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HEARINGS CLERK
EPA -- REGION 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

COEUR ALASKA INC., KENSINGTON
MINE

Juneau, Alaska

Respondent.

DOCKET NO. CWA-10-2019-0101

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 issued 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 implementing any of such sections 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 \$21,933 per day for each day during which the violation continues, up to a maximum

penalty of \$274,159. See also 84 Fed. Reg. 2056 (February 6, 2019) (2019 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 Coeur Alaska 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), issuance 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 redelegate 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. The CWA defines “discharge of a pollutant” to include “any addition of any pollutant to navigable waters from any point source” and defines “navigable waters” to include “waters of the United States.” CWA § 502(7), (12), 33 U.S.C. § 1362(7), (12). Waters of the United States include waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; all interstate waters; and tributaries of those waters. 40 C.F.R. § 122.2.

3.4. The CWA defines a “pollutant” to include, *inter alia*, industrial waste discharged into water. CWA § 502(6), 33 U.S.C. § 1362(6).

3.5. The CWA defines “point source” to include, *inter alia*, “any pipe, ditch, channel, tunnel, conduit, well, [or] discrete fissure . . . from which pollutants are or may be discharged.” CWA § 502(14), 33 U.S.C. § 1362(14).

3.6. EPA may issue an NPDES permit for the discharge of any pollutant, or combination of pollutants, subject to certain requirements of the CWA and conditions that EPA determines are necessary. CWA § 402, 33 U.S.C. § 1342.

3.7. An NPDES permit is required for the discharge of “pollutants” from any “point source” into “waters of the United States.” 40 C.F.R. § 122.1.

3.8. EPA approved the State of Alaska Department of Environmental Conservation’s (“ADEC’s”) application to administer the NPDES Program in 2008. The State’s program is called the Alaska Pollutant Discharge Elimination System (“APDES”) Program.

3.9. On September 1, 2011, ADEC issued an individual APDES permit (Permit No. AK0050571) to Respondent, which expired on August 31, 2016, and which was administratively extended (“2011 Industrial APDES Permit”). On June 1, 2017, ADEC issued a new permit to Respondent with the same permit number, which will expire on May 31, 2022 (“2017 Industrial APDES Permit”).

General Allegations

3.10. Respondent owns and operates the Kensington Mine (“the Mine”) located north of Juneau, Alaska.

3.11. Respondent is a “person” within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).

3.12. At all times relevant to this action, Respondent was the owner and/or operator of the Mine.

3.13. From August 18, 2015 through August 24, 2015, at the request of EPA Region 10, EPA’s National Enforcement Investigations Center (“NEIC”) conducted a multimedia compliance investigation of the Mine in an effort to determine its compliance with its various permits.

3.14. The Mine discharges treated industrial wastewater from two outfalls (“Outfall 1” and “Outfall 2”). Outfall 1 and Outfall 2 are point sources within the meaning of Section

502(14) of the CWA, 33 U.S.C. § 1362(14). Outfall 1 discharges into Sherman Creek, which flows to Lynn Canal, which is an inlet from the Pacific Ocean. Outfall 2 discharges into East Fork Slate Creek, which flows to Berners Bay, which is an inlet from the Pacific Ocean. The creeks, Lynn Canal, and Berners Bay are all “navigable waters” as defined in Section 502(7) of the Act, 33 U.S.C. § 1362(7) and are “waters of the United States” within the meaning of 40 C.F.R. § 122.2.

Violations

3.15. As described below, from April of 2013 through March 2018, Respondent violated CWA Section 301, 33 U.S.C. § 1311, and the conditions and/or limitations of the 2011 Industrial APDES Permit and/or the 2017 Industrial APDES Permit.

