



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY – REGION 2

Division of Enforcement and Compliance Assistance

290 Broadway

New York, New York 10007-1866

EXPEDITED STORM WATER SETTLEMENT AGREEMENT

Docket Number: CWA-02-2016-3301, NJPDES No. NJG0088323, EPA No. NJU002291

ProLogis (“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 “Expedited Settlement Offer Deficiencies Form” (herein the “Form”), which is incorporated by reference. By its signature, Complainant (“EPA”) finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent failed to comply with its Permit in violation of Section 301(a) and 402 of the Clean Water Act, 33 U.S.C. §1311 and §1342, as described in the attached table.

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. §1311, and that EPA has jurisdiction over the allegations and any “person” who “discharges pollutants” from a “point source” to “waters of the United States.” Respondent neither admits nor denies the allegation(s) specified in the 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)(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 in order to settle the civil violation(s) alleged in this Agreement for a penalty of \$5,000. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s); (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 it has corrected any deficiencies identified in the Form, and to the best of its knowledge, is in compliance with the NPDES permitting program.

Respondent certifies that, within ten (10) days of receiving notice from EPA that the Agreement is effective (“So Ordered”) it will send a bank, cashiers or certified check for the amount specified above payable to the “Treasurer, United States of America,” via certified mail, to:

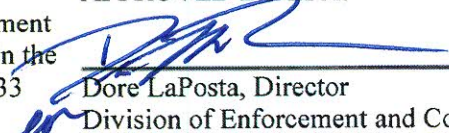
Regional Hearing Clerk
U.S. EPA, Region 2

In the Matter of: ProLogis Port Reading Business Park
Docket No.: CWA-02-2016-3301
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

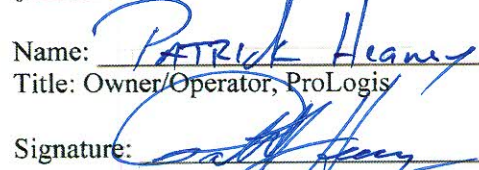
This Agreement settles EPA’s civil penalty claims against Respondent for the CWA violation(s) specified in this Agreement. However, EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or 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 thirty (30) days from the date it is signed (“Approved”) by the Director of the Division of Enforcement and Compliance Assistance unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. §1319(g)(4)(C), and Part 22.

APPROVED BY EPA:

 Date: 10/5/15
Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

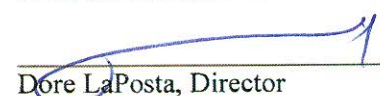
APPROVED BY RESPONDENT in accordance with 40 C.F.R. §122.22:

Name: Patrick Heany
Title: Owner/Operator, ProLogis
Signature:  Date: 9-17-15

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 CAFO is authorized by law and is in the public interest,

IT IS SO ORDERED:

 Date: 12/1/15
Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

REGIONAL HEARING CLERK

2015 DEC - 3 AM 11:48

Protection Agency-Reg 2

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

ProLogis
One Capital Drive, Suite 103
Cranbury, New Jersey 08512

SCD RFA No. 12-01-06-0114
Ch. 251 App No. 2006-0091
EPA ICIS No. NJU002291

Respondent

Proceeding to Assess Civil Penalty
Pursuant to Section § 309 (g) of the
Clean Water Act, 33 U.S.C. § 1319 (g)

Docket No. CWA-02-2016-3301

CERTIFICATE OF SERVICE

I certify that, on the date noted below, I caused to be mailed a copy of this "CONSENT AGREEMENT AND FINAL ORDER" to the following person at the address listed below:

Mr. Glen Stock
ProLogis
One Capital Drive, Suite 103
Cranbury, New Jersey 08512

Maureen Palumbo, Property Director
ProLogis
1 Meadowlands Plaza, Suite 100
East Rutherford, New Jersey 07073

I [hand carried/mailed] the original and a copy of this "CONSENT AGREEMENT AND FINAL ORDER" to the following person at the address listed below:

U.S. Environmental Protection Agency
Regional Hearing Clerk
290 Broadway, 16th Floor
New York, N.Y. 10007-1866

Date: 12/2/15
New York, New York


[Signature of Sender]