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BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
EPA - REGION 10

In the Matter of:

STEPPING STONE BUILDERS, INC.
Fairbanks, Alaska

Respondent.

DOCKET NO. SDWA-10-2017-0111

CONSENT AGREEMENT

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 1423(c) of the Safe Drinking Water Act (“SDWA”), 42 U.S.C. § 300h-2(c).

1.2. In accordance with Section 1423(c) of the SDWA, 42 U.S.C. § 300h-2(c), and the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,” 40 C.F.R. Part 22 (“Part 22 Rules”), EPA issues, and Stepping Stone Builders, Inc. (“Respondent”) agrees to issuance of, the Final Order attached to this Consent Agreement (“Final Order”).

1.3. Congress authorized EPA to administer the Underground Injection Control (“UIC”) program within any state that does not have an approved UIC program. SDWA § 1422(c), 42 U.S.C. § 300h-1(c).

1.4. The State of Alaska does not have an approved UIC program for Class V injection wells. Therefore, EPA Region 10 directly implements the Class V UIC program in the State of Alaska. 40 C.F.R. § 147.101.

1.5. Section 1423(a)(2) of the SDWA, 42 U.S.C. § 300h-2(a)(2), grants EPA enforcement authority whenever the Administrator finds that any person subject to any requirement of any applicable UIC program is violating that requirement. EPA's enforcement authority includes commencing a civil action under Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b), or issuing an administrative order to require compliance with UIC regulations, to assess penalties, or both under Section 1423(c) of the SDWA, 42 U.S.C. § 300h-2(c).

1.6. Section 1445 of the SDWA, 42 U.S.C. § 300j-4, authorizes EPA to conduct inspections and to request information to determine whether the owner or operator of an injection well has acted or is acting in compliance with the UIC program.

1.7. Section 1445 of the SDWA, 42 U.S.C. § 300j-4, authorizes EPA to require an owner or operator of an injection well to establish and maintain records, make reports, conduct monitoring, and provide other information as is deemed necessary to determine whether the owner or operator has acted or is acting in compliance with Part C of the SDWA or its implementing regulations.

II. PRELIMINARY STATEMENT

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

2.2. The Director of the Office of Compliance and Enforcement, EPA Region 10 ("Complainant") has been delegated the authority, pursuant to Section 1423(c) of the SDWA, 42 U.S.C. § 300h-2(c), to sign consent agreements between EPA and the party against whom an administrative penalty for violations of the SDWA is proposed to be assessed.

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

III. ALLEGATIONS

Statutory and Regulatory Background

3.1. Underground injection is prohibited, except as authorized by rule or permit under the UIC program. 40 C.F.R. § 144.11.

3.2. Injection activity that allows the movement of fluids containing any contaminant into an Underground Source of Drinking Water endangers drinking water sources and is prohibited if the presence of that contaminant may cause a violation of any primary drinking water regulation or may otherwise adversely affect the health of persons. SDWA § 1421(b)(1), (d)(2), 42 U.S.C. § 300h(b)(1), (d)(2); 40 C.F.R. §§ 144.12(a), 144.82(a)(1).

3.3. A “contaminant” is any physical, chemical, biological, or radiological substance or matter in water. SDWA § 1401(6), 42 U.S.C. § 300f(6); 40 C.F.R. § 144.3.

3.4. A “motor vehicle waste disposal well” (“MVWDW”) is a Class V well that receives or has received fluids from gasoline service stations and other facilities at which vehicular repair or maintenance occurs. Fluids disposed in these wells may contain organic and inorganic chemicals in concentrations that exceed the maximum contaminant levels (“MCLs”) established by federally mandated primary drinking water regulations. These fluids also may include waste petroleum products and may contain contaminants, such as heavy metals and volatile organic compounds, which pose risks to human health. 40 C.F.R. § 144.81(16); 64 Fed. Reg. 68546.

3.5. The UIC regulations prohibit the construction of any MVWDW on or after April 5, 2000, and require that all MVWDWs in Alaska that were operational or under construction on April 5, 2000, be closed by January 1, 2005. 40 C.F.R. §§ 144.87(b)(1)(i), 144.88(b)(1)(v), (2).

