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BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

18 MAY -7 AM 11:36

HEARINGS CLERK

EPA REGION 10

In the Matter of:

DOCKET NO. CWA-10-2018-0253

BMC EAST, LLC

CONSENT AGREEMENT

Everett, Washington

Respondent.

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 who 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 the 2015 amendments to the Federal Civil Penalty Inflation Adjustment Act, 28 U.S.C. § 2461, and 40 C.F.R. Part 19, the administrative assessment of Class II civil penalties may not exceed \$20,965 per day for each day during which the violation continues, up to a

maximum penalty of \$262,066. See also 82 Fed. Reg. 3633 (January 12, 2017) (“2017 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 BMC East, LLC (“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 redelegated this authority to the Director of the Office of Compliance and Enforcement, 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. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), provides that a state with an approved NPDES program may issue permits for the discharge of pollutants into waters of the United States upon such specific terms and conditions as the state may prescribe.

3.4. Section 502(12) of the CWA, 33 U.S.C. § 1362(12), defines “discharge of a pollutant” to include “any addition of any pollutant to navigable waters from any point source.” Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines “navigable waters” as “waters of the United States.” EPA’s regulations define “waters of the United States” to 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 to those waters. 40 C.F.R. § 122.2.

3.5. Section 502(6) of the CWA, 33 U.S.C. § 1362(6), defines “pollutant” to include, *inter alia*, dredged spoil, rock, sand, chemical wastes, and industrial waste.

3.6. Section 502(14) of the CWA, 33 U.S.C. § 1362(14), defines the term “point source” to include any “pipe, ditch, channel, tunnel, or conduit . . . from which pollutants are or may be discharged.”

3.7. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), specifies that an NPDES permit is required for any stormwater discharge “associated with industrial activity.” Section 402(p) also authorizes EPA to issue regulations that designate additional stormwater discharge sources and establish a comprehensive program to regulate these additional sources.

3.8. EPA’s regulations define “storm water discharge associated with industrial

activity” to include the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. Industrial stormwater is a type of pollutant. 40 C.F.R. § 122.26(b)(14).

3.9. The State of Washington has a federally approved NPDES permit program administered by the Washington Department of Ecology (“Ecology”).

3.10. In October 2009 Ecology reissued the Washington Industrial Stormwater General Permit (“2010 Stormwater GP”) pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. The 2010 Stormwater GP became effective on January 1, 2010, and expired on January 1, 2015. The 2010 Stormwater GP was modified with the new effective date of July 1, 2012. The 2010 Stormwater GP authorized certain discharges of stormwater associated with industrial activity at permitted facilities.

3.11. In December 2014 Ecology reissued the Washington Industrial Stormwater General Permit (“2015 Stormwater GP”) pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. The 2015 Stormwater GP became effective on January 2, 2015, and has an expiration date of December 31, 2019. The 2015 Stormwater GP authorizes certain discharges of stormwater associated with industrial activity at permitted facilities.

3.12. The 2010 and 2015 Stormwater GPs require facilities engaged in certain industrial activities to apply for coverage under the permit if stormwater from the facility discharges to a surface water body or to a storm sewer system that discharges to a surface water body. Permittees are required to comply with the conditions and requirements set forth in the applicable Stormwater GP.

### **General Allegations**

3.13. Respondent is a corporation duly organized under the laws of the State of

Delaware and is therefore a “person” as defined under Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

3.14. At all times relevant to this action, Respondent was the owner and/or operator of a lumber storage and wood roof truss manufacturing company located in Everett, Washington (“Facility”).

3.15. Respondent’s specialization in lumber storage and wood roof truss manufacturing places the company within Standard Industrial Classification codes 5211 (lumber and other building materials dealers) and 2439 (structural wood members, not elsewhere classified).

3.16. The Facility, which was under Respondent’s control at all times relevant to this action, discharges stormwater off-site via at least one outfall that discharges into an unnamed channel, which EPA alleges discharges into Union Slough. Union Slough flows into Steamboat Slough, which in turn flows into Possession Sound, which discharges into Puget Sound. The Facility’s stormwater discharges contain “pollutants” within the meaning of Section 502(6) and (12) of the CWA, 33 U.S.C. § 1362(6) and (12).

