

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

A-1 Pallets, Inc.

Kent, WA

Respondent.

DOCKET NO. CWA-10-2025-0027

CONSENT AGREEMENTProceedings Under Section 309(g) of the Clean
Water Act, 33 U.S.C. § 1319(g)**I. STATUTORY AUTHORITY**

1.1. This Consent Agreement is entered into 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 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 \$26,685 per day for each day during which the violation continues, up to a maximum penalty of \$333,552. *See also* 88 Fed. Reg. 247 (December 27, 2023) (2024 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 A-1 Pallets, 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), execution 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 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. 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.”

3.4. Section 502(6) of the CWA, 33 U.S.C. § 1362(6), defines “pollutant” to include, inter alia, chemical wastes, biological materials, rock, sand and industrial wastes.

3.5. Section 502(5) of the CWA, 33 U.S.C. § 1362(5), defines “person” as “an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State or any interstate body.”

3.6. Section 502(14) of the CWA, 33 U.S.C. § 1362(14), defines “point source” to include “any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit... from which pollutants are or may be discharged.”

3.7. Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines navigable waters as “waters of the United States.”

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

3.9. The phrase “storm water associated with industrial activity” is broadly defined to mean the discharge from any conveyance that is used for collecting and conveying storm water at an industrial plant. 40 C.F.R. § 122.26(6)(14). Facilities involved in the manufacturing of finished articles made entirely or mainly of wood materials, including facilities classified under Standard Industrial Classification (SIC) 24, are defined as engaging in industrial activity. 40 C.F.R. § 122.26(b)(14)(ii).

3.10. The State of Washington, through the Washington Department of Ecology (Ecology), is authorized pursuant to CWA Section 402(b), 33 U.S.C. § 1342(b), to administer the NPDES permitting program for stormwater discharges associated with industrial activity.

3.11. Ecology issued the Industrial Stormwater General Permit for discharges of stormwater associated with industrial activity on November 20, 2019 (ISGP). The ISGP became effective on January 1, 2020, and expires on December 31, 2024. The ISGP applies to facilities conducting industrial activities in Washington that discharge stormwater to a surface waterbody or to a storm sewer system that drains to a surface waterbody.

3.12. Section 309(g)(1) of the CWA, 33 U.S.C. § 1319(g)(1), authorizes EPA to assess administrative penalties against any person who violates Section 301 of the CWA, 33 U.S.C. § 1311, or any condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.

General Allegations

3.13. Respondent is a corporation organized under the laws of Washington and a “person” under CWA Section 502(5), 33 U.S.C. § 1362(5).

3.14. At all times relevant to this action Respondent operated a wood pallet manufacturing facility, located at 7752 South 259th Street in Kent, WA (Facility). The primary operations at the Facility include the manufacture of new wood pallets and the recycling and/or repair of used pallets; these operations are categorized under Standard Industrial Classification code 2448 (wood container and pallet manufacturing).

3.15. The Facility has three stormwater catch basins (Discharge Point 1: West Catch Basin; Discharge Point 2: South Catch Basin; and Discharge Point 3: East Catch Basin) that

collect stormwater from areas associated with industrial activity at the Facility and discharge stormwater into the Kent stormwater conveyance system, which flows to the Green River.

3.16. The Facility’s stormwater discharges contain “pollutants” within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

3.17. The stormwater catch basins are “point sources” as defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

3.18. The Green River is a traditionally navigable water. The Green River is a “navigable water” under Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

3.19. Respondent discharged stormwater associated with industrial activity from the Facility into waters of the United States, within the meaning of Sections 402(p) and 502(7) of the CWA, 33 U.S.C. §§ 1342(p) and 1362(7), and as defined at 40 C.F.R. § 122.26(a)(14).

3.20. By discharging industrial stormwater from the Facility into waters of the United States, Respondent engaged in the “discharge of pollutants” from point sources within the meaning of CWA Sections 301(a) and 502(12), 33 U.S.C. §§ 1311(a) and 1362(12).

3.21. Respondent has been authorized to discharge stormwater under the terms of the ISGP since it became effective on January 1, 2020.