3.6. Respondent is a corporation organized under the laws of the State of Alaska. Respondent is therefore a “person” within the meaning of the SDWA. SDWA § 1401(12), 42 U.S.C. § 300f(12); 40 C.F.R. § 144.3.

3.7. Respondent is the “owner” and “operator” of Stepping Stone Builders (“the Site”) located at 3490 Koba Way in Fairbanks, Alaska. 40 C.F.R. § 144.3.

3.8. At all times relevant to this Consent Agreement, Respondent owned and operated a septic system with a leachfield (“Injection Well”) at the Site

3.9. At all times relevant to this Consent Agreement, the building located on the Site was subdivided into six units (“Building Units 1 - 6”), where the floor drains, sinks, and restrooms for all units were connected to the Injection Well.

3.10. At all times relevant to this Consent Agreement, MTR Transmission and Auto was the tenant for Building Unit 1. MTR Transmission and Auto was a business that conducted repair and maintenance on motor vehicles, including cars, in Building Unit 1.

3.11. At all times relevant to this Consent Agreement, Torquepaw Truck & Equipment Repair, LLC (“Torquepaw”) was the tenant for Building Unit 6. Torquepaw was a business that conducted repair and maintenance on motor vehicles, including semi-tractors, in Building Unit 6.

3.12. Fluids that enter the floor drains in Unit 1 and Unit 6 are discharged through the Injection Well.

3.13. The Injection Well exists for the purpose of underground injection of fluids and is therefore a Class V injection well. 40 C.F.R. §§ 144.3, 144.6, 144.81, and 146.5.

3.14. As the “owner or operator” of a Class V injection well, Respondent is subject to regulation under the UIC program. 40 C.F.R. § 144.3.

3.15. The Injection Well received fluids from vehicular repair or maintenance activities, and is therefore a MVWDW. 40 C.F.R. § 144.81(16); 64 Fed. Reg. 68546.

3.16. The Injection Well at the Site overlies the regional aquifer system, and is not within the area of an exempted aquifer. 40 C.F.R. § 146.4.

3.17. The Injection Well is located within the Groundwater Protection Area for the public water system at Bowers Investment Co., LLC Building., Public Water System Identification Number AK2311930, and is in close proximity to groundwater protection areas for other nearby public water systems.

3.18. The aquifer system underneath the Site provides drinking water for nearby public water systems and is an Underground Source of Drinking Water (“USDW”). 40 C.F.R. § 144.3.

Count 1: Endangerment of an Underground Source of Drinking Water

3.19. Fuels and other motor vehicle fluids may contain contaminants, such as benzene, toluene, ethylbenzene, xylenes, cadmium, chromium, and lead, in concentrations which exceed Maximum Contaminant Levels (“MCLs”), as established in the primary drinking water regulations under 40 C.F.R. Part 141.

3.20. Fuels, other motor vehicle fluids, and/or other contaminants may cause a violation of primary drinking water regulations or may otherwise adversely affect the health of persons if allowed to move into an Underground Source of Drinking Water.

3.21. Respondent is in violation of 40 C.F.R. §§ 144.12(a) and 144.82(a)(1) by owning, operating or maintaining a Class V injection well which, through injection activity, allows the movement of fluid containing contaminants into Underground Sources of Drinking Water, where that contaminant may cause a violation of the primary drinking water regulations or may otherwise adversely affect the health of persons. 40 C.F.R. §§ 144.12(a), 144.82(a)(1); 42 U.S.C. § 300h(d)(2).

Count 2: Construction of a new MVWDW after April 5, 2000

3.22. Respondent is in violation of 40 C.F.R. § 144.88(b)(2) because it constructed and operated the injection well, which is a MVWDW, after April 5, 2000.

3.23. Under Section 1423(c)(1) of the SDWA, 42 U.S.C. § 300h-2(c)(1), and 40 C.F.R. Part 19, Respondent is liable for administrative civil penalties up to \$21,916 per violation per day during which the violation continued. 82 Fed.Reg. 3633 (Jan. 12, 2017).

