



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 10, 1200 Sixth Avenue, Seattle, Washington 98101
EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA- CWA-10-2024-0122, NPDES No. AKR06AB16
Penalty Amount: \$13,711, Inspection Date: September 29, 2023

Quality Asphalt Paving ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an "Expedited Settlement Offer Worksheet" ("Settlement Worksheet"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the alleged violations specified in the Settlement Worksheet.

Respondent failed to comply with the condition(s) or limitation(s) of a duly issued permit pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and Section 301(a) of the Act, 33 U.S.C. § 1311(a).

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the specific alleged violations specified in the Settlement Worksheet or this Expedited Settlement Agreement ("Agreement").

This Agreement constitutes a Consent Agreement and Final Order, which EPA is authorized to enter under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement to settle the civil violation(s) alleged in this Agreement for a penalty of \$13,711. Respondent consents to the assessment of this penalty and waives the right to: (1) contest the finding(s) specified in the Settlement Worksheet; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the alleged violations identified in the Settlement Worksheet have been corrected. Respondent shall submit a written report and other documentation required by EPA with this Agreement detailing the specific actions taken to correct the alleged violations cited herein. This documentation may include monitoring, inspection and maintenance reports, documentation of corrective actions, certification records, and other records required for compliance with permit documentation and recordkeeping conditions.

Respondent certifies that, within ten (10) days after receipt of the Final Order, Respondent will submit electronic payment via www.pay.gov or submit a bank, cashiers, or certified check, with

case name and docket number noted, for the amount specified above, payable to the "Treasurer, United States of America," via certified mail, to:

Regional Hearing Clerk
U.S. EPA, Region 10
Fines and Penalties, Cincinnati Finance Center
In the Matter of: Quality Asphalt Paving
Docket No.: CWA-10-2024-0122
P.O. Box 979078
St. Louis, MO 63197-9000

Respondent agrees that consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), it will not deduct the penalties paid under this Agreement for federal tax purposes.

This Agreement settles EPA's civil penalty claims against Respondent for the alleged Clean Water Act violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected alleged violation(s) described in the Settlement Worksheet. EPA has determined this Agreement to be appropriate.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, EPA will provide a copy of the Agreement to the state of Alaska for the purposes of consultation with Alaska on the appropriateness of this Agreement. EPA will also provide public notice of this Agreement and a reasonable opportunity for public comment on it. EPA will address any comments on the Agreement in accordance with section 309(g)(1) and (4)(A) of the Act, 33 U.S.C. § 1319(g)(1) and (4)(A), and 40 CFR §§ 22.38 and 22.45.

This Agreement is binding on the parties signing below and becomes final 30 days from the date it signed is by the Regional Judicial Officer, unless a petition to set aside this Agreement is filed by a commenter pursuant to Section 309(g)(5) of the Act, 33 U.S.C. § 1391(g)(5), following public notice of this Agreement.

APPROVED BY RESPONDENT:

Name
(print): \_\_\_\_\_

Title
(print): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

APPROVED BY EPA:

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Edward J. Kowalski, Director  
Enforcement and Compliance Assurance Division

More than 40 days have elapsed since providing the Agreement to Alaska and the issuance of public notice pursuant to Section 309(g)(1) and (4)(A) of the Act, 33 U.S.C. § 1319(g)(1) and (4)(A), and EPA has received no comments concerning this matter.

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Emily Siangkam, Case Officer  
Enforcement and Compliance Assurance Division

Having determined that this Agreement is authorized by law,  
IT IS SO ORDERED:

\_\_\_\_\_ Date: \_\_\_\_\_  
Regional Judicial Officer  
Region 10  
U.S. Environmental Protection Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
INDUSTRIAL STORMWATER  
EXPEDITED SETTLEMENT AGREEMENT



Permittee		Site Factors		
Site Name:	QAP C Street Facility	Acres of Exposure:	34.5	
Street Address:	240 West 68th Avenue	Full Time Employees:	30	
City, State, Zip:	Anchorage, Alaska 99518	Environmental Harm:	Low	
Lat/Long:	61.1569704° N, 149.8840224° W	Sector:	D - Asphalt Paving and Roofing Materials and Lubricants	
Permit ID:	AKR06AB16	Receiving Water(s):	Campbell Creek	
Inspection Date:	9/29/2023	Water(s) Status:	High Quality	
Permit Section Citation		Magnitude*	Penalty Amount	Duration
4.1	Control Measure Selection and Design Considerations			
4.2	Non-Numeric Technology-Based Effluent Limits			
6.1	Routine Facility Inspections			
6.2	Quarterly Visual Assessment of Stormwater Discharges			
7.1	Monitoring Procedures			
7.2.1	Benchmark Monitoring			
7.2.2	Effluent Limitations Monitoring	< 5%	\$2,461	January 2023
7.2.3	Impaired Waters Monitoring			
8	Corrective Actions			
7.2.1.4	Data Exceeding Benchmarks	Minimal	\$3,516	Q3 2020
5	Stormwater Pollution Prevention Plan (SWPPP)	Moderate	\$7,031	2020 - present
9	Reporting and Recordkeeping	Minimal	\$703	Q3 2020, Q4 2020, Q2 2022, Q1 2023; Annual Reports for 2020 and 2021
		<b>Total:</b>	<b>\$13,711</b>	

\* "Magnitude" reflects the severity and/or duration of the violations identified by the Inspector(s) at the time of the Inspection.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
INDUSTRIAL STORMWATER  
EXPEDITED SETTLEMENT AGREEMENT



Permit Section Citation	Description of Violations
4.1 Control Measure Selection and Design Considerations	
4.2 Non-Numeric Technology-Based Effluent Limits	
6.1 Routine Facility Inspections	
6.2 Quarterly Visual Assessment of Stormwater Discharges	
7.1 Monitoring Procedures	
7.2.1 Benchmark Monitoring	
7.2.2 Effluent Limitations Monitoring	The Facility had 6 effluent limit exceedances in January 2023: 5 total suspended solids (TSS) limit exceedances, and 1 pH limit exceedance.
7.2.3 Impaired Waters Monitoring	
8 Corrective Actions	
7.2.1.4 Data Exceeding Benchmarks	During Q3 of 2020, the Facility had iron and TSS benchmark exceedances at outfall #6, but failed to conduct corrective actions and complete a corrective action report.
5 Stormwater Pollution Prevention Plan (SWPPP)	The site map is missing the location of receiving waters (5.2.3.3). The SWPPP lacks adequate description of potential pollutant sources (5.2.4) and stormwater control measures (5.2.5). The SWPPP indicates the Facility will use an ADEC-approved laboratory but does not specify the lab used (5.2.6.2).
9 Reporting and Recordkeeping	The Facility submitted the Annual Reports for 2020 and 2021 late (5/22/23 and 3/22/22 respectively). The Facility also submitted DMRs late for Q3 of 2020, Q4 of 2020, Q2 of 2022, and Q1 of 2023.