BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: DTG ENTERPRISES, INC. Renton, Washington Respondent.	DOCKET NO. CWA-10-2026-0031 **CONSENT AGREEMENT** Proceedings Under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g)

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g).

1.2. Pursuant to CWA Section 309(g)(1)(A), 33 U.S.C. § 1319(g)(1)(A), EPA is authorized to assess a civil penalty against any person that has violated CWA Section 301, 33 U.S.C. § 1311, and/or any permit condition or limitation in a permit issued under CWA Section 402, 33 U.S.C. § 1342.

1.3. CWA Section 309(g)(2)(B), 33 U.S.C. § 1319(g)(2)(B), authorizes the administrative assessment of Class II civil penalties in an amount not to exceed $10,000 per day for each day during which the violation continues, up to a maximum penalty of $125,000. Pursuant to 40 C.F.R. Part 19, the administrative assessment of Class II civil penalties may not exceed $27,378 per day for each day during which the violation continues, up to a maximum penalty of $342,218. *See also* 90 Fed. Reg. 1375 (January 8, 2025) (2025 Civil Monetary Penalty Inflation Adjustment Rule).

1.4. Pursuant to CWA Section 309(g)(1)(A) and (g)(2)(B), 33 U.S.C. § 1319(g)(1)(A) and (g)(2)(B), and in accordance with Section 22.18 of the "Consolidated Rules of Practice

Governing the Administrative Assessment of Civil Penalties," 40 C.F.R. Part 22, EPA issues, and DTG Enterprises, Inc. (Respondent) agrees to issuance of, the Final Order attached to this Consent Agreement.

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), execution of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Administrator has delegated the authority to sign consent agreements between EPA and the party against whom a penalty is proposed to be assessed pursuant to CWA Section 309(g), 33 U.S.C. § 1319(g), to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Director of the Enforcement and Compliance Assurance Division, EPA Region 10 (Complainant).

2.3. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of the CWA, together with the specific provisions of the CWA and implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

Statutory and Regulatory Framework

3.1. As provided in CWA Section 101(a), 33 U.S.C. § 1251(a), the objective of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."

3.2. CWA Section 301(a), 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person from any point source into waters of the United States except, *inter alia,* as

authorized by a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to CWA Section 402, 33 U.S.C. § 1342.

3.3. Section 502(12) of the CWA, 33 U.S.C. § 1362(12) defines "discharge of a pollutant" to include "any addition of any pollutant to navigable waters from any point source."

3.4. Section 502(6) of the CWA, 33 U.S.C. § 1362(6), defines "pollutant" to include, *inter alia*, chemical wastes, biological materials, rock, sand and industrial wastes.

3.5. Section 502(5) of the CWA, 33 U.S.C. § 1362(5), defines "person" as "an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State or any interstate body."

3.6. Section 502(14) of the CWA, 33 U.S.C. § 1362(14), defines "point source" to include "any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit... from which pollutants are or may be discharged."

3.7. Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines navigable waters as "waters of the United States."

3.8. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), requires an NPDES permit for any stormwater discharge "associated with industrial activity."

3.9. The phrase "stormwater associated with industrial activity" is broadly defined to mean the discharge from any conveyance that is used for collecting and conveying storm water at an industrial plant. 40 C.F.R. § 122.26(b)(14). Facilities involved in the recycling of materials, including facilities classified under Standard Industrial Classification (SIC) group 5093, Scrap and Waste Materials, are defined as engaging in industrial activity. 40 C.F.R. § 122.26(b)(14)(vi).

3.10. 40 C.F.R. §§ 122.21(a), 122.26(c), 122.28, and 123.25 require that any person who discharges or proposes to discharge stormwater associated with industrial activity must apply for an individual permit or seek coverage under a stormwater general permit.

3.11. The State of Washington, through the Washington Department of Ecology (Ecology), is authorized pursuant to CWA Section 402(b), 33 U.S.C. § 1342(b), to administer the NPDES permitting program for stormwater discharges associated with industrial activity. Ecology issued the Industrial Stormwater General Permit for discharges of stormwater associated with industrial activity on November 20, 2019 (2020 ISGP). The ISGP became effective on January 1, 2020, and expired on December 31, 2024. Ecology subsequently issued a new Industrial Stormwater General Permit, which became effective January 1, 2025, and is set to expire December 31, 2029 (2025 ISGP).