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

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

Penalty Order

4.3. Pursuant to Section 1423(c)(1) of the SWDA, 42 U.S.C. § 300h-2(c)(1), and in consideration of the statutory penalty factors identified in Section 1423(c)(4)(B) of the SDWA, 42 U.S.C. § 300h-2(c)(4)(B), EPA determined and Respondent agrees that an appropriate penalty to settle this action is \$36,500 (the “Assessed Penalty”).

4.4. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order, and to undertake the actions specified in this Consent Agreement.

4.5. Payment under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <http://www2.epa.gov/financial/makepayment>. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

Respondent must note on the check the title and docket number of this action.

4.6. Concurrently with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 4.5 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10, Mail Stop ORC-113
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101
Young.teresa@epa.gov

Donna Ortiz
U.S. Environmental Protection Agency
Region 10, Mail Stop OCE-101
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101
Ortiz.donna@epa.gov

4.7. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, the entire unpaid balance of the Assessed Penalty and accrued interest will become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action to collect any unpaid penalties, together with costs, attorney's fees, and interest, as set

forth below. In any collection action, the validity, amount, and appropriateness of the penalty will not be subject to review. SDWA § 1424(c)(7), 42 U.S.C. § 300h-2(c)(7).

4.8. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, Respondent will also be responsible for payment of the following amounts:

4.8.1. *Interest.* Any unpaid portion of the Assessed Penalty will bear interest, at the rate established by the Secretary of the Treasury, from the effective date of the Final Order contained herein, provided, however, that no interest will be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order contained herein. SDWA § 1423(c)(7), 42 U.S.C. § 300h-2(c)(7); 31 U.S.C. § 3717(a)(1).

4.8.2. *Nonpayment Penalty.* Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum will be paid on any portion of the Assessed Penalty that is more than 90 days past due, which nonpayment will be calculated as of the date the underlying penalty first becomes past due.

4.8.3. *Attorneys' Fees and Costs.* Pursuant to Section 1423(c)(7) of the SDWA, 42 U.S.C. § 300h-2(c)(7), should Respondent fail to pay the Assessed Penalty on a timely basis, Respondent will also be required to pay the United States' enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings.

4.9. *Federal Tax.* The Assessed Penalty, including any additional costs incurred under Paragraph 4.8, represents an administrative civil penalty assessed by EPA and will not be deductible for purposes of federal taxes. 26 U.S.C § 162(f).

Compliance Order

4.10. **Prohibition of Injection:** Respondent will not inject any motor vehicle fluids into the Injection Well.

4.11. **Implementation of Well Closure Requirements:** Respondent will implement the Well Closure requirements described in Paragraph 4.20.

4.12. **Notifications:**

a. Respondent will provide EPA's Project Coordinator, identified in Paragraph 4.17, notification by email no less than five days prior to commencement of any activity under this Order.

b. Respondent will provide a copy of this Order to any contractor and/or consultant retained to perform any work described in this Order at least 48 hours prior to the initiation of such work. Respondent will simultaneously provide EPA's Project Coordinator, identified in Paragraph 4.17, written notice that the notice required in this subparagraph was given. No contract between Respondent and a contractor and/or a consultant will affect Respondent's obligation to comply fully with this Order.

c. Respondent will provide a copy of this Order to any successor in ownership, control, operation, or any other interest in all or part of the Injection Well, at least 30 days prior to the transfer. Respondent will simultaneously provide EPA's Project Coordinator, identified in Paragraph 4.17, written notice that the notice required in this subparagraph was given. A transfer of property rights at the Site will not affect Respondent's obligation to comply fully with this Order.

4.13. **Site Access:** This Order does not affect EPA's authority to enter, inspect, sample, or monitor compliance under any law, permit, court order, or agreement. Respondent will

provide EPA or its authorized representatives access to the Site upon reasonable notice. EPA or its authorized representatives will be permitted to move freely at the Site and appropriate off-site areas to determine compliance with this Order and to conduct actions in accordance with this Order.

4.14. **Site Data:** Upon EPA's request, Respondent will provide the requestor access to all records and documentation related to the conditions at the Site and to results or data pertaining to the restoration and mitigation activities conducted under this Order.