3.17. Steamboat Slough is currently used, was used in the past, or may be susceptible to use in interstate and foreign commerce, and thus Steamboat Slough is a “navigable water” as defined in Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and “water of the United States” as defined in 40 C.F.R. § 122.2.

3.18. EPA alleges that the Facility is a point source within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14), and 40 C.F.R. § 122.2. In the alternative, EPA alleges that the Facility contains point sources.

3.19. At all times relevant to this CAFO, the Facility had coverage under the 2010 Stormwater GP or the 2015 Stormwater GP (permit no. WAR009730).

3.20. Respondent violated the 2010 Stormwater GP and the 2015 Stormwater GP

between at least January 2013 and June 2016. Violations were discovered during EPA's April and May 2016 inspections of the Facility, and upon EPA's review of Respondent's records, including the Stormwater Pollution Prevention Plan ("SWPPP"), discharge monitoring reports ("DMRs"), annual reports, and site inspection reports.

### **Violations**

3.21. As described below, from January 2013 to June 2016, Respondent violated CWA Section 301, 33 U.S.C. § 1311, and the conditions and/or limitations of its Stormwater GP.

#### **Count 1: Failure to Develop and Implement an Adequate SWPPP**

3.22. Condition S3.A.1. of the 2015 Stormwater GP states that the Permittee shall "develop and implement a SWPPP for the permitted facility."

3.23. Condition S3.B. of the 2015 Stormwater GP identifies specific requirements to be included in a SWPPP, including a site map; identification of specific individuals on the pollution prevention team; a detailed description of BMPs; and a sampling plan.

3.24. At the time of EPA's April 2016 inspection of the Facility, Respondent's SWPPP contained an inadequate site map, an inadequate identification of a pollution prevent team, an inadequate description of BMPs, and an inadequate sampling plan.

3.25. On at least one occasion in April 2016, Respondent failed to develop and implement an adequate SWPPP for the Facility in violation of Conditions S3.A.1. and S3.B. of the 2015 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

### **Count 2: Failure to Implement Good Housekeeping BMPs**

3.26. Condition S3.B.4.b.i.2. of the 2015 Stormwater GP identifies Good Housekeeping Best Management Practices (“BMPs”) that the Permittee must include in the SWPPP and implement at the Facility.

3.27. Condition S3.B.4.b.i.2.d. of the 2015 Stormwater GP states that, as part of the Good Housekeeping BMPs, the Permittee shall “[k]eep all dumpsters under cover or fit with a lid that must remain closed when not in use.”

3.28. At the time of EPA’s April 2016 inspection of the Facility, an EPA representative observed two large garbage dumpsters that either did not have lids or had lids that were not closed while not in use.

3.29. On at least two instances in April 2016, Respondent failed to implement required Good Housekeeping BMPs in violation of Condition S3.B.4.b.i.2. of the 2015 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

### **Count 3: Failure to Implement Preventative Maintenance BMPs**

3.30. Condition S3.B.4.b.i.3. of the 2015 Stormwater GP identifies Preventative Maintenance BMPs that the Permittee must include in the SWPPP and implement at the Facility.

3.31. Condition S3.B.4.b.i.3.c. of the 2015 Stormwater GP states that, as part of the Preventative Maintenance BMPs, the Permittee shall “[t]ake leaking equipment and vehicles out of service or prevent leaks from spilling on the ground until repaired.”

3.32. Condition S3.B.4.b.i.3.d. of the 2015 Stormwater GP states that, as part of the Preventative Maintenance BMPs, the Permittee shall “[i]mmediately clean up spills and leaks (e.g., using absorbents, vacuuming) to prevent the discharge of pollutants.”

3.33. At the time of EPA's April 2016 inspection of the Facility, an EPA representative observed oil sheens in multiple areas of the Facility. A Facility representative acknowledged that employees do not implement BMPs to address these types of spills and leaks.