3.12. The 2020 ISGP and 2025 ISGP apply to facilities conducting industrial activities in Washington that discharge stormwater to a surface waterbody or to a storm sewer system that drains to a surface waterbody.

3.13. Pursuant to Section 402(i) of the CWA, 33 U.S.C. § 1342(i), if a state NPDES program is approved pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b), the EPA retains the authority to take enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319.

3.14. Section 309(g)(l) of the CWA, 33 U.S.C. § 1319(g)(l), authorizes EPA to assess administrative penalties against any person who violates Section 301 of the CWA, 33 U.S.C. § 1311, or any condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.

General Allegations

3.15. Respondent is a corporation, and a "person" under CWA Section 502(5), 33 U.S.C. § 1362(5).

3.16. At all times relevant to this action Respondent operated a construction and demolition recyclable materials facility, located 701 Southwest 34th Street in Renton, Washington (Facility). The primary operations at the Facility include the acceptance and sorting of construction and demolition materials; these operations are categorized under Standard Industrial Classification code 5093 (Scrap and Waste Materials).

3.17. The Facility discharges stormwater from one outfall, Outfall 001, into Springbrook Creek, which flows to the Black River and the Duwamish River.

3.18. The Facility's stormwater discharges contain "pollutants" within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

3.19. Outfall 001 is a "point source" as defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

3.20. Springbrook Creek is a perennial tributary with a continuous surface connection to the Black River, which is a perennial tributary of the Duwamish River. The Duwamish River is a traditionally navigable water. Springbrook Creek is a "navigable water" under Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

3.21. Respondent discharged stormwater associated with industrial activity from the Facility into waters of the United States, within the meaning of Sections 402(p) and 502(7) of the CWA, 33 U.S.C. §§ 1342(p) and 1362(7), and as defined at 40 C.F.R. § 122.26(a)(14).

3.22. By discharging industrial stormwater from the Facility into waters of the United States, Respondent engaged in the "discharge of pollutants" from point sources within the

meaning of CWA Sections 301(a) and 502(12), 33 U.S.C. §§ 1311(a) and 1362(12).

3.23. Respondent was authorized to discharge stormwater under the terms of the 2020 ISGP between January 1, 2020, and December 31, 2024; Respondent has been authorized to discharge stormwater under the terms of the 2025 ISGP since it became effective on January 1, 2025.

Violations

3.24. On January 19, 2022, the EPA conducted a compliance evaluation inspection at the Facility to determine Respondent's compliance with the CWA and the 2020 ISGP. On August 13, 2024, and August 22, 2025, Ecology conducted compliance evaluation inspections at the Facility.

3.25. As described below, based on the observations of the EPA and Ecology Inspectors and a review of Respondent's records, EPA alleges that between December of 2020 to at least August of 2025, Respondent violated CWA Section 301, 33 U.S.C. § 1311, and the conditions and/or limitations of the 2020 ISGP and 2025 ISGP. Violations of the 2020 ISGP and 2025 ISGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Violation 1 – Prohibited Discharges

3.26. Paragraphs 3.1 through 3.25 are realleged and incorporated herein by reference.

3.27. Condition S5.E.1 of the 2020 ISGP and the 2025 ISGP provide that unless authorized by a separate NPDES or state waste discharge permit the discharge of process wastewater is not authorized. Stormwater that commingles with process wastewater is considered process wastewater. Condition S5.E.2 further prohibits illicit discharges. Condition S9.F of the 2020 ISGP requires the permittee to submit a detailed written report to Ecology within five (5) days of the time the permittee becomes aware of circumstances in which the

permittee is unable to comply with any of the terms and conditions of the 2020 ISGP which may endanger human health or the environment, or exceed any numeric effluent limitation in the permit.

