RECEIVED
18 SEP 12 AM 10: 17
HEARINGS CLERK
EPA - - REGION 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	DOCKET NO. CWA-10-2018-0344
Alaska Aerofuel, Inc.	**CONSENT AGREEMENT**
Fairbanks, Alaska	
Respondent.	Proceeding 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), the EPA is authorized to assess a civil penalty against person that has violated CWA Section 301, 33 U.S.C. § 1311, or any 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 $21,393 per day for each day during which the violation continues, up to a maximum

penalty of $267,415. 83 Fed. Reg. 1190 (January 10, 2018) (2018 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 Alaska Aerofuel, 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 and filing 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 Office of Compliance and Enforcement, 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.SC. § 1311(a), prohibits the discharge of any pollutant by any person except as authorized by, *inter alia*, a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to CWA Section 402, 33 U.S.C. § 1342.

3.3. CWA Section 502(12), 33 U.S.C. § 1362(12) defines the "discharge of a pollutant" to mean the addition of any pollutant to navigable waters from any point source.

3.4. CWA Section 502(6), 33 U.S.C. § 1362(6), defines "pollutant" to include, *inter alia*, dredged spoil, rock, sand, chemical wastes, and industrial waste.

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

3.6. CWA Section 502(7), 33 U.S.C. § 1362(7), defines the term "navigable waters" to mean "waters of the United States." The term "waters of the United States" is defined at 40 C.F.R. § 122.2 (2014).

3.7. CWA Section 402(p), 33 U.S.C. § 1342(p), requires a NPDES permit for the discharge of stormwater associated with industrial activity.

3.8. "Stormwater discharge associated with industrial activity" is defined to include, *inter alia*, facilities classified under Standard Industrial Classification codes 4581(Airports, Flying Fields and Terminal Services) and 5171 (Petroleum Bulk Stations and Terminals). 40 C.F.R. § 122.26(b)(14)(viii).

3.9. The state of Alaska, through the Alaska Department of Environmental

Conservation, 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. 73 Fed. Reg. 66,243 (Nov. 7, 2008).

3.10. The Alaska Department of Environmental Conservation issued the Multi-Sector General Permit for Stormwater Associated with Industrial Activity, General Permit Number AK060000, which became effective on April 1, 2015 (hereinafter "MSGP"). The MSGP authorizes, subject to the terms and conditions of the permit, the discharge of stormwater associated with certain industrial activities, including activities conducted under Standard Industrial Classification codes 4581 and 5171.

General Allegations

3.11. Respondent is a corporation licensed to do business in the state of Alaska and is a "person" as defined in CWA Section 502(5), 33 U.S.C. § 1362(5).

3.12. At all times relevant to this action, Respondent leased and operated properties at 5855 and 5859 Aerofuel Place in Fairbanks, Alaska (hereinafter, "Facility"), located at the Fairbanks International Airport.

3.13. The primary operations conducted by Respondent at the Facility include receipt, storage and delivery of home heating fuel, avgas and jet fuel, which are activities categorized under Standard Industrial Classification code 5171 (Petroleum Bulk Stations and Terminals). Additional operations conducted at the Facility include aircraft and vehicle storage and maintenance, which are activities categorized under Standard Industrial Classification code 4581 (Airports, Flying Fields and Terminal Services).

3.14. The Facility is approximately 6.8 acres, comprised mostly of compacted gravel with approximately 1.9 acres of impervious surfaces. Stormwater and runoff generated at the Facility is mainly directed to two locations, a drainage ditch that runs along the west side of the

Facility and a culvert at the southeastern corner of the Facility. The drainage ditch along the west side conveys stormwater and runoff from the Facility to an adjacent low-lying field located approximately 1,650 feet from the Chena River. The culvert at the southeastern corner conveys stormwater and runoff from the Facility to the Fairbanks International Airport stormwater conveyance system where it is discharged from outfall 5C to the South Remnant Slough which is hydrologically connected to the Tanana River.

3.15. The Facility, which was under Respondent's control at all times relevant to this action, discharges stormwater off-site via the southeast drainage area culvert and outfall 5C. The Facility's stormwater discharges contain "pollutants" within the meaning of Section 502(6) and (12) of the CWA, 33 U.S.C. § 1362(6) and (12).

3.16. The southeast drainage area culvert and outfall 5C are "point sources" as defined at CWA Section 502(14), 33 U.S.C. § 1362(14).