3.22. On May 31, 2023, EPA Inspectors conducted an unannounced inspection of the Facility to assess Respondent’s compliance with the CWA and the ISGP.

Violations

3.23. As described below, from at least January 1, 2020, to November 30, 2024, Respondent violated CWA Section 301, 33 U.S.C. § 1311, and the conditions and/or limitations of the ISGP.

Violation 1 - Failure to Conduct Quarterly Sampling

3.24. Paragraphs 3.1 through 3.22 are realleged and incorporated herein by reference.

3.25. Section S4.B.2 of the ISGP requires the permittee to designate sampling locations at the points where it discharges stormwater associated with the industrial activity off-site.

3.26. Section S4.B.1.a of the ISGP requires that permittees conduct quarterly sampling of the discharge from each designated location at least once per quarter.

3.27. Respondent failed to take the required samples, document that there was no discharge, or otherwise explain why no monitoring occurred, with respect to each discharge point in all four quarters in 2020, in violation of ISGP Condition S4.B.1. Violations of the ISGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Violation 2 - Failure to Timely Submit Discharge Monitoring Reports

3.28. Paragraphs 3.1 through 3.22 are realleged and incorporated herein by reference.

3.29. Section S9.B.1 of the ISGP requires the permittee to submit sampling data obtained during each reporting period on a Discharge Monitoring Report (DMR) by specified due dates.

3.30. Respondent failed to timely submit DMRs for fifteen (15) reporting periods occurring between May 15, 2020, and November 15, 2023, in violation of Condition S9.B. of the ISGP. Violations of the ISGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Violation 3 - Failure to Provide All Required Information on Sampling Documents

3.31. Paragraphs 3.1 through 3.22 are realleged and incorporated herein by reference.

3.32. Condition S4.B.4 of the ISGP requires the permittee to maintain sampling records, including a notation of whether each stormwater sample was collected within the first 12

hours of a discharge event and if it was not possible to collect a sample within the first 12 hours of a stormwater discharge event, an explanation why it was not possible. Alternatively, if it is unknown whether the sample was collected within or outside the first 12 hours of stormwater discharge, an explanation of why it is unknown.

3.33. Respondent failed to include all required information on DMR sampling documentation. For the first Quarter 2021 DMR, the sampling documentation did not include the explanation of the time of the sampling event in relation to the stormwater discharge in violation of Condition S4.B.4 of the ISGP. Violations of the ISGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Violation 4 - Failure to Analyze pH Within Hold Time

3.34. Paragraphs 3.1 through 3.22 are realleged and incorporated herein by reference.

3.35. Condition S4.C of the ISGP requires permittees to ensure that analytical methods used to meet the sampling requirement conform to the latest revision of the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 C.F.R. Part 136. Pursuant to 40 C.F.R. Part 136, there is a 15-minute maximum holding time that a sample may be held before pH analysis.

3.36. Respondent failed to test the pH of samples within 15 minutes of collection in violation of Condition S4.C. of the ISGP. Violations of the ISGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Violation 5 - Failure to Submit Annual Reports

3.37. Paragraphs 3.1 through 3.22 are realleged and incorporated herein by reference.

3.38. Condition S9.C.1 of the ISGP requires the permittee to submit a complete and accurate Annual Report to Ecology no later than May 15th of each year.

3.39. Respondent failed to submit the 2019, 2021, and 2022 Annual Reports, in violation of Condition S9.C.1 of the ISGP. Violations of the ISGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Violation 6 - Failure to Implement and Document Maintenance of Best Management Practices

3.40. Paragraphs 3.1 through 3.22 are realleged and incorporated herein by reference.

3.41. Condition S3.B.4.b.i.2.b of the ISGP requires the permittee to identify and control all on-site sources of dust to minimize stormwater contamination from the deposition of dust on areas exposed to precipitation.

3.42. At the time of the EPA inspection, the inspectors observed spilled byproduct, i.e., sawdust, dust accumulation and tracked and piled dust accumulation located in travel ways. Respondent failed to implement BMPs at the Facility to control all on-site sources of dust to minimize stormwater contamination from the deposition of dust on areas exposed to precipitation in violation of Condition S.3.B.4 of the ISGP. Violations of the ISGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Violation 7 - Failure to Install, Inspect, and Maintain Catch Basins

3.43. Paragraphs 3.1 through 3.22 are realleged and incorporated herein by reference.

3.44. Condition S3.A.1 of the ISGP requires the Stormwater Pollution Prevention Plan (SWPPP) to specify the Best Management Practices (BMPs) necessary to provide All Known, Available, and Reasonable methods of prevention, control, and Treatment (AKART) of stormwater pollution.

