



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
REGIONAL COUNSEL

February 25, 2016

Honorable Christine Coughlin  
Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
OALJ E-Filing System

RE: Special Interest Auto Works, Inc. and Troy Peterson, Docket No. CWA-10-2013-0123

Dear Judge Coughlin:

Please find the enclosed fully executed Consent Agreement and Final Order filed on February 25, 2016 in the above-referenced matter.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Ebright".

Stephanie Ebright  
Assistant Regional Counsel

Enclosures

cc: Dennis D. Reynolds, Esq., [dennis@ddrlaw.com](mailto:dennis@ddrlaw.com)

RECEIVED

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HEARINGS CLERK  
EPA -- REGION 10

**BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:	)	
	)	DOCKET NO. CWA-10-2013-0123
Special Interest Auto Works, Inc. and	)	
Troy Peterson,	)	CONSENT AGREEMENT
	)	
Respondents.	)	
	)	

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**I. PRELIMINARY STATEMENT**

1.1. This Consent Agreement 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. 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 Special Interest Auto Works, Inc. and Troy Peterson ("Respondents") agree to issuance of, the Final Order attached to this Consent Agreement ("Final Order").

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and Troy Peterson  
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Consent Agreement

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(206) 553-1037

1.3. EPA initiated this proceeding for the assessment of a civil penalty pursuant to Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), by issuing a Complaint against Respondents on July 15, 2013.

1.4. In the Complaint, EPA alleged that Respondents violated Section 308 of the CWA, 33 U.S.C. § 1318, Failure to Apply for a National Pollutant Discharge and Elimination System ("NPDES") Permit. Additionally, EPA alleged that Respondents violated Section 301(a) of the CWA, 33 U.S.C. § 1342, Discharge Without a NPDES Permit. In particular, EPA alleged that Respondents discharged stormwater from the Special Interest Auto Wrecking facility, located in Kent, Washington, to the Green River without a permit.

1.5. On October 13, 2015, in response to Respondents' Amended Motion for Accelerated Decision and Motion for Leave to Conduct Discovery, the Administrative Law Judge ("ALJ") issued an Order dismissing Count One of the Complaint—Failure to Apply for a NPDES Permit. However, the ALJ denied Respondents' request for dismissal of all claims against Respondent Peterson individually and Respondents' request for summary ruling regarding any claims based on threatened or potential discharge. The parties were ordered to engage in a settlement conference on the remaining claim.

1.6. The complete factual and jurisdictional basis for proposing the assessment of a civil penalty is set forth in the Complaint. The Complaint, as modified by the Order dismissing Complainant's Count One, is incorporated herein by reference.

1.7. Respondents state that they do not admit liability, but in the interest of settlement agree to resolve this matter by executing this Consent Agreement.

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## II. CONSENT AGREEMENT

2.1. Respondents admit the jurisdictional allegations of the Complaint.

2.2. Respondents neither admit nor deny the specific factual allegations contained in this Consent Agreement.

2.3. 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 \$30,000.

2.4. Respondents agree to pay the total civil penalty set forth in Paragraph 2.3 within six months of the effective date of the Final Order. The six month payment schedule is warranted based on Respondents' Certification on Payment of Penalty and Undue Financial Hardship (Attachment 1).

2.5. Payment under this Consent Agreement and Final Order must be made by a cashier's check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <http://www2.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, MO 63197-9000

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

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2.6. Concurrently with payment, Respondents must serve photocopies of the check, or proof of other payment method, described in Paragraph 2.5 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  
Seattle, WA 98101

Chae Park  
U.S. Environmental Protection Agency  
Region 10, Mail Stop OCE-133  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

2.7. If Respondents fail to pay the penalty assessed by this Consent Agreement and Final Order 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.

2.7.1. 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, provided however, that no interest shall be payable on any portion of the assessed penalty that is paid within six months of the effective date of the Final Order.

2.7.2. 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 2.3, Respondents shall pay (in addition to any assessed penalty and interest) attorneys fees and costs for collection proceedings and

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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.

2.8. The penalty described in Paragraph 2.3, including any additional costs incurred under Paragraph 2.7, above, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

2.9. The undersigned representative of Respondents certifies that he is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondents to this document.

2.10. Except as described in Subparagraph 2.7.2, above, each party shall bear its own costs in bringing or defending this action.

2.11. Respondents expressly waive any right to contest the allegations and waives any right to appeal the Final Order.

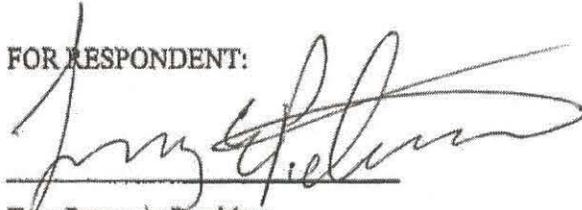
2.12. The provisions of this Consent Agreement and Final Order shall bind Respondents and their agents, servants, employees, successors, and assigns.

