

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Tahari Ann Rivers 5/23/19
Name of Case Attorney Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number CWA-01-2019-0011

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Ryan Marine Services, Inc.
116 Lincoln Avenue
Marblehead, MA 01945

Total Dollar Amount of Receivable \$ 20,000 Due Date: 5/27/20

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1st \$ 5,000 on 6/2/19
2nd \$ 5,200 on 9/30/19
3rd \$ 5,200 on 1/28/20
4th \$ 5,200 on 5/27/20
5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office

Phone Number _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

May 22, 2019

RECEIVED
MAY 22 2019
EPA ORC
Office of Regional Hearing Clerk

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region I
5 Post Office Square
Suite 100, Mail Code 04-6
Boston, MA 02109-3912

BY HAND

Re: *In the Matter of Ryan Marine Services, Inc.*; Docket CWA-01-2019-0011

Dear Ms. Santiago,

Enclosed for filing, please find an original and one copy of the Consent Agreement and Final Order (CAFO) both initiating and settling the matter referenced above.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Tahani Ann Rivers".

Tahani Ann Rivers
Enforcement Counsel
EPA Region 1

Enclosures

cc: Mark Ryan, Ryan Marine Services, Inc.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

IN THE MATTER OF)	
)	Docket No. CWA-01-2019-0011
)	
RYAN MARINE SERVICES, INC.)	
16 Lincoln Avenue)	Certificate of Service
Marblehead, MA 01945)	
)	
Respondent.)	
)	
)	

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

Original and one copy,
hand-delivered:

Ms. Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region I
5 Post Office Square, Suite 100
Mail Code 04-6
Boston, MA 02109-3912

Copy (Certified Mail,
Return Receipt Requested):

Mark Ryan, President
Ryan Marine Services, Inc.
16 Lincoln Avenue
Marblehead, MA 01945

Dated: 5/22/19

Tahani Ann Rivers
Tahani Ann Rivers, Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code 04-3
Boston, MA 02109-3912
Phone: 617-918-1299
Fax: 617-918-0299
E-mail: rivers.tahani@epa.gov

RECEIVED
MAY 22 2019
EPA ORC
Office of Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

_____)	
IN THE MATTER OF)	Docket No. CWA-01-2019-0011
RYAN MARINE SERVICES, INC.)	
16 Lincoln Avenue)	CONSENT AGREEMENT AND
Marblehead, MA 01945)	FINAL ORDER FOR CLASS II
Respondent.)	CIVIL PENALTY UNDER
)	CLEAN WATER ACT
Proposing to Assess a Civil Penalty Under)	
Section 309(g) of the Clean Water Act, 33 U.S.C.)	
§ 1319(g))	
_____)	

1. The Director of the Office of Environmental Stewardship of the United States Environmental Protection Agency, Region 1 (“EPA”) enters into this Consent Agreement and Final Order (“CAFO”) with Ryan Marine Services, Inc. (“Respondent” or “RMS”). EPA alleges that Respondent violated Section 301(a) of the Clean Water Act (“CWA”), 33 U.S.C. § 1311(a). The parties agree to resolve this action by the issuance of this CAFO as provided under 40 C.F.R. § 22.13(b) of EPA’s “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination, or Suspension of Permits,” 40 C.F.R. Part 22 (“Part 22”). Respondent neither admits nor denies the specific factual or other non-jurisdictional allegations contained in Section I.

I. DESCRIPTION OF VIOLATIONS

2. EPA alleges that: (1) from September 2, 2015 to February 10, 2019, Respondent discharged stormwater associated with industrial activity into navigable waters of the United States without an individual permit or coverage under the 2015 National Pollutant Discharge Elimination System (“NPDES”) Stormwater Multi-Sector General Permit for Industrial

Activities (“2015 MSGP”), in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a), and (2) during certain time frames within the past five years, as described in more detail below, Respondent discharged process wastewaters associated with industrial activity into navigable waters of the United States without an individual permit in violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

Statutory and Regulatory Authority

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

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

General Allegations

5. The CWA is designed to restore and maintain the chemical, physical, and biological integrity of the nation’s waters. Section 101(a) of the Act, 33 U.S.C. § 1251(a). To accomplish the objectives of the Act, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person into navigable waters except in compliance with the terms and conditions of a permit issued pursuant to Section 402 or 404 of the CWA, 33 U.S.C. §§ 1342 or 1344, and EPA’s implementing regulations, found at 40 C.F.R. Part 122.

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

7. Section 502(5) of the CWA, 33 U.S.C. § 1362(5), defines “person” to include “...an

individual, corporation, partnership [or] association...”

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

9. Section 502(6) of the CWA, 33 U.S.C. § 1362(6), defines “pollutant” to include, inter alia, solid waste, chemical wastes, biological materials, rock, sand, and industrial waste discharged into water.

