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HEARINGS CLERK
EPA -- REGION 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. CWA-10-2015-0136
)	
Building Busters, Inc., dba)	CONSENT AGREEMENT AND
Contractors Concrete Recycling, and)	FINAL ORDER
Monster Auto Wrecking, Inc.,)	
)	
Seattle, Washington)	
)	
Respondents.)	

I. STATUTORY AUTHORITY

1.1. This Consent Agreement and Final Order (“CAFO”) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 309(g)(2)(B) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(g)(2)(B).

1.2. The Administrator has delegated the authority to issue the Final Order contained in Part V of this CAFO to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.3. Pursuant to Section 309(g)(1) and (2)(B) of the CWA, 33 U.S.C. § 1319(g)(1) and (2)(B), 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 Building

Busters, Inc., dba Contractors Concrete Recycling, and Monster Auto Wrecking, Inc.

(“Respondents”) agree to issuance of, the Final Order contained in Part V of this CAFO.

II. PRELIMINARY STATEMENT

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

2.2. The Administrator has delegated the authority to sign consent agreements between EPA and the party against whom a Class II penalty is proposed to be assessed pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Director of the Office of Compliance and Enforcement, EPA Region 10 (“Complainant”).

2.3. Part III of this CAFO 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 the implementing regulations that Respondents are alleged to have violated.

III. ALLEGATIONS

3.1. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the “discharge of a pollutant” by any person into navigable waters of the United States, except, *inter alia*, as authorized by a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), provides that a state with an approved NPDES program may issue permits for the discharge of pollutants into waters of the United States upon such specific terms and conditions as the state may prescribe.

3.2. 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.” Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines “navigable waters” as “waters of the United States.” EPA’s regulations define “waters of the United States” to include waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; all interstate waters; and tributaries to those waters. 40 C.F.R. § 122.2.

3.3. Section 502(6) of the CWA, 33 U.S.C. § 1362(6), defines “pollutant” to include, *inter alia*, dredged spoil, rock, sand, chemical wastes and industrial waste.

3.4. Section 502(14) of the Clean Water Act, 33 U.S.C. § 1362(14), defines the term “point source” to include any “pipe, ditch, channel, tunnel, or conduit . . . from which pollutants are or may be discharged.”

3.5. Section 402(p) of the Act, 33 U.S.C. § 1342(p), specifies that an NPDES permit is required for any stormwater discharge “associated with industrial activity.” Section 402(p) also authorizes EPA to issue regulations that designate additional stormwater discharge sources and establish a comprehensive program to regulate these additional sources.

3.6. EPA’s regulations define “storm water discharge associated with industrial activity” to include discharges associated with facilities under Standard Industrial Classification 4221-25. 40 C.F.R. § 122.26(b)(14)(xi).

3.7. The State of Washington has a federally approved NPDES permit program administered by the Washington Department of Ecology (“Ecology”).

3.8. In October 2009 Ecology reissued the Washington Industrial Stormwater General Permit (“2010 Stormwater GP”) pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. The

2010 Stormwater GP became effective on January 1, 2010, and had an expiration date of January 1, 2015. The 2010 Stormwater GP was modified with the new effective date of July 1, 2012. The 2010 Stormwater GP authorizes certain discharges of stormwater associated with industrial activity at permitted facilities.

3.9. The 2010 Stormwater GP requires facilities engaged in certain industrial activities to apply for coverage under the permit if stormwater from the facility discharges to a surface water body, or to a storm sewer system that discharges to a surface water body. Permittees are required to comply with the conditions and requirements set forth in the applicable Stormwater GP.

3.10. Respondents are corporations duly organized under the laws of the State of Washington and are therefore “person[s]” as defined under Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

3.11. At all times relevant to this action, Respondents were the owners and/or operators of a concrete and scrap metal recycling facility and an auto salvaging facility located in Seattle, Washington (“Facility”).

3.12. The Facility, which was under Respondents’ control at all times relevant to this action, discharges stormwater off-site via a stormwater drainage system into the Duwamish River. The Facility’s stormwater discharges contain “pollutants” within the meaning of Section 502(6) and (12) of the CWA, 33 U.S.C. § 1362(6) and (12).

3.13. The Duwamish River is currently used, was used in the past, or may be susceptible to use in interstate and foreign commerce, and thus the Duwamish River is a

“navigable water” as defined in Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and “water of the United States” as defined in 40 C.F.R. § 122.2.

3.14. The Facility is a point source within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14), and 40 C.F.R. § 122.2. In the alternative, the Facility contains point sources.

