

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

WOODGRAIN MILLWORK, INC.

Nampa, ID

Respondent.

DOCKET NO. CWA-10-2025-0069

CONSENT AGREEMENTProceedings 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 any person that has violated CWA Section 301, 33 U.S.C. § 1311, and/or any permit 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 \$27,378 per day for each day during which the violation continues, up to a maximum penalty of \$342,218. *See also* 90 Fed. Reg. 1375 (January 8, 2025) (2025 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, the EPA issues,

and Woodgrain Millwork, 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 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 the 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 the EPA Region 10, who has redelegated this authority to the Director of the Enforcement and Compliance Assurance Division of the 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.S.C. § 1311(a), prohibits the discharge of pollutants by any person from any point source into waters of the United States except, *inter alia*, as authorized by 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)(a), 33 U.S.C. § 1362(12)(A) defines “discharge of a pollutant” as “any addition of a pollutant to navigable waters from any point source.”

3.4. CWA Section 502(6), 33 U.S.C. § 1362(6) defines a “pollutant” as “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.”

3.5. CWA Section 502(5), 33 U.S.C. § 1362(5) defines a “person” as “an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.”

3.6. CWA Section 502(14), 33 U.S.C. § 1362(14) defines a “point source” as “any discernable, 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 may be discharged.”

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

3.8. CWA Section 402(p), 33 U.S.C. § 1342(p) requires an NPDES permit for any stormwater discharge associated with industrial activity and authorizes the EPA to regulate industrial stormwater sources and to establish a comprehensive program for such stormwater sources.

3.9. “Storm water discharge associated with industrial activity” means “the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant.” 40 C.F.R. § 122.26(b)(14).

3.10. Wood moulding and window and door part production facilities are subject to the MSGP's Sector A (timber products) and subsector A4 (wood product facilities and sawmills) and engage in "industrial activity" under 40 C.F.R. § 122.26(b)(14).

3.11. Pursuant to its authority under Section 402, on June 4, 2015, the EPA authorized stormwater discharges by covered persons from covered point sources associated with industrial activity to waters of the United States under the 2015 Multi-Sector General Permit (2015 MSGP).

3.12. In the state of Idaho, the 2015 MSGP became effective on August 12, 2015.

3.13. The EPA extended coverage under the 2015 MSGP through September 28, 2021 on June 5, 2020.

3.14. Pursuant to its authority under Section 402, on September 29, 2021, the EPA authorized stormwater discharges by covered persons from covered point sources associated with industrial activity to Waters of the United States under the 2021 Multi-Sector General Permit (2021 MSGP).

3.15. Coverage under the 2015 MSGP was available, and coverage under the 2021 MSGP is available, for operators that discharge industrial stormwater associated in Idaho. Permitting authority was transferred from the EPA Region 10 to the Idaho Department of Environmental Quality (IDEQ) on July 1, 2021, as IDEQ became the delegated authority for General NPDES Stormwater Permits under Phase IV of the scheduled transfer.

3.16. CWA Section 309(g)(1), 33 U.S.C. § 1319(g)(1), authorizes the EPA to assess administrative penalties against any person who violates CWA Section 301, 33 U.S.C. § 1311 or any condition or limitation in a permit issued under section 402 of the CWA, 33 U.S.C. § 1342.

General Allegations

3.17. Respondent is a corporation and a "person" under CWA Section 502(5), 33 U.S.C. § 1362(5).

3.18. Respondent owns and operates a wood moulding and window and door part production facility (Facility) located at 1201 W. Karcher Road in Nampa, ID.

3.19. The Facility's primary operations include wood moulding and window and door part production and it thus engages in "industrial activity" for purposes of 40 C.F.R. § 122.26(b)(14).

3.20. Respondent produces solid doors from numerous species of wood at the Facility. Operations at the Facility include cyclones, four baghouses, a chip bin, a boiler, space heaters, a gluing (lamination) process, door prime line, and a drying oven. The Facility uses various wood shapers, routers, saws, and sanders to produce finished doors.

3.21. Under 2015 MSGP Part 5 and 2021 MSGP Part 6, Respondent created a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP documents the selection, design, and installation of stormwater control measured to meet the MSGP's effluent limits. The MSGP requires Respondent to keep its SWPPP updated throughout permit coverage.

3.22. Under the 2015 MSGP Part 7 and the 2021 MSGP Part 7, Respondent must submit Discharge Monitoring Reports (DMRs) to the EPA.

3.23. According to the Facility's SWPPP, activities at the Facility include loading and unloading operations, maintenance and equipment cleaning, outdoor storage, dust generating processes, on-site practices, outdoor processes or manufacturing, and above ground liquid tank storage.

