

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8 1595 WYNKOOP STREET DENVER, CO 80202-1129 Phone 800-227-8917

http://www.epa.gov/region08

2009 SEP 24 AM II: 22

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DOCKET NO.: CWA-08-2009-0024

IN THE MATTER OF:)	
ALUTIIQ INTERNATIONAL)	FINAL ORDER
SOLUTIONS, LLC.)	
RESPONDENT	j j	

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Expedited SettlementAgreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Settlement Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

SO ORDERED THIS Z4 DAY OF SOME, 2009.

Elyana R. Sutin

Regional Judicial Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY Region 8

Office of Enforcement Compliance & Evironmental Justice

1595 Wynkoop St. Denver, CO 80202

2009 AUG 12 AM 10: 52

EXPEDITED SETTLEMENT AGREEMENT

IN THE MATTER OF: ALUTIQ INTERNATIONAL SOLUTIONS, LLC

Docket Number: CWA- 08-2009-0024 NPDES No. COR10D18F

a "person," within the meaning of Section 502(5) of the Clean specified above payable to the "Treasurer, United States of Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2. America," via certified mail, to:

Alutiiq International Solutions, LLC ("Respondent") is check, with case name and docket number noted, for the amount

Attached is an "Expedited Settlement Offer Deficiencies Form" ("Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent failed to comply with its National Pollutant Discharge Elimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the deficiencies specified in the Form.

EPA is authorized to enter into this Consent Agreement and Final Order ("Agreement") under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement in order to settle the civil violation(s) alleged in this Agreement for a penalty of \$6,250.00. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33

Additionally. Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent shall submit a written report with this Agreement detailing the specific actions taken to correct the violations cited herein.

U.S.C. § 1319(g)(8).

Respondent certifies that, within ten (10) days of receiving notice from EPA that the Agreement is effective (thirty 30) days from the date it is signed by the Regional Judicial Officer), Respondent shall submit a bank, cashiers or certified

U. S. Environmental Protection Agency Fines and Penalties Cincinnati Finance Center P.O. Box 979077 St. Louis, MO 69197-9000 In the Matter of: Alutiiq International Solutions, LLC

Docket No:

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

This Agreement is binding on the parties signing below and effective when more than forty (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.

reason element

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1000	Date:	3/9/09
Darcy O' Connor Chief, NPDES Enforcement Technical Enforcement Prog Office of Enforcement, Com and Environmental Justice	gram ipliance	
Dand Roll	Date:	8/10/09
David Rochlin Supervisor General Attorney		
Legal Enforcement Program		
Office of Enforcement, Com and Environmental Justice	pliance	·
APPROVED BY RESPOND	DENT:	·
Name (print):	EL,	JEW AND
Title (print):	7	
Signature:	-	Date: 7/3//6
	,	7 /
-		
Having determined that this IT IS SO ORDERED:	Адтеет	ent is authorized by law,

Expedited Settlement Offer Worksheet Deficiencies Form

Consult instructions regarding eligibility criteria and procedures prior to use



SWPPP does not identify all potential sources of

project ails and the areas of the site over which

each operator has control

pollution to include porta-portya, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc. SWPPP does not identify all operators for the