4.15. **Record Preservation:** Respondent will preserve and retain, and will instruct any consultant, contractor, or other persons acting on its behalf to preserve and retain, all records and documents relating in any manner to the Requirements of Paragraph 4.20 for three years after Respondent has paid the Assessed Penalty in accordance with Paragraph 4.5 and EPA has issued a written approval of Respondent's final report. At the end of that three-year period, EPA may request Respondent to provide EPA with copies of any records and documents related to this Order or implementation of the Requirements of Paragraph 4.20. If EPA requests records and documents, Respondent will, at no cost to EPA, but subject to a claim of privilege, provide EPA the original or copies of the records and documents within 30 days of EPA's request. If EPA makes no request at the end of the three-year period, Respondent may dispose of the records and documents.

4.16. **Modification:** EPA may, after consultation with Respondent, make a preliminary determination that tasks in addition to those defined in the Requirements of Paragraph 4.20, including any approved modifications, are necessary to accomplish the Well Closure Requirements. EPA will notify Respondent of preliminary determinations in writing, and Respondent will have seven days from receipt to submit a written response. Modifications of

this Order, including oral modifications, will be memorialized in writing and will take effect only when agreed to in writing by all parties.

4.17. **Project Coordinator:**

a. Donna Ortiz is the EPA Project Coordinator who will oversee implementation of this Order. The Project Coordinator will receive communications, which include, but are not limited to, all documents, reports, comments, approvals, and other correspondence submitted or exchanged under this Order. All submissions required by this Order will be sent to:

Donna Ortiz
U.S. Environmental Protection Agency
Ground Water Unit
1200 Sixth Avenue, Suite 900, OCE-101
Seattle, WA 98101
Phone: 206-553-8293
Email: Ortiz.donna@epa.gov

b. Within 10 days of the effective date of the Final Order, Respondent must identify a project coordinator for purpose of receipt of all communication and implementation of this Order. The contact information for this project coordinator must be sent to the EPA Project Coordinator.

4.18. **Failure to comply:** Failure to timely and appropriately implement to EPA's satisfaction any element of the Requirements of Paragraph 4.20 will be deemed a violation of this Order and the SDWA.

4.19. **Scope of Order:**

a. This Order is not and will not be construed to be a permit under the SDWA, nor will it relieve or affect Respondent's obligation under the SDWA, or any other applicable federal or state laws, regulations or permits. Compliance with this Order will

be no defense to any actions commenced pursuant to applicable laws, regulations, or permits.

b. This Order will not be construed to preempt or preclude in any way any future administrative order issued by EPA or judicial action brought by the United States. This Order will not be construed to resolve any claims for administrative or civil penalties that are not set out in this Order and that may be assessed or sought by EPA or the United States.

c. This Order will in no way affect the rights of EPA or the United States against any person not a party to this Order.

d. Nothing in this Order will be deemed to constitute a precedent by any party for any future administrative order, consent decree or civil action relating to the Site and/or any restoration work undertaken at the Site.

4.20. ***Well Closure Requirements:*** To successfully implement the well closure requirements, Respondent must comply with the following standards and requirements:

a. ***Well Closure:***

1. Closure Plan: For the Injection Well at the Site, Respondent must submit a Closure Plan to EPA by June 15, 2017. Respondent's Closure Plan must close the well in accordance with 40 C.F.R. §§ 144.82, 144.89 and 146.10(c), and must include a completed Class V Well Pre-Closure Notification Form (EPA Form 7520-17). *See Attachment 1: Guidance for Underground Injection Control (UIC) Class V Well Closures and Attachment 2: Class V Well Pre-Closure Notification Form.*

2. EPA will review and approve or disapprove the Closure Plan and notify Respondent regarding the results of review, including any additional requirements or recommendations. All revisions to the Closure Plan must be completed within 14 calendar days of notice that the plan has been disapproved.

3. Closure: Respondent must close the well by July 31, 2017, following the approved Closure Plan. Closure must be in accordance with 40 C.F.R. §§ 144.82, 144.89 and 146.10(c), including removal of all contaminated liquids, sludge, and soil from in and around the injection well. Sample results will be compared to State of Alaska cleanup levels, SDWA maximum contaminant levels, and other EPA regulatory or risk-based screening and cleanup levels as appropriate to determine whether the materials are contaminated at levels that endanger drinking water resources (and require additional work by Respondent).

