



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 9 - 75 Hawthorne St San Francisco, CA 94105
EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-09-2024-0024

NPDES No. GUR0J003

FILED
February 14, 2024
11:00 A.M.
U.S. EPA REGION IX
HEARING CLERK

FSM Recycling Guam Inc. ("Respondent"), a Guam corporation, 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.

By its signature, Complainant ("EPA") finds that Respondent is responsible for unauthorized discharge(s) of stormwater in violation of Section 301(a) of the 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 days of unauthorized industrial stormwater discharges that EPA alleges. The attached "Industrial Non-filer Expedited Settlement Worksheet" ("Worksheet"), which is incorporated by reference, summarizes the allegations and calculates a proposed penalty of \$7,500, based on conditions at the Respondent's referenced facility at the time of EPA's February 2, 2022, inspection.

EPA is authorized to enter into this Expedited Settlement Agreement ("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 \$7,500 Respondent consents to the assessment of this penalty and waives the right to: (1) contest the finding(s) specified in the Worksheet; (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 Worksheet 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 a No Exposure Certification) to the permit authority.

Respondent certifies it will pay the penalty within 10 calendar days after the effective date of this Agreement by sending a check, wire transfer, automated clearing house, or online payment, using the payment instructions available at http://www.epa.gov/financial/makepayment. Checks sent by

regular U.S. Postal Service mail must be made payable to the "Treasurer, United States of America," and mailed to

U.S. EPA, Region 9
Fines and Penalties, Cincinnati Finance Center
In the Matter of: FSM Recycling Guam Inc.
Docket No. CWA-09-2024-0024
P.O. Box 979077
St. Louis, MO 63197-9000

This Agreement settles EPA's civil penalty claims against Respondent for the alleged violation(s) of the Act 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 EPA:

ROBERTO RODRIGUEZ Digitally signed by ROBERTO RODRIGUEZ Date: 2023.12.12 14:43:18 -08'00' Date: _____

Roberto Rodriguez, Assistant Director, Water Branch Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (print): SANGCHUL HWANG
Title (print): PRESIDENT

Signature: [Handwritten Signature] Date: 7/19/23

EPA received no comments concerning this matter in response to a 30-day public notice comment period publicly noticed by EPA pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45.

Having determined that this Agreement is authorized by law, IT IS SO ORDERED:

BEATRICE WONG Digitally signed by BEATRICE WONG Date: 2024.02.14 10:39:41 -08'00'
Signature: Beatrice Wong
Regional Judicial Officer, U.S. EPA Region IX

CERTIFICATE OF SERVICE

I hereby certify that the original copy of the foregoing Expedited Settlement Agreement and Final Order in the matter of FSM Recycling Guam, Inc. (CWA-09-2024-0024), has been filed with the Regional Hearing Clerk, Region IX, and that a true and correct copy was served on both Respondent and Counsel for EPA by email, as indicated below:

RESPONDENT: FSM Recycling Guam, Inc.
c/o Sanchal Huang
209 E Harmon Ind. Park Road
Tamuning, GU 96913
Paulmeca@naver.com

COMPLAINANT: Nathaniel Boesch
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA – Region IX
75 Hawthorne Street
San Francisco, CA 94105
Boesch.Nathaniel@epa.gov

Kristine Karlson
Enforcement and Compliance Assurance Division
U.S. EPA – Region IX
75 Hawthorne Street
San Francisco, CA 94105
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PONLY TU Digitally signed by PONLY TU
Date: 2024.02.14 13:58:18
-08'00'

Ponly Tu Date
Regional Hearing Clerk
U.S. EPA – Region IX