3.17. The South Remnant Slough flows into the Tanana River, which is a tributary to the Yukon River which flows into the Bering Sea. The South Remnant Slough and Tanana River are traditionally navigable waters that may be susceptible to use in interstate commerce and are "waters of the United States" as defined at 40 C.F.R. § 122.2 (2014), and therefore "navigable waters" within the meaning of CWA Section 502(7), 33 U.S.C. § 1362(7).

3.18. At all times relevant to this action, Respondent was authorized to discharge stormwater associated with industrial activity from the Facility by MSGP permit number AKR06AB52. Respondent submitted a notice of intent to obtain MSGP coverage on July 22, 2015, and the Alaska Department of Environmental Conservation confirmed receipt of Respondent's notice of intent on July 28, 2015. In April 2018, the Respondent submitted a new notice of intent to the Alaska Department of Environmental Conservation and was issued MSGP permit number AKR06AF42 for the Facility.

3.19. On September 22, 2016, Complainant conducted a compliance evaluation inspection at the Facility to determine Respondent's compliance with the MSGP and Sections 301 and 402 the CWA, 33 U.S.C. §§ 1311 and 1342.

3.20. During the compliance evaluation inspection, Complainant observed Respondent's employees washing vehicles with soap outside of the maintenance bay on a paved area without adequate cover or berms to prevent runoff.

3.21. As part of the inspection, Complainant requested records concerning Respondent's compliance with the MSGP including the Stormwater Pollution Prevention Plan ("SWPPP") for the Facility. Respondent provided Complainant with a SWPPP dated July 21, 2014.

3.22. As part of the inspection, Complainant also requested that Respondent provide the past three years of quarterly visual assessment reports, routine facility inspection reports, and annual reports. Respondent was unable to provide any quarterly visual assessment reports, but did provide routine facility inspections dated March 2015 and September 2015, and an annual report dated June 3, 2015.

3.23. In October 2017, Complainant contacted Respondent with a request to provide any additional documentation concerning MSGP compliance, including all visual assessment reports, routine facility inspection reports and annual reports not previously provided and those prepared since Complainant's inspection on September 22, 2016. In a letter dated February 2, 2018, Respondent provided Complainant with two additional routine facility inspection reports dated September 28, 2017 and December 26, 2017.

Violations

3.24. As described below, Complainant alleges that, after obtaining MSGP permit coverage on July 28, 2015, Respondent violated certain terms and conditions of the MSGP permit and therefore violated CWA Section 301, 33 U.S.C. § 1311.

Count 1 – Evaluation of Potential Pollutant Sources

3.25. Paragraphs 3.1 to 3.23 are realleged and incorporated herein by reference.

3.26. Part 5.2.4.4 of the MSGP requires that permittees conduct an evaluation of the presence of non-stormwater discharges and to document such evaluation by identifying, at a minimum, the date of the evaluation, description of the evaluation criteria used, list of the outfalls or onsite drainages observed, the types and locations of non-stormwater discharges, and actions taken to eliminate unauthorized discharges, if any.

3.27. Complainant alleges that Respondent violated Part 5.2.4.4 of the MSGP by failing to conduct or document in its SWPPP an evaluation of the presence of non-stormwater discharges. Violations of the MSGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 2 – Schedule for Conducting Visual Assessments

3.28. Paragraphs 3.1 to 3.23 are realleged and incorporated herein by reference.

3.29. Part 6.2.1 of the MSGP requires that once each calendar-year quarter permittees collect a stormwater sample from each outfall and conduct a visual assessment of the sample. If no discharge occurs during the quarterly visual assessment period, Part 6.2.1 of the MSGP requires the permittee to report no discharge for the monitoring period and to follow the requirements of Part 7.1.6 of the MSGP to ensure the required number of samples are still collected. Part 7.1.6 of the MSGP provides that in areas where freezing conditions prevent runoff from occurring for an extended period, required monitoring may be distributed during

seasons when precipitation occurs, or when snowmelt results in a measurable discharge from the facility. Parts 5.2.6.2 and 5.3.1 of the MSGP require that permittees document in the SWPPP the procedures and tentative schedules for conducting the quarterly visual assessments required by Part 6.2.1 of the MSGP.

