

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. CAA-10-2022-0206
)	
NORTH PACIFIC SEAFOODS, INC.)	CONSENT AGREEMENT
)	
Pederson Point Plant and)	
Red Salmon Cannery,)	
)	
Naknek, Alaska)	

Respondent.

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 113(d) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(d).

1.2. Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,” 40 C.F.R. Part 22, EPA issues, and North Pacific Seafoods, Inc. (“Respondent”) agrees to issuance of, the Final Order attached to this Consent Agreement (“Final Order”).

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of the Enforcement and Compliance Assurance Division, EPA Region 10 (“Complainant”) has been delegated the authority pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), to sign consent agreements between EPA and the party against whom an administrative penalty for violations of the CAA is proposed to be assessed.

2.3. EPA and the United States Department of Justice jointly determined, pursuant to 42 U.S.C. § 7413(d) and 40 C.F.R. § 19.4, that this matter, although it involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty action.

2.4. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of the CAA together with the specific provisions of the CAA and the implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

National Emissions Standards for Hazardous Air Pollutants

3.1. Pursuant to Section 112 of the CAA, 42 U.S.C. § 7412, EPA has promulgated National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for stationary reciprocating internal combustion engines (“RICE”) at 40 C.F.R. Part 63, Subpart ZZZZ (“Subpart ZZZZ”). Subpart ZZZZ establishes emission limitations and operating limitations for hazardous air pollutants (“HAP”) emitted from stationary RICE located at major and area

sources of HAP emissions, as well as requirements to demonstrate initial and continuous compliance with the emission limitations and operating limitations. See 40 C.F.R. § 63.6580.

3.2. “HAP” are defined at 40 C.F.R. § 63.2 to mean pollutants listed in or pursuant to Section 112(b) of the CAA, 42 U.S.C. § 7412(b).

3.3. Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9), defines an “owner or operator” as any person who owns, leases, operates, controls, or supervises a stationary source. See also 40 C.F.R. § 63.2.

3.4. Section 112(a)(3) of the CAA, 42 U.S.C. § 7412(a)(3), states that “stationary source” under Section 112 has the same meaning as that term has under Section 111(a) of the CAA, 42 U.S.C. § 7411(a), which is any building, structure, facility, or installation which emits or may emit any air pollutant.

3.5. Section 112(a)(4) of the CAA, 42 U.S.C. § 7412(a)(4), defines “new source” as a stationary source the construction or reconstruction of which is commenced after the Administrator first proposes regulations under Section 112 establishing an emission standard applicable to such source. See also 40 C.F.R. § 63.2.

3.6. Section 112(a)(10) of the CAA, 42 U.S.C. § 7412(a)(10), defines “existing source” as any stationary source other than a new source. See also 40 C.F.R. § 63.2.

3.7. 40 C.F.R. § 63.6585(a) defines a stationary RICE as any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile.

3.8. 40 C.F.R. § 63.6585(b) defines a “major source” of HAP emissions as a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons (9.07 megagrams) or more per year or any combination of HAP at a rate of 25 tons (22.68 megagrams) or more per year.

3.9. 40 C.F.R. § 63.6585(c) defines an “area source” of HAP emissions as a source that is not a major source.

3.10. 40 C.F.R. § 63.6590(a) defines an “affected source” as any existing, new, or reconstructed stationary RICE located at a major or area source of HAP emissions, excluding stationary RICE being tested at a stationary RICE test cell/stand.

3.11. 40 C.F.R. § 63.6590(a)(1)(iii) provides that a stationary RICE located at an area source of HAP emissions is an existing source if construction or reconstruction of the stationary RICE commenced before June 12, 2006.

3.12. 40 C.F.R. § 63.6603 sets forth emission limitations, operating limitations, and other requirements for existing stationary RICE located at an areas source of HAP. Subsection (a) of that section provides that an owner or operator of an existing stationary RICE located at an area source of HAP emissions must comply with the requirements in Table 2d of Subpart ZZZZ and the applicable operating limitations in Table 2b of Subpart ZZZZ except as provided in subsection (b).

3.13. 40 C.F.R. § 63.6603(b) provides that an existing stationary non-emergency Compression Ignition RICE with a site rating of more than 300 horsepower (“HP”) located at an area source of HAP in an area of Alaska that is not accessible by the Federal Air Highway System does not have to meet the numerical emission limitations for carbon monoxide (“CO”) specified in Table 2d of Subpart ZZZZ, but must instead meet the management practices that are shown for stationary non-emergency CI RICE with a site rating of less than or equal to 300 HP in Table 2d of Subpart ZZZZ.