Effluent Exceedance Violations from Outfall 1

3.16. Part 1.2.1 of the 2011 Industrial APDES Permit and the 2017 Industrial APDES Permit specifies that the monthly average limit of Manganese (Mn) in the effluent at Outfall 1 shall not exceed 50 µg/L. From April 2013 through March 2018, Respondent exceeded the monthly average limit of Mn one time, constituting 30 total violations. The violations are:

Month of Violation	Parameter	DMR Value	2011 and 2017 Permit Limit	Unit
November 2014	Mn	55.4	50	µg/L

3.17. Part 1.2.1 of the 2011 Industrial APDES Permit specifies that the monthly average of Ammonia (NH₃) in the effluent at Outfall 1 shall not exceed 2 mg/L. Part 1.2.1 of the 2017 Industrial APDES Permit specifies that the monthly average of Ammonia in the effluent at

Outfall 1 shall not exceed 4 mg/L. From April 2013 through March 2018, Respondent exceeded the monthly average limit of NH₃ one time, constituting 31 violations. The violations are:

Month of Violation	Parameter	DMR Value	2011 Permit Limit	Unit
May 2013	NH ₃	2.2	2	mg/L

3.18. Part 1.2.1 of the 2011 and 2017 Industrial APDES Permit specifies that the maximum daily limit of sulfate in the effluent at Outfall 1 shall not exceed 200 mg/L. From April 2013 through March 2018, Respondent exceeded the maximum daily limit of sulfate seven times, constituting seven violations. The violations are:

Month of Violation	Parameter	DMR Value	2011 and 2017 Permit Limit	Unit
March 2014	Sulfate	216	200	mg/L
April 2014	Sulfate	219	200	mg/L
December 2014	Sulfate	236	200	mg/L
January 2015	Sulfate	205	200	mg/L
March 2015	Sulfate	206	200	mg/L
April 2015	Sulfate	210	200	mg/L
August 2016	Sulfate	225	200	mg/L

3.19. Part 1.2.1 of the 2011 and 2017 Industrial APDES Permit specifies that the maximum daily limit of Chronic Whole Effluent Toxicity (“WET”) in the effluent at Outfall 1 shall not exceed 1.6 TU_c. From April 2013 through March 2018, Respondent exceeded the maximum daily limit of WET two times, constituting two violations. The violations are:

Month of Violation	Parameter	DMR Value	2011 and 2017 Permit Limit	Unit
June 2014	Toxicity	4.0	1.6	TU _c
July 2014	Toxicity	1.7	1.6	TU _c

3.20. Part 1.2.1 of the 2011 and 2017 Industrial APDES Permit specifies that the monthly average limit of WET in the effluent at Outfall 1 shall not exceed 1.1 TU_c. From April 2013 through March 2018, Respondent exceeded the monthly average limit of WET two times, constituting 61 violations. The violations are:

Month of Violation	Parameter	DMR Value	2011 and 2017 Permit Limit	Unit
June 2014	Toxicity	4.0	1.1	TU _c
July 2014	Toxicity	1.7	1.1	TU _c

3.21. Part 1.2.6 of 2011 Industrial APDES Permit and Part 1.2.4 of the 2017 Industrial APDES Permit specifies that the Turbidity measured in nephelometric turbidity units (“NTU”) at Outfall 1 must not be more than 5 NTUs above the natural conditions of Sherman Creek. From April 2013 through March 2018, Respondent exceeded the maximum daily limit of Turbidity one time, constituting one violation. The violation is:

Month of Violation	Parameter	DMR Value	2011 and 2017 Permit Limit	Unit
June 2014	Turbidity	24.7	5	NTU

3.22. Part 1.3.4 of the 2011 Industrial APDES Permit and Part 1.2.5 of the 2017 Industrial APDES Permit specifies that the minimum pH of the effluent at Outfall 1 shall not be

less than 6.5 Standard Units (“SU”). From April 2013 through March 2018, Respondent failed to achieve the minimum pH one time, constituting one violation. The violation is:

Month of Violation	Parameter	DMR Value	2011 and 2017 Permit Minimum	Unit
November 2017	pH	6.3	6.5	SU

3.23. Part 1.3.4 of the 2011 Industrial APDES Permit and Part 1.2.5 of the 2017 Industrial APDES Permit specifies that the maximum pH of the effluent at Outfall 1 shall not be greater than 8.5 SU. From April 2013 through March 2018, Respondent exceeded the maximum pH one time, constituting one violation. The violation is:

Month of Violation	Parameter	DMR Value	2011 and 2017 Permit Limit	Unit
November 2017	pH	10.0	8.5	SU