4. Final Well Closure Report: Respondent must submit to EPA a Final Well Closure Report for the well by August 31, 2017, with documentation of all closure activity for the Injection Well, including a narrative statement describing the closure procedures, photographic documentation of all closure activities, and confirmatory sample results and any waste manifests from the closure of the injection well, in accordance with Attachment 1 and Paragraph 4.20.

5. EPA will review and approve or disapprove the Final Well Closure Report. All revisions to the Final Well Closure Report must be completed within 14 calendar days of notice that the Final Well Closure Report has been disapproved.

b. Well Reclassification:

1. If Respondent requests to reclassify the Injection Well to a well for disposal of sanitary waste only, the Closure Plan submitted for EPA's review must include a proposal for reclassification. Any pathways that may allow motor vehicle waste to enter the injection well must first be closed, after which the injection point must be sampled according to the requirements of Paragraph 4.20, and the sample results provided to EPA by June 30, 2017.

2. EPA will review the sample results to determine whether reclassification can be approved, and if so, whether additional steps will be required to meet the non-endangerment standard of 40 C.F.R. § 144.12 prior to reclassifying the well for other uses. EPA will then notify Respondent regarding EPA's decision.

3. If closure of the Injection Well is required, Respondent will follow the well closure procedures, and must submit the Final Well Closure Report for the motor vehicle waste disposal portion of the well, including sampling results by August 31, 2017.

c. Performance Standards for Well Closure: Closures of all Class V injection wells must be conducted in a manner that protects Underground Sources of Drinking Water and complies with all applicable laws and regulations related to removal of materials from the well and adjacent to the well: 40 C.F.R. §§ 144.12(a), 144.82, 144.89, and 146.10(c).

d. Sampling Requirements: Respondent must collect an end-point sample from the cleaned-out injection well, beneath the point of discharge. Respondent must propose an appropriate sampling location for sampling the injection well to be closed. The

proposed location must be based on the construction of the injection well and likelihood of detecting any contaminants that were injected beneath the ground surface. Respondent must select a certified or accredited laboratory to analyze the end-point sample for the following constituents, consistent with the prior use of this well as a MVWDW:

1. Volatile organic compounds by the most current version of EPA Method 8260;
2. Semivolatile organic compounds by the most current version of EPA Method 8270; and
3. Arsenic, cadmium, chromium, and lead by an EPA approved metals analysis method.

e. Reporting Requirements: Respondent must submit to EPA's Project Coordinator, identified in Paragraph 4.17, the Closure Plan for the Injection Well at the Site by June 15, 2017, and the Final Well Closure Report for the Injection Well by August 31, 2017.

f. Deliverables: The schedule of activities under the Requirements of Paragraph 4.20 may be summarized as follows:

Deliverables	Due Date
Injection Well Closure Plan	June 15, 2017
<i>Only for well reclassification requests:</i> Provide sample results to EPA for review	June 30, 2017
Completion of Injection Well closure work	July 31, 2017
Final Well Closure Report of all closure activities	August 31, 2017

4.21. **Confidential Business Information:** Pursuant to 40 C.F.R. §§ 2.201-2.311, Respondent may assert a claim of confidential business information covering any portion of the submittals that is entitled to confidential treatment and which is not effluent data. Respondent must assert a claim in the manner described in 40 C.F.R. § 2.203(b), and describe the basis for the claim under the applicable regulation. Any material for which business confidentiality is claimed should be placed in a separate envelope labeled, "Confidential Business Information." If Respondent fails to assert a claim, EPA may release the submitted information to the public without further notice. Special rules governing information obtained under the SDWA appear in 40 C.F.R. § 2.304.