3.30. Complainant alleges that Respondent violated Parts 5.2.6.2, 5.3.1, 6.2.1 and 7.1.6 of the MSGP by failing to document in its SWPPP a tentative schedule for conducting quarterly visual assessments of stormwater discharges taking into account and addressing the exception-based procedures in Parts 6.2.3 and 7.1.6 of the MSGP. Violations of the MSGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 3 – Visual Assessment of Snowmelt Discharge

3.31. Paragraphs 3.1 to 3.23 are realleged and incorporated herein by reference.

3.32. Parts 6.2.3 and 7.1.3 of the MSGP require that in areas subject to snow permittees collect at least one quarterly visual assessment of snowmelt discharge. Parts 5.2.6.2 and 5.3.1 of the MSGP require that permittees document procedures for conducting quarterly visual assessment, including procedures and tentative schedules for conducting quarterly visual assessment of snowmelt discharge.

3.33. Complainant alleges that Respondent violated Parts 5.2.6.2, 5.3.1, 6.2.3 and 7.1.3 of the MSGP by failing to document in its SWPPP the procedures and tentative schedule for conducting at least one quarterly visual assessment of a snowmelt discharge. Violations of the MSGP are enforceable under Section 309(g) of the CWA, 33 U.S.C § 1319(g).

Count 4 – Routine Facility Inspections

3.34. Paragraphs 3.1 to 3.23 are realleged and incorporated herein by reference.

3.35. Part 6.1.1 of the MSGP requires that permittees conduct routine facility inspections of the areas subject to the requirements of the permit during normal operating hours

and in accordance with the procedures in Part 6.1.1. Part 5.3.1 of the MSGP requires that permittees document in the SWPPP the procedures and relevant schedules for conducting performing routine facility inspections.

3.36. Complainant alleges that Respondent violated Parts 5.3.1 and 6.1.1 of the MSGP by failing to document in its SWPPP the procedures from Part 6.1.1 for conducting routine facility inspections. Violations of the MSGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 5 – Identification of Monitoring Locations

3.37. Paragraphs 3.1 to 3.23 are realleged and incorporated herein by reference.

3.38. Part 5.2.3.3 of the MSGP requires that permittees include in the SWPPP a site map that identifies the location of all stormwater monitoring points for visual assessments and the location of stormwater outfalls.

3.39. Complainant alleges that Respondent violated Part 5.2.3.3 of the MSGP by failing to identify the location of monitoring points and stormwater outfalls on the SWPPP site map. Violations of the MSGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 6 – Sector-Specific Requirements for Air Transportation Facilities

3.40. Paragraphs 3.1 to 3.23 are realleged and incorporated herein by reference.

3.41. Part 11, Subpart S of the MSGP establishes sector-specific requirements for permittees conducting activities under Standard Industrial Classification codes and industrial activity codes 4512-4581. Part 5.2.5.1 of the MSGP provides, in part, that the permittee must document the location and type of control measures installed and implemented at the facility to achieve where applicable the non-numeric effluent limits in Part 11.

3.42. Complainant alleges that Respondent violated Parts 5.2.5.1 and 11, Subpart S of the MSGP by failing to incorporate in its SWPPP applicable sector-specific requirements (e.g.,

control measures) from Part 11, Subpart S. Violations of the MSGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 7 – Signature Requirements

3.43. Paragraphs 3.1 to 3.23 are realleged and incorporated herein by reference.

3.44. Part 5.2.7 of the MSGP requires that a permittee sign and date the SWPPP in accordance with Appendix A, Subsection 1.12.

3.45. Complainant alleges that Respondent violated Part 5.2.7 of the MSGP by failing to sign Part 11 of the SWPPP consistent with the requirements of Appendix A, Subsection 1.12 of the MSGP. Violations of the MSGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 8 – Required Certifications

3.46. Paragraphs 3.1 to 3.23 are realleged and incorporated herein by reference.

3.47. Parts 6.1.2 and 6.2.2 of the MSGP require that reports of routine facility inspections and quarterly visual assessments, respectively, include the certification required by Appendix A, Subsection 1.12.5 of the MSGP.