3.45. The Facility's SWPPP, Section 3.1 provides that monthly inspections shall use the monthly inspection form found in the Appendix.

3.46. The Facility's SWPPP, Section 3.3 provides that catch basin inserts should be installed to capture sawdust and dust created by the industrial activities. They should be inspected and cleaned as needed.

3.47. During the EPA inspection, the inspectors observed some catch basin inserts within the Facility's impervious, asphalt process areas, but did not observe catch basin inserts in catch basins in the amended soil strip on the Facility's east/south boundary.

3.48. Respondent failed to install catch basin inserts in violation of Condition S3.A.1 of the ISGP.

3.49. Condition S7.A.1 of the ISGP requires the permittee to conduct and document visual inspections of the site each month.

3.50. Condition S7.C.1 of the ISGP requires the permittee to record the results of each inspection in an inspection report or checklist and keep the records on-site.

3.51. EPA inspectors did not find any documentation of performance of catch basin inspections at the Facility from January 2020 to May 2023.

3.52. Respondent failed to inspect catch basins or document inspection of the catch basins in violation of Conditions S7.A.1 and S7.C.1 of the ISGP.

3.53. Condition S3.B.4.b.i.3.a of the ISGP requires the permittee to clean catch basins when the depth of debris reaches 60% of the sump depth and keep the debris surface at least 6 inches below the outlet pipe.

3.54. Condition S3.B.4.b.v of the ISGP requires implementation and maintenance of filtration BMPs to remove solids from catch basins, sumps or other stormwater collection and conveyance system components.

3.55. Respondent failed to perform routine maintenance on catch basins in violation of S3.B.4.b.i.3.a and S3.B.4.b.v of the ISGP. Violations of the ISGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Violation 8 - Failure to Maintain a Complete SWPPP

3.56. Paragraphs 3.1 through 3.22 are realleged and incorporated herein by reference.

3.57. Condition S3.B of the ISGP requires the SWPPP to contain a site map, a detailed assessment of the facility, a detailed description of the BMPs, Spill Prevention and Emergency Cleanup Plan, and a sampling plan. Condition S3.B of the ISGP requires the SWPPP to contain a site map, a detailed assessment of the facility, a detailed description of the BMPs, Spill Prevention and Emergency Cleanup Plan, and a sampling plan. The Facility's 2021 and 2024 SWPPP failed to include all required elements in violation of Condition S3.B of the ISGP. Violations of the ISGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Violation 9 - Failure to Vacuum, Cover Dumpsters, Use Secondary Containment, and Install Spill Kits

3.57. Paragraphs 3.1 through 3.22 are realleged and incorporated herein by reference.

3.58. Condition S3.B.4.b.i.2.a of the ISGP requires vacuuming paved surfaces with a vacuum sweeper (or a sweeper with a vacuum attachment) to remove accumulated pollutants a minimum of once per quarter.

3.59. EPA inspectors reviewed Facility maintenance records from the first quarter of 2020 through the second Quarter of 2023. Respondent was not able to produce records documenting that the Facility had performed vacuum sweeping from January 1, 2020, to February 20, 2021. The Facility did not have any records of vacuum sweeping in the fourth quarter of 2021. Respondent failed to conduct required vacuum sweeping in violation of Condition S3.B.4.b.i.2.a of the ISGP.

3.60. Condition S3.B.4.b.i.2.d of the ISGP requires dumpsters to be covered or fit with a storm resistant lid that remains closed when not in use.

3.61. EPA inspectors observed a large garbage dumpster that was uncovered and not in use, two open waste wood dumpsters without lids, a third empty dumpster without a lid within the amended soil strip, and a truck roll-off dumpster holding processed wood byproduct and sawdust that was not in active use at the time of the observation and did not have a storm-resistant lid.

