially documented/completed inspection unless the month is accounted for in #15)						\$40	=	
16	Failure to identify and document corrective actions						\$40	=	
17	Failure to meet operation and maintenance requirement of the permit						\$200	=	
18	Failure to manage removed substances in accordance with the permit						\$500	=	
Subtotal Operations and Maintenance Violations									\$0
EFFLUENT LIMITATIONS			ESA eligible if violations occurred within the 12 months immediately prior to the ESA offer.						
19	Failure to meet effluent limitations:	Exceedance of the pH minimum in May 2024.							
A	Months with effluent exceedance less than 40% above the limit - conventional pollutants (count each conventional pollutant separately as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform)	The permit limit is 6.5 SU, the results is 5.8. Exceedance the monthly average and weekly average of 5-day biochemical oxygen demand in May 2024. The monthly average permit limit is equal to or less than 30 mg/L the result is 48.27 mg/L a 61% exceedance. The weekly average permit limit is equal to or less than 45 mg/L, the result is 48.27 mg/L, a 7% exceedance. Exceedance of fecal coliform daily max in June 2024. The permit limit is equal to or less than 800 #/100ml, the result is 1,680 #/100ml, a 110% exceedance. Exceedance of daily maximum total suspended solids in July 2024. The permit limit is equal to or less than 60 mg/L, the result is 70 mg/L, a 17% exceedance.	Permit Part 1.2	Yes	3		\$100	=	\$300
B	Months with effluent exceedance 40% or more above the limit - conventional pollutants (count each conventional pollutant separately as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform)		Permit Part 1.2	Yes	2		\$150	=	\$300
C	Months with effluent exceedance less than 20% above the limit - toxic pollutants (count each toxic pollutant separately as a violation)						\$200	=	
E	Months with effluent exceedance 20% or more above the limit - toxic pollutants (count each toxic pollutant separately as a violation)						\$400	=	
Subtotal Effluent Limitations Violations									\$600
RECORDS			ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.						
20	Failure to create/maintain sampling and/or analysis records (count each month with one or more failure)	The QAPP is missing maps indicating the location of all permit required sampling points. The QAPP is missing qualification and training of personnel. The QAPP is missing sample shipping methods, and laboratory data delivery requirements.	Permit Part 2.1	Yes	24		\$80	=	\$1,920
21	Failure to maintain other records required by the permit (count each month with one or more failure excluding records not maintained in #22)	The operation and maintenance plan has not been reviewed annually. The operation and maintenance plan is missing best management practices.	Permit Part 2.2	Yes	11		\$50	=	\$550
Subtotal Records Violations									\$2,470
INDUSTRIAL WASTE			ESA eligible if violations occurred within the 60 months immediately prior to the ESA offer.						
22	Failure to meet industrial waste management/pretreatment requirement for POTWs without approved pretreatment programs (excluding failure to provide notice counted in #11)						\$200	=	
ECONOMIC BENEFIT ESTIMATE			ESA eligible if estimated economic benefit of noncompliance is less than total ESA offer.						
23	Enter total estimate economic benefit calculated rounded up to the nearest \$50				ESA eligible				
Total Expedited Settlement									\$3,520