3.14. “Compression Ignition” (“CI”) is defined in 40 C.F.R. § 63.6675 as relating to a type of stationary internal combustion engine that is not a spark ignition engine.

3.15. “Black start engine” is defined in 40 C.F.R. § 63.6675 as an engine whose only purpose is to start up a combustion turbine.

3.16. “Emergency stationary RICE” is defined in 40 C.F.R. § 63.6675 as any stationary reciprocating internal combustion engine that meets specified criteria, one of which is that the stationary RICE is operated to provide electrical power or mechanical work during an emergency situation.

3.17. Non-Emergency, non-black start CI stationary RICE located at an area source of HAP and with a site rating of less than or equal to 300 HP must, among other things, meet the following requirements except during periods of startup:

- a. Change oil and filter every 1,000 hours of operation or annually, whichever comes first;
- b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and
- c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

See Subpart ZZZZ, Table 2d, Row 1. Sources have the option to utilize an oil analysis program as described in 40 C.F.R. § 63.6625(i) or (j) in order to extend the specified oil change requirement in Table 2d.

3.18. 40 C.F.R. §§ 63.6655(e) and 63.6660 require the owner or operator of an existing stationary RICE located at an area source of HAP emissions subject to management practices as shown in Table 2d of Subpart ZZZZ to keep records of the maintenance conducted on the stationary RICE in a form suitable and readily available for expeditious review according to 40 C.F.R. § 63.10(b)(1) and maintain such records for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units
that Commenced Construction On Or Before November 30, 1999

3.19. Section 111 and 129 of the CAA, 42 U.S.C. § 7411 and 7429, require EPA to establish performance standards and other requirements, pursuant to Section 111 of the CAA, limiting emissions of certain air pollutants, such as dioxins/furans, sulfur dioxide, nitrogen oxides, hydrogen chloride, lead, mercury, and cadmium, from solid waste incineration units.

3.20. Section 111(b) of the CAA, 42 U.S.C. § 7411(b), requires EPA to establish standards of performance for new sources, and Section 111(d) of the CAA, 42 U.S.C. § 7411(d), requires EPA to establish procedures for States to submit plans for implementing emission guidelines for existing sources.

3.21. Section 111(a)(2) of the CAA, 42 U.S.C. § 7411(a)(2), defines “new source” as any stationary source the construction or reconstruction of which is commenced after the publication of regulations (or, if earlier, proposed regulations) prescribing a standard of performance under this section that will be applicable to such source.

3.22. Section 111(a)(6) of the CAA, 42 U.S.C. § 7411(a)(6), defines “existing source” as any stationary source other than a new source.

3.23. As provided in Section 129(b)(1) of the CAA, 42 U.S.C. § 7429(b)(1), performance standards for solid waste incineration units must include guidelines promulgated pursuant to Section 111(d) and 129 of the CAA, 42 U.S.C. § 7411(d) and 7429, applicable to existing units.

3.24. As provided in Section 129(b)(3) of the CAA, 42 U.S.C. § 7429(b)(3), EPA is required to develop, implement, and enforce a plan for existing solid waste incineration units within any category located in any state which has not submitted an approvable plan under Section 129(b), 42 U.S.C. § 7429(b), with respect to units in such category within two years after the date on which EPA has promulgated the relevant emission guidelines.

3.25. Pursuant to Section 129(b)(3) of the CAA, 42 U.S.C. § 7429(b)(3), EPA has promulgated Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On or Before November 30, 1999, 40 C.F.R. Part 62, Subpart III (“CISWI Federal Plan”).

3.26. The CISWI Federal Plan applies to the owner or operator of a CISWI unit as defined in 40 C.F.R. § 62.14840 the construction of which unit commenced on or before November 30, 1999, that is not exempt under 40 C.F.R. § 62.14525, and that is not regulated by an EPA approved and currently effective state or tribal plan or located in a state whose approved state or tribal plan was subsequently vacated in whole or in part. See 40 C.F.R. § 62.14510.

3.27. Section 111(a)(5) of the CAA, 42 U.S.C. § 7411(a)(5), defines an “owner or operator” as any person who owns, leases, operates, controls, or supervises a stationary source.