3.48. Complainant alleges that Respondent violated Parts 6.1.2 and 6.2.2 of the MSGP by failing to include the certification required by Appendix A, Subsection 1.12.5 of the MSGP on forms to document routine facility inspections and quarterly visual assessments. Violations of the MSGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 9 – Annual Training

3.49. Paragraphs 3.1 to 3.23 are realleged and incorporated herein by reference.

3.50. Parts 4.2.9 and 5.8.5 of the MSGP requires that permittees train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit, including

members of the Pollution Prevention Team, be trained at least annually with training documented in the SWPPP. Part 11.P.3.2 of the MSGP requires that permittees train personnel at least once a year in activities including used oil and spent solvent management, fueling procedures, general good housekeeping practices, proper painting procedures, and used battery management.

3.51. Complainant alleges that Respondent violated Parts 4.2.9, 5.8.5 and 11.P.3.2 of the MSGP by failing to conduct or document required annual training in 2015, 2016 and 2017. Violations of the MSGP are enforceable under Section 309(g) of the CWA, 33. U.S.C. § 1319(g).

Count 10 – Minimize Exposure to Pollutants

3.52. Paragraphs 3.1 to 3.23 are realleged and incorporated herein by reference.

3.53. Parts 4.2.1 and 11.P.3.1.4 of the MSGP require permittees to conduct cleaning operations indoors, under cover, or in bermed areas to prevent runoff, and to ensure that wash water drains to a sanitary sewer, sump or other collection system.

3.54. Complainant alleges that on September 22, 2016, Respondent violated Parts 4.2.1 and 11.P.3.1.4 of the MSGP by washing vehicles in an outdoor area without adequate cover or berming to ensure that wash water drains to a proper collection system. Violations of the MSGP are enforceable under Section 309(g) of the CWA, 33, U.S.C. § 1319(g).

Count 11 – Quarterly Visual Assessments

3.55. Paragraphs 3.1 to 3.23 are realleged and incorporated herein by reference.

3.56. Part 6.2.1 of the MSGP requires that permittees conduct quarterly visual assessments of stormwater from each outfall. Parts 5.8.8 and 6.2.2 of the MSGP require that permittees document the results of each quarterly visual assessment and maintain the documentation onsite with the SWPPP.

3.57. Complainant alleges that Respondent violated Parts 5.8.8, 6.2.1 and 6.2.2 of the

MSGP by failing to conduct, document or retain documentation of quarterly visual assessments for all four quarters of 2015, all four quarters of 2016, and the first three quarters of 2017. Violations of the MSGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 12 – Routine Facility Inspections

3.58. Paragraphs 3.1 to 3.23 are realleged and incorporated herein by reference.

3.59. Part 6.1.1 of the MSGP requires that permittees conduct, on at least a quarterly basis, routine inspections of the areas of the facility covered by the MSGP. Parts 5.3.2, 5.8.8 and 6.1.2 of the MSGP require that permittees document the results of each routine facility inspection and maintain the documentation onsite with the SWPPP.

3.60. Complainant alleges that Respondent violated Parts 5.3.2, 5.8.8, 6.1.1 and 6.1.2 of the MSGP by failing to conduct, document or retain documentation of routine facility inspections for the fourth quarter of 2015, all four quarters of 2016, and the first two quarters of 2017. Violations of the MSGP are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Count 13 – Annual Comprehensive Inspections

3.61. Paragraphs 3.1 to 3.23 are realleged and incorporated herein by reference.

3.62. Part 6.3.1 of the MSGP requires that permittees conduct an annual comprehensive site inspection each year. Parts 5.3.1, 5.8.8 and 6.3.2 of the MSGP require that permittees document the results of each annual comprehensive site inspection and maintain the documentation onsite with the SWPPP. Part 9.2 of the MSGP requires that permittees submit a report to the Alaska Department of Environmental Conservation that includes the findings from the annual comprehensive site inspection required by Part 6.3.

3.63. Complainant alleges that Respondent violated Parts 5.3.2, 5.8.8, 6.3.1 and 6.3.2 of the MSGP by failing to conduct, document or retain documentation of comprehensive annual site inspections for the year 2016, and violated Part 9.2 of the MSGP by failing to submit an annual

report including the findings of the annual comprehensive site inspection to the Alaska Department of Environmental Conservation for 2015. Violations of the MSGP 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), the 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 $28,000.

4.4. Respondent consents to the assessment of the civil penalty set forth in Paragraph 4.3 and agrees to pay the total civil penalty within 30 days of the effective date of the Final Order.

4.5. Payment under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: http://www2.epa.gov/financial/makepayment. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

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

Respondent must note on the check the title and docket number of this action.

