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U.S. EPA REGION 1
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

_____)	
In the matter of)	
)	
)	Docket No.
)	CWA-01-2025-0009
Webco Chemical Corporation,)	
)	
Respondent)	CONSENT AGREEMENT
)	AND FINAL ORDER
_____)	

CONSENT AGREEMENT

1. The United States Environmental Protection Agency, Region 1 ("EPA") alleges that Webco Chemical Corporation ("Webco" or "Respondent") has violated Section 301 of the Clean Water Act ("CWA"), 33 U.S.C. § 1311(a).

2. EPA and Respondent agree that the settlement of this matter is in the public interest and that entry of this Consent Agreement and Final Order ("CAFO") without further litigation is the most appropriate means of resolving this matter.

3. The Director of the Enforcement and Compliance Assurance Division of EPA Region 1 enters into this CAFO with Respondent, under the authority of Section 309(g) of the CWA, 33 U.S.C. § 1319(g), and in accordance with applicable delegations and 40 C.F.R. §§ 22.13(b) and 22.18 of EPA's *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination, or Suspension of Permits* ("Consolidated Rules"), for the purpose of resolving alleged violations of Section 301(a) of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1311(a).

4. Pursuant to Section 309(g)(1) of the CWA, 33 U.S.C. § 1319(g)(1), and 40 C.F.R. § 22.38(b), EPA has notified the Commonwealth of Massachusetts of this action.

5. Pursuant to Sections 309(g)(4)(A) and 311(b)(6)(C)(i), 33 U.S.C.

§§ 1321(b)(6)(C)(i), 1319(g)((4)(A), EPA provided public notice of, and reasonable opportunity to comment on, this action.

6. Therefore, before any hearing, and without adjudication of any issue of fact or law, the Parties agree to comply with the terms of this CAFO as follows:

I - STATUTORY AND REGULATORY BACKGROUND

Discharge of Pollutants

7. The CWA is designed to restore and maintain the chemical, physical and biological integrity of the nation's waters. Section 101(a) of the Act, 33 U.S.C. § 1251(a).

8. To accomplish the objectives of the Act, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person into navigable waters except in compliance with the terms and conditions of a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and EPA's implementing regulations, found at 40 C.F.R. Part 122.

9. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), authorizes the Administrator of EPA to issue NPDES permits for the discharge of pollutants into navigable waters in compliance with the CWA.

10. Section 502(5) of the CWA, 33 U.S.C. § 1362(5), defines "person" to include "an individual, corporation, partnership [or] association."

11. 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."

12. Section 502(6) of the CWA, 33 U.S.C. § 1362(6), defines "pollutant" to include, among other things, chemical wastes, biological materials, rock, sand, and industrial waste discharged into water.

13. Section 502(14) of the CWA, 33 U.S.C. § 1362(14), defines “point source” to include “any discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged.”

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

Stormwater Permits

15. Pursuant to Section 402(p)(2)(B), 33 U.S.C. § 1342(p)(2)(B), and EPA’s implementing regulations at 40 C.F.R. § 122.26, any stormwater discharge “associated with industrial activity” must be authorized by a NPDES permit.

16. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the Administrator of EPA to require the owner or operator of any point source to provide such information as the Administrator may reasonably need to carry out the objectives of the CWA, including, among other things, the development and issuance of NPDES permits under Section 402 of the CWA, 33 U.S.C. § 1342.

17. Pursuant to Sections 308 and 402 of the CWA, 33 U.S.C. §§ 1318 and 1342, EPA promulgated stormwater discharge regulations at 40 C.F.R. § 122.26.

18. Forty C.F.R. § 122.26(c)(1) provides that dischargers of stormwater “associated with industrial activity” are required to apply for an individual permit, apply for a permit through a group application, or seek coverage under a general permit.

19. Forty C.F.R. § 122.26(b)(13) defines “storm water” to include stormwater runoff, snow melt runoff, and surface runoff and drainage.

20. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and implementing regulation 40 C.F.R. § 122.26(a)(1)(ii) require that facilities discharging stormwater associated with

industrial activity obtain a permit.

21. Forty C.F.R. § 122.26(b)(14)(ii) specifies that “storm water discharge associated with industrial activity” includes stormwater discharge from facilities classified under Standard Industrial Classification (“SIC”) codes 28, including 2841 (Chemicals and Allied products).

22. On January 15, 2021, EPA reissued the NPDES Stormwater Multi-Sector General Permit for Industrial Activity (“2021 MSGP”). 86 Fed. Reg. 10269 (Feb. 19, 2021).

23. Under the 2021 MSGP, a facility discharging stormwater “associated with industrial activities” is required to submit a Notice of Intent (“NOI”), prepare and implement a Stormwater Pollution Prevention Plan (“SWPPP”), conduct inspections, conduct monitoring and sampling, and meet other eligibility requirements.

24. Under the 2021 MSGP, permit coverage becomes effective thirty days after EPA has notified the Facility/Operator that it has received a complete NOI, unless EPA notifies the Facility/Operator that the authorization has been denied or delayed.