3.28. The CISWI Federal Plan requires the owner or operator of a CSIWI unit to, among other things, submit a waste management plan as provided in 40 C.F.R. §§ 62.14580 to 62.14590; meet operator training and qualification requirements in 40 C.F.R. §§ 62.14595 to 62.14625; meet emission limitations and operating limits in 40 C.F.R. §§ 62.14630 to 62.14645; conduct performance testing as provided in 40 C.F.R. §§ 62.14650 to 62.14685; comply with the monitoring requirements of 40 C.F.R. §§ 62.14690 to 62.14695; comply with the recordkeeping and reporting requirements in 40 C.F.R. §§ 62.14700 to 62.14760; and meet the Title V permit requirements of 40 C.F.R. §§ 62.14830 to 62.14835.

3.29. 40 C.F.R. § 62.14840 defines “commercial and industrial solid waste incineration (“CISWI”) unit as any combustion device that combusts commercial and industrial waste, as defined in the CISWI Federal Plan, and includes additional provisions specifying the boundaries of a CISWI unit.

3.30. 40 C.F.R. § 62.14840 defines “commercial and industrial waste” as solid waste combusted in an enclosed device using controlled flame combustion without energy recovery that is a distinct operating unit of any commercial or industrial facility (including field-erected, modular, and custom built incineration units operating with starved or excess air), or solid waste combusted in an air curtain incinerator without energy recovery that is a distinct operating unit of any commercial or industrial facility.

3.31. 40 C.F.R. § 62.14840 defines “solid waste” as any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, agricultural operations, and from community activities with certain exceptions not relevant here, provided, however, that for purposes of the CISWI Federal Plan, solid waste does not include the waste burned in the fifteen types of units described in 40 C.F.R. § 60.2555 of Subpart DDDD (emission guidelines for commercial and industrial solid waste incineration units) and 40 C.F.R. § 62.14525.

General Findings

3.32. Respondent is incorporated in the State of Washington and registered to do business in Alaska.

3.33. Respondent owns and operates two seafood processing facilities in Naknek, Alaska: the Pederson Point Plant and the Red Salmon Cannery.

3.34. Respondent is a “person” as that term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

3.35. The Pederson Point Plant and the Red Salmon Cannery are located in an area of Alaska that is not accessible by the Federal Air Highway System.

Subpart ZZZZ Violations: Pederson Point Plant

3.36. The Pederson Point Plant is an area source of HAPs.

3.37. The Pederson Point Plant includes the following engines, each of which is non-emergency, non-black start CI stationary RICE with a site rating of more than 300 HP: OP #1, OP #2, OP #3, OP #4, NP #1, NP #2, and NP #3 (“Pederson Point Subject RICE Engines”).

3.38. Each of the Pederson Point Subject RICE Engines was constructed before June 12, 2006 and was not reconstructed after that date.

3.39. On one or more occasions between at least September 2017 and July 16, 2019, Respondent failed to meet one or more of the management practices required by 40 C.F.R. § 63.6603 and Subpart ZZZZ, Table 2d, Row 1 with respect to the following Pederson Point Subject RICE Engines: Engines OP #1, OP #2, NP #2, and NP #3.

3.40. During calendar years 2019 and 2020, Respondent failed to keep records of required inspections of the hoses and belts, as required by 40 C.F.R. §§ 63.6603, 63.6655(e), and Table 2d (1c), with respect to the following Pederson Point Subject RICE Engines: Engines OP #1, OP #2, OP #3, OP #4, NP #1, NP #2, and NP #3.

3.41. Accordingly, Respondent violated Section 112(d) of the CAA, 42 U.S.C. § 7412(d), 40 C.F.R. §§ 63.6603, 63.6655(e), and Subpart ZZZZ, Table 2d, Row 1, on one or more occasions between at least September 2017 and December 31, 2020, with respect to the Pederson Point Subject RICE Engines.

Subpart ZZZZ Violations: Red Salmon Cannery

3.42. The Red Salmon Cannery is an area source of HAPs.

3.43. The Red Salmon Cannery includes the following engines, each of which is non-emergency, non-black start CI stationary RICE with a site rating of more than 300 HP: Engines 1, 2, 5, 7, 8, C4, C5, and C6 (“Red Salmon Subject RICE Engines”).

3.44. Each of the Red Salmon Subject RICE Engines was constructed before June 12, 2006 and was not reconstructed after that date.

3.45. On one or more occasions between approximately July 23, 2018 and July 18, 2020, Respondent failed to meet one or more of the management practices required by 40 C.F.R. § 63.6603 and Subpart ZZZZ, Table 2d, Row 1 with respect to the following the Pederson Point Subject RICE Engines: Engines 2, 5, 7, 8, C4, C5, and C6.

