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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

_____)	Case No. 3:17-cv-00087-TMB
UNITED STATES OF AMERICA and)	
STATE OF ALASKA)	COMPLAINT
)	
Plaintiffs.)	
)	
v.)	
)	
WESTWARD SEAFOODS, INC.,)	
)	
Defendant.)	
_____)	

The United States of America, by the authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency (“EPA”), and the State of Alaska, on behalf of

its Alaska Department of Environmental Conservation (“ADEC”), by and through the Office of the Alaska Attorney General, allege as follows:

NATURE OF ACTION

1. This is a civil action brought pursuant to Section 113 of the Clean Air Act, as amended (the “Clean Air Act” or the “CAA”), 42 U.S.C. § 7413. The Plaintiffs seek injunctive relief and the assessment of civil penalties against Westward Seafoods, Inc. (“WSI” or “Defendant”), at the Defendant’s seafood processing facility in Dutch Harbor, Alaska (“Captain’s Bay Facility”), for violations of Sections 110 of the CAA, 42 U.S.C. § 7410, and applicable regulations; and violations of the Title V permit and operating permit provisions of the CAA, including Section 502 of the CAA, 42 U.S.C. § 7661a.

2. As described below, Defendant violated the statutory and regulatory requirements identified in Paragraph 1 at its Captain’s Bay Facility from August 2009 to September 2011 by failing to limit nitrogen oxide (“NO_x”) emissions from its three Wartsila generators; operate each of the generators with water injection; perform maintenance on the generators and keep records of maintenance performed; operate the generators with a dedicated fuel and water flow meter and keep records of the usage; report resulting permit deviations to ADEC within thirty days; submit semi-annual operating reports to ADEC; and certify to ADEC and EPA permit compliance annually.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1345, 1355, and Sections 113(b) and 304(a) of the CAA, 42 U.S.C. § 7413(b) and 7604(a), and over the Parties.

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4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c), and 1395(a), and CAA section 113(b), 42 U.S.C. § 7413(b), because WSI resides in, is located in, and conducts business in this judicial district. Defendant has consented to venue in this district.

5. Pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), the United States has provided notice of the commencement of this action to ADEC, the appropriate State air pollution control agency.

DEFENDANT

6. Defendant Westward Seafoods, Inc., is incorporated in the State of Alaska and is 100% owned by Maruha Capital Investment, Inc. (“MCII”).

7. Defendant has at all times relevant to this lawsuit owned and operated the Captain’s Bay Facility.

CLEAN AIR ACT AND ASSOCIATED REGULATIONS

8. Section 109 of the CAA, 42 U.S.C. § 7409, requires the Administrator of EPA to promulgate regulations establishing primary and secondary national ambient air quality standards (“NAAQS”) for those air pollutants for which air quality criteria have been issued pursuant to Section 108 of the CAA, 42 U.S.C. § 7408.

9. Section 110(a) of the CAA, 42 U.S.C. § 7410(a), requires each state to submit for EPA approval a State Implementation Plan (“SIP”) that provides for the attainment and maintenance of the NAAQS. The Administrator thereafter retains the authority to enforce any applicable requirement or prohibition of the SIP, including any permit condition issued pursuant to SIP-approved regulations for the review of new or modified stationary sources, as provided in Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), and 40 C.F.R. § 52.23.

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10. EPA initially approved the State of Alaska Air Quality Control Plan as part of the Alaska SIP on May 31, 1972. *See* 40 C.F.R. § 52.70; 37 Fed. Reg. 10848 (May 31, 1972). EPA has approved numerous subsequent revisions and amendments to the Alaska SIP since then.

11. 18 Alaska Administrative Code (AAC) § 50.300 (effective in Alaska from July 21, 1991 until October 1, 2004) required facilities meeting certain emission thresholds or meeting identified criteria to obtain a permit from ADEC prior to construction, modification, reconstruction, or operation. EPA approved this regulation as part of the Alaska SIP in 1995. This regulation remained part of the Alaska SIP until September 13, 2007, when EPA removed it from the SIP because ADEC had repealed 18 AAC § 50.300 effective October 1, 2004 and replaced it with new regulations in Articles 3 and 5 of 18 AAC Ch. 50. These regulations also require facilities meeting certain emission thresholds or meeting identified criteria to obtain a permit from ADEC prior to construction, modification, reconstruction, or operation.