3.28. On August 13, 2024, Ecology's Inspector observed a dry weather discharge of process wastewater from the Facility to Springbrook Creek. Ecology's Inspector observed that the discharge smelled of sulfur and was causing a white coloration on the surface once it reached vegetation, which indicated that there was drywall dust in the stormwater discharged to Springbrook Creek. Respondent's dry weather discharge of process wastewater was an unauthorized discharge that violated CWA Section 301, 33 U.S.C. § 1311, and the 2020 ISGP. Respondent failed to provide a detailed written report to Ecology within five (5) days of the incident in violation of the 2020 ISGP.

3.29. EPA and Ecology received complaints of a dry weather discharge of a white substance from the Facility's outfall on May 3, 2025. The Facility subsequently reported the May 3, 2025, discolored dry weather discharge to Ecology on May 8, 2025. Respondent's dry weather discharge of process wastewater was an unauthorized discharge that violated CWA Section 301, 33 U.S.C. § 1311, and the 2025 ISGP.

3.30. Ecology's Inspector observed a discolored dry weather discharge from the Facility on August 22, 2025. Respondent's dry weather discharge of process wastewater was an unauthorized discharge that violated CWA Section 301, 33 U.S.C. § 1311, and the 2025 ISGP.

<u>Violation 2 – Failure to Maintain an Adequate Stormwater Pollution Prevention Plan (SWPPP).</u>

3.31. Paragraphs 3.1 through 3.25 are realleged and incorporated herein by reference.

3.32. Condition S3.A of the 2020 ISGP requires the permittee to develop and implement a SWPPP to be consistent with permit requirements and update the SWPPP as

necessary. Condition S3.B of the 2020 ISGP requires the SWPPP to contain, among other items, a site map that includes specific information, operational source control, structural source control, and treatment best management practices (BMPs), and a sampling plan.

3.33. The Facility's SWPPP failed to include all required elements in violation of the 2020 ISGP.

Violation 3 – Failure to Maintain Oil Water Separator, Catch Basins, and BMPs.

3.34. Paragraphs 3.1 through 3.25 are realleged and incorporated herein by reference.

3.35. Condition S3.B.4.b.i.3.a of the ISGP requires the permittee to maintain oil water separators.

3.36. EPA's Inspector observed oil sheen around Outfall 001's discharge pipe. Respondent failed to maintain the oil water separator in violation of the 2020 ISGP.

3.37. Condition S3.B.4.b.v.2 of the 2020 ISGP requires the use of filtration BMPs to remove solids from catch basins, sumps or other stormwater collection and conveyance system components (e.g., catch basin filter inserts, filter socks, etc.).

3.38. During the August 13, 2024, inspection Ecology's Inspector observed that several catch basins and the strip drain did not have inserts or any other form of protection. Ecology's Inspector also observed that two catch basins along with part of the strip drain were under or partially under a large wood debris pile. Respondent failed to use filtration BMPs to remove solids from catch basins at the Facility in violation of the 2020 ISGP.

3.39. Condition S7.B.6.b of the 2020 ISGP requires each inspection to include, among other things, an assessment of all BMPs that have been implemented, noting the reason maintenance is needed and a schedule for maintenance.

3.40. Several reports indicated maintenance was needed, but none of the reports include a schedule for completing the maintenance. Several inspection reports include the same comments, indicating the BMPs were not maintained. Respondent failed to include a schedule for maintenance of BMPs in violation of the 2020 ISGP.

Violation 4 – Failure to Perform Corrective Action

3.41. Paragraphs 3.1 through 3.25 are realleged and incorporated herein by reference.

3.42. Condition S8.B of the 2020 ISGP requires the permittee to implement Level 1 Corrective Actions for each parameter exceeded during any quarter during a calendar year. Condition S8.B.3 of the 2020 ISGP requires the permittee to sign/certify and fully implement the revised SWPPP as soon as possible, but no later than the discharge monitoring report due date for a quarter when a benchmark value is exceeded.

3.43. Respondent failed to update and sign/certify the SWPPP in response to exceeding benchmark value for turbidity in Quarter 3 of 2021 and Quarter 3 of 2024. Respondent failed to revise the SWPPP following a benchmark exceedance in violation of the 2020 ISGP.