3.15. At all times relevant to this CAFO, the Facility had coverage under the 2010 Stormwater GP (permit no. WAR002153).

3.16. Respondents violated the 2010 Stormwater GP between January 2010 and February 2014. Violations were discovered during EPA’s April 2013 and February 2014 inspections of the Facility, and upon EPA’s review of Respondents’ stormwater pollution prevention plans (“SWPPPs”), site inspection reports, and discharge monitoring reports (“DMRs”).

Count 1: Failure to Develop and Implement an Adequate SWPPP

3.17. Condition S3.A. of the 2010 Stormwater GP states that the Permittee “shall develop and implement a SWPPP for the permitted facility,” which must be signed and certified each time it is revised or modified.

3.18. Condition S3.B. of the 2010 Stormwater GP states that the SWPPP “shall contain a site map, a detailed assessment of the facility, a detailed description of the [Best Management Practices (‘BMPs’)], Spill Prevention and Emergency Cleanup Plan [‘SPECP’], and a sampling plan.”

3.19. Respondents created the Facility’s SWPPP in June 2010 and revised it in October 2010 and June 2013. The October 2010 and June 2013 SWPPPs lacked required SWPPP

components, such as an adequate site map, an adequate assessment of the Facility, an adequate description of BMPs, an SPEC, and an adequate sampling plan. Additionally, Respondents' June 2013 revised SWPPP was not properly signed and certified.

3.20. For at least 50 consecutive months between January 2010 and February 2014, Respondents failed to develop and implement an adequate SWPPP in violation of Conditions S3.A. and S3.B. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count 2: Failure to Update the SWPPP

3.21. Condition S3.A.4.a.ii. of the 2010 Stormwater GP states that the Permittee "shall modify the SWPPP . . . [to] correct the deficiencies identified in writing from Ecology within 30 days of notice."

3.22. Condition S3.A.4.b. of the 2010 Stormwater GP states that the Permittee "shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance at the facility that significantly changes the nature of pollutants discharged in stormwater from the facility, or significantly increases the quantity of pollutants discharged."

3.23. In a stormwater compliance inspection report for an unannounced Ecology inspection on June 30, 2010 (signed August 2010), Ecology stated that the Facility was in violation of the 2010 Stormwater GP for failure to develop and implement a SWPPP that meets the 2010 Stormwater GP requirements, Condition S3. The Ecology inspection report included observations that the environmental consultant had begun compiling a draft SWPPP but that the SWPPP had not been finalized. The Ecology inspection report requested the submission of a SWPPP within 30 days.

3.24. Respondents' SWPPP failed to reflect current Facility conditions (e.g. design and operation) or to incorporate mandatory provisions of Condition S3. of the 2010 Stormwater GP.

3.25. For at least 42 months between September 2010 and February 2014, Respondents failed to properly update the SWPPP in violation of Condition S3.A.4. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count 3: Failure to Include Mandatory BMPs in the SWPPP

3.26. Condition S3.B.4.b. of the 2010 Stormwater GP states that the Permittee "shall include . . . mandatory BMPs in the SWPPP" Mandatory BMPs specified in the 2010 Stormwater GP include Operational Source Control BMPs, Structural Source Control BMPs, Treatment BMPs, and Erosion and Sediment Control BMPs.

3.27. Respondents failed to include numerous mandatory BMPs in the SWPPP, including Operational Source Control BMPs, an SPECP, Structural Source Control BMPs, and Treatment BMPs.

3.28. For at least 50 months between January 2010 and February 2014, Respondents failed to include all mandatory BMPs in the SWPPP in violation of Condition S3.B.4.b. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count 4: Failure to Adequately Implement BMPs

3.29. Condition S3.B.4.b. of the 2010 Stormwater GP states that the Permittee shall implement the mandatory BMPs specified in the GP.

3.30. Respondents failed to implement numerous mandatory BMPs, including Good Housekeeping BMPs, Preventive Maintenance BMPs, implementation of an SPECP, and prevention of illicit discharges.

3.31. For at least 14 months between June 2010 and April 2014, Respondents failed to implement mandatory BMPs specified in the 2010 Stormwater GP in violation of Condition S3.B.4.b. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count 5: Failure to Conduct Employee SWPPP Training

3.32. Condition S3.B.4.b.i.5. of the 2010 Stormwater GP states that the SWPPP “shall include BMPs to provide SWPPP training for employees who have duties in areas of industrial activities subject to this permit.” Condition S3.B.4.b.i.5. specifies that, at a minimum, the training plan must include the content of the training; how the Permittee will conduct the training; the frequency/schedule of training, with training occurring at least annually; and a log of the dates on which specific employees received training.