25. Section 309(g) of the CWA, 33 U.S.C. § 1319, provides for the assessment of penalties for violations of Section 301 of the CWA, 33 U.S.C. § 1311, and for violating any condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342. The Inflation Laws referenced in Paragraph 10 and 40 C.F.R. Part 19 increase those penalties for inflation.

II. GENERAL ALLEGATIONS

26. Respondent is a corporation organized under the laws of the Commonwealth of Massachusetts with a usual place of business at 420 West Main St., Dudley, Massachusetts 01571.

27. As a corporation, Respondent is a “person” within the meaning of Section 502(5)

of the CWA, 33 U.S.C. § 1362(5).

28. Respondent operates a facility located at 420 West Main St., Dudley, Massachusetts, 01571 (the “Facility”), where Respondent blends and repackages chemicals for the dairy, commercial, janitorial, wholesale, and private label markets.

29. On August 16, 2023, EPA conducted a desk audit regarding the Facility’s CWA obligations and subsequently obtained additional information through information request letters sent on August 17, 2023.

30. The Facility is located on an approximately 26-acre property, bounded by a commercial property and farmland on the east, by wooded area and open space on the north and west, and by West Main Street on the south. The Facility consists of two buildings: Webco (southern building) and Bayscience (a sister company; northern building), outside storage areas, loading/unloading areas and parking areas.

31. At all times relevant to the allegations in this CAFO, Webco’s operations at the Facility included blending and repackaging chemicals for personal care and laundry and dish detergent (SIC code 284).

32. At all times relevant to the allegations in this CAFO, Webco controlled all daily business and industrial operations at the Facility, and otherwise met the definition of “operator” of the Facility under the 2021 MSGP.

33. There are two drainage areas at the Facility. Draining Area 1 (DR1) is comprised of the southeastern portion of the property. Drainage Area 2 (DR2) is comprised of the remainder of the property. DR1 is mostly paved. Stormwater generated in this area flows in a southerly direction towards a low area east of the Facility entrance. Accumulated water here is directed under West Main Street and discharges into a field on the south side of the street.

Approximately half of DR2 is paved. Stormwater generated between the Webco and Bayscience buildings flows towards catch basins, which direct water into a detention area west of the Bayscience building. There is an asphalt berm in the area between the two buildings which aids in directing stormwater towards the detention area west of the Bayscience building. A drainage swale connects this retention area to another detention area west of the northern portion of the Webco building. This detention area drains to a wetland and an unnamed stream that runs north to south along the western perimeter of the property. The stream connects to Tufts Branch approximately 1000 feet south of the Facility. Tufts Branch connects to the Quinebaug River.

34. The Quinebaug River flows into the Shetucket River, which flows into the Thames River. The Thames River discharges into Long Island Sound. The unnamed stream (described in paragraph 33), Tufts Branch, Quinebaug River, Shetucket River and Thames River are “waters of the United States,” as defined at Section 502(7) of the CWA, 33 U.S.C. § 1362(7) and 40 C.F.R. § 120.2.

35. During storm events between 2021 and 2024, stormwater from the Facility flowed into catch basins, through a berm and swale, into detention areas, and discharged through outfalls into the unnamed stream connected to the Tufts Branch and via its tributaries into the Thames River.

36. Stormwater from the Facility contained “pollutants” within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

37. The catch basins, berm, swale, detention areas, and outfalls discharging pollutants constitute “point sources” within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

38. The stormwater discharges described in paragraphs 33-35 resulted in the

“discharge of pollutants,” as defined at Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

39. At all times relevant to the allegations in this CAFO, WEBCO conducted activities including but not limited to those associated with chemical manufacturing that have resulted in the discharge of “storm water associated with industrial activity,” as defined at 40 C.F.R. § 122.26(b)(14)(ii), to waters of the United States.

40. As “operator” of the Facility, Webco was required to obtain NPDES permit coverage for the discharges of stormwater associated with industrial activity at the Facility, and then to comply with all requirements and conditions for operation under the CWA, its regulations, and the applicable permit.

41. Respondent failed to apply for an individual NPDES permit or for general permit coverage under the 2021 MSGP until it submitted a NOI to EPA on February 28, 2024.

42. Respondent’s coverage under the 2021 MSGP became effective April 28, 2024.

III. VIOLATIONS

Count 1: Unauthorized Discharge of Stormwater Associated with Industrial Activity

43. Paragraphs 1 through 42 are incorporated by reference as if fully set forth herein.

44. By discharging stormwater associated with industrial activity at the Facility during certain storm events from at least June 1, 2021 through March 31, 2024, to Waters of the United States without authorization under any NPDES permit, Respondent violated Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

IV. TERMS OF SETTLEMENT

45. Respondent certifies that it has corrected the alleged violations cited in Paragraphs 43 and 44 of this CAFO and agrees to operate the Facility in compliance with the 2021 MSGP.

46. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in this CAFO and that this CAFO states a claim upon which relief may be granted against Respondent. Respondent hereby waives any defenses it might have as to jurisdiction and venue.

47. 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.

