

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Half Price Used Auto Parts, LLC
551 Avenue P
Newark, New Jersey 07105

Respondent,

NJPDES Permit No. NJG0147371

Proceeding pursuant to Section 309(g) of the
Clean Water Act, 33 U.S.C. § 1319(g)

**PROCEEDING TO ASSESS A CLASS I CIVIL
PENALTY**

DOCKET No. CWA-02-2017-3302

**ADMINISTRATIVE COMPLAINT
FINDINGS OF VIOLATION, NOTICE OF PROPOSED
ASSESSMENT OF AN ADMINISTRATIVE PENALTY, AND
NOTICE OF OPPORTUNITY TO REQUEST A HEARING**

I. STATUTORY AND REGULATORY AUTHORITIES

1. This Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing ("Complaint") is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("Administrator" or "EPA") by Section 309(g)(2)(A) of the Clean Water Act ("Act" or "CWA"), 33 U.S.C. § 1319(g)(2)(A). The Administrator has delegated this authority to the Regional Administrator of EPA, Region 2, who in turn has delegated it to the Director, Division of Enforcement and Compliance Assistance ("DECA") of EPA, Region 2 ("Complainant").
2. Pursuant to Section 309(g)(2)(A) of the Act, and in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits ("CROP"), 40 C.F.R. Part 22, a copy of which is attached, Complainant hereby requests that the Regional Administrator assess a civil penalty against Half Price Used Auto Parts, LLC ("Respondent"), as a result of Complainant's determination that Respondent is in violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a), for failing to comply with the terms of the New Jersey State Department of Environmental Protection ("NJDEP") New Jersey Pollutant Discharge Elimination System ("NJPDES"), Vehicle Recycling Industrial Stormwater General Permit ("RVR") NJ0163279, issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, at a facility that Respondent operates.

II. APPLICABLE LEGAL REQUIREMENTS

1. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person from a point source into navigable waters, except in compliance with, *inter alia*, Section 402 of the CWA, 33 U.S.C. § 1342.
2. “Discharge of a pollutant” is defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12), to include any addition of any pollutant to navigable waters from any point source.
3. “Pollutant” is defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to include among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged into water.
4. “Person” is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), to include, among other things, an individual, corporation, partnership, association or municipality.
5. “Point source” is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to include any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
6. “Navigable waters” is defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), as the waters of the United States, including the territorial seas, and, at the time of the violations at issue here, “waters of the United States” was defined by 40 C.F.R. § 122.2, to include: all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate “wetlands;” all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands,” sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce, including tributaries thereto.
7. “Owner or operator” is defined by 40 C.F.R. § 122.2 as the owner or operator of any “facility or activity” subject to regulation under CWA Section 402.
8. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), authorizes the Administrator to issue a National Pollutant Discharge Elimination System (“NPDES”) permit for the discharge of any pollutant, or combination of pollutants, notwithstanding the prohibition in Section 301(a) of the CWA, upon the condition that any such discharges will meet the requirements of the CWA and its implementing regulations.
9. The Administrator of EPA has promulgated regulations, 40 C.F.R. § 122.26(a)(1)(ii) and § 122.26(b)(14), which require operators to obtain a NPDES permit for stormwater discharges associated with industrial activity. The regulations at 40 C.F.R. § 122.26(b)(14) establish requirements for stormwater discharges associated with industrial activity.
10. Section 402(b) of the CWA, 33 U.S.C. § 1342(b), allows any State, upon application to and approval by EPA, to directly administer the NPDES permitting program. EPA has authorized the New Jersey Department of Environmental Protection (“NJDEP”) to directly administer the

NPDES program in New Jersey. Accordingly, any person who will discharge pollutants from a point source to waters of the United States within New Jersey must first obtain a New Jersey Pollutant Discharge Elimination System ("NPDES") permit, and must comply with all of its terms.