4.22. **Termination and Satisfaction:** In accordance with Paragraph 4.20, Respondent will submit to EPA the Final Well Closure Report documenting the completion of all requirements described in Paragraph 4.20. Upon receipt of the Final Well Closure Report, EPA may schedule an inspection of the Injection Well with Respondent and other interested state and/or federal agencies. After completion of the inspection, EPA will notify Respondent in writing whether the compliance with this Order is fully completed. EPA's Project Coordinator will provide this notification by telephone as promptly as possible. With the exception of Paragraphs 4.10 through 4.12, this Order will terminate after Respondent has paid the Assessed Penalty in accordance with Paragraph 4.5 and EPA has issued a written approval of Respondent's Final Well Closure Report.

General Provisions

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

4.24. Except as described in Paragraph 4.8 of this Consent Agreement, each party will bear its own costs in bringing or defending this action.

4.25. For the purposes of this proceeding, Respondent expressly waives any right to contest the allegations contained in this Consent Agreement and to appeal the Final Order. SDWA § 1423(c)(3), 42 U.S.C. § 300h-2(c)(3).

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

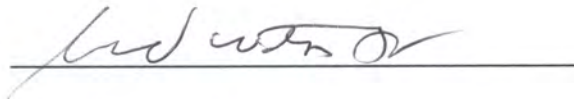
4.27. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this consent agreement, and to any stated permit action.

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

DATED:

6-2-17

FOR RESPONDENT:

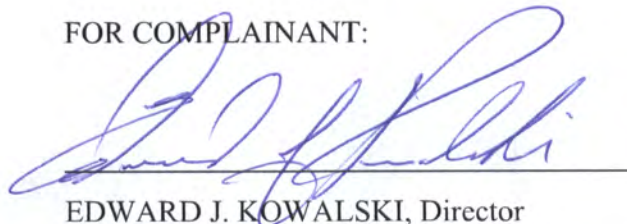


RICHARD L. WATSON JR., President
Stepping Stone Builders, Inc.

DATED:

6/23/2017

FOR COMPLAINANT:



EDWARD J. KOWALSKI, Director
Office of Compliance and Enforcement
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

STEPPING STONE BUILDERS, INC.
Fairbanks, Alaska

Respondent.

DOCKET NO. SDWA-10-2017-0111

FINAL ORDER

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

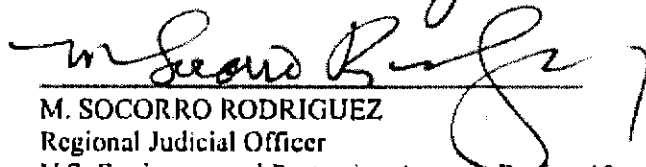
1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties pursuant to the SDWA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order will affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish or otherwise affect Respondent's obligations to comply with all applicable provisions of the SDWA and regulations or permits issued thereunder.

1.4. Pursuant to Section 1423(c)(3) of the SDWA, 42 U.S.C. § 300h-2(c)(3), and 40 C.F.R. § 22.45(c), EPA provided public notice of Consent Agreement and Final Order served on the parties, and provided public notice that any interested person may, within 30 days of the

effective date of the final Order, obtain judicial review of the penalty order pursuant to Section 1423(c)(6) of the SDWA, 42 U.S.C. § 300h-2(c)(6).

1.5. This Final Order will become effective upon filing with the Regional Hearing Clerk.

SO ORDERED this ^{30th} day of June, 2017.


M. SOCORRO RODRIGUEZ
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of : Stepping Stone Builder, Inc., Docket No.: SDWA-10-2017-0111**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

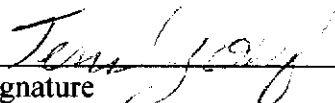
The undersigned certifies that a true and correct copy of the document was delivered to:

Chris Bellovary, Esquire
U.S. Environmental Protection Agency
1200 Sixth Avenue, ORC-113
Suite 900
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Mr. Richard Watson
Stepping Stone Builders, Inc.
3000 North Point Court
Fairbanks, Alaska 99709

DATED this 5 day of July, 2017



Signature

Teresa Young
Regional Hearing Clerk
EPA Region 10

Guidance for Underground Injection Control (UIC) Class V Well Closures in EPA Region 10 (AK, ID, OR, WA)

EPA requires that closures of all Class V injection wells are conducted in a manner that protects underground sources of drinking water and complies with all applicable laws and regulations related to removal of materials from the well and adjacent to the well. 40 CFR §§ 144.12(a) and 144.82. Closures of motor vehicle waste disposal wells and large-capacity cesspools are conducted under additional regulations, including required notification to EPA a minimum of 30 days before the planned closure activity. 40 CFR § 144.88 and 144.89. EPA recommends that you submit closure plans for EPA review as early as possible before the proposed start date of the closure activities.