Effluent Exceedance Violations from Outfall 2

3.24. Part 1.3.1 of the 2011 Industrial APDES Permit specifies that the daily maximum limit of Cadmium (Cd) in the effluent at Outfall 2 shall not exceed 0.2 µg/L. Part 1.3.1 of the 2017 Industrial APDES Permit specifies that the daily maximum limit of Cd in the effluent at Outfall 2 shall not exceed 0.36 µg/L. From April 2013 through March 2018, Respondent exceeded the maximum daily limit of Cd one time, constituting one violation. The violation is:

Month of Violation	Parameter	DMR Value	2011 Permit Limit	Unit
May 2013	Cd	0.3	0.2	µg/L

3.25. Part 1.3.1 of the 2011 Industrial APDES Permit specifies that the monthly average limit of Cadmium (Cd) in the effluent at Outfall 2 shall not exceed 0.1 µg/L. Part 1.3.1 of the 2017 Industrial APDES Permit specifies that the monthly average limit of Cd in the effluent at Outfall 2 shall not exceed 0.12 µg/L. From April 2013 through March 2018, Respondent exceeded the monthly average limit of Cd three times, constituting 92 violations. The violations are:

Month of Violation	Parameter	DMR Value	2011 Permit Limit	Unit
May 2013	Cd	0.3	0.1	µg/L
June 2013	Cd	0.2	0.1	µg/L
July 2013	Cd	0.2	0.1	µg/L

3.26. Part 1.3.1 of the 2011 Industrial APDES Permit specifies that the daily maximum limit of Manganese (Mn) in the effluent at Outfall 2 shall not exceed 98 µg/L. Part 1.3.1 of the 2017 Industrial APDES Permit specifies that the daily maximum limit of Mn in the effluent at Outfall 2 shall not exceed 145 µg/L. From April 2013 through March 2018, Respondent exceeded the maximum daily limit of Mn one time, constituting one violation. The violation is:

Month of Violation	Parameter	DMR Value	2011 Permit Limit	Unit
May 2013	Mn	113	98	µg/L

3.27. Part 1.3.1 of the 2011 Industrial APDES Permit and the 2017 Industrial APDES Permit specifies that the monthly average limit of Mn in the effluent at Outfall 2 shall not exceed

50 µg/L. From April 2013 through March 2018, Respondent exceeded the maximum monthly average limit of Mn two times, constituting 62 violations. The violations are:

Month of Violation	Parameter	DMR Value	Permit Limit	Unit
May 2013	Mn	79	50	µg/L
March 2014	Mn	52	50	µg/L

3.28. Part 1.3.1 of the 2011 Industrial APDES Permit and the 2017 Industrial APDES Permit specifies that the maximum daily limit of sulfate in the effluent at Outfall 2 shall not exceed 250 mg/L. From April 2013 through March 2018, Respondent exceeded the maximum daily limit of sulfate one time, constituting one violation. The violation is:

Month of Violation	Parameter	DMR Value	2011 and 2017 Permit Limit	Unit
July 2017	Sulfate	262	250	mg/L

3.29. Part 1.3.1 of the 2011 Industrial APDES Permit and the 2017 Industrial APDES Permit specifies that the maximum daily limit of Total Dissolved Solids (“TDS”) in the effluent at Outfall 2 shall not exceed 500 mg/L. From April 2013 through March 2018, Respondent exceeded the maximum daily limit of TDS three times, constituting three violations. The violations are:

Month of Violation	Parameter	DMR Value	2011 and 2017 Permit Limit	Unit
July 2013	TDS	621	500	mg/L
September 2013	TDS	607	500	mg/L
March 2015	TDS	501	500	mg/L

Alleged Non-Effluent Violations

(Violations of Part 1.1 of the 2011 Industrial APDES Permit)

3.30. Part 1.1 of the 2011 Industrial APDES Permit “authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process. These processes, waste streams, and operations include mine drainage water and mill process waters.”

3.31. Respondent identified “acid-laden seepage waters from waste rock directly into the tailings treatment facility” on May 18, 2013. The seepage was still occurring at the time of the ADEC inspection on May 30, 2013. ARD was not clearly identified in the permit application process for the 2011 Industrial APDES Permit. Unauthorized discharges are a violation of Part 1.1 of the 2011 Industrial APDES Permit. ADEC issued a Notice of Violation for the unauthorized discharge on June 18, 2013.