12. Although ADEC repealed 18 AAC § 50.300 as a matter of state law effective October 1, 2004, 18 AAC 50.301, which became effective in Alaska on that same day, provides that any air quality permit effective under 18 AAC Ch. 50 as of October 1, 2004 remains in effect until it expires under Alaska Statute 46.14.230, is revoked by ADEC under Alaska Statute 46.14.280, or is replaced by a permit issued under 18 AAC Ch. 50. EPA approved 18 AAC 50.301 as part of the Alaska SIP on September 13, 2007.

13. Terms and conditions in permits issued under 18 AAC 50.300 are applicable requirements of the Alaska SIP for purposes of Section 113 of the CAA, 42. U.S.C. § 7413. All references to 18 AAC 50.300 in this Complaint refer to the 1991 version of the State regulation that was approved by EPA as part of the Alaska SIP in 1995 and remained part of the Alaska SIP until September 13, 2007.

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14. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, establishes an operating permit program for certain sources, including “major sources” as defined in 42 U.S.C. § 7661(2). The purpose of Title V is to ensure that all “applicable requirements” for compliance with the CAA, including SIP requirements, are collected in a Title V permit, and to prohibit the operation of any subject source except in compliance with a Title V permit.

15. EPA granted ADEC’s Title V operating program final interim approval, effective December 5, 1996, and full approval effective November 30, 2001.

16. Section 504(a) of the CAA, 42 U.S.C. § 7661c(a), requires that each Title V permit contain enforceable emission limitations and standards and such other conditions as are necessary to assure compliance with requirements of the CAA, including requirements of the applicable SIP.

17. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and Alaska’s Title V operating permit program, have at all relevant times made it unlawful for any person to violate any requirement of a permit issued under Title V or to operate a major source and certain other sources except in compliance with a permit issued by a permitting authority under Title V.

18. “Person” is defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e), to include corporations.

19. “Major source” is defined in Section 302(j) and 501(2) of the CAA, 42 U.S.C. §§ 7602(j) and 7661(2), to include, inter alia, any source that has the potential to emit 100 tons per year or more of any air pollutant.

20. Sections 113(a)(1) and (3) of the Act, 42 U.S.C. § 7413(a)(1) and (3), provide that the Administrator may bring a civil action in accordance with Section 113(b) of the CAA whenever, on the basis of any information available to the Administrator, the Administrator finds

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that any person has violated or is in violation of, *inter alia*: (1) a SIP or any permit issued thereunder; or (2) Title V of the CAA, 42 U.S.C. §§ 7661-7661f, or any rule or permit issued thereunder.

21. Section 113(b) of the Act, 42 U.S.C. § 7413 (b), authorizes EPA to initiate a civil judicial enforcement action for a permanent or temporary injunction, and/or for a civil penalty of up to \$25,000 per day for each violation. Pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2471, as amended by 31 U.S.C. § 3701, and as provided in 40 C.F.R. § 19.4, the civil penalty that may be sought has increased to up to \$37,500 per day for violations occurring after January 12, 2009 and on or before November 2, 2015. *See* 40 C.F.R. Part 19; 81 Fed. Reg. 43091 (July 1, 2016); 78 Fed. Reg. 66463 (Nov. 6, 2013).

22. Authority to bring this action is vested in the Alaska Attorney General, acting on behalf of the Alaska Department of Environmental Conservation of the State of Alaska, pursuant to Section 304 of the CAA, 42 U.S.C. § 7604, and Alaska Statute § 44.03.020.