11. Pursuant to Section 402(b) of the CWA, the NJDEP issued a NPDES Vehicle Recycling Industrial Stormwater General Permit (RVR) General Permit NJ0163279, The Permit became effective on October 1, 2012 and expires on September 30, 2017.
12. Section 309(g)(1) of the CWA, 33 U.S.C. § 1319(g)(1), authorizes the Administrator, upon a finding that any person has violated, among other things, Section 301(a) of the Act, or has violated any permit condition or limitation implementing such section in a permit issued under Section 402 of the Act, to assess a civil penalty, and Section 309(g)(2)(A) of the CWA, 33 U.S.C. § 1319(g)(2)(A), as adjusted by 40 C.F.R. § 19.4, authorizes the assessment of a penalty of up to \$16,000 per day of violation, and not exceeding \$37,500.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent, is a corporation, formed under the laws of the New Jersey, and is, therefore, a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
2. Respondent operates an automobile recycling facility Half Price Used Auto Parts ("Site" or "Facility"), which is located at 551 Avenue P in Newark, New Jersey 07105. Therefore, Respondent is an owner or operator within the meaning of 40 C.F.R. § 122.2.
3. The Facility discharges stormwater associated with industrial activity, a "pollutant" within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6), into a City of Newark Municipal Separate Storm Sewer System ("MS4") catch basin located on Avenue P which then discharges via a MS4 outfall, a "point source" within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to Newark Bay, a navigable water of the United States, and as such, discharges pollutants pursuant to Section 502(12) of the CWA, 33 U.S.C. § 1362(12).
4. The Facility submitted a Request for Authorization ("RFA") to NJDEP and subsequently received authorization under the RVR General Permit with the NPDES ID No. NJG0147371, which became effective on October 1, 2012. Respondent and the Facility has been covered under the conditions and limitations in the RVR General Permit at all relevant times addressed by the Administrative Compliance Order.
5. The RVR General Permit authorizes Respondent to discharge stormwater associated with industrial activity, under the conditions and limitations prescribed in the permit.
6. On May 28, 2015, the EPA conducted a Compliance Evaluation Inspection ("CEI") at the Respondent's Facility and EPA identified the following violations of the Facility's RVR General Permit (NJG0147371):
 - a) Part II.B.6.a of the RVR General Permit states that permittee shall discharge stormwater to surface waters and/or ground waters of the State only as authorized herein and consistent with the terms and conditions of this permit. This permit does not authorize any unpermitted discharge of domestic wastewater, non-contact cooling water, leachate or process water. Part

IV.A.1.a of the RVR General Permit incorporates N.J.A.C. 7:14A-1.1 definitions. N.J.A.C. 7:14A-1.1 states that process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. In addition, Part IV.C.4 states that cleaning and degreasing of parts shall be performed either: 1) indoors, or 2) in leak-proof containers on an impervious surface and undercover and that wastewater shall be hauled off-site for recycling/disposal by a NJDEP licensed hauler. At the time of the inspection, EPA inspector Kimberly McEathron observed a fuel-powered power washer with adjacent dark stained liquids in the eastern portion of the Facility adjacent to the driveway. Wastewater runoff from this location would flow east along the driveway and then south into a catch basin on Avenue P, in violation of Part II.B.6.a of the RVR General Permit.