3.33. During EPA’s February 2014 inspection of the Facility, a Facility representative acknowledged that until the previous day, no employee SWPPP training had ever occurred at the Facility.

3.34. For at least four consecutive years from 2010 to 2013, Respondents failed to conduct employee SWPPP training in violation of Condition S3.B.4.b.i.5. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count 6: Failure to Sample Stormwater Discharge

3.35. Condition S4.B.2. of the 2010 Stormwater GP states that the Permittee “shall designate sampling location(s) at the point(s) where it discharges stormwater associated with industrial activity off-site.”

3.36. Condition S4.B.1.a. of the 2010 Stormwater GP states that the Permittee shall sample stormwater discharge from each designated location at least once per quarter.

3.37. Condition S4.B.2.c. of the 2010 Stormwater GP states that the Permittee “shall sample each distinct point of discharge off-site except as otherwise exempt from monitoring as a ‘substantially identical outfall’ per S3.B.5.b.” Substantially identical outfall means “two or more outfalls [that] discharge substantially identical effluents (based on similar industrial activities and site conditions).”

3.38. For at least three quarters in 2010, Respondents failed to sample stormwater discharge at the points where they discharge stormwater associated with industrial activity off-site.

3.39. For at least 12 quarters from 2010 through 2013, Respondents failed to conduct sampling of applicable distinct points of stormwater discharge. Respondents failed to document in the SWPPP why these points of discharge were exempt from monitoring as substantially identical outfalls.

3.40. For at least 15 quarters from 2010 through 2013, Respondents failed to properly sample stormwater discharge in violation of Condition S4.B. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count 7: Failure to Conduct Adequate Inspections

3.41. Condition S7.A.1. of the 2010 Stormwater GP states that the Permittee “shall conduct and document visual inspections of the site each month.”

3.42. Condition S7.B.1. of the 2010 Stormwater GP states that each inspection shall include observations made at stormwater sampling locations and areas where stormwater associated with industrial activity is discharged off-site, to waters of the state, or to a storm sewer system that drains to waters of the state.

3.43. Condition S7.B.6. of the 2010 Stormwater GP states that each inspection shall include an assessment of all BMPs that have been implemented, noting the effectiveness of BMPs inspected; the locations of BMPs that need maintenance; the reasons maintenance is needed and a schedule for maintenance; and the locations where additional or different BMPs are needed and the rationale for the additional or different BMPs.

3.44. For at least six consecutive months between January and June 2010, Respondents failed to conduct and document visual inspections of the Facility in violation of Condition S7.A.1. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

3.45. For at least 13 consecutive months between January 2013 and February 2014, Respondents failed to ensure that each inspection included observations made at areas where stormwater associated with industrial activity was discharged off-site in violation of Condition S7.B.1. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

3.46. For at least 11 consecutive months between February and December 2013, Respondents failed to ensure that each inspection included an assessment of all implemented BMPs in violation of Condition S7.B.6. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count 8: Failure to Adequately Document Inspection Results

3.47. Condition S7.C.1. of the 2010 Stormwater GP states that the Permittee “shall record the results of each inspection in an inspection report or checklist”

3.48. Condition S7.C.1.b. of the 2010 Stormwater GP requires the Permittee to ensure that each inspection report includes documentation of the locations inspected.

3.49. Condition S7.C.1.d. of the 2010 Stormwater GP requires the Permittee to ensure that each inspection report includes a summary report and a schedule of implementation of the remedial actions that the Permittee plans to take if the site inspection indicates that the site is out of compliance.

3.50. Condition S7.C.1.f. of the 2010 Stormwater GP requires the Permittee to ensure that each inspection report is certified and signed by a designated person.

3.51. For at least 13 consecutive months between January 2013 and February 2014, Respondents failed to ensure that each inspection report included documentation of the locations inspected in violation of Condition S7.C.1.b. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

3.52. For at least 11 consecutive months between February and December 2013, Respondents failed to ensure that each inspection report included a schedule of implementation of planned remedial actions in violation of Condition S7.C.1.d. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

3.53. For at least 11 consecutive months between February and December 2013, Respondents failed to ensure that each inspection report was properly signed and certified in violation of Condition S7.C.1.f. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count 9: Failure to Take, Implement, and Document Required Corrective Actions

3.54. Condition S8.B. of the 2010 Stormwater GP requires that a Permittee who exceeds any applicable benchmark value(s) in Table 2 or Table 3 of the GP complete a Level One Corrective Action for each parameter exceeded. A Permittee required to take a Level One

Corrective Action must: (1) conduct an inspection to investigate the cause of the benchmark exceedance; (2) review the SWPPP and ensure that it fully complies with Permit Condition S3 and contains the correct BMPs from the applicable Stormwater Management Manual; (3) make appropriate revisions to the SWPPP to include additional Operational Source Control BMPs and sign and certify the revised SWPPP; (4) summarize the Level One Corrective Actions in the Annual Report; and (5) fully implement the revised SWPPP as soon as possible, but no later than the DMR due date for the quarter the benchmark was exceeded.