3.62. Respondent failed to cover dumpsters when not in use in violation of Condition S3.B.4.b.i.2.d of the ISGP.

3.63. Condition S3.B.4.b.i.4.a of the ISGP requires storing hazardous substances, petroleum/oil liquids, and other chemical solid or liquid materials that have potential to contaminate stormwater 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, or use double-walled tanks.

3.64. EPA inspectors observed four spray cans and a container of black ink that were on the ground, not in any type of impervious, covered secondary containment, and two 5-gallon containers of petroleum product outside secondary containment near the fuel. Respondent failed to store various petroleum and chemical products in secondary containment in violation of Condition S3.B.4.b.i.4.a of the ISGP.

3.65. Condition S3.B.4.b.i.4.c of the ISGP requires locating spill kits within 25 feet of all stationary fueling stations, fuel transfer stations, mobile fueling units, and used oil storage/transfer stations. The Facility failed to have spill kits available at all times and failed to inventory spill kits to ensure required contents were available in violation of Condition

S3.B.4.b.i.4.c of the ISGP. Violations of the ISGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Violation 10 - Failure to Perform Monthly Visual Inspections

3.66. Paragraphs 3.1 through 3.22 are realleged and incorporated herein by reference.

3.67. Conditions S7.A.1 and S7.A.2 of the ISGP require that once each month, the permittee must have qualified personnel conduct and document visual inspection of the site.

3.68. Condition S7.C of the ISGP requires the permittee to record the results of each inspection in an inspection report or checklist and keep the records on-site, as part of the SWPPP. The inspection reports must include, *inter alia*, an assessment of whether the site is in compliance with the SWPPP and the ISGP, pursuant to Condition S7.C.1.

3.69. Respondent failed to include all required information on its inspection checklists for the inspections for the 24-month period from May 2021 through May 2023, in violation of ISGP Condition S7.A.1. Violations of the ISGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

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 violation, or violations, and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require.” After considering all of these factors as they apply to this case,

EPA has determined that an appropriate penalty to settle this action is \$71,950 (Assessed Penalty).

4.4. Respondent consents to the assessment of the Assessed Penalty set forth in Paragraph 4.3 and agrees to pay the total Assessed Penalty within 30 days after the date of the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk (Filing Date).

4.5. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

4.6. When making a payment, Respondent shall:

4.6.1. Identify every payment with Respondent's name and the docket number of this Agreement, CWA-10-2025-0027,

4.6.2. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of payment electronically to the following person(s):

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
R10_RHC@epa.gov

Raymond Andrews
Compliance Officer/Inspector
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
Andrews.Raymond@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

4.7. Interest, Charges, and Penalties on Late Payments. Pursuant to 33 U.S.C. § 1319(g)(9), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

4.7.1. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until the unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Interest will be assessed at prevailing rates, per 33 U.S.C. § 1319(g)(9). The rate of interest is the IRS large corporate underpayment rate.

4.7.2. Handling Charges. The United States’ enforcement expenses including, but not limited to, attorneys’ fees and costs of collection proceedings.

4.7.3. Late Payment Penalty. A twenty percent (20%) quarterly non-payment penalty.

4.8. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

4.8.1. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

4.8.2. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

4.8.3. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.

4.8.4. Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 33 U.S.C. § 1319(g)(9). In any such action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

4.9. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

4.10. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

4.11. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (IRS) annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA

reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with the law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (TIN), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

4.11.1. Respondent shall complete an IRS Form W-9 (Request for Taxpayer Identification Number and Certification), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>.

4.11.2. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

4.11.3. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at henderson.jessica@epa.gov within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

4.11.4. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

4.12. 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.

4.13. Except as described in Subparagraph 4.7.2, above, each party shall bear its own fees and costs in bringing or defending this action.

4.14. For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in the Consent Agreement and to appeal the Final Order. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Consent Agreement.

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

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

DATED:

12/31/24

FOR RESPONDENT:

Michael Sokolow For AMRIK S.
AMRIK S. RANDEHAWA
President
A-1 Pallets, Inc.

FOR COMPLAINANT:

Edward J. Kowalski
Director
Enforcement and Compliance Assurance Division
EPA Region 10