3.24. Respondent sought and received coverage for the Facility under the 2015 MSGP, and upon that permit's expiration, sought and received coverage for the Facility under the 2021 MSGP.

3.25. Indian Creek is a tributary to the Lower Boise River, which itself is a tributary to the Snake River. The Lower Boise River and Snake River are traditional navigable waters

because they are navigable in fact. Accordingly, Indian Creek is a “navigable water” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

3.26. Idaho has listed Indian Creek as impaired within the meaning of CWA Section 303(d), 33 U.S.C. § 1313(d) for temperature, sedimentation and siltation, phosphorus, and *E. coli*.

3.27. Idaho has completed a Total Maximum Daily Load for the Lower Boise River for *E. coli* and sediment within the meaning of CWA Section 303(d), 33 U.S.C. § 1313(d).

3.28. On May 26, 2021, the EPA’s inspector conducted an announced inspection of the Facility (2021 Inspection).

3.29. The EPA’s inspector highlighted several deficiencies during the 2021 Inspection, including stormwater discharges from unnamed outfalls that were not included in Respondent’s SWPPP.

3.30. On March 1, 2024, the EPA’s inspector conducted an announced inspection of the Facility (2024 Inspection).

3.31. The EPA’s inspector again highlighted several deficiencies during the 2024 Inspection, again including stormwater discharges from unnamed outfalls that were not included in Respondent’s SWPPP.

3.32. According to the Facility’s SWPPP and Notice of Intent for Permit Coverage (NOI), the Facility discharges its stormwater from an outfall designated SW1 directly into Indian Creek.

3.33. Respondent has discharged pollutants from a point source into navigable waters at the Facility, within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

3.34. As described below, from December 15, 2020, to present, Respondent violated CWA Section 301, 33 U.S.C. § 1311, and the conditions and/or limitations of the 2015 MSGP and 2021 MSGP.

2015 MSGP Violations

Count 1: Violations of the 2015 MSGP Parts 2 and 3: Control Measures and Effluent Limits

3.35. At Part 2.1, Respondent must select, design, install, and implement control measures (including best management practices) to minimize pollutant discharges meeting various requirements detailed in Part 2, including best management practices, to minimize pollutant discharges.

3.36. Respondent did not select, design, install or implement proper stormwater control measures to minimize pollutant stormwater discharges and address the selection and design considerations in Part 2.1.1 along the Facility's eastern perimeter adjacent to Indian Creek, where multiple industrial activities were present providing sources of pollutants contacting with stormwater, including sediment mobilization, in violation of this part.

3.37. At Part 2.1.2.1, Respondent must minimize the exposure of manufacturing, processing, and material storage areas to rain, snow, snowmelt, and runoff to minimize pollutant discharges and must clean up spills and leaks promptly using dry methods to prevent the discharge of pollutants.

3.38. At the 2021 Inspection, the EPA inspector observed residual oil and grease staining outside the Facility warehouse. The large amount of residual staining indicated that the leak had persisted over time. Respondent had neither sufficiently minimized exposure nor promptly cleaned spills and leaks under this part.

3.39. At Part 3.1, Respondent must conduct a routine inspection once each calendar year during a period when a stormwater discharge is occurring.

3.40. At the 2021 Inspection, the EPA inspector observed lack of proper documentation pertaining to a routine inspection occurring during wet weather or during a stormwater discharge under this part.

Count 2: Violations of the 2015 MSGP Part 5: Stormwater Pollution Prevention Plan

3.41. At Part 5.2.2, Respondent's SWPPP must include a description of the nature of the industrial activities at the Facility, a general location map with enough detail to identify the Facility location and all receiving waters for stormwater discharges, and a site map showing various required features.

3.42. The SWPPP Respondent submitted post-inspection for permit compliance did not have a site map, but a separate "plot map" illustrating stormwater runoff. The "plot map" did not contain elements required for a Part 5.2.2 site map, including the property size in acres, dumpster and material staging and storage areas, the trash compactor location, the equipment storage area, the location and extent of impervious surfaces, the locations of all stormwater outfalls, the locations of potential pollutant sources, or the location of portable restrooms. Further, the plot map neither marked the receiving waterbody as impaired, nor provided unique identification code for all stormwater outfalls, in violation of Part 5.2.2.

3.43. At Part 5.2.4, Respondent must document the location and type of control measures specifically chosen or designed to comply with, among other things, non-numeric technology-based effluent limits and must also document, as appropriate, how Respondent addressed the Part 2.1.1 selection and design considerations and the pollutant sources it identified under Part 5.2.3.