3.55. Condition S8.D. of the 2010 Stormwater GP requires that a Permittee who exceeds an applicable benchmark value (for a single parameter) for any three quarters during a calendar year complete a Level Three Corrective Action. A Permittee required to take a Level Three Corrective Action must, among other requirements: (1) review the SWPPP and ensure that it fully complies with Permit Condition S3; (2) make appropriate revisions to the SWPPP to include additional Treatment BMPs and include additional operational and/or structural source control BMPs if necessary; (3) sign and certify the revised SWPPP; (4) summarize the Level Three Corrective Actions in the Annual Report; and (5) fully implement the revised SWPPP as soon as possible, but no later than September 30th of the following year.

3.56. Respondents' quarterly sampling result submissions to Ecology indicate that Respondents exceeded the benchmark values for at least three quarters in 2012 and 2013 for turbidity, copper, and zinc, and at least three quarters in 2013 for lead. Respondents' quarterly sampling result submissions to Ecology also indicated that Respondents exceeded benchmark values for turbidity, pH, copper, lead, zinc and total petroleum hydrocarbons for at least one quarter in 2011.

3.57. For at least nine quarters in 2011, 2012, and 2013, Respondents failed to take, implement, and document adequate Level One Corrective Actions in violation of Conditions S3.A.6. and S8.B. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

3.58. For at least five consecutive months between October 2012 and February 2014, Respondents failed to take, implement, and document adequate Level Three Corrective Actions in violation of Conditions S3.A.6. and S8.D. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count 10: Failure to Adequately Report Permit Violations

3.59. Condition S9.E. of the 2010 Stormwater GP requires that in the event that the Permittee is unable to comply with any of the terms and conditions of the GP which may endanger human health or the environment, the Permittee must immediately notify Ecology of the failure to comply and submit a detailed written report to Ecology within 30 days.

3.60. Respondents failed to comply with multiple terms and conditions of the 2010 Stormwater GP which may endanger human health or the environment, including Condition S3 (SWPPP requirements), Condition S4 (sampling requirements), Condition S7 (inspection requirements), and Condition S8 (corrective actions). Respondents did not submit a detailed written report to or otherwise notify Ecology of these failures.

3.61. For at least nine consecutive months between April and December 2013, Respondents failed to properly notify Ecology of their failure to comply with the 2010 Stormwater GP or to submit a detailed written report in violation of Condition S9.E. of the 2010 Stormwater GP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

IV. CONSENT AGREEMENT

4.1. Respondents admit the jurisdictional allegations of this CAFO.

4.2. Respondents neither admit nor deny the specific factual allegations contained in this CAFO.

4.3. As required by Section 309(g)(3) of the CWA, 33 U.S.C. § 1319(g)(3), EPA has taken into account the nature, circumstances, extent, and gravity of the alleged violations as well as Respondents' economic benefit of noncompliance, ability to pay, and other relevant factors. After considering all of these factors, EPA has determined and Respondents agree that an appropriate penalty to settle this action is \$158,000.

4.4. Respondents agree to pay the total civil penalty set forth in Paragraph 4.3 within 30 days of the effective date of the Final Order contained in Part V of this CAFO.

4.5. Payment under this CAFO must be made by a cashier's check or certified check 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, MO 63197-9000

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

4.6. Respondents must serve photocopies of the check 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 ORC-113
1200 Sixth Avenue, Suite 900

Rick Cool
U.S. Environmental Protection Agency
Region 10, Mail Stop OCE-101
1200 Sixth Avenue, Suite 900

4.7. If Respondents fail to pay the penalty assessed by this CAFO in full by its due date, the entire unpaid balance of penalty and accrued interest shall become immediately due and owing. Such failure may also subject Respondents to a civil action to collect the assessed penalty under the CWA, together with interest, fees, costs, and additional penalties described below. In any collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

4.7.1. Interest. Pursuant to Section 309(g)(9) of the CWA, 33 U.S.C. § 1319(g)(9), any unpaid portion of the assessed penalty shall bear interest at a rate established by the Secretary of Treasury pursuant to 31 U.S.C. § 3717(a)(1) from the effective date of the Final Order set forth in Part V, 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.