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

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

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

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

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

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

activity obtain a permit. Under 40 C.F.R. § 122.26(c)(1), dischargers of stormwater associated with industrial activity must apply for an individual permit or seek coverage under a general permit.

16. Facilities within the categories set out in 40 C.F.R. § 122.26(b)(14), including those in Standard Industrial Classification (“SIC”) code 3731 (ship building and repairing facilities), are industrial activities that must obtain permit authorization for stormwater discharges.

17. On September 29, 1995, EPA issued the NPDES Storm Water Multi-Sector General Permit for Industrial Activities (“1995 MSGP”). 60 Fed. Reg. 50804 (Sept. 29, 1995). EPA reissued the Multi-Sector General Permit for Industrial Activities on October 30, 2000 (“2000 MSGP”), 65 Fed. Reg. 64746 (Oct. 30, 2000), and again on September 29, 2008 (“2008 MSGP”), 73 Fed. Reg. 56572 (Sept. 29, 2008), and again on June 4, 2015 (“2015 MSGP”), 80 Fed. Reg. 34403 (June 16, 2015).

18. The 2015 MSGP contains terms and conditions designed to ensure the implementation of practices to minimize the pollutants in stormwater discharges associated with industrial activity.

19. Under the 2015 MSGP, a facility discharging stormwater associated with industrial activity is required to submit a Notice of Intent (“NOI”) to be covered under the 2015 MSGP, prepare and implement a Stormwater Pollution Prevention Plan (“SWPPP”), conduct inspections, conduct monitoring and sampling, and meet other eligibility requirements.

20. Section 2.1.2.8 of the 2015 MSGP requires that a permittee train all employees who work in industrial areas exposed to stormwater, or who have the responsibility for implementing procedures required to meet this permit.

21. Section 3.1 of the 2015 MSGP requires that a permittee conduct routine facility

inspections, at least quarterly, including but not limited to: (a) Areas where industrial materials or activities are exposed to stormwater, (b) Areas identified in the SWPPP and those that are potential pollutant sources, (c) Areas where spills and leaks have occurred in the past three years, (d) Discharge points, and (e) Control measures used to comply with the effluent limits contained in the permit.

22. Section 3.1.2 of the 2015 MSGP requires a permittee to document all findings of the routine facility inspections on a facility inspection report.

23. Section 3.2 of the 2015 MSGP requires that a permittee conduct quarterly visual assessments of stormwater samples from each designated outfall. Furthermore, whenever the visual assessment shows evidence of stormwater pollution, the permittee must initiate the corrective action procedure.

24. Section 3.2.2 of the 2015 MSGP requires a permittee document all findings of the quarterly visual assessments on-site.

25. Sections 7.2 and 7.5 of the 2015 MSGP requires that by January 30 of each year of permit coverage a permittee submit electronically an Annual Report to EPA.

26. Section 6.2.1 of the 2015 MSGP applies specific pollutant benchmarks to certain sectors and subsectors. When a permittee applies for coverage under one of these sectors or subsectors, the permittee is required to conduct quarterly benchmark monitoring for each designated pollutant.

27. Section 9.1.2.5 of the 2015 MSGP, through the Commonwealth of Massachusetts' Coastal Zone Management Program, incorporated additional sector-specific requirements into the 2015 MSGP. These requirements include benchmark monitoring for copper, aluminum, iron, and lead for Sector R facilities ("Ship and Boat Building and Repairing Yards").

28. Section 309(g) of the CWA, 33 U.S.C. § 1319(g), provides for the assessment of penalties for violations of Sections 301 and 308 of the CWA, 33 U.S.C. §§ 1311 and 1318, and for violating any condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.

Findings of Violation

29. RMS is a company organized under the laws of the Commonwealth of Massachusetts with its principal place of business located at 16 Lincoln Avenue in Marblehead, MA.

30. RMS is a “person” within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).

31. RMS owns and operates a boat and engine repair and storage facility at 16 Lincoln Avenue in Marblehead, MA (“Facility”), which is classified under Standard Industrial Classification (“SIC”) code 3731, listed under “Sector R – Ship and Boat Building and Repairing Yards” of the 2015 MSGP.

32. RMS was previously located at 8 Sewall Street in Marblehead, MA (“Previous Facility”).

33. RMS has, at all times relevant to this CAFO, controlled all daily business and industrial operations at the Facility and otherwise meets the definition of “operator” of the Facility, as defined in the 2015 MSGP.

34. Some services that RMS provides are: sanding with a dustless sander, waxing, woodwork, painting, and pressure bottom washing.

35. RMS discharges pollutants, as defined in Sections 502(6) and (12) of the Act, 33 U.S.C. §§ 1362(6) and (12), from both a hose that is part of the Facility’s wastewater

recycling system and a catch basin, which are point source[s], as defined in Section 502(14) of the Act, 33 U.S.C. § 1362(14), to the Town of Marblehead Municipal Separate Storm Sewer System (“MS4”), which drains into Marblehead Harbor.