	LEGAL NAME AND MAILING ADDRESS OF OP	ERATOR	Telephone Number	NPDES F	Permit Numbe	r			
1	Along International Sciences (LC)		203-071-5100	CORMO					
	Ronald Vist Gelder 3033 S Parker Royal Aures, CD 80014		Inspector Name Inspector Agency	Liz Fager Lig EPA					
			Entrance Interview C	2 12 - 10 - 10 - 10 - 10 - 10 - 10 - 10	Yes				
13.5			Exil Interview Condu		Yes	1			
	LOCATION AND ADDRESS OF SITE		P. o later and a second		by, David Stur	PHO PARS.			
2	BICT-H Driving Femaly (DRIVE)		Exit Interview given : Exit Interview time	C2182	Date	10504/2005			
	E811 VIIIA Besult Rel 383 2006 Fot Carrent, CO 88800		Cat Name and	1	1 5-04	The season			
	FACILITY DESCRIPTION / CONTACT NAMES								
	Name of S	ite Contact (ESO Worksheet recipient	nt): BCT-H Divers Facility (DFAC)						
	Name	of Authorized Official (40 CFR 122.22	te:						
		Start Construction Date							
		timated Completion Construction Date	e: 03/05/2000						
		nitted, Number of Months Unpermitted							
		er Body (Indicate whether 303(d) listed res to be Disturbed in Whole Common Plan		10.50					
		do to be disturbed in which common , las							
	Has Operator Requested Rainfall Erosivity	or TMDL Waiver per 44 CFR 122.26(b)(15)	? No						
	Has Operator Requested Rainfall Erosivity	or TMDL Waiver per 44 CFR 122.26(b)[15)				,,, ,			
	Has Operator Requested Rainfall Erosivity	or TMDL Waiver per 44 CFR 122.26(b)(15)	R		Della	,,, ,			
				Deficien-	- Dollar Amoun				
3	PERMIT COVERAGE Operator unpermitted formonths (#	or TMDL Waiver per 44 CFR 122.26(b)(15)	R Citation C	Deficien-		t Tota			
3	PERMIT COVERAGE		Citation C Reference** A	Deficien-	Amount	t Tota			
3	PERMIT COVERAGE Operator unpermitted formonths (# months unpermitted equals number of violations)		Citation C Reference** A	Deficien-	Amount	t Tota			
3	PERMIT COVERAGE Operator unpermitted formonths (#		Citation C Reference** A	Deficien-	Amount	t Tota			

second of the Intel NOI automated

CGP 5.1.1

CGP 5.2.A

\$250.00 =

\$500.00 =

	SWPPP does not have site description, as follows.	were included on the site map however					J-7 U		
۸	Nature of activity in description	not all of the outfalls were identified on	CGP 5.2.B.1	+		-	8400.00	-	
	1 2 POSPOR CALL COLUMN AND AND AND AND AND AND AND AND AND AN	the site map that was on the	CGP 5.2.B.1			-	\$100.00		
	Intended sequence of major activities	construction trailer wall and considered			- 10		\$100.00		
_	Total disturbed acreage	the "living" site map. One of the maps	CGP 5.2.B.3			-	\$100.00		
	General location map	included identification of np mp outlet	CGP 5.2.B.4				\$100.00		
E	Site map	protection (RR) RR-1 (photo 29), RR-2 (photo 21, 22), RR-3 (photo 55), RR-4 (photo 55), RR-4 (photo 59), RR-5 (photo 50) are not on the site map that was located on the construction trailer wall and are not identified on the map used during the site inspections.	CGP 5.2.C				\$500.00		
		A concrete batch plant was observed at accent to a stormwater wiet (IP-10) and was not identified on the site map							
		A new vehicle trackout pad was installed along Utan Beach Rd, which replaced a VTP that was carriered, however the map did not have the correct location of the VTP (photo 52).	1						
		Sit fence was identified on the site map as a BMP however was not observed on the north side of the site							
		The location of the stormewher discharges to surface water were not identified.							
F	Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage ageas surface waters, discharge points, areas of final stabilization (count each omission under aF as 1 violation)	The are map identified atomiwater miles were observed onsite that were not identified on the alse map (photo 43, 44, 45, 46, 30, 51). The water from the biometerition pond fitzwa to the site's second detention pond. The detention pond descharges to an culter (photo 62), which have directly into a cultert (photo 62). The curvert flows under Utah Beach Rid. through a drainage static directly to Clover Ditch (photo 516-518). The drainage datch and Clover Origh are not shown on the map.	CGP 5.2.C.1-8	Yes	.6	x	\$50.00		\$30
G	Location/description industrial activities, like concrete or asphalt batch plants	CGP 5.2.E. The onsite concrete fatch plant, adjacent to a stormwater inlet, was not identified on the site map (photo 34).		Yes	•		\$500.00		\$50
	SWPPP does not:								N Y
	Describe all pollution control measures (e.g BMPs) Describe sequence for implementation		CGP 5.3.A				\$250.00		
	Detail operator(s) responsible for implementation		CGP 5.3.A				\$250.00		
	SWPPP does not describe interim stabilization		CGP 5.3.8				\$250.00 =		-
	practices		CGP 5 3 B	-			\$250.00	1	
	SWPPP does not describe permanent stabilization practices								