As a general matter, EPA is likely to approve a closure plan if it contains the following information. The information listed below is neither an exclusive nor exhaustive set of requirements. Closure plans are evaluated on a case-by-case basis and may necessitate additional information or requirements to receive EPA approval. Furthermore, the following list of information is not required in all circumstances to obtain EPA approval, nor does the list obviate a regulated entity from satisfying any other applicable statutory or regulatory requirements under the Safe Drinking Water Act. Rather, the listed information is intended to provide the regulated community guidance about what EPA may look for when evaluating a Class V well closure plan. (Please note that for sanitary systems where a connection to the sewer is not possible, EPA is likely to approve continued use of the sanitary system for disposal of sanitary waste only if sampling confirms that chemical contamination is cleaned out and you provide evidence that the non-sanitary waste discharge has permanently ended.):

- A. A schematic diagram displaying the injection well system that identifies all drains, piping, processing units such as oil/water separators or septic tanks, and final discharge mechanisms such as drywells, leachfields, log cribs, or open underground pipe. (The diagram can be drawn by hand or computer.)
- B. A description of all fluids which enter, or have entered, the Class V well.
- C. A statement indicating that the connections between all drains of concern and the injection well (cesspool, drywell, open pipe or leachfield) will be, or have been, verified.
- D. A description of plug emplacements (if applicable).
- E. A statement indicating that all contaminated liquids, sludge, and soil will be removed from in and around the Class V injection well until visibly clean soil is reached, or structural integrity of the excavation or buildings or other significant structures near the excavation, may be compromised.
- F. A description of on-site storage while awaiting proper disposal, of liquids, sludge, soil, and other materials removed from the Class V well system.
- G. A statement indicating that all wastes will be characterized for disposal purposes, in accordance with Federal, State, and local regulations.

- H. A plan to collect an end-point sample from the cleaned out Class V well, below the point of discharge. The end-point sample should be analyzed according to well use and injectate constituents. A statement should be included indicating what analytical methods will be used. Recommended EPA methods are included below.
- For large capacity cesspool wells (20 or more people per day), which receive only sanitary waste, an end-point sample and analysis typically is not required.
 - For motor vehicle waste disposal wells, the end-point sample should be analyzed for volatile organic compounds (EPA Method 8260), semi-volatile organic compounds (EPA Method 8270), and arsenic, cadmium, chromium, and lead by a total metals analysis.
 - For industrial discharge wells, the end-point sample should be analyzed for contaminants present in the injectate (analyses may include testing for volatile organic compounds by EPA Method 8260; semi-volatile organic compounds by EPA Method 8270, metals, herbicides, pesticides, or other parameters).
- I. An assurance that all backfill material is clean.
- J. A statement indicating that a final report outlining the closure procedures, including all sampling results and waste disposal manifests will be submitted to:

U. S. Environmental Protection Agency, Region 10
Ground Water Unit
1200 Sixth Avenue, Suite 900, OCE-101
Seattle, Washington 98101

United States Environmental Protection Agency

UIC Federal Reporting System

Class V Well Pre-Closure Notification Form

1. Name of facility: _____

Address of facility: _____

City/Town: _____ State: _____ Zip Code: _____

County: _____ Location: _____ Lat./Long.: _____

2. Name of Owner/Operator: _____

Address of Owner/Operator: _____

City/Town: _____ State: _____ Zip Code: _____

Legal contact: _____ Phone number: _____

3. Type of well(s): _____ Number of well(s): _____

4. Well construction (check all that apply):

 Drywell Septic tank Cesspool Improved sinkhole Drainfield/leachfield Other

5. Type of discharge: _____

6. Average flow (gallons/day): _____ 7. Year of well construction: _____

8. Type of well closure (check all that apply):

 Sample fluids/sediments Clean out well Appropriate disposal of remaining fluids/sediments Install permanent plug Remove well & any contaminated soil Conversion to other well type Other (describe): _____

9. Proposed date of well closure: _____

10. Name of preparer: _____ Date: _____

Certification

I certify under the penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. (Ref. 40 CFR 144.32).