3.32. In response to the Notice of Violation, Respondent determined that the ARD was coming from a stockpile at the north end of the tailings treatment facility. Respondent developed a remediation plan, which included excavation and disposal of ARD-generating material from the stockpile, installation of an ARD collection system and lime precipitation water treatment plant (“ARD Treatment Plant”) for any remaining ARD-generating material, and monitoring “to ensure that graphitic phyllite material has been removed from the stockpile and ARD seepage no longer exists.” Monitoring was to occur “[u]ntil such time as there is no ARD seepage.”

3.33. On May 7, 2014, Respondent applied for a permit modification to include ARD as an authorized waste stream, and ADEC acknowledged receiving the request. While the permit modification was requested, ADEC elected not to act on the application and hence the 2011 Industrial APDES Permit was not modified.

3.34. When ADEC issued the 2017 Industrial APDES Permit, ADEC noted in the fact sheet that Respondent was in compliance with the remediation plan.

3.35. During the winter of 2017-2018, the water elevation in the tailings treatment facility rose such that the ARD collection system became inundated and could not be operated, and Respondent could not collect the ARD as required by the remediation plan.

3.36. On February 12, 2018, Respondent submitted a request to ADEC for approval to construct a low pressure reverse osmosis membrane treatment system (“RO unit”). The RO unit increases the flow of the WTP to reduce the water level in the tailings treatment facility. On April 23, 2018, ADEC granted conditional approval to construct the RO unit. On May 25, 2018, ADEC received a request to operate the RO unit. On May 29, 2018, ADEC granted approval to operate the RO unit from June 4, 2018 to September 4, 2018. On August 8, 2018, ADEC granted approval to operate the RO unit until November 4, 2018. On November 13, 2018, ADEC issued Final Approval to operate the RO unit.

3.37. Operation of the RO unit has reduced the water levels in the tailings treatment facility such that the ARD collection system is now operational.

3.38. Unauthorized discharges are a violation of Part 1.1 of the 2011 Industrial APDES Permit. Respondent violated Part 1.1 of the 2011 Industrial APDES Permit 84 times, from May 18-30 of 2013, and from May 1-July 10 of 2018.

(Violations of Part 3.1 of the 2011 and 2017 Industrial APDES Permit)

3.39. Part 3.1 of the 2011 Industrial APDES Permit and the 2017 Industrial APDES Permit requires that samples and measurements be representative of the volume and nature of the monitored activity or discharge.

3.40. As supported by a self-disclosure letter submitted to EPA on April 25, 2014, Respondent submitted a non-representative sample on December 21, 2013, in violation of Part 3.1 of the Industrial APDES Permit, constituting one violation.

(Violations of Part 1.6.1 and Part 3.1 of the 2011 and 2017 Industrial APDES Permit)

3.41. Part 1.6.1 of the 2011 Industrial APDES Permit and the 2017 Industrial APDES Permit requires the permittee to, at all times, properly operate and maintain all facilities and systems of treatment and control and related appurtenances that the permittee installs or uses to achieve compliance with the conditions of the permit. In addition, as described above, Part 3.1 of the 2011 Industrial APDES Permit and the 2017 Industrial APDES Permit requires that samples and measurements be representative of the volume and nature of the monitored activity or discharge.

3.42. As supported by a self-disclosure letter submitted to EPA on April 25, 2014, Respondent intentionally turned off the automatic composite sampler on February 18, 2014, and February 22, 2014, constituting two violations of Parts 1.6.1 and 3.1 of the 2011 Industrial APDES Permit.

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. 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 alleged violations as well as Respondent's economic benefit of noncompliance, ability to pay, and other relevant factors.

After considering all of these factors, EPA has determined that an appropriate penalty to settle this action is \$240,000.

4.4. Respondent consents to the assessment of the civil penalty set forth in Paragraph 4.3 and agrees to pay the total civil penalty within 30 days of the effective date of the Final Order.