- b) Part IV.A.1.g of the RVR General Permit states that the permittee shall retain records of all monitoring information, maintenance records, and copies of all reports required by this permit. Part IV.B.2.a of the RVR General Permit states that the Stormwater Pollution Prevention Plan ("SPPP") shall be signed by a representative of the facility, and the original shall be retained at the facility for use by the facility and inspection by the Department. At the time of the inspection, the following required documents were not available on-site at the Facility, in violation of Part IV.A.1.g of the RVR General Permit:
- i. Part IV.B of the RVR General Permit states that the permittee shall develop, implement, update and maintain a SPPP. At the time of the inspection, the SPPP was not available on-site;
 - ii. Part IV.B.4.f.ii of the RVR General Permit states that inspections shall be conducted on a quarterly basis, at a minimum. At the time of the inspection, routine (quarterly) inspections were not available on-site;
 - iii. Part IV.B.5.a of the RVR General Permit requires Annual Inspection Reports. At the time of the inspection, Annual Inspection Reports were not available on-site;
 - iv. Part IV.B.5.d of the RVR General Permit requires the completion of an Annual Certification Form. At the time of the inspection, Annual Certification Forms were not available on-site;
 - v. Parts IV.C.4.b and IV.C.5.e of the RVR General Permit state that receipts of wastewater and drained fluid recycling/disposal shall be kept onsite for a period of five (5) years. At the time of the inspection, wastewater and drained fluid recycling/disposal records were not available on-site; and
 - vi. Part IV.C.9.d of the RVR General Permit states that all employees shall be trained annually on spill response where the date of training shall be documented in the SPPP. At the time of the inspection, employee spill response training documentation were not available on-site.
- c) Part IV.C.2.a of the RVR General Permit states that all fluid draining and dismantling of parts that contain fluids shall occur in a designated area that is either: 1) indoors; 2) on an impervious surface that is contained (e.g. bermed) and under cover; or 3) stormwater must be collected or drain in a manner that does not discharge to surface water or ground water. At the time of the inspection, the roofed area in the west end of the Facility was being utilized for the storage of some vehicle parts and two (2) vehicles. EPA inspector McEathron did not observe a berm on-site or any other location where fluids could be drained indoors or on an impervious surface that is contained and under cover, in violation of Part IV.C.2.a of the RVR General Permit.

- d) Part IV.C.2.b of the RVR General Permit states that fluids shall be drained from vehicles in the Fluid Draining and Dismantling Area. Fluids includes, but are not limited to: fuel(s), engine oil(s), coolant(s), brake fluid(s), power steering fluid(s), transmission fluid(s) and wiper fluid(s). At the time of the inspection, the Facility representative was unable to describe to EPA how or where the vehicle fluids are drained and stated that the Facility does not perform maintenance on vehicles and strictly deals with the buying and selling of vehicles and vehicle parts. At the time of the inspection, EPA inspector McEathron did not observe any containers of used antifreeze. Therefore, the Facility violated Part IV.C.2.b of the RVR General Permit.
- e) Part IV.C.3.a of the RVR General Permit states that after being drained per C.2 above, all engine blocks; cores; transmission/drive components; components with fuel, filter(s), coolant or lubricant residues and other oily materials shall be managed in any of the following four (4) ways: 1) indoors, 2) in leak-proof containers under cover, 3) on a bermed impervious surface under cover, or 4) in an area where stormwater is discharged into a property maintained oil/water separator. At the time of the inspection, EPA inspector McEathron observed used vehicle parts uncovered, exposed to stormwater, and without containment as detailed below, in violation of Part IV.C.3.a of the RVR General Permit:
- i. Used vehicle transmissions in the eastern portion of the Facility;
 - ii. Used vehicles parts, including an oily used engine in the drainage ditch;
 - iii. A transmission in the center of the Facility;
 - iv. Used vehicle transmissions in the western section of the Facility; and
 - v. Used vehicle engines in the western section of the Facility.
- f) Part IV.C.3.c of the RVR General Permit states that all batteries shall be removed from vehicles and stored either: 1) indoors, or 2) in leak-proof containers on an impervious surface under cover. At the time of the inspection, EPA inspector McEathron observed at least eight (8) vehicle batteries uncovered exposed to stormwater and on an impervious surface without containment, in violation of Part IV.C.3 of the RVR General Permit.
- g) Part IV.C.5.b of the RVR General Permit states that the Fluid Storage Area shall be either: 1) indoors, or 2) on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed) and undercover. At the time of the inspection, EPA inspector McEathron observed approximately 500 gallon unlabeled tank without secondary containment with dark stains below on the pavement located at the southeast corner of the Facility immediately adjacent to and uphill from the driveway and Avenue P. According to a Facility representative, this tank contains used oil. Therefore, the facility violated Part IV.C.5.b of the RVR General Permit.
- h) Part IV.C.5.d of the RVR General Permit states that all drained fluid shall be placed in leak-proof containers with secondary containment and shall be labeled for easy identification of contents. At the time of the inspection, EPA inspector McEathron observed the following drained fluid containers on-site, in violation of Part IV.C.5.d of the RVR General Permit:
- i. Unlabeled used liquid petroleum container exposed to stormwater and without secondary containment; and
 - ii. Approximately 500 gallon unlabeled tank without secondary containment with dark stains below on the pavement located at the southeast corner of the Facility. According to a Facility representative, this tank contains used oil.