Violation 5 – Failure to Cover Dumpster and Tires

3.44. Paragraphs 3.1 through 3.25 are realleged and incorporated herein by reference.

3.45. Condition S3.B.4.b.i.2.d of the 2020 ISGP requires all dumpsters to be kept under cover or fit with a storm resistant lid that must remain closed when not in use.

3.46. EPA's Inspector observed a dumpster that is used for scrap metal did not have a lid and was located outside of a covered area. Respondent failed to keep dumpsters covered in violation of the 2020 ISGP.

3.47. Condition S3.B.4.b.i.2.e of the 2025 ISGP requires tires to be under cover.

3.48. During the August 22, 2025, inspection Ecology's Inspector observed tires that were uncovered. Respondent failed to keep tires under cover in violation of the 2025 ISGP.

Violation 6 – Failure to Provide Adequate Secondary Containment

3.49. Paragraphs 3.1 through 3.25 are realleged and incorporated herein by reference.

3.50. Condition S3.B.4.b.i.4.a of the 2020 and 2025 ISGP requires storing hazardous substances, petroleum/oil liquids, and other chemical solid or liquid materials that have potential to contaminate stormwater on an impervious surface that is surrounded with a containment berm or dike that is capable of containing 10% of the total enclosed tank volume or 110% of the volume contained in the largest tank, whichever is greater, or use double-walled tanks.

3.51. During the August 13, 2024, inspection Ecology's Inspector observed that the Facility has one main area of secondary containment that is not adequately sized for the volume of the chemicals stored. Respondent failed to provide adequate secondary containment in violation of the 2020 ISGP.

3.52. During the August 22, 2025, inspection Ecology's Inspector observed that the Facility failed to have to adequate secondary containment for a hydraulic oil drum and tote, chemical containers, and a pallet of optical lens cleaning fluid drums. Respondent failed to provide adequate secondary containment in violation of the 2025 ISGP.

Violation 7 – Failure to Have Adequate and Appropriately Located Spill Kits

3.53. Paragraphs 3.1 through 3.25 are realleged and incorporated herein by reference.

3.54. Condition S3.B.4.b.i.4.c of the 2020 and 2025 ISGP requires spill kits to be located within twenty-five (25) feet of all stationary fueling stations, fuel transfer stations, mobile fueling units, and used oil storage/transfer stations. The 2020 and 2025 ISGP also

require spill kits to include certain materials to enable absorbing the minimum anticipated fuel amount.

3.55. During the August 13, 2024, inspection Ecology's Inspector observed that the Facility had one liquid chemical fuel cube on a trailer that was not adequately equipped and not close enough to the secondary containment area to meet the 25-foot rule for a spill kit. Ecology's Inspector also observed that the spill kit near the secondary containment area is not sized to meet the requirements for what should be in a spill kit. Respondent failed to have adequate and appropriately located spill kits in violation of the 2020 ISGP.

3.56. During the August 22, 2025, inspection Ecology's Inspector observed that the Facility did not have spill kits located within twenty-five (25) feet of an onsite trailer and the spill kits near a generator were not adequately equipped for the minimum anticipated spill amount or potential discharge volume. Respondent failed to have adequate and appropriately located spill kits in violation of the 2025 ISGP.

Violation 8 – Failure to Conduct Sampling

3.57. Paragraphs 3.1 through 3.25 are realleged and incorporated herein by reference.

3.58. Condition S4.B.1.a and S5.A of the 2020 ISGP require the permittee to sample the discharge from each designated location at least once per quarter.

3.59. Respondent failed to sample during Quarter 2 of 2021 in violation of the 2020 ISGP.

Violation 9 – Failure to Adequately Document Samples

3.60. Paragraphs 3.1 through 3.25 are realleged and incorporated herein by reference.

3.61. Condition S4.B.5.f of the 2020 ISGP requires the permittee to retain laboratory reports on-site and to ensure that all laboratory reports include the Method Detection Limit (MDL) for all parameters.

3.62. The Facility's lab sheets failed to include the MDLs for any parameters tested in the Facility's samples. Respondent failed to ensure the MDL is included in the sample documentation in violation of the 2020 ISGP.