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

DATED:

2-1-2016

FOR RESPONDENT:



Troy Peterson, President  
Special Interest Auto Works, Inc.

DATED:

2-1-2016

FOR RESPONDENT:



Troy Peterson, Individual

DATED:

2/11/2016

FOR COMPLAINANT:



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

**ATTACHMENT 1**

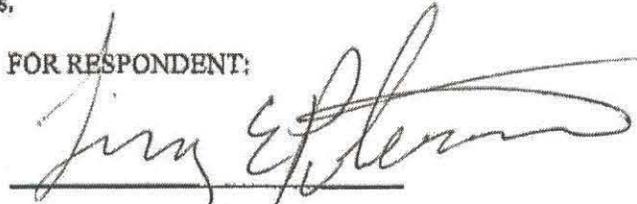
**Respondents' Certification on Payment of Penalty and Undue Financial Hardship**

I, Troy Peterson, individually and as President of Special Interest Auto, Inc., hereby certify, under penalty of law, that, based on my current financial condition and the financial condition of Special Interest Auto, Inc., for which I am a responsible corporate officer, the Respondents in the Clean Water Act administrative enforcement action with Docket No. CWA-10-2013-0123 cannot pay the civil penalty within 30 days of the effective date of the Final Order in the above referenced Docket No. without experiencing undue financial hardship. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

DATED:

2-1-2016

FOR RESPONDENT:

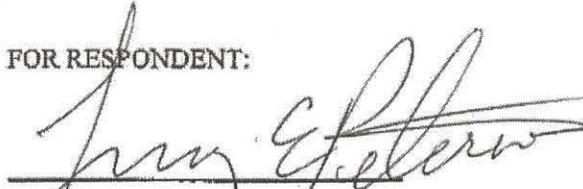


Troy Peterson, President  
Special Interest Auto Works, Inc.

DATED:

2-1-2016

FOR RESPONDENT:



Troy Peterson, Individual

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In the Matter of:	)	DOCKET NO. CWA-10-2013-0123
	)	
Special Interest Auto Works, Inc., and	)	FINAL ORDER
Troy Peterson,	)	
	)	
Respondents.	)	
	)	

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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. Respondents are ordered to comply with the terms of settlement.

1.3. This Consent Agreement and Final Order constitutes a settlement by EPA of all claims for civil penalties pursuant to the CWA for the violations alleged in the Complaint. 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 Respondents' obligations to comply with all applicable provisions of the CWA and regulations promulgated or permits issued thereunder.

1.4. 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 an administrative civil penalty against Respondents.

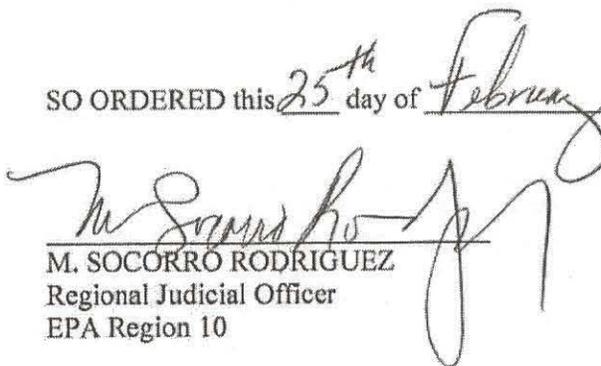
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1.5. Pursuant to Section 309(g)(4)(A) of the CWA, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45(b), EPA has issued public notice of and provided reasonable opportunity to comment on its intent to assess an administrative penalty against Respondents. 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.

This Final Order shall become effective upon filing.

SO ORDERED this 25<sup>th</sup> day of February, 2016.

  
M. SOCORRO RODRIGUEZ  
Regional Judicial Officer  
EPA Region 10

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Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT and FINAL ORDER, In the Matter of: Special Interest Auto Works, Inc. and Troy Peterson, Docket No.: CWA-10-2013-0123**, 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:

Stephanie Ebright  
U.S. Environmental Protection Agency  
Region 10, ORC-113  
1200 Sixth Avenue, 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:

Dennis D. Reynolds  
Dennis D. Reynolds Law Office  
200 Winslow Way W. Suite 380  
Bainbridge Island, WA 98110

DATED this 25 day of February, 2016

  
\_\_\_\_\_  
Signature

Teresa Luna  
Regional Hearing Clerk  
EPA Region 10