i) Part IV.C.9.a of the RVR General Permit states that all impervious surfaces and bermed areas shall be regularly maintained and kept free of fluids. At the time of the inspection, EPA inspector McEathron observed the following dark stains, spills and fluids on the impervious surface, in violation of Part IV.C.9.a of the RVR General Permit:

- i. Dark staining below transmission;
- ii. At least eight (8) vehicle batteries and a transmission with dark staining below;
- iii. Used vehicle transmissions uncovered with dark staining below;
- iv. Used vehicle engines uncovered with dark staining below;
- v. Drainage ditch located along the south side of the Facility covered with dark oily residue and dark brown/green foam;
- vi. Unlabeled tank with dark stains below on the pavement; and
- vii. Dark stained liquids in the eastern portion of the Facility adjacent to the driveway and power washer.

7. On July 20, 2015, EPA issued Respondent an Administrative Order (“AO” or “Order”) (Docket No. CWA-02-2015-3058), which was mailed to Respondent along with a copy of the CEI Report, and which ordered Respondent to correct the above violations and come into compliance with the Clean Water Act.

8. Based on the foregoing Findings of Fact and Conclusions of Law, Respondent is liable for seven hundred and seventy-eight (778) days of violations of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), for violating the permit issued to the Respondent under Section 402 of the Act, 33 U.S.C. § 1342.

IV. NOTICE OF PROPOSED ORDER ASSESSING A CIVIL PENALTY

Based on the foregoing findings, and pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), and the Debt Collection Improvement Act of 1996, EPA, Region 2 hereby proposes to issue a Final Order Assessing Administrative Penalties (“Final Order”) to Respondent assessing a penalty of **\$15,000**. EPA determined the proposed penalty after taking into account the applicable factors identified at Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3). EPA has taken account of the nature, circumstances, extent and gravity of the violations, and Respondent’ prior compliance history, degree of culpability, economic benefit or savings accruing to Respondent by virtue of the violations, and Respondent’s ability to pay the proposed penalty. EPA may issue the Final Order Assessing Administrative Penalties thirty (30) days after Respondent’s receipt of this Notice, unless Respondent files an Answer to this Complaint within that time and request a Hearing on this Notice pursuant to the following section.

V. PROCEDURES GOVERNING THIS ADMINISTRATIVE ACTION

The rules of procedure governing this civil administrative litigation have been set forth in the CROP, 40 C.F.R. Part 22. A copy of these rules accompanies this Complaint.

A. Answering The Complaint

Where Respondent intends to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate or to contend that Respondent is entitled to judgment as a matter of law, Respondent must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written Answer to the Complaint, and such Answer must be filed within thirty (30) days after service of the Complaint. 40 C.F.R. § 22.15(a). The address of the Regional Hearing Clerk of EPA, Region 2, is:

**Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, NY 10007-1866**

Respondent shall also then serve one copy of the Answer to the Complaint upon Complainant and any other party to the action. 40 C.F.R. § 22.15(a). Respondent's Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which the Respondent has any knowledge. 40 C.F.R. § 22.15(b). Where Respondent lacks knowledge of a particular factual allegation and so state in the Answer, the allegation is deemed denied. 40 C.F.R. § 22.15(b). The Answer shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense, (2) the facts that Respondent disputes (and thus intend to place at issue in the proceeding), (3) the basis for opposing the proposed relief and (4) whether Respondent requests a Hearing. 40 C.F.R. § 22.15(b).

Respondent's failure to affirmatively raise in the Answer facts that constitute or that might constitute the grounds of a defense may preclude Respondent, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a Hearing.

