



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 9

75 Hawthorne St (ENF 3-1)

San Francisco, CA 94105

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-09-2022-0053

Innovative Coatings Technology Corp., Mojave, CA



The United States Environmental Protection Agency (EPA) and Innovative Coatings Technology Corporation, dba Incotec, a California corporation, (Respondent), enter into this Expedited Settlement Agreement (Agreement) to resolve Respondent's federal civil penalty liability for alleged violations of the Clean Water Act Pretreatment Regulations for wastewater discharges to the Mojave Public Utility District publicly owned treatment works (POTW).

The EPA has determined that Respondent failed to comply with the Pretreatment Requirements codified at 40 CFR §403.12(e)(1), which requires semi-annual reporting of compliance to the Control Authority. EPA finds 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 Findings and Proposed 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 \$2,000 by the deadline specified in the following paragraph. 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).

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 also certifies that, no later than ten (10) calendar days after it receives notice from EPA that the Final Order has been issued, Respondent shall submit a payment, with the case name and docket number noted, for the amount specified below, payable to the Treasurer, United States of America, to:

U.S. Environmental Protection Agency

Fines and Penalties/Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 69197-9000  
In the Matter of: Innovative Coatings Technology Corp.  
Docket: CWA-09-2022-0053

At the time of payment, a copy of the check (or notification of other type of payment) shall also be sent to Michael Weiss, weiss.michael@epa.gov, and Ponly J. Tu, r9hearingclerk@epa.gov.

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, the EPA will provide public notice of this Agreement and a reasonable opportunity for the public to comment on it. The EPA will address any comments on this Agreement consistent with section 309(g)(4) of the Act, 33 U.S.C. §1319(g)(4), and 40 C.F.R. §22.45.

APPROVED BY EPA:

Date: \_\_\_\_\_ ROBERTO RODRIGUEZ  
Digitally signed by ROBERTO RODRIGUEZ  
Date: 2022.06.02 11:44:06 -07'00'

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

APPROVED BY RESPONDENT:

Name (print): CHARLES Ho  
Title (print): SR. EHS MANAGER  
Signature: Charles Ho  
Date: 5/25/2022

Docket Number: CWA-09-2022-0053

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).

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

**STEVEN JAWGIEL** Digitally signed by STEVEN JAWGIEL  
Date: 2022.07.18 19:04:11 -07'00'

\_\_\_\_\_  
Steven L. Jawgiel  
Regional Judicial Officer

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the forgoing order issued by the Regional Judicial Officer in the  
3 matter of Innovative Coatings Technology Corp. (CWA-09-2022-0053) has been filed with the  
4 Regional Hearing Clerk, and a copy was served on Respondent, and Counsel for EPA, as  
5 indicated below:

6 ELECTRONIC MAIL

7 Respondent:

8 Charles Ho  
9 Innovative Coatings Technology Corp.  
10 1224 East Warner Ave  
11 Santa Ana, CA 92705  
12 Charles.Ho@pccairframe.com

13 ELECTRONIC MAIL

14 Complainant:  
15 (By Counsel)

16 Desean Garnett  
17 Attorney-Advisor  
18 United States Environmental Protection Agency  
19 75 Hawthorne Street  
20 San Francisco, CA 94105  
21 [Garnett.Desean@epa.gov](mailto:Garnett.Desean@epa.gov)

22 \_\_\_\_\_  
23 Ponly J. Tu Date  
24 Regional Hearing Clerk  
25 U.S. EPA, Region 9