13	Following dates are not recorded; major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)		CGP 5.3.C 1-3			X	\$250.00 =	
14	SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas		CGP 3.1.C			\parallel	\$500.00 =	
15	SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed		CGP 3.1.E				\$500,00 =	
15	SWPPP does not describe measures to prevent discharge of solid materials to waters of the US. except as authorized by 404 permit.		CGP 3.1 F				\$500.00 ≈	
17	SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust		CGP 3.1.B				\$500.00 =	
18	SWPPP does not include description of construction or waste materials expected to be stored on site wupdates re-controls used to reduce pollutants from these materials		CGP 5.2.D				\$250.00	
19	SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials	The SVPPP Indicates there is a designated concrete west out area and spill containment onsite. There was no discussion of pollution controls for the outcosts batch plant.	CGP 5.2.E	Yes	*		\$500.00	\$500
20	SWPPP does not identify allowable sources of non storm water discharges listed in subpart 1.3.8 of the CGP		CGP 5.4		-171		\$500.00 =	
21	SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges		CGP 5.4		-		\$500.00 =	
22	Endangered Species Act documentation is not in SWPPP		CGP 5.5)				\$500.00 =	
23	Historic Properties (Reserved)					Ш		
24	Capy of permit and/or NOI not in SWPPP (count each omission under 24 as 1 violation)		CGP 5.11.A			×	\$250.00	
25	SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)		CGP 5 8				\$750.00 =	
26	SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State. Tribal or local erosion plans		CGP 5.8				\$250.00	
27	Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates		CGP 7				\$500.00	

							ies \$1,75
30	SWPPP not signed/certified		CGP 5.11 D			\$500.00	i i
	A SWPPP not made available upon request		CGP 5.11.C			\$500.00	
29	Copy of SWPPP not retained on site		CGP 5.11.A			\$500.00	
28	SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under under 28 as 1 violation)	The SWPPP included hand written revisions, however the revisions were not dailed and it was unulear if they were completed within 7 days. The site map was not up dated for current conditions or arts and BMP locations, including the concerts washout area, concerts being plant the VTP stormwater inters, outsits, and all fierce. There were three different vessers of the site map and it was used to conduct waspectors. The site map included with the inspector reports did not include all of the site BMPs.	CGP 5 10 A-C	Yes	6	X \$50 00	

	INSPECTIONS					
31	Inspections not performed and documented either cince every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5 inches or granter (not required if itemp stabilization, runoff unlikely due to winter conditions, construction during and periods in and areas; (Count each failure to espect and document as one violation).	The SWPPP states that expectations will be conducted every 14 they and within 24 hours of a 0.5° rain eyest. The last imprecion in the SWPPP was standed. May 26, 2000, 16 had canced 0.64° on June 2, 2000, 16 had canced 0.64° on June 2, 2000, 16 had canced 0.64° on June 2, 2000, 16 had canced 0.64° on June 3, 2000. State from Wasther Underground As Port Carcost). An imprecion should be seen consucted on June 3, 2000. It is been consucted on June 3, 2000. It is been consucted on June 3, 2000. It is been consucted on June 3, 2000 was making have been consucted from the section of the sec	CGP 4	Yes	\$250.00 >	\$1,500
-	No inspections conducted and documented life				True or	
	True, then leave elements 32-39 blank)				False	
	Number of Inspections expected if performed every 7 days:					
	Number of inspections expected if performed bi- weakly:	3				
	If known, number of days of rainfall of >0.5"	1				
32	Inspections not conducted by qualified personnel		CGP 4.D		\$50.00 =	
13	All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected	A controlle bajory pains was access red an access to a stormwellor look. The "SWPPP/SWMP (respection Respects which recorded sometime that the concrete samp plant was respected it does not appear the controlled was to the control of the building was inspected large emounts of minor hoot from a south or Utan Seach Ret during a manage forms, immediately after the EPA important furnit immediately after the EPA important (photo 9 and 77).	CGP 4.E	Yes	\$50,00 =	S50
34	All pollution control messures not inspected to ensure proper operation	There were two VTP observed during the impector), one was not a swilled as taking moved on the map (proto all, 52), it is done but appear this VTP was impected. Not all of the ends observed continues were identified on the map usual in the modelclers, it observed appear all of the mints are supported. Secreming usually was observed in the mast (proto 2, 12, 38, 29, 40, 42, 43, 44, 45, 51, 70, 71).	CGP 4 E	Yes	\$50.00 =	\$59