4.6. Respondent must serve photocopies of the check, or proof of other payment method described in Paragraph 4.5, on the Regional Hearing Clerk and EPA Region 10 Compliance Officer at the following addresses:

Regional Hearing Clerk U.S. Environmental Protection Agency Region 10, Mail Stop ORC-113 1200 Sixth Avenue, Suite 155 Seattle, Washington 98101 young.teresa@epa.gov	Rick Cool U.S. Environmental Protection Agency Region 10, Mail Stop OCE-101 1200 Sixth Avenue, Suite 155 Seattle, Washington 98101 cool.richard@epa.gov

4.7. If Respondent fails to pay the penalty assessed by this Consent Agreement in full by its due date, the entire unpaid balance of penalty and accrued interest shall become immediately due and owing. Such failure may also subject Respondent to a civil action to collect the assessed penalty under the CWA, together with interest, fees, costs, and additional penalties described below. In any collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

a. Interest. Pursuant to CWA Section 309(g)(9), 33 U.S.C. § 1319(g)(9), any unpaid portion of the assessed penalty shall bear interest at a rate established by the Secretary of Treasury pursuant to 31 U.S.C. § 3717(a)(1) from the effective date of the Final Order set forth in Part V, provided however, that no interest shall be payable on any portion of the assessed penalty that is paid within 30 days of the effective date of the Final Order.

b. Attorneys Fees, Collection Costs, Nonpayment Penalty. Pursuant to CWA Section 309(g)(9), 33 U.S.C. § 1319(g)(9), if Respondent fails to pay on a timely basis the penalty set forth in Paragraph 4.3, Respondent shall pay (in addition to any assessed penalty and interest) attorneys fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20% of the aggregate amount of Respondent's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

4.8. The penalty described in Paragraph 4.3, including any additional costs incurred under Paragraph 4.7, above, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.9. 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.

4.10. Except as described in Subparagraph 4.7.b., above, each party shall bear its own costs in bringing or defending this action.

4.11. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to this Consent Agreement, including its right to request a hearing under 40 C.F.R. § 22.15(c) and Section 309(g)(2)(B) and (4)(C) of the Act, 33 U.S.C. § 1319(g)(2)(B), and (4)(C), its right to appellate review under Section 309(g)(8)(B) of the Act, 33 U.S.C. § 1319(g)(8)(B), its right to seek federal judicial review of the Consent Agreement and Final Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-06, and its right to appeal this Consent

Agreement. Respondent also consents to the issuance of this Consent Agreement without further adjudication.

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

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

DATED: FOR RESPONDENT:

_____ _____

PAUL M. GIBSON, President
Alaska Aerofuel, Inc.

DATED: FOR COMPLAINANT:

_____ _____

EDWARD J. KOWALSKI, Director
Office of Compliance and Enforcement
EPA Region 10

Agreement. Respondent also consents to the issuance of this Consent Agreement without further adjudication.

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

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

DATED:

7/20/18

FOR RESPONDENT:

PAUL M. GIBSON, President
Alaska Aerofuel, Inc.

DATED:

9/6/2018

FOR COMPLAINANT:

EDWARD J. KOWALSKI, Director
Office of Compliance and Enforcement
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: Alaska Aerofuel, Inc. Fairbanks, Alaska Respondent.	DOCKET NO. CWA-10-2018-0344 **FINAL ORDER** Proceedings Under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g)

1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of the U.S. Environmental Protection Agency (EPA) Region 10, who has in turn delegated this authority to the Regional Judicial Officer in EPA Region 10.

2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties pursuant to the Clean Water Act (CWA) for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall 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. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of the CWA and regulations promulgated or permits issued thereunder.

4. This Final Order shall become effective upon filing.

SO ORDERED this 11th day of September, 2018.

RICHARD MEDNICK
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 10

U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, Washington 98101
(206) 553-1037

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Alaska Aerofuel, Inc., Docket No.: CWA-10-2018-0344**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

Alex Fidis
U.S. Environmental Protection Agency
Region 10, Mail Stop ORC-113
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Mr. Paul Gibson
President
Alaska Aerofuel, Inc.
P.O. Box 60699
Fairbanks, Alaska 99706

DATED this 12 day of September, 2018.

TERESA YOUNG
Regional Hearing Clerk
EPA Region 10