36. Marblehead Harbor is an impaired waterbody for pathogens.

37. Marblehead Harbor opens into the Atlantic Ocean. Both are waters of the United States as defined in 40 C.F.R. § 122.2 and therefore are navigable waters under Section 502(7) of the Act, 33 U.S.C. § 1362(7).

Count 1: Discharge of Stormwater Without an Individual NPDES Permit or 2015 MSGP Coverage

38. Paragraphs 1 through 37 are incorporated herein by reference.

39. From September 2, 2015 through the present, Respondent has discharged “storm water associated with industrial activities” within the meaning of 40 C.F.R. § 122.26, to Marblehead Harbor.

40. The release of stormwater associated with industrial activity from the point sources mentioned above constitutes a “discharge of pollutants” within the meaning of Section 502(6) and (12) of the CWA, 33 U.S.C. §§ 1362(6) and (12).

41. RMS has conducted such “industrial activities,” within the meaning of 40 C.F.R. § 122.26(b)(14)(ii) since at least September 2, 2015, and stormwater has discharged from the Facility into Marblehead Harbor during certain wet-weather events since that time.

42. The 2008 MSGP was in effect from September 29, 2008 to September 29, 2013. *See*, 80 FR 34403, 34405 (2015). RMS had authorization under EPA’s 2008 MSGP, beginning on February 8, 2009, to discharge stormwater from the Facility, through September 2, 2015, as the 2008 MSGP was administratively continued pursuant to Section 1.3.2 of the 2008 MSGP for

operators of industrial activities that were authorized for coverage under that permit. The 2015 MSGP went into effect on June 4, 2015. 80 FR 34403 (2015). However, RMS failed to apply for an individual permit or submit an NOI seeking coverage by the deadline for submission under the 2015 MSGP, which was September 2, 2015. *See*, CWA Section 308(a), 33 U.S.C. § 1318(a), 2015 MSGP, Section 1.2.1.3, Table 1-2. On January 11, 2019, it sought coverage under the 2015 MSGP by submitting a Notice of Intent for Stormwater Discharges Associated with Industrial Activity under the NPDES Multi-Sector General Permit and obtained coverage 30 days later on February 10, 2019. *See*, 2015 MSGP, Section 1.2.1.3.

43. From September 2, 2015 to February 10, 2019, RMS discharged stormwater during certain storm events without permit authorization, in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count 2: Discharge of Process Water Without a NPDES Permit

44. Paragraphs 1 through 43 are incorporated herein by reference.

45. On May 18, 2018, EPA conducted an inspection of the Facility and found that RMS was discharging process wastewaters to the MS4, which discharges into Marblehead Harbor.¹

46. Based on additional information in RMS' response to EPA's August 7, 2018 Request for Information, EPA has determined that RMS also discharged process wastewaters to the MS4, associated with the Facility's vessel pressure washing operation, in September and October in each of the past years from at least 2015 through 2018.

47. From September 2, 2015 through the present, RMS' vessel pressure washing process wastewater discharge to Marblehead Harbor without permit authorization has violated Section

¹EPA made process water discharge findings, which it previously communicated to Mr. Ryan were unlawful, during November 16, 2007, and December 4, 2009 inspections, and in a January 22, 2010 Administrative Compliance Order.

301(a) of the Act, 33 U.S.C. § 1311(a).

II. CONSENT AGREEMENT

48. EPA and Respondent agree that settlement of this cause of action is in the public interest and that entry of this CAFO without further litigation is the most appropriate means of resolving this matter. Therefore, before taking any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the parties, it is hereby ordered and adjudged as follows:

49. Respondent admits the jurisdictional allegations set forth in Section I above and hereby waives any defenses it might have as to jurisdiction and venue.

50. Respondent neither admits nor denies the specific factual or other non-jurisdictional allegations contained in Section I above.

Waiver of Rights

51. Respondent waives the right to a hearing under Sections 309(g)(2)(B), 33 U.S.C. § 1319(g)(2)(B) and to any appeal of the Final Order in this matter under Section 309(g)(8)(B), 33 U.S.C. § 1319(g)(8)(B). Respondent consents to the issuance of a Final Order without further adjudication.

Penalty

52. EPA proposes, and Respondent consents to, the assessment of a civil penalty of \$20,000 for all violations contained in this CAFO.

Payment Terms

53. In agreeing to the penalty described in paragraph 52 above, EPA has taken into account the statutory penalty factors at Sections 309(g)(3) of the CWA, 33 U.S.C. § 1319(g)(3), including Respondent's ability to pay the proposed penalty.