3.34. On at least one instance in April 2016, Respondent failed to implement required Preventative Maintenance BMPs in violation of Condition S3.B.4.b.i.3. of the 2015 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

#### **Count 4: Failure to Implement SPEC P BMPs**

3.35. Condition S3.B.4.b.i.4. of the 2015 Stormwater GP identifies BMPs that the Permittee must include in its Spill Prevention and Emergency Cleanup Plan ("SPEC P"). The Permittee must implement these BMPs at the Facility in order to prevent spills that can contaminate stormwater.

3.36. Condition S3.B.4.b.i.4.a. of the 2015 Stormwater GP states that, as part of its SPEC P BMPs, the Permittee shall "[s]tore all chemical liquids, fluids, and petroleum products, on an impervious surface that is surrounded with a containment berm or dike that is capable of containing 10% of the total enclosed tank volume or 110% of the volume contained in the largest tank, whichever is greater."

3.37. At the time of the April 2016 inspection of the Facility, an EPA representative observed multiple drums and containers stored without secondary containment.

3.38. On at least one instance in April 2016, Respondent failed to implement required SPEC P BMPs in violation of Condition S3.B.4.b.i.4. of the 2015 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).



### **Count 5: Failure to Conform to Sampling Requirements**

3.39. Condition S4.C. of the 2010 Stormwater GP and the 2015 Stormwater GP states that the Permittee “shall ensure that analytical methods used to meet the sampling requirements in this permit conform to the latest revision of the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136” (“Guidelines”). The Guidelines specify, among other things, a maximum holding time of fifteen minutes and a preservation temperature of less than or equal to six degrees Celsius for parameters such as pH.

3.40. Respondent’s sampling and analysis process, which required Respondent to deliver samples off-site for analysis, was such that Respondent could not meet the fifteen-minute requirement.

3.41. Respondent failed to record the preservation temperature prior to the fourth quarter of 2015. During that quarter, Respondent’s samples exceeded the six-degree Celsius preservation temperature maximum.

3.42. For at least thirteen consecutive quarters between January 2013 and May 2016, Respondent failed to ensure that the analytical methods used to meet the Stormwater GP sampling requirements conformed to the Guidelines in violation of Condition S4.C. of the 2010 and 2015 Stormwater GPs and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

### **Count 6: Failure to Adequately Complete Corrective Actions**

3.43. Condition S8.B. of the 2010 Stormwater GP requires that a Permittee who exceeds any applicable benchmark value(s) in Table 2 or Table 3 of the GP complete a corrective action for each parameter exceeded.

3.44. Respondent was required to take corrective actions in 2013 and 2014 to address turbidity and copper exceedances. However, Respondent's annual reports indicate that it identified the same corrective actions for both 2013 and 2014. Additionally, the annual reports identified filter insert BMPs as a Level One Corrective Action, but Respondent's catch basins lacked filter inserts at the time of the inspection.

3.45. For at least two years in 2013 and 2014, Respondent failed to adequately complete corrective actions in violation of Condition S8. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

**Count 7: Failure to Properly Conduct Stormwater Discharge Sampling**

3.46. Condition S4.B.1.a. of the 2010 Stormwater GP states that the Permittee "shall sample the [stormwater] discharge from each designated location at least once per quarter."

3.47. Condition S5., Tables 2 and 3 of the 2010 Stormwater GP specifies the benchmarks and sampling requirements applicable to Respondent. Condition S5., Tables 2 and 3 provides that, among other parameters, Respondent must sample for COD and TSS.

3.48. Respondent did not conduct sampling during all quarters between 2011 and 2015. Respondent's DMRs indicate that no discharges occurred during certain quarters, but historical rainfall information obtained from the National Oceanic and Atmospheric Administration's Climate Data Online website indicates that rainfall totaled at least 0.25 inches on weekdays during two of the quarters in which sampling did not occur.

