



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

Filed July 9, 2020 @ 11:57pm
USEPA – Region II
Regional Hearing Clerk

JULY 9, 2020

Via Electronic Mail To: richmondreadymix@gmail.com

Joe Garofalo, Plant Manager
Richmond Ready Mix
291 Chelsea Road
Staten Island, New York 10314

Re: **Final Consent Agreement and Final Order
Richmond Ready Mix
Docket No. CWA-02-2020-3311
NPDES/SPDES Tracking No. NYU003265 (Unpermitted), NYR00G301 (Permitted)**

Dear Mr. Garofalo:

Enclosed is a copy of the signed Expedited Settlement Offer (“ESO”) Agreement entered into as part of the Consent Agreement and Final Order (“CAFO”).

EPA acknowledges that the COVID-19 pandemic may be impacting your operations. If that is the case, please contact us and we will consider your specific circumstances in determining an appropriate timeline for payment of the penalty.

As you agreed to in this Expedited Storm Water Settlement Agreement, payment of the settlement penalty amount (**\$2,500**) must be made within ten (10) days from the date of receipt of this letter, which contains the agreement which has been “So Ordered” and is effective. The payment and a copy of the Agreement must be sent via certified mail to:

U.S. Environmental Protection Agency
Fines and Penalties – Cincinnati Finance Center
In the Matter of: Richmond Ready Mix
Docket No. CWA-02-2020-3311
PO Box 979077
St. Louis, MO 63197-9000

The payment for the penalty amount must be in the form of a bank, cashiers or certified check payable to the “Treasurer, United States of America” with EPA and the Docket Number of the Expedited Settlement Agreement written on the check.

A copy of the check payment of the penalty amount must also be sent via certified mail, express mail, or equivalent to the following addresses for our records:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
Maples.Karen@epa.gov

And by Mail and Email to

Justine Modigliani, P.E., Chief
Clean Water Act Compliance Section, Water Compliance Branch
U.S. Environmental Protection Agency, Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866
Modigliani.Justine@epa.gov

Please note, that once full payment is made, this settles all civil penalties claims against **Richmond Ready Mix** only for the Clean Water Act violations described in the ESO and/or CAFO. If you have any questions concerning the above, please contact Ms. Justine Modigliani, P.E., Chief, Clean Water Act Compliance Section at (212) 637-4268, Modigliani.Justine@epa.gov.

Sincerely,

For Dore LaPosta, Division Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Ed Hampston, Director, Bureau of Water Compliance, NYSDEC
Greg Fleischer gfleischer@capitalenviro.com, Env. Consultant – Richmond Ready Mix

MAR 02 2020

Enforcement and Compliance Branch



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2 – 290 Broadway, New York, NY 10007-1866
EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-02-2020-3311, NPDES No. NYU003265, NYR00G301

Richmond Ready Mix (“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 “Industrial Non-filer Expedited Settlement Worksheet” (“Settlement Form”), which is incorporated by reference. By its signature, Complainant (“EPA”) finds that Respondent is responsible for the alleged violations specified in the Settlement Form.

Respondent had unauthorized discharge(s) of stormwater in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311.

EPA finds, and Respondent admits, that Respondent is subject to Section 301 of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any “person” who “discharges pollutants” from a “point source” to “waters of the United States.” Respondent neither admits nor denies the specific alleged violations specified in the Settlement 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 to settle the civil violation(s) alleged in this Agreement for a penalty of \$2,500. Respondent consents to the assessment of this penalty and waives the right to: (1) contest the finding(s) specified in the Form; (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 the Respondent has addressed the alleged violations identified in the Settlement Form by either a) developing and implementing a Stormwater Pollution Prevention Plan and submitting to the permit authority a Notice of Intent to be covered by the applicable industrial stormwater permit; or b) acting to meet eligibility requirements for a waiver from industrial stormwater permit requirements as allowed by the permit authority and submitting the relevant forms (such as the No Exposure Certification form), to the permit authority.

Respondent certifies that, within ten (10) days after receipt of the Final Order, Respondent will submit a bank, cashiers, or certified check, with case name and docket number noted, 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
Fines and Penalties, Cincinnati Finance Center
In the Matter of: Richmond Ready Mix
Docket No.: CWA-02-2020-3311
P.O. Box 979077
St. Louis, MO 63197-9000

This Agreement settles EPA’s civil penalty claims against Respondent for the alleged Clean Water Act violation(s) specified in this Agreement. 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 alleged 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 upon filing with the Regional Hearing Clerk.

APPROVED BY RESPONDENT:

Name
(print): JOSEPH GAROFALO

Title
(print): PRESIDENT

Signature: *Joseph Garofalo* Date: 2/24/2020

APPROVED BY EPA:

[Signature] Date: 3/6/20
Dore LaPosta, Director
Enforcement and Compliance Assurance Division

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 Agreement is authorized by law, IT IS SO ORDERED:

For Date: 07/09/2020
Dore LaPosta, Director
Enforcement and Compliance Assurance Division