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, MO 63197-9000

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

4.6. 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 Compliance Officer at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10, Mail Stop 11-C07
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
young.teresa@epa.gov

Ray Andrews
U.S. Environmental Protection Agency
Region 10, Mail Stop 20-C04
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
andrews.raymond@epa.gov

4.7. If Respondent fails to pay the penalty assessed by this Consent Agreement in full by its due date, the entire unpaid balance of penalty and accrued interest shall become

immediately due and owing. Such failure may also subject Respondent to a civil action to collect the assessed penalty under the CWA, together with interest, fees, costs, and additional penalties described below. In any collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

a. Interest. Pursuant to CWA Section 309(g)(9), 33 U.S.C. § 1319(g)(9), any unpaid portion of the assessed penalty shall bear interest at a rate established by the Secretary of Treasury pursuant to 31 U.S.C. § 3717(a)(1) from the effective date of the Final Order set forth in Part V, provided however, that no interest shall be payable on any portion of the assessed penalty that is paid within 30 days of the effective date of the Final Order.

b. Attorneys Fees, Collection Costs, Nonpayment Penalty. Pursuant to CWA Section 309(g)(9), 33 U.S.C. § 1319(g)(9), if Respondent fails to pay on a timely basis the penalty set forth in Paragraph 4.3, Respondent shall pay (in addition to any assessed penalty and interest) attorneys fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20% of the aggregate amount of Respondent's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

4.8. The penalty described in Paragraph 4.3, including any additional costs incurred under Paragraph 4.7, above, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.9. 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.

4.10. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has corrected the violation(s) alleged in Part III above.

4.11. Except as described in Subparagraph 4.7.b., above, each party shall bear its own costs in bringing or defending this action.

4.12. Respondent expressly waives any right to contest the allegations and waives any right to appeal this Consent Agreement and the Final Order.

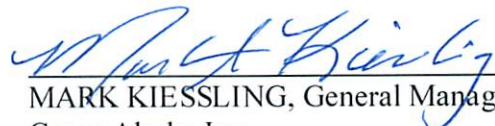
4.13. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

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

DATED:

June 14, 2019


FOR RESPONDENT:


MARK KIESSLING, General Manager
Coeur Alaska Inc.

DATED:

July 15, 2019

FOR COMPLAINANT:


EDWARD J. KOWALSKI, Director *for*
Enforcement and Compliance Assurance
Division
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

COEUR ALASKA INC., KENSINGTON
MINE

Juneau, Alaska

Respondent.

DOCKET NO. CWA-10-2019-0101

FINAL ORDER

Proceedings Under Section 309(g) of the Clean
Water Act, 33 U.S.C. § 1319(g)

1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of the U.S. Environmental Protection Agency (EPA) Region 10, who has in turn delegated this authority to the Regional Judicial Officer in EPA Region 10.
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.
3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties pursuant to the Clean Water Act (CWA) 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 shall 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 CWA and regulations promulgated or permits issued thereunder.
4. Respondent waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the Respondent may have with respect to any


issue of fact or law set forth in this Final Order, including, but not limited to, any right of judicial review under the Administrative Procedure Act, 5 U.S.C. §§ 701-708.

5. Pursuant to CWA Section 309(g)(1), 33 U.S.C. § 1319(g)(1), and 40 C.F.R. § 22.38(b), the Alaska Department of Environmental Conservation has been given the opportunity to consult with EPA regarding the assessment of the administrative civil penalty against Respondent.

6. Pursuant to CWA Section 309(g)(4)(A), 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45(b), EPA has issued public notice of and provided reasonable opportunity to comment on its intent to assess an administrative penalty against Respondent. More than 40 days have elapsed since issuance of this public notice and EPA has received no petition to set aside the Consent Agreement contained herein.

7. This Final Order shall become effective upon filing.

SO ORDERED this 1st day of August, 2019.


RICHARD MEDNICK
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: Coeur Alaska Inc., Kensington Mine, Docket No.: CWA-10-2019-0101**, 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:

Ashley Palomaki
U.S. Environmental Protection Agency
Region 10, Mail Stop ORC-113
1200 Sixth Avenue, Suite 155
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:

Mark Kiessling
General Manager, Kensington Mine
Coeur Alaska Inc.
3031 Clinton Drive, Suite 202
Juneau, Alaska 99801

DATED this 5 day of August, 2019.



TERESA YOUNG
Regional Hearing Clerk
EPA Region 10