3.49. Respondent did not sample for COD or TSS during four quarters between 2013 and 2014.

3.50. For at least six quarters between the first quarter of 2013 and the second quarter of 2014, Respondent failed to properly conduct stormwater discharge sampling in violation of Conditions S4.B.1.a. and S5. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

**Count 8: Failure to Submit Proper DMRs**

3.51. Condition S9.A.1. of the 2010 Stormwater GP states, “The Permittee shall submit sampling data obtained during each reporting period on a Discharge Monitoring Report (DMR).”

3.52. Condition S9.A.4. of the 2010 Stormwater GP states, “The Permittee shall submit a DMR each reporting period, whether or not the facility has discharged stormwater from the site.”

3.53. Respondent failed to submit DMRs for at least one of its catch basins during the third quarter of 2013, the third quarter of 2014, and the fourth quarter of 2014.

3.54. For at least three quarters in 2013 and 2014, Respondent failed to submit a proper DMR in violation of Conditions S9.A.1. and S9.A.4. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

**Count 9: Failure to Properly Conduct and/or Document Monthly Site Inspections**

3.55. Condition S7.A.1. of the 2010 and 2015 Stormwater GPs states that the Permittee “shall conduct and document visual inspections of the site each month.”

3.56. Condition S7.B.1. of the 2010 and 2015 Stormwater GPs states that each inspection shall include observations made at stormwater sampling locations and areas where stormwater associated with industrial activity is discharged off-site, to waters of the state, or to a storm sewer system that drains to waters of the state.

3.57. Condition S7.B.6. of the 2010 and 2015 Stormwater GPs states that each inspection shall include an assessment of all BMPs that have been implemented, noting the effectiveness of BMPs inspected; the locations of BMPs that need maintenance; the reasons maintenance is needed and a schedule for maintenance; and the locations where additional or different BMPs are needed and the rationale for the additional or different BMPs.

3.58. Condition S7.C. of the 2010 and 2015 Stormwater GPs states that the Permittee “shall record the results of each inspection in an inspection report or checklist and keep the records on-site.”

3.59. Between at least January 2013 and June 2016, Respondent conducted quarterly rather than monthly site inspections. The quarterly site inspections only included a visual assessment at the outfalls and did not include the other inspection components required by the Stormwater GP.

3.60. For at least 42 months between January 2013 and June 2016, Respondent failed to properly conduct and/or document visual inspections of the Facility in violation of Condition S7. of the 2010 and 2015 Stormwater GPs and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

#### **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), the 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 \$44,500.

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 ORC-113  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101  
young.teresa@epa.gov

Maria Lopez  
U.S. Environmental Protection Agency  
Region 10  
950 W Bannock, Suite 900  
Boise, ID 83702  
lopez.maria@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:

3/8/2018


FOR RESPONDENT:

  
\_\_\_\_\_  
TED HOPKINS, Divisional Vice President, West  
BMC East, LLC

DATED:

4/2/2018

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:

BMC EAST, LLC

Everett, Washington

Respondent.

DOCKET NO. CWA-10-2018-0253

**FINAL ORDER**

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

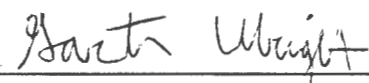
1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of the U.S. Environmental Protection Agency (EPA) Region 10, who has in turn delegated this authority to the Regional Judicial Officer in EPA Region 10.
2. The terms of the foregoing Consent Agreement 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. Pursuant to CWA Section 309(g)(1), 33 U.S.C. § 1319(g)(1), and 40 C.F.R. § 22.38(b), the Washington Department of Ecology has been given the opportunity to consult with EPA regarding the assessment of the administrative civil penalty against Respondent.



5. 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.

6. This Final Order shall become effective upon filing.

SO ORDERED this 3 day of May, 2018.

  
for 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: BMC East, LLC, Docket No.: CWA-10-2018-0253**, 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:

Leah Brown  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, ORC-113  
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:

Ted Hopkins  
3333 Vaca Valley Parkway, Suite 2000  
Vacaville, CA 95688

DATED this 7 day of May, 2018, Teresa Young  
Signature

Teresa Young  
Regional Hearing Clerk  
EPA Region 10