4.7.2. Attorneys Fees, Collection Costs, Nonpayment Penalty. Pursuant to Section 309(g)(9) of the CWA, 33 U.S.C. § 1319(g)(9), if Respondents fail to pay on a timely basis the penalty set forth in Paragraph 4.3, Respondents shall pay (in addition to any assessed penalty and interest) attorneys fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20% of the aggregate amount of Respondents' penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

4.8. The penalty described in Paragraph 4.3, including any additional costs incurred under Paragraph 4.7, above, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.9. The undersigned representative of Respondents certifies that he or she is authorized to enter into the terms and conditions of this CAFO and to bind Respondents to this document.

4.10. The undersigned representative of Respondents also certifies that, as of the date of Respondents' signature of this CAFO, Respondents have corrected the violation(s) alleged in Part III above.

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

4.12. Respondents expressly waive any right to contest the allegations and waive any right to appeal the Final Order set forth in Part V.

4.13. The provisions of this CAFO shall bind Respondents and their agents, servants, employees, successors, and assigns.

4.14. The above provisions are STIPULATED AND AGREED upon by Respondents and EPA Region 10.

DATED:

8-18-15

FOR RESPONDENTS:

Craig Mungas

CRAIG MUNGAS, Receiver
Building Busters, Inc. dba
Contractors Concrete Recycling

8-20-15

Joseph C. Anderson

JOSEPH C. ANDERSON, Owner
Monster Auto Wrecking, Inc.

DATED:

8/24/2015

FOR COMPLAINANT:

Edward J. Kowalski

EDWARD J. KOWALSKI, Director
Office of Compliance and Enforcement
EPA Region 10

V. FINAL ORDER

5.1. The terms of the foregoing Parts I-IV are ratified and incorporated by reference into this Final Order. Respondents are ordered to comply with the terms of settlement.

5.2. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to the CWA for the violations alleged in Part III. In accordance with 40 C.F.R. § 22.31(a), nothing in this CAFO 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 CAFO does not waive, extinguish, or otherwise affect Respondents' obligations to comply

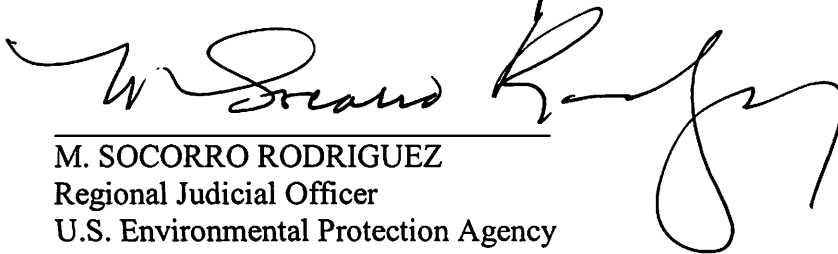
with all applicable provisions of the CWA and regulations promulgated or permits issued thereunder.

5.3. In accordance with Section 309(g)(1) of the CWA, 33 U.S.C. § 1319(g)(1), and 40 C.F.R. § 22.38(b), the Washington Department of Ecology has been given the opportunity to consult with EPA regarding the assessment of the administrative civil penalty against Respondents.

5.4. 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), EPA has issued public notice of and provided reasonable opportunity to comment on its intent to assess an administrative penalty against Respondents. More than 40 days have elapsed since issuance of this public notice and EPA has received no petition to set aside the Consent Agreement contained herein.

5.5. This Final Order shall become effective upon filing.

SO ORDERED this 16th day of September, 2015.



M. SOCORRO RODRIGUEZ
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Building Busters, Inc, dba Contractors Concrete Recycling, and Monster Auto Wrecking, Inc., Docket No.: CWA-10-2015-0136**, 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 to:

Leah Brown
U.S. Environmental Protection Agency
1200 Sixth Avenue, ORC-158, Suite 900
Seattle, WA 98101

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:

Craig Mungas, Receiver
Bjorson Law Offices
2809 Great Northern Loop, Ste. 100
Missoula, Montana 59808

Joseph B. Anderson
Building buster, Inc., dba Contractors concrete Recycling
13001 Martin Luther King, Jr. Way South
Seattle, Washington 98178

Joseph C. Anderson
Monster auto Wrecking Inc.
13001 Martin Luther King, Jr. Way South
Seattle, Washington 98178

DATED this 16 day of September, 2015

Teresa Luna
Signature

Teresa Luna
Regional Hearing Clerk
EPA Region 10