3.44. Respondent's SWPPP did not document the location and type of control measures to comply with non-numeric technology-based effluent limits, or include a description or location of the berms illustrated in the storm runoff map, or describe how Respondent selected control measures and design considerations or how these measures and considerations address identified pollutant sources, in violation of Part 5.2.4.

3.45. At Part 5.2.5, Respondent must document schedules and procedures. At 5.2.5.1, for example, Respondent must document good housekeeping, maintenance, spill prevention and

response procedures, erosion and sediment controls, and employee training in its SWPPP. Further, at Part 5.2.5.3, Respondent must document procedures for conducting analytical monitoring.

3.46. Respondent's SWPPP did not document the schedule or frequency for maintaining all control measures used to comply with effluent limits, nor did the SWPPP have a date log recording which specific employees received training, in violation of Part 5.2.5.1.

3.47. In violation of Part 5.2.5.3, Respondent's SWPPP did not sufficiently document monitoring procedures such as responsible staff, logistics, and laboratory used. Respondent's SWPPP referenced a sampling standard operating procedure, but the procedure was not attached to the SWPPP.

Count 3: Violations of the 2015 MSGP Part 6: Monitoring

3.48. At Part 6.1.1, Respondent must apply monitoring requirements to each outfall authorized by this permit, unless it establishes an outfall as exempt from monitoring as a substantially identical outfall.

3.49. At the 2021 Inspection, the Facility had additional discharge points that Respondent did not monitor nor identify as outfalls in its NOI in violation of Part 6.1.1. Effluent from Outfall SW1 was not substantially similar to the effluent at these unmonitored outfalls because the SW1 industrial area differed from the areas that discharged to the unmonitored outfalls.

3.50. At Appendix B.10.C, Respondent must include various information in monitoring records such as the date, exact place, and time of sampling or measurements; the individual(s) who performed the sampling or measurements; the date(s) analyses were performed; the individual(s) who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

3.51. In violation of Appendix B.10.C, Respondent's monitoring data failed to include requisite information, including laboratory data for certain parameters on certain sampling dates and chain-of-custody documentation for sampling conducted at the Facility on May 25, 2021.

Count 4: Violations of the 2015 MSGP Part 7: Reporting and Recordkeeping

3.52. At Part 7.4, Respondent must submit all monitoring data to the EPA no later than 30 days after receiving complete laboratory results for all monitoring outfalls for the reporting period.

3.53. Respondent submitted DMRs more than thirty days after receiving complete laboratory results in violation of this part on at least the following three occasions: Quarter four of 2020 and Quarters one and two of 2021.

Count 5: Violations of the 2015 MSGP Appendix B – Standard Permit Conditions

3.54. Appendix B.10.A requires that monitoring samples and measurements must be representative of the volume and nature of the monitored activity.

3.55. During the 2021 inspection, the sampling location for Outfall SW1 was directly at the water line of the receiving waterbody so that effluent from the outfall mixed with and was diluted by water from the receiving waterbody and was therefore not representative of the volume or nature of the monitored activity, in violation of this Appendix B.10.A.

Violations of the 2021 MSGP

Count 6: Violations of the 2021 MSGP Part 2: Control Measures and Effluent Limits

3.56. At Part 2.1.2.2, as part of its good housekeeping responsibilities, Respondent must keep all exposed areas that may contribute pollutants clean and perform good housekeeping measures to minimize pollutant discharges.

3.57. At the 2024 Inspection, the EPA inspector observed a large, uncovered garbage dumpster and debris and garbage around the Facility grounds, including near Indian Creek, in violation of Part 2.1.2.2.

3.58. At Part 2.1.2.3, Respondent must maintain all control measures used to achieve effluent limits in effective operating condition to minimize pollutant discharges. Furthermore, at Part 2.1.2.4, Respondent must minimize the potential for leaks, spills, and other releases that may be exposed to stormwater, and must develop plans for effective response to spills.

3.59. At the 2024 Inspection, the EPA inspector observed several areas with fuel storage tanks, waste oil containers, and antifreeze containers without spill kits in the vicinity. The inspector did not see spill kits throughout the inspection, in violation of Part 2.1.2.3.

3.60. At the 2024 Inspection, the EPA inspector observed a fuel storage tank in the Facility's northern parcel that did not have legible National Fire Protection Association labeling, in violation of Part 2.1.2.3.

3.61. The Facility's SWPPP indicated that spill kits would be kept onsite located near areas where spills may occur or where a rapid response can be made but did not specify exact spill kit locations onsite, in violation of Part 2.1.2.3. The Facility's Spill Prevention, Control and Countermeasure Plan did not depict specific spill kit locations.