35	Discharge locations are not observed and inspected	One of the maps in the SWPPP binder included identification of np rap outer protection (RR). RR-1 (photo 29), RR-2 (photo 21, 22), RR-3 (photo 54, 55), RR-4, RR-5 (photo 56, 57), RR-8 (photo 50) were not on the alternate that was located on the old map that was located on the objections to railer wall and were not identified on the map used during the site inspections. It not appear these were inspected. Also it does not appear the outlet to the drainage dich (RR-6, photo 50) that flows to Clover Ditch is inspected.		Yes			\$50.00 =	= \$
36	For discharge locations that are not accessible, nearby locations are not inspected	Arabia y Sa.	CGP 4.E.				\$50.00 =	
37	Entrance/exit not inspected for off-site tracking	A new vehicle traceout pad was installed along Utah Beach Rd., which replaced a VTP that was removed, however the map did not have the correct location of the VTP (photo 52). It does not appear the VTP was inspected. Sediment build-up was observed on the paved areas of the project and along Utah Beach Rd (photo 5. d, 9. 30, 37, 46). Ouring the thunder burst following the EPA inspection, these paved areas were observed to drain to the gutters along Utah Beach Rd, and into the originage datin that flows directly to Clover Datch (photo 75-80, 516-516).		Yes	*		\$50 00 =	\$
38	Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)	inspection Report to record inspection activities. Each report consistently	CGP 4.H.	Yes		X	\$50.00 =	
39	Inspection reports not properly signed/certified (count each failure to to sign/certify as 1 violation)		CGP 4.H.	111		х	\$50.00 =	