48. Respondent waives any right (i) to contest the allegations, (ii) to request a judicial or administrative hearing on any issue of law or fact set forth in this CAFO, and (iii) to appeal the Final Order.

49. Without admitting or denying the facts and violations alleged in this CAFO, Respondent consents to the terms and issuance of this CAFO and agrees to the payment of the civil penalty set forth herein. The provisions of this CAFO shall be binding on Respondent and Respondent's officers, directors, agents, employees, successors, and assigns.

50. Pursuant to the relevant factors for penalties issued pursuant to Section 309(g)(3) of the CWA, 33 U.S.C. § 1319(g)(3) and taking into account any such matters as justice may require, and Respondent's cooperation in agreeing to perform the non-penalty obligations in this CAFO, EPA has determined that it is fair and proper that Respondent pay a total civil penalty in the amount of \$25,468 to resolve the violations alleged in this matter. Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to pay the penalty cited in paragraph 51 below.

Penalty Payment

51. Respondent agrees to pay a civil penalty in the amount of \$25,468 ("Assessed

Penalty”) within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk (“Filing Date”).

52. 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>.

53. When making a payment, Respondent shall:

- a. Identify every payment with Respondent’s name and the docket number of this Agreement, CWA-01-2025-0009
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
santiago.wanda@epa.gov
and
R1_Hearing_Clerk_Filings@epa.gov

Uzma Bishop-Burney
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
BishopBurney.Uzma@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.

54. Interest, Charges, and Penalties on Late Payments for the Assessed Penalty. With respect to the Assessed Penalty, 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.
- a. 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 standard underpayment rate.
 - b. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of collection proceedings.
 - c. Late Payment Penalty. A twenty percent (20%) quarterly non-payment penalty.
55. Late Penalty Actions for the Assessed Penalty. With respect to the Assessed Penalty, 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 Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14;
- b. 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.
- c. 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.
- d. 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.

56. 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.

57. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes. Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of 26 C.F.R. § 1.162-21, and further agrees not to use those payments in any way as, or in furtherance of, a tax

deduction under federal, state, or local law.

Additional Provisions

58. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 309(g) of the CWA for the violations specifically alleged in Section III of this CAFO. Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with such laws and regulations. This CAFO in no way relieves Respondent or its employees of any criminal liability. Nothing in this CAFO shall be construed to limit the authority of the United States to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public.

59. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions if Respondent is in violation of this CAFO or continues to be in violation of the statutes and regulations upon which the allegations in this CAFO are based, or if Respondent violates any other applicable provision of federal, state, or local law.

60. Each of the undersigned representatives of the Parties certifies that he or she is fully authorized by the party responsible to enter into the terms and conditions of this CAFO and to execute and legally bind that Party to it.

61. Complainant and Respondent, by entering into this CAFO, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the full executed CAFO, by electronic mail, to the following address: markr@webcochemical.com. Respondent understands that this e-mail address may be made

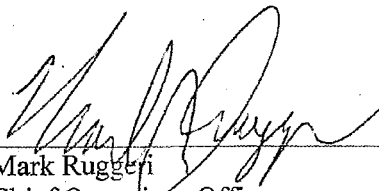
public when the CAFO and Certificate of Service are filed and uploaded to a searchable database. Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing Order, dated June 19, 2020. Electronic signatures shall comply with and be maintained in accordance with that Order.

62. Each Party shall bear its own costs and attorneys' fees in this proceeding and specifically waives any right to recover such costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable laws.

63. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of the Parties and approval of the Regional Judicial Officer.

64. In accordance with 40 C.F.R. § 22.31(b), the effective date of this CAFO is the date on which this CAFO is filed, either in person or electronically via email, with the Regional Hearing Clerk.

FOR RESPONDENT:



Mark Ruggeri
Chief Operations Officer
Webco Chemical Corporation

03-June-2025
Date

FOR COMPLAINANT:

JAMES CHOW Digitally signed by JAMES CHOW
Date: 2025.06.05 15:49:11 -04'00'

James Chow, Director
Enforcement and Compliance Assurance Division
EPA Region 1

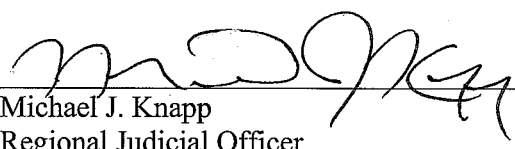
Date

FINAL ORDER

1. EPA has provided a thirty-day opportunity for public notice and comment on this proposed CAFO, pursuant to Section 309(g)(4)(A) of the CWA, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45(b).

2. The foregoing Consent Agreement is incorporated by reference into this Final Order and is hereby ratified.

3. Respondent is hereby ordered to comply with the terms of the above Consent Agreement, which will become final 30 days from the date it is signed by the Regional Judicial Officer unless a petition to set aside the order is filed by a commenter pursuant to Section 309(g)(4) of the CWA, 33 U.S.C. § 1319(g)(4), and 40 C.F.R. Part 22.



Michael J. Knapp
Regional Judicial Officer
EPA Region 1

July 30, 2025
Date

