



REGION 6
DALLAS, TX 75270

SUBJECT: In the matter of Space Exploration Technologies Corp
EPA Docket No. CWA-06-2024-1768
Consent Agreement and Final Order

TO: Thomas Rucki
Regional Judicial Officer

FROM: Cheryl T. Seager, Director
Enforcement and Compliance Assurance Division

Cheryl T. Seager
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SEAGER
Date: 2025.01.14 18:15:26
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James McGuire, Regional Counsel
Office of Regional Counsel

JAMES
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JAMES MCGUIRE
Date: 2025.01.14
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We recommend that you sign the enclosed Final Order which accompanies the fully executed Consent Agreement.

In accordance with Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, the Consent Agreement both initiates and concludes this action. The EPA alleges therein that Respondent discharged pollutants to a water of the United States without a NPDES/TPDES permit. Through these unauthorized discharges, Respondent was in violation of Section 301 of the Clean Water Act ("CWA"), 33 U.S.C. § 1311.

The Consent Agreement requires that Respondents pay a civil penalty of \$148,378. The penalty was calculated by considering the factors set forth in Section 309(d) of the CWA, 42 U.S.C. § 1319(d), which includes the seriousness of the violation, any good faith efforts to comply with the applicable requirements, and any other factors considered appropriate. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's March 1, 1995 *Interim Clean Water Act Settlement Penalty Policy*, which reflects the statutory penalty criteria and factors set forth at Sections 309(d) of the CWA. Complainant has also considered the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.

On September 10, 2024, pursuant to 40 C.F.R. § 22.45(b), EPA notified the public of this proposed consent agreement and initiated a 40-day public comment period, which concluded on October 21, 2024. The Region received five comments. The comments were varied and addressed in an EPA Response to Comments dated November 22, 2024. On November 25, 2024, a Certified Letter was sent to the only commenter that provided a mailing address, along with the Response to Comments, proposed CAFO, and 40 CFR Part 22. The remaining commentors, without mailing addresses, were e-mailed the Summary, proposed CAFO, and 40 CFR Part 22. On December 3, 2024, the EPA Certified Mail was received by the commenter. Commenters were notified that additional remedies were available pursuant to 40 C.F.R. § 22.45(c)(4)(ii). The 30-day Petition period ended on January 3, 2025, and no petitions to set aside the Consent Agreement have been filed.

This Consent Agreement and Final Order is in accordance with, and does not deviate from, the Region 6 model Consent Agreement and Final Order standard provisions.

We recommend that this settlement be ratified because the settlement is in the best interest of the parties.