3.46. During calendar years 2019 and 2020, Respondent failed to keep records of required inspections of the hoses and belts, as required by 40 C.F.R. §§ 63.6603, 63.6655(e), and Table 2d, Row 1, with respect to the following Red Salmon Cannery Subject RICE Engines: Engines 1, 2, 5, 7, C4, C5, and C6.

3.47. Accordingly, Respondent violated Section 112(d) of the CAA, 42 U.S.C. § 7412(d), 40 C.F.R. §§ 63.6603, 63.6655(e), and Subpart ZZZZ, Table 2d, Row 1, on one or occasions between approximately June 23, 2018 and December 31, 2020 with respect to the Red Salmon Subject RICE.

CISWI Federal Plan: Pederson Point Plant

3.48. Until approximately July 30, 2021, Respondent operated two incinerators at the Pederson Point Plant between approximately June and July of each year that were primarily used to burn clean paper, cardboard and clean wood waste.

3.49. Each incinerator at the Pederson Point Plant was constructed sometime prior to November 30, 1999 and was not modified or reconstructed after June 1, 2001.

3.50. Each incinerator at the Pederson Point Plant was used to burn “solid waste,” as defined in 40 C.F.R. § 62.14840.

3.51. Each incinerator at the Pederson Point Plant is a “CISWI unit” burning “commercial and industrial waste,” as those terms are defined in 40 C.F.R. § 62.14840.

3.52. There is no EPA-approved and currently effective state or tribal plan under 42 U.S.C §§ 7411(d) and 7429 that covers the two incinerators at the Pederson Point Plant.

3.53. Neither of the incinerators at the Pederson Point Plant was exempt from the CISWI Federal Plan under 40 C.F.R. § 62.14525.

3.54. Each of the incinerators at the Pederson Point Plant was therefore subject to the CIWSI Federal Plan during any period of operation after the effective date of the CISWI Federal Plan until they ceased operation in July 2021.

3.55. Each of the incinerators at the Pederson Point Plant was not operated after July 2021 and was decommissioned in May 2022.

3.56. Respondent failed to comply with at least the following requirements of the CISWI Federal Plan with respect to the two incinerators at the Pederson Point Plant from at least September 2017 to July 2021:

- a. The waste management plan requirements of 40 C.F.R. §§ 62.14580 to 62.14590;
- b. The operator training and qualification requirements of 40 C.F.R. §§ 62.14595 to 62.14625;
- c. The initial and annual performance testing requirements of by 40 C.F.R. §§ 62.14650 to 62.14685;

- d. The recordkeeping and reporting requirements of 40 C.F.R. §§ 62.14700 to 62.14730; and
- e. The requirement to apply for and obtain a Title V operating permit pursuant to 40 C.F.R. § 62.14835 and Sections 129(e), 502(a), and 503(a) of the CAA, 42 U.S.C §§ 7429, 7661a(a), and 7661b(a).

3.57. Accordingly, Respondent violated Sections 111(d), 129, 502(a), and 503(a) of the CAA, 42 U.S.C §§ 7411(d), 7429, 7661a(a), and 7661b(a), and one or more provisions of the CISWI Federal Plan with respect to each incinerator at the Pederson Point Plant from at least September 2017 to July 2021.

CISWI Federal Plan: Red Salmon Cannery

3.58. Until approximately July 25, 2021, Respondent operated an incinerator at the Red Salmon Cannery between approximately May and July of each year that was primarily used to burn clean paper, cardboard and clean wood waste.

3.59. The dates of construction, modification, and reconstruction of the incinerator at the Red Salmon Cannery is unknown.

3.60. The incinerator at the Red Salmon Cannery was used to burn “solid waste,” as defined in 40 C.F.R. § 62.14840.

3.61. The incinerator at the Red Salmon Cannery is a “CISWI unit” burning “commercial and industrial waste,” as those terms are defined in 40 C.F.R. § 62.14840.

3.62. There is no EPA-approved and currently effective state or tribal plan under 42 U.S.C §§ 7411(d) and 7429 that covers the incinerator at the Red Salmon Cannery.

3.63. The incinerator at the Red Salmon Cannery was not exempt from the CISWI Federal Plan under 40 C.F.R. § 62.14525.

3.64. The incinerator at the Red Salmon Cannery was therefore subject to the CIWSI Federal Plan during any period of operation after the effective date of the CISWI Federal Plan.