54. Respondent shall pay a total penalty of \$20,000 for violations of Section 301(a) of the CWA, 33 U.S.C. § 1311(a), in installments according to the payment schedule identified in paragraph 55 below. Interest at the rate of six percent (6%) per annum shall be included in any and all payments made more than 10 days after the date this CAFO becomes final and shall accrue from 10 days after the date this CAFO becomes final until the date of payment.

55. Respondent shall pay the total penalty amount of \$20,000 plus interest, according to the following schedule:

- a. Payment of \$5,000 shall be made within 10 calendar days of the date this CAFO is final;
- b. Payment of \$5,200 (\$5,000 principal, plus \$200 accrued interest) shall be made within 130 calendar days of the date this CAFO is final;
- c. Payment of \$5,200 (\$5,000 principal, plus \$200 accrued interest) shall be made within 250 days of the date this CAFO is final;
- d. Payment of \$5,200 (\$5,000 principal, plus \$200 accrued interest) shall be made within 370 days of the date this CAFO is final.

56. Respondent shall make each payment by cashier's or certified check, by wire transfer, or by debit or credit card. Respondent shall include the case name and docket number (*In the Matter of Ryan Marine Services, Inc.*; Docket No. CWA-01-2019-0011) on the face of each check or wire transfer confirmation. A check should be payable to the "Treasurer, United States of America." Each payment shall be remitted as follows:

If remitted by regular U.S. mail:

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

In the Matter of Ryan Marine Services, Inc.
CWA-01-2019-0011

Consent Agreement and Final Order

If remitted by any overnight commercial carrier:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GI.
St. Louis, Missouri 63101

If remitted by wire transfer: Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

If remitted on-line with a debit card or credit card: No user name, password, or account number is necessary for this option. On-line payment can be accessed via WWW.PAY.GOV, entering 1.1 in the form search box on the left side of the screen, opening the form, and following the directions on the screen.

In addition, at the time of payment, Respondent should also forward notice of payment of the civil penalty as well as copies of the payment check or payment receipt to:

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code: ORC 04-6
Boston, Massachusetts 02109-3912

and

Tahani Rivers, Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code: OES 04-3
Boston, Massachusetts 02109-3912

57. Pursuant to Section 309(g)(9) of the CWA, 33 U.S.C. § 1319(g)(9), a failure by Respondent to pay the penalty assessed by this CAFO in full by its due dates shall subject Respondent to a civil action to collect the assessed penalty, plus interest at the prevailing rates.

from the date this CAFO becomes final. The rate of interest assessed shall be at the rate set forth in 31 C.F.R. § 901.9(b), promulgated under 31 U.S.C. § 3717. Any person who fails to pay on a timely basis the amount of an assessed penalty shall be required to pay, in addition to such amount and interest, attorney's fees, costs for collection proceedings, and a quarterly non-penalty payment for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to twenty percent of the aggregate amount of such person's penalties and nonpayment penalties that are unpaid as of the beginning of such quarter. In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

General Provisions

58. The provisions of this CAFO shall apply to and be binding on Respondent, their officers, directors, agents, servants, employees, successors, and assigns.

59. The civil penalty provided under this CAFO, and any interest, nonpayment penalties, and charges described in this CAFO, shall represent penalties assessed by EPA within the meaning of 26 U.S.C. § 162(f) and are not tax deductible for purposes of federal, state, or local law. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of 26 C.F.R. § 1.162-21, and further agrees not to use those payments in any way as, or in furtherance of, a tax deduction under federal, state, or local law.

60. This CAFO does not constitute a waiver, suspension, or modification of the requirements of the CWA or any regulations or permits promulgated thereunder. Payment of the penalty pursuant to this CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged herein.

61. This CAFO in no way relieves Respondent or its employees of any criminal liability,

and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare, or the environment.

62. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or of the statutes and regulations upon which this CAFO is based, or for Respondent's violation of any applicable provision of law.

63. The parties shall bear their own costs and fees in this action, including attorney's fees, and specifically waive any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C § 504, or other applicable laws.

64. The terms, conditions, and requirements of this CAFO may not be modified or amended except upon written agreement of all parties, and approval of a Regional Administrator or his or her properly authorized delegate.

65. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.

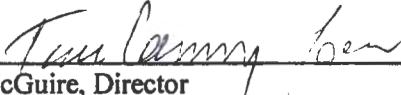
FOR RYAN MARINE SERVICES, INC.:



Mark Ryan, President
Ryan Marine Services, Inc.

Date: 4/10/14

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY:



Karen McGuire, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1

Date: 4/18/19

FINAL ORDER

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

§ 1319(g)(4)(A), and 40 C.F.R. § 22.45(b).

2. Pursuant to 40 C.F.R. §§ 22.18(b) & (c) of EPA's Consolidated Rules of Practice, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order and is hereby ratified.

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

Date:

May 20, 2019



LeAnn Jensen
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 1