B. Opportunity To Request A Hearing

If requested by Respondent in their Answer, a Hearing upon the issues raised by the Complaint and Answer may be held. 40 C.F.R. § 22.15(c). If however, Respondent does not request a Hearing, the Presiding Officer (as defined in 40 C.F.R. § 22.3) may hold a Hearing if the Answer raises issues appropriate for adjudication. 40 C.F.R. § 22.15(c).

Any Hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. § 22.21(d). A Hearing of this matter will be conducted in accordance with the applicable provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-59, and the procedures set forth in Subpart D of the CROP, at 40 C.F.R. §§ 22.21-22.26.

Should Respondent request a Hearing, members of the public to whom EPA is obligated to give notice of this proposed action will have a right under Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), to be heard and to present evidence on the appropriateness of the penalty assessment. Should Respondent not request a Hearing, EPA will issue a Final Order, and only members of the public who submit timely comment on this proposal will have an additional thirty (30) days to petition EPA to set aside the Final Order and to hold a Hearing thereon. EPA will grant the petition and will hold a Hearing only if the petitioner's evidence is material and was not considered by EPA in the issuance of the Final Order.

C. Failure To Answer

If Respondent fails in any Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation. 40 C.F.R. § 22.15(d). If Respondent fails to file a timely Answer to the Complaint [i.e. not in accordance with the 30-day period set forth in 40 C.F.R. § 22.15(a)], Respondent may be found in default upon motion by Complainant. 40 C.F.R. § 22.17(a). Default by Respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of Respondent's rights to contest such factual allegations. 40 C.F.R. § 22.17(a). Following a default by Respondent for a failure to timely file an Answer to the Complaint, any order issued therefore shall be issued pursuant to 40 C.F.R. § 22.17(c).

Any penalty assessed in the default order shall become due and payable by Respondent without further proceedings thirty (30) days after the Default Order becomes final pursuant to 40 C.F.R. § 22.27(c). 40 C.F.R. § 22.17(d). If necessary, EPA may then seek to enforce such Final Order of Default against Respondent, and to collect the assessed penalty amount, in federal court.

VI. INFORMAL SETTLEMENT CONFERENCE

Regardless of whether Respondent requests a formal Hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act and its applicable regulations. 40 C.F.R. § 22.18(b). At an informal conference with a representative(s) of Complainant, Respondent may comment on the charges made in this Complaint and Respondent may also provide whatever additional information they believe to be relevant to the disposition of this matter, including: (1) actions Respondent has taken to correct any or all of the violations herein alleged, (2) any information relevant to the amount of the proposed penalty, (3) the effect the proposed penalty would have on Respondent's ability to continue in business and/or (4) any other special facts or circumstances Respondent wishes to raise. Note that no penalty reduction will be made simply because an informal settlement conference is held.

Complainant has the authority to modify the amount of the proposed penalty, where appropriate, in response to any relevant information previously not known to Complainant that demonstrates that any of the findings herein are without merit, or that the proposed penalty is not warranted. Respondent is referred to 40 C.F.R. § 22.18.

Any request for an informal conference or any questions that Respondent may have regarding this Complaint should be directed to:

Tim Murphy, Esq.
Assistant Regional Counsel
Water and General Law Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
Telephone: (212) 637-3236
Fax: (212) 637-3199

The parties may engage in settlement discussions regardless of whether Respondent has requested a Hearing. 40 C.F.R. § 22.18(b)(1). Respondent's request for a formal Hearing does not prevent Respondent from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint.

A request for an informal settlement conference does not affect Respondent's obligation to file a timely Answer to the Complaint pursuant to 40 C.F.R. § 22.15.

Any settlement that may be reached as a result of an informal settlement conference shall be embodied in a written Consent Agreement. 40 C.F.R. § 22.18(b)(2). In order to conclude the proceeding, a Final Order ratifying the parties' agreement to settle will be executed. 40 C.F.R. § 22.18(b)(3). In accepting the Consent Agreement, Respondent waives any right to contest the allegations in the Complaint and waive any right to appeal the Final Order. 40 C.F.R. § 22.18(b)(2).