		AVAILABILITY OF RECORDS						
10		Sign/notice not posted		CGP 5.11.B.			\$250.00 =	-
		Does not contain copy of complete NOI		CGP 5.11.A			350.00 =	
H		Location of SWPPP or contact person for		CGP 5.11 A			\$50.00 =	
- 1	25	acheduling viewing times where on-site location for		COI S. II A			400.00	
- 1	М							
-		SWPPP unevaluable not noted on sign			Subtr	tal Peco	ds Deficiencies	
					Subto	itai Recoi	ds Deliciencies	
		BEST MANAGEMENT PRACTICES		200 6 2 5		-	T teens bull T	
11		No velocity dissipation devices located at		CGP 2.6.D			\$500.00 =	
ч		discharge locations or outfall channels to ensure						
		non-erosive flow to receiving water						
2		Control measures am not properly:	There was a disturbed area to the north					
-1	A	Selected installed and maintained	of the building that hid no BMPs by LFTP.	CGP 3	Sonil		\$500.00 =	\$2.0
- 1			their has observed runoit storing the				1000000	
1	В	Maintenance not performed prior to next	Sharider owed following the uniperolon	CGP 3 8 A.			\$250,00 =	
1	_	anticipated signm event	Co. L. Co. Co. Co. Co. Co. Co. Co. Co. Co. Co			_		
П		(count each failure to select, install, maintain each	Sed and multi-up was operated in the					
- 1		BMP as one violation	interest comme (process 2, 13, 56, 29, 40, 42,		11			
1			45 AA 45 51 70 PT It does not					
-1			appear the pond capacity has been					
-1			designed to include the sedement					
-1			Married from Name where. There was to					
-1					4 4			
-1			clean out schedule for the points of					
-1			atism draws occupied in the SWPPP					
ı						1		
- [There were no BMFs for the concrete					
-			coton plant phearway cruits (hat was					
-			adjusted to a stormwater tribe.			1		
- 1			profession to the second state of the second					
١			with the control of the last o			1		
- 1			Silf ferce along Lines Beach Rd was		12			
Н			damaged and when in plants (phara 47)		31			
- [()	48).					
3		When sediment escapes the site, if is not removed	Sediment build-up was observed on the	CGP 2.6.B.3	Yes	110	\$500.00 =	\$5
		at a frequency necessary to minimize off-site	preved arous of the project and slong					
		impacts.	Utah based Art sende 5 0 1 30 57		100		1 D V	
			48). During this thursday burns following.					
			the EPA autocalon, these presst sread				-1	
- 1			ware observed to bypees the crists					
П			Intels, and to gove to the guitars acres					
ч								
- 1			Utun Beach Rd, and into the sourage.					
- 1			disch ever flowig di engry (e Clove Orich				1.1	
			(phisso 75-80)					
4		Litter, construction debris, and construction		CGFILAI			\$500 00 =	
-1		chemicals exposed to storm water are not						
П		prevented from becoming a pollulant source						
- 1		(in g. increening buffalls, pickup daily, stc.)						
- 1								
1								
5		Stabilization measures are not initiated as soon as		CGP 3 1 H 2.			\$500.00 =	
		practible on portions of the site where construction					200.0	
- 1		activities have temporarily or permanently cassed						
П		within 14 days after such cessation					11	
. 1					11			
		*Exceptions						
1		(a) Snow or frazen ground conditions						
1		(b) Activities will be resumed within 14 days						
1		(c) And or Semi-and areas (<20 inches per			-			
a	-	Common Drainage of 10+ acres does not have a		CGF 3.1.A.1	-	-	31,000,00 =	-
4				JOF 3 LAT			91,000 101	
		sedimentation basin for the 2 year, 24 hour storm.						
		or 3600 cubic ff. storage per acre drained						
1	_	Where sedimentation basin not attamable, smaller		CGP 3.1 A.I			\$1,000.00 =	_
				DUT G.T.A.I			\$1,000,0012	
- 1		sediment basins, sediment fraps, or emsion						
- 1	B	controls not implemented for downslope		DOD 2 C C	-		\$500.00	
		Sediment not removed from sediment basin or		CGP 3 6.C			\$500.00 =	
-	D							
	В	traps when design capacity reduced by 50% or more						

47	Common Drainings less than 10 acres does not have sediment traps, sill feriose, vegetative buffer strips, or equivalent wedlinent controls for all down slope boundaries (not required if sedimentation sediment beain meeting criteria in 46 above)	CGP 2.8.8.3. \$500.00 =	
-		Subtotal BMP Deficiencies	\$2,500
	SMALL BUSINESS EVALUATION		
48	Is the Owner/Operator a Small Business?		
	A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that amploys 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees. A full time employee unit is 2000 hours worked.		
_		Total Expedited Settlement:	\$6.250

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached EXPEDITED SETTLEMENT AGREEMENT/FINAL ORDER in the matter of ALUTIIQ INTERNATIONAL SOLUTIONS, LLC.; DOCKET NO.: CWA-08-2009-0024. The SETTLEMENT AGREEMENT was filed with the Regional Hearing Clerk on August 12, 2009 The FINAL ORDER was filed on September 24, 2009

Further, the undersigned certifies that a true and correct copy of the documents were delivered Margaret "Peggy" Livingston, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on September 24, 2009

Michael Newland 3033 South Parker Road Suite 1111 Aurora CO, 80014

E-mailed to:

Michelle Angel
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268

September 24, 2009

Tina Artemis
Paralegal/Regional Hearing Clerk