Name and Official Title (*Please type or print*)

Signature

Date Signed

INSTRUCTIONS FOR EPA FORM 7520-17

This form contains the minimum information that you must provide your UIC Program Director if you intend to close your Class V well. This form will be used exclusively where the EPA administers the UIC Program: AK, AS, AZ, CA, CO, DC, DE, HI, IA, IN, KY, MI, MN, MT, NY, PA, SD, TN, VA, VI, and on all Tribal Lands. If you are located in a different State or jurisdiction, ask the agency that administers the UIC Program in your State for the appropriate form.

If you are closing two or more Class V wells that are of similar construction at your facility (two dry wells, for example) you may use one form. If you are closing Class V wells of different construction (a septic system and a dry well, for example) use one form per construction type.

The numbers below correspond to the numbers on the form.

1. Supply the name and street address of the facility where the Class V well(s) is located. Include the City/Town, State (U.S. Postal Service abbreviation) and Zip Code. If there is no street address for the Class V well, provide the route number or locate the well(s) on a map and attach it to this form. Under "Location," provide the Latitude/Longitude of the well, if available.
2. Provide the name and mailing address of the owner of the facility, or if the facility is operated by lease, the operator of the facility. Include the name and phone number of the legal contact for any questions regarding the information provided on this form.
3. Indicate the type of Class V well that you intend to close (for example, motor vehicle waste disposal well or cesspool). Provide the number of wells of this well type at your location that will be closed.
4. Mark an "X" in the appropriate box to indicate the type of well construction. Mark all that apply to your situation. For example, for a septic tank that drains into a drywell, mark both the "septic tank" and "drywell" boxes. Please provide a generalized sketch or schematic of the well construction if available.
5. List or describe the types of fluids that enter the Class V well. If available, attach a copy of the chemical analysis results and/or the Material Safety Data Sheets for the fluids that enter the well.
6. Estimate the average daily flow into the well in gallons per day.
7. Provide the year that the Class V well was constructed. If unknown, provide the length of time that your business has been at this location and used this well.
8. Mark an "X" in the appropriate box(s) to indicate briefly how the well closure is expected to proceed. Mark all that apply to your situation. For example, all boxes except the "Remove well & any contaminated soil" and "Other" would be marked if: the connection of an automotive service bay drain leading to a septic tank and drainfield will be closed, but the septic system will continue to be used for washroom waste disposal only, and the fluids and sludge throughout the system will be removed for proper disposal, the system cleaned, a cement plug placed in the service bay drain and the pipe leading to the washroom connection, and the septic tank/drainfield remains open for septic use only. In this example, the motor vehicle waste disposal well is being converted to another well type (a large capacity septic system).
9. Self explanatory.
10. Self explanatory.

PLEASE READ . . .

The purpose of this form is to serve as the means for the Class V well owner or operator's notice to the UIC Director of his/her intent to close the well in accordance with Title 40 of the Code of Federal Regulations (40 CFR) Section 144.12(a). According to 40 CFR §144.86, you must notify the UIC Program Director at least 30 days prior to well closure of your intent to close and abandon your well. Upon receipt of this form, if the Director determines that more specific information is required to ensure that the well closure will be conducted in a manner that will protect underground sources of drinking water (as defined in 40 CFR §144.3), the Director can require the owner/operator to prepare, submit and comply with a closure plan acceptable to, and approved by the Director.

Please be advised that this form is intended to satisfy Federal UIC requirements regarding pre-closure notification only. Other State, Tribal or Local requirements may also apply.

Paper Work Reduction Act Notice

The public reporting and record keeping burden for this collection of information is estimated to average 1.5 hours per respondent. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions, develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M. Street, S.W., Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.