Entering into a settlement through the signing of such Consent Agreement and complying with the terms and conditions set forth in such Consent Agreement and Final Order would terminate this administrative litigation and these civil proceedings against Respondent. Entering into a settlement agreement would not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance, and EPA would retain authority to initiate a new enforcement action based on evidence of new or continued violations.

VII. RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

Instead of filing an Answer, Respondent may choose to pay the total amount of the proposed penalty, **\$15,000**, within thirty (30) days after receipt of the Complaint, provided that Respondent files with the Regional Hearing Clerk, Region 2 (at the address noted above), a copy of the check or other instrument of payment. 40 C.F.R. § 22.18(a). A copy of the check or other instrument of payment should be provided to the EPA attorney identified in Section VI above. Payment of the penalty assessed should be made by sending a cashier's or certified check payable to the "Treasurer, United States of America," in the full amount of the penalty assessed in this Complaint to the following addressee:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Docket No. CWA-02-2017-3302

Wire transfers should be directed to the Federal Reserve Bank of New York

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency".

Pursuant to 40 C.F.R. § 22.18(a)(3), if Respondent elects to pay the full amount of the penalty proposed in the Complaint within thirty (30) days of receiving the Complaint, then, upon EPA's receipt of such payment, the Regional Administrator of EPA, Region 2 (or, if designated, the Regional Judicial Officer), shall issue a Final Order pursuant to 40 C.F.R. § 22.18(a)(3). In accordance with 40 C.F.R. § 22.45(c)(3), no Final Order shall be issued until at least ten (10) days after the close of the comment period on this Complaint. Issuance of a Final Order terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Further, pursuant to 40 C.F.R. § 22.18(a)(3), the making of such payment by Respondent shall constitute a waiver of Respondent's rights both to contest the allegations made in the Complaint and to appeal said Final Order to federal court. Such payment does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance, and EPA may initiate a new enforcement action based on evidence of new or continued violations.

VIII. FILING OF DOCUMENTS

The Answer and any Hearing Request and all subsequent documents filed in this action should be sent to:

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

A copy of the Answer, any Hearing Request and all subsequent documents filed in this action shall be sent to:

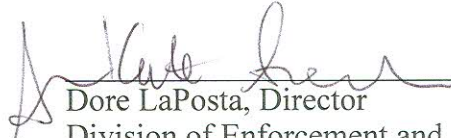
Tim Murphy, Esq.
Assistant Regional Counsel
Water and General Law Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
Telephone: (212) 637-3236
Fax: (212) 637-3199

IX. GENERAL PROVISIONS

1. Respondent has a right to be represented by an attorney at any stage of these proceedings.
2. This Complaint does not constitute a waiver, suspension or modification of the requirements of the Act, regulations promulgated there under, or any applicable permit.

3. Neither assessment nor payment of an administrative civil penalty pursuant to Section 309(g) of the Act will affect Respondent's continuing obligation to comply with the Act, and with any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), for the violations alleged herein.

ISSUED THIS _____ DAY OF **NOV 17**, 2016.


Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance
U. S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Half Price Used Auto Parts, LLC
551 Avenue P
Newark, New Jersey 07105

Respondent,

NJPDES Permit No. NJG0147371

Proceeding pursuant to Section 309(g) of the
Clean Water Act, 33 U.S.C. §1319(g)

**PROCEEDING TO ASSESS A CLASS I
CIVIL PENALTY**

DOCKET No. CWA-02-2017-3302

CERTIFICATION OF SERVICE

I certify that on **NOV 21 2016**, I served the foregoing fully executed Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing, bearing the above referenced docket number, on the persons listed below, in the following manner:

Original and One Copy
By Hand:

Office of Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Copy by Certified Mail

Mr. Danny Caba
Half Price Used Auto Parts, LLC
551 Avenue P
Newark, New Jersey 07105

Copy by Certified Mail
Return Receipt Requested

Mr. Marcedius T. Jameson, Director
Division of Water and Land Use Enforcement
New Jersey Department of Environmental Protection
Mail Code 401-04F
401 East State Street
P.O. Box 420
Trenton, New Jersey 08625-0420

Dated: **NOV 21 2016**


Secretary
New York, New York