3.65. The incinerator at the Red Salmon Cannery was not operated after July 2021 and was decommissioned in May 2022.

3.66. Respondent failed to comply with at least the following requirements of the CISWI Federal Plan with respect to the incinerator at the Red Salmon Cannery from at least September 2017 to July 2021.

- a. The waste management plan requirements of 40 C.F.R. §§ 62.14580 to 62.14590;
- b. The operator training and qualification requirements of 40 C.F.R. §§ 62.14595 to 62.14625;
- c. The initial and annual performance testing requirements of by 40 C.F.R. §§ 62.14650 to 62.14685;
- d. The recordkeeping and reporting requirements of 40 C.F.R. §§ 62.14700 to 62.14730; and
- e. The requirement to apply for and obtain a Title V operating permit pursuant to 40 C.F.R. § 62.14835 and Sections 129(e), 502(a), and 503(a) of the CAA, 42 U.S.C §§ 7429, 7661a(a), and 7661b(a).

3.67. Accordingly, Respondent violated Sections 111(d), 129, 502(a), and 503(a) of the CAA, 42 U.S.C §§ 7411(d), 7429, 7661a(a), and 7661b(a), and one or more provisions of the CISWI Federal Plan with respect to the incinerator at the Red Salmon Cannery from at least September 2017 to July 2021.

Civil Penalty Authority

3.68. Under Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$51,796 per day of violation.

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations and legal conclusions contained in this Consent Agreement.

4.3. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 113(e)(1) of the CAA, 42 U.S.C. § 7413(e)(1). After considering these factors, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$345,800 (the "Assessed Penalty").

4.4. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order.

4.5. Payments 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: <https://www.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, Missouri 63197-9000

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

4.6. Concurrently with payment, 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 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10, Mail Stop 11-C07
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
R10_RHC@epa.gov

Brendan Whyte
U.S. Environmental Protection Agency
Region 10, Mail Stop 20-C04
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
Whyte.brendan@epa.gov

4.7. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, the entire unpaid balance of penalty and accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), to collect the Assessed Penalty under the CAA. In any collection action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

4.8. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, Respondent shall be responsible for payment of the following amounts:

a. Interest. Any unpaid portion of the Assessed Penalty shall bear interest at the rate established pursuant to 26 U.S.C. § 6621(a)(2) from the effective date of the Final Order, 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 contained herein.

b. Attorneys' Fees, Collection Costs, Nonpayment Penalty. Pursuant to 42 U.S.C. § 7413(d)(5), should Respondent fail to pay the Assessed Penalty and interest on a timely basis, Respondent shall also be required to pay the United States' enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be ten

percent of the aggregate amount of Respondent's outstanding penalties and nonpayment penalties accrued from the beginning of such quarter.

4.9. The Assessed Penalty, including any additional costs incurred under Paragraph 4.8, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.10. 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.

4.11. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has corrected the violations alleged in Part III.

4.12. Except as described in Paragraph 4.8, each party shall bear its own costs and attorneys' fees in bringing or defending this action.

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

4.14. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns until such time as the Assessed Penalty, including any additional amount incurred under Paragraph 4.8 have been paid.

4.15. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this Consent Agreement, and to any stated permit action.

4.16. The above provisions in Part IV are STIPULATED AND AGREED upon by

Respondent and EPA Region 10.

DATED:

8/23/2022

FOR RESPONDENT:

DH

DAVE HAMBLETON
President & Chief Executive Officer
North Pacific Seafoods, Inc.

DATED:

FOR COMPLAINANT:

EDWARD J. KOWALSKI, Director
Enforcement and Compliance Assurance Division
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. CAA-10-2022-0206
)	
NORTH PACIFIC SEAFOODS, INC.)	FINAL ORDER
)	
Pederson Point Plant and)	
Red Salmon Cannery,)	
)	
Naknek, Alaska)	

Respondent.

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. 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.

1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under the CAA 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 CAA and regulations promulgated or permits issued thereunder and any applicable implementation plan requirements.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

SO ORDERED this _____ day of _____, 2022.

RICHARD MEDNICK
Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: North Pacific Seafoods, Inc.**, Docket No.: CAA-10-2022-0206 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 by electronic mail to:

Julie Vergeront
U.S. Environmental Protection Agency
Region 10
Vergeront.julie@epa.gov

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:

Jeffrey Hunter
Perkins Coie LLP
1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128

DATED this ____ day of _____ 2022.

Regional Hearing Clerk
EPA Region 10