



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 10

1200 Sixth Avenue, Suite 155, Seattle, Washington 98101

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-10-2022-0231, NPDES No. WAR306947

The undersigned representatives of the United States Environmental Protection Agency ("EPA") and Mr. Mike Dunne ("Respondent"), enter into the Expedited Settlement Agreement ("Agreement") to resolve Respondent's civil penalty liability for alleged violations of the National Pollutant Discharge Elimination System stormwater permit ("Permit") at the facility located at 700 NE McWilliams Road, Bremerton, Washington ("Site").

Respondent had an unauthorized discharge of storm water from the Site in violation of Section 301(a) of the Clean Water Act ("Act"), 33 U.S.C. § 1311(a), and/or failed to comply with its Permit for the Site issued under Section 402 of the Act, 33 U.S.C. § 1342. Respondent is a "person" as defined in Section 502(5) of the Act, 33 U.S.C. § 1362(5). Respondent is responsible for the alleged violations specified in the attached Expedited Settlement Offer (ESO) Worksheet – Findings and Alleged Violations ("Form"). The Form is incorporated into this Agreement by reference.

EPA finds, and Respondent admits, that the EPA has jurisdiction over this matter pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g) and 40 C.F.R. Part 22. Respondent neither admits nor denies the violations alleged in the Form.

Respondent agrees to pay a civil penalty of \$2,640. Respondent waives the rights to: (1) contest the allegations in the Form; and (2) to appeal any final order an EPA Regional Judicial Officer may issue to ratify this Agreement ("Final Order"). Proof of payment of the civil penalty must accompany this signed copy of the Expedited Settlement Agreement when it is returned to EPA.

By signing this Agreement, Respondent certifies that: (1) the alleged violations listed in the Form have been corrected, and Respondent has submitted true and accurate documentation to the EPA of such correction; (2) consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), Respondent will not deduct penalties paid under this Agreement for federal tax purposes; and (3) Respondent, in accordance with the attached Payment Instructions, has provided proof of payment of the civil penalty, with case name and docket number noted.

This Agreement, upon incorporation into the Final Order and full satisfaction by the parties, shall be a complete and full resolution of Respondent's liability for federal civil penalties for the violations of the Permit and/or Section 301(a) of the Act as alleged in the Form. This Agreement does not 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 or to issue an administrative compliance order for any

uncorrected violations listed in the Form. Nothing in this Agreement shall relieve Respondent of the duty to comply with the Act and any regulations, order, or permit issued pursuant to the Act.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, EPA will provide public notice of this Agreement and a reasonable opportunity for the public to comment on it. EPA will address any comments on the Agreement in accordance with Section 309(g)(4) of the Act, 33 U.S.C. § 1319(g)(4), and 40 C.F.R. § 22.45.

Attachments:

- 1. ESO Worksheet – Findings and Alleged Violations
2. Payment Instructions

APPROVED BY EPA:

Signature line for Edward J. Kowalski, Director, Enforcement and Compliance Assurance Division. Date: _____

APPROVED BY RESPONDENT:

Name (print): J. STEVE HARER

Title (print): Managing Member

Signature: [Handwritten Signature] Date: 9 Sept. 2021

More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA has received no comments concerning this matter.

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

Signature line for Richard Mednick, Regional Judicial Officer, Region 10. Date: _____

Payment Instructions

Payment shall be made in a single payment of **\$2,640**. Proof of payment is due at the time the Expedited Settlement Agreement is signed.

The payment shall:

- designate the **Name** and **Docket Number** of the case,
- be payable to “Treasurer, United States of America,”
- be made by electronic funds transfer (EFT), on-line payment or check.

Name: McWilliams Road LLC

Docket Number: CWA-10-2022-0231

1) If remitted by EFT:

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

Field Tag 4200 of the Fedwire message should read “D 68010727 Environmental Protection Agency”

2) If remitted through the Automated Clearing House (ACH) for receiving US currency:

U.S. Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 -- checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737

3) If remitted on-line with a debit card or credit card:

No user name, password, or account number is necessary for this option. On-line payment can be accessed via WWW.PAY.GOV, entering SFO 1.1 in the form search box on the left side of the screen, opening the form, and following the directions on the screen.

4) If remitted by Sending a cashier’s check or certified check

- Payable to the “Environmental Protection Agency”

Regular U.S. mail via Certified Mail:

U.S. Environmental Protection Agency / Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

If remitted by any overnight commercial carrier:

U.S. Bank
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101

Send proof of payment (a copy of the check or notification of payment) to the following:

Kyle Masters
Compliance Enforcement Officer
Surface Water Enforcement Section
U.S. Environmental Protection Agency
1200 6th Avenue, Suite 155, 20-C04
Seattle, Washington 98101

and

Regional Hearing Clerk
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 155, 11-C07
Seattle, Washington 98101

R10_RHC@epa.gov

Masters.Kyle@EPA.gov

THIS DOCUMENT CONTAINS A SECURITY WATERMARK - HOLD TO LIGHT TO VIEW

98-7087/3251



OFFICIAL CHECK

26198

Void after 6 months

Corporate Office:
201 Wells Ave S. | PO Box 360
Renton, WA 98057 | 866.372.1200

09/09/2022

PAY Two Thousand Six Hundred Forty and 00/100*****

\$ *****2,640.00

TO THE ORDER OF U.S. Environmental Protection Agency/ Fines and Penalties
Cincinnati Finance Center

Remitter McWilliams Road LLC



⑈026198⑈ ⑈325170877⑈ ⑈100100⑈

Details on Back. Security Features Included.