3.62. At Part 2.1.2.5, Respondent must minimize erosion by stabilizing exposed soils.

3.63. At the 2024 Inspection, the EPA inspector observed loose material that made up a berm serving as a BMP along the Facility's eastern perimeter in the northern parcel that was not stabilized in violation of Part 2.1.2.5. The inspector observed additional erosion and destabilization adjacent to Indian Creek on the Facility's eastern perimeter in violation of Part 2.1.2.5.

3.64. At Part 2.1.2.10, Respondent must minimize off-site vehicle tracking of raw, final, or waste materials to minimize pollutants discharged via stormwater.

3.65. At the 2024 Inspection, the EPA inspector observed stormwater pooling just outside the Facility's main truck gate, which can lead to offsite tracking of sediment from vehicles in violation of Part 2.1.2.10.

Count 7: Violations of the 2021 MSGP Part 4: Monitoring

3.66. At Part 4.1.1, Respondent must apply applicable monitoring requirements to each discharge point authorized by the permit, unless Respondent believes the outfalls discharge substantially identical stormwater effluents. Part 6.2.5.3 requires Respondent to identify each such discharge point and describe its rationale for any substantially identical discharge point determinations.

3.66.1. The Facility had at least 2 additional discharge points that Respondent did not identify in its NOI, nor monitor, and had not provided a rationale that such discharge points were substantially identical to SW1. Both unmonitored discharge points are adjacent to Indian Creek. Based on weather data, these outfalls would likely have discharged at least seven times since the 2021 MSGP was adopted. Such discharges would not be substantially identical to discharges to Outfall SW1 because the industrial areas contributing stormwater to the unmonitored discharge points differ from those industrial areas contributing stormwater to Outfall SW1. These failures to identify and monitor discharge points constitute violations of Part 4.1.1.

3.67. At Part 4.2, Respondent must perform analytical monitoring, including benchmark monitoring and impaired waters monitoring. The requirements for benchmark monitoring are detailed at Part 4.2.2 and the requirements for impaired waters monitoring is detailed at Part 4.2.5. Part 4.1.9 requires Respondent to report monitoring data to the EPA using Net-DMR, unless the EPA grants Respondent a waiver.

3.68. Respondent failed to submit benchmark and impaired waters monitoring in Quarter Three of 2021 and Quarters Three and Four of 2023, in violation of Parts 4.2 and 4.1.9. The EPA has not granted Respondent a waiver to submit monitoring data using Net-DMR.

Count 8: Violations of the 2021 MSGP Part 5: Additional Implementation Measures (AIM)

3.69. At Part 5.2.2, Respondent must follow corresponding Additional Implementation Measures (AIM)-level responses when an annual average exceeds an applicable benchmark threshold. An annual average exceedance for a parameter occurs if a single sample exceeds the benchmark threshold by more than four times.

3.70. Respondent reported exceedances during the following quarters that would have triggered AIM-level responses because the single sample result exceeded benchmark thresholds by more than four times:

Year	Quarter	Pollutant	Reported Value	Threshold	AIM Level
2021	2	<i>E. coli</i>	17,000 cfu/100ml	126	1
2021	2	Total suspended solids	1,350 mg/L	33	1
2021	4	<i>E. coli</i>	820 cfu/100ml	126	2
2022	1	Total suspended solids	174 mg/L	33	2
2022	4	Total suspended solids	457 mg/L	33	3
2023	2	<i>E. coli</i>	16,000 cfu/100ml	126	3

3.71. Respondent failed to document AIM and did not implement any necessary modifications or control measures within 14 days of receipt of laboratory results in violation of Part 5.2.2.

Count 9: Violations of the 2021 MSGP Part 6: Stormwater Pollution Prevention Plan

3.72. At Part 6.2, Respondent must include certain elements in its SWPPP, including as described in Part 6.2.2.3, a site map depicting specified information.

3.73. Respondent's SWPPP included a map, but it did not show the size of the property in acres, in violation of Part 6.2.2.3.a, the location of all stormwater conveyances, in violation of Part 6.2.2.3.f, and the locations for waste storage or disposal, in violation of Part 6.2.2.3.m.iv.

3.74. At Part 6.2, Respondent must include certain elements in its SWPPP, including as described in 6.2.5.1, pertaining to stormwater control measures used to comply with effluent limits, preventable maintenance procedures, including regular inspections, testing, maintenance, and repair of all stormwater control measures.