Violation 10 – Failure to Document Inspections

3.63. Paragraphs 3.1 through 3.25 are realleged and incorporated herein by reference.

3.64. Condition S7.A.1 of the 2020 ISGP requires the permittee to conduct and document visual inspections each month.

3.65. Condition S7.C.1 of the 2020 ISGP requires the permittee to record the results of each inspection in an inspection report or checklist and keep the records on-site, as part of the SWPPP.

3.66. The Facility failed to document inspections for November of 2021 and December of 2021, and failed to include compliance statements for some inspection reports, in violation of the 2020 ISGP.

Violation 11 – Failure to Completely Document Annual Report

3.67. Paragraphs 3.1 through 3.25 are realleged and incorporated herein by reference.

3.68. Condition S9.C of the 2020 ISGP requires the permittee to submit a complete and accurate Annual Report to Ecology no later than May 15th of each year. The report is required to include specific information, including corrective action information and documentation as required in S8.B-D.

3.69. Respondent failed to include all required corrective information in the 2024 Annual Report in violation of the 2020 ISGP.

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations contained in this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this Consent Agreement.

4.3. Respondent is concurrently entering into an Administrative Order on Consent (AOC) with the EPA, which requires Respondent to implement certain actions at the Facility to comply with the ISGP and the CWA.

4.4. As required by CWA Section 309(g)(3), 33 U.S.C. § 1319(g)(3), EPA has taken into account "the nature, circumstances, extent and gravity of the violation, or violations, and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require." After considering all of these factors as they apply to this case, EPA has determined that an appropriate penalty to settle this action is $154,250 (Assessed Penalty).

4.5. Respondent consents to the assessment of the Assessed Penalty set forth in Paragraph 4.4 and agrees to pay the total Assessed Penalty within 30 days after the date of the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk (Filing Date).

4.6. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: https://www.epa.gov/financial/makepayment. For additional instructions see: https://www.epa.gov/financial/additional-instructions-making-payments-epa.

4.7. When making a payment, Respondent shall:

4.7.1. Identify every payment with Respondent's name and the docket number of this Agreement, CWA-10-2026-0031.

4.7.2. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of payment electronically to the following person(s):

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
R10_RHC@epa.gov

Emily Siangkam
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
siangkam.emily@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

"Proof of payment" means, as applicable, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

4.8. Interest, Charges, and Penalties on Late Payments. Pursuant to 33 U.S.C. § 1319(g)(9), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

4.8.1. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until the unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Interest will be assessed at prevailing rates, per 33 U.S.C. § 1319(g)(9). The rate of interest is the IRS large corporate underpayment rate.

4.8.2. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of collection proceedings.

4.8.3. Late Payment Penalty. A twenty percent (20%) quarterly non-payment penalty.

4.9. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

4.9.1. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

4.9.2. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

4.9.3. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.

4.9.4. Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 33 U.S.C. § 1319(g)(9). In any such action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

4.10. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

4.11. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

4.12. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to annually send to the Internal Revenue Service (IRS) a completed IRS Form 1098-F (Fines, Penalties, and Other Amounts) with respect to any court order or settlement agreement (including administrative settlements) that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, $50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with the law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Respondent's failure to comply with providing IRS Form W-9 or Tax Identification Number (TIN), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable.

4.12.1. Respondent shall complete an IRS Form W-9 (Request for Taxpayer Identification Number and Certification), which is available at https://www.irs.gov/pub/irs-pdf/fw9.pdf.

4.12.2. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN.

4.12.3. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Division at henderson.jessica@epa.gov within 30 days after the Effective Date of this Order per Paragraph 4.5 or within 7 days should the Order become effective between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence.

4.12.4. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

4.13. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

4.14. Except as described in Subparagraph 4.8.2, above, each party shall bear its own fees and costs in bringing or defending this action.

4.15. For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in the Consent Agreement and to appeal the Final Order. By signing this Consent 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 Consent Agreement.

4.16. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.17. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

FOR RESPONDENT:

_____

Seth Kaulfuss, Chief Operating Officer
DTG Enterprises, Inc.

FOR COMPLAINANT:

_____

Edward J. Kowalski
Director
Enforcement and Compliance Assurance Division
EPA Region 10