3.75. Respondent's SWPPP did not include a schedule or frequency for maintaining all control measures used to comply with effluent limits, including how often the eastern perimeter berm is maintained, in violation of Part 6.2.

3.76. At Part 6.2, Respondent must include certain elements in its SWPPP; as described in 6.2.5.3, Respondent must document each type of monitoring, showing parameters for sampling and the frequency of sampling for each parameter, schedules for monitoring, numeric control values applicable to stormwater discharges from each discharge point, and procedures for gathering storm event data.

3.77. Respondent's SWPPP did not detail sampling frequency for benchmark and impaired waters monitoring nor did it identify the laboratory used for analyses, in violation of Part 6.2.

Count 10: Violations of the 2021 MSGP Appendix B – Standard Permit Conditions

3.78. Appendix B.10.A requires that monitoring samples and measurements must be representative of the volume and nature of the monitored activity.

3.79. During the 2024 Inspection, the sampling location Outfall SW1 was directly at the water line of the receiving waterbody so that effluent from the outfall mixed with and was diluted by water from the receiving waterbody and was therefore not representative of the volume or nature of the monitored activity, in violation of Appendix B.10.A.

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 these factors as they apply to this case, the EPA has determined that an appropriate penalty to settle this action is \$125,000 (“Assessed Penalty”).

4.4. Respondent consents to the assessment of the Assessed Penalty set forth in Paragraph 4.3 and agrees to pay the total Assessed Penalty within 30 days after the date of the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk (“Filing Date”).

4.5. 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>.

4.6. When making a payment, Respondent shall:

4.6.1. Identify every payment with Respondent’s name and the docket number of this Agreement, CWA-10-2025-0069,

4.6.2. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of payment electronically to the following person(s):

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue,
Suite 155
Seattle, Washington 98101
R10_RHC@epa.gov

Vanessa Oquendo,
Clean Water Act Enforcement Specialist
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue,
Suite 155
Seattle, Washington 98101
oquendo.vanessa@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 the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

4.7 Interest, Charges, and Penalties on Late Payments. 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 the EPA is authorized to recover the following amounts.

4.7.1 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 “large corporate” underpayment rate.

4.7.2 Handling Charges. The United States’ enforcement expenses including, but not limited to, attorneys’ fees and costs of collection proceedings.

4.7.3 Late Payment Penalty. A twenty percent (20%) quarterly non-payment penalty.

4.8 Late Penalty Actions. 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 Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.

4.8.1 Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

4.8.2 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.

4.8.3 Suspend or revoke Respondent’s licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.

4.8.4 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.

4.8 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.

4.9 Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

4.10 Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that the EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with the law.” The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and

26 C.F.R. § 301.6723-1. In order to provide the EPA with sufficient information to enable it to fulfill these obligations, the EPA herein requires, and Respondent herein agrees, that:

4.10.1 Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

4.10.2 Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

4.10.3 Respondent shall email its completed Form W-9 to the EPA’s Cincinnati Finance Center at henderson.jessica@epa.gov within 30 days after the Final Order ratifying this Agreement is filed, and the EPA recommends encrypting IRS Form W-9 email correspondence; and

4.10.4 In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide the EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within five (5) days of Respondent’s receipt of a TIN issued by the IRS.

4.11 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.

4.12 The undersigned representative of Respondent also certifies that, as of the date of Respondent’s signature of this Consent Agreement, Respondent has corrected the violation(s) alleged in Part III above.

4.13 Except as described in Subparagraph 4.7.2, above, each party shall bear its own fees and costs in bringing or defending this action.

4.14 For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in the Consent Agreement and to appeal the Final Order. 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.

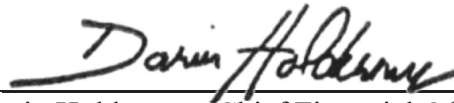
4.15 The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

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

DATED:

February 7, 2026

FOR RESPONDENT:



Darin Holderness, Chief Financial Officer
Woodgrain Millwork, Inc.

FOR COMPLAINANT:

**EDWARD
KOWALSKI**

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KOWALSKI
Date: 2026.03.24 09:04:55 -07'00'

Edward J. Kowalski
Director
Enforcement and Compliance Assurance Division
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

WOODGRAIN MILLWORK, INC.

Nampa, ID

Respondent.

DOCKET NO. CWA-10-2025-0069

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 EPA Region 10 Regional Judicial Officer.

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 the 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 the 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.

IT IS SO ORDERED.

**RICHARD
MEDNICK**

RICHARD MEDNICK
Regional Judicial Officer
EPA Region 10

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MEDNICK
Date: 2026.03.25 16:57:16 -0700'