GENERAL ALLEGATIONS

23. Defendant is a corporation incorporated in the State of Alaska.

24. Defendant has owned and operated the Captain's Bay Facility since at least 1990.

25. Defendant is a "Person" as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

26. The Captain's Bay Facility has the potential to emit 100 tons per year or more of an air pollutant and is therefore a "major source" as defined in Section 302(j) and 501(2) of the CAA, 42 U.S.C. §§ 7602(j) and 7661(2), and the Title V implementing regulations at 40 C.F.R. § 70.2.

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27. ADEC issued Construction Permit No. 433CP01 to Defendant for the Captain's Bay Facility on October 10, 2003, and issued an administrative revision, which replaced the original permit, on February 13, 2004 (Permit No. AQ0433CPT01P) (collectively, the "Construction Permit"). The Construction Permit was issued for Prevention of Significant Deterioration ("PSD") major modifications at the Captain's Bay Facility for nitrogen oxide ("NO_x"), sulfur dioxide ("SO₂"), and particulate matter with an aerodynamic diameter of less than 10 microns ("PM₁₀").

28. The terms and conditions of the Construction Permit are applicable requirements of the Alaska SIP.

29. ADEC issued Air Quality Operating Permit No. 433TVP01, a Title V permit, to Defendant for the Captain's Bay Facility on November 28, 2003, which became effective on January 1, 2004 ("2003 Title V Permit").

30. ADEC issued Air Quality Operating Permit No. AQ0433TVP02, a Title V permit, to Defendant for the Captain's Bay Facility on September 20, 2010, which became effective on October 20, 2010 ("2010 Title V Permit"), and was a renewal and replacement of the 2003 Title V Permit. The 2003 Title V Permit and the 2010 Title V Permit are collectively referred to herein as the "WSI Title V Permits."

31. The facility-specific requirements established in the Construction Permit are included in the WSI Title V Permits as applicable requirements

32. Defendant operates three Wartsila generator engines at the Captain's Bay Facility, each rated at 2,220 kilowatts, and identified as EUs 1-3 in the WSI Title V Permits ("Wartsila Generators"). Each of the Wartsila Generators is equipped with a low-NO_x retrofit package and

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with a water injection system referred to as a Charged Air Saturation System (“CASS”) to reduce NO_x emissions.

33. On June 2, 2010, the United States District Court for the District of Alaska entered a Consent Decree between Defendant and the United States, on behalf of EPA (“2010 Consent Decree”), in which EPA alleged violations of the CAA and the Emergency Planning and Community Right-to-Know Act at the Captain’s Bay Facility through 2006. The alleged violations included failure to operate the Wartsila Generators with CASS during times when CASS was required by the 2003 Title V Permit.

34. From approximately August 1, 2009 through August 31, 2011 (the “Noncompliance Period”), employees of Defendant deactivated the CASS on each of the Wartsila Generators, such that the CASS did not operate when the generators were operating, and also fabricated water usage records for the CASS.

35. In addition to the civil claims alleged in this Complaint, the United States is separately asserting that the facts underlying such claims also violate the 2010 Consent Decree, to the extent they occurred after Defendant’s submission of the preventative maintenance and operations plan under the 2010 Consent Decree on August 31, 2010, and the United States is separately pursuing stipulated penalties for such violations of the 2010 Consent Decree.

36. In 2014, three WSI employees plead guilty to criminal charges and were sentenced in the United States District Court for the District of Alaska in connection with the facts underlying some of the claims alleged in this Complaint.

FIRST CLAIM FOR RELIEF

Operation of the Wartsila Generators in Violation of NO_x Emission Limit And Without Water Injection

37. Paragraphs 1 through 36 are incorporated by reference as if fully set forth herein. *U.S. and State of Alaska v. Westward Seafoods, Inc.; Case no. 3:17-cv-00087-TMB*

38. Condition 15.1.a of the 2003 Title V Permit, Condition 16.1.a of the 2010 Title V Permit, and Condition 10.1.a of the Construction Permit require Defendant to limit continuous NO_x emissions from each of the Wartsila Generators to no greater than 42.3 pounds/hour expressed as NO₂, averaged over the duration of a performance test or averaged over three consecutive hours.

39. Condition 15.1.b of the 2003 Title V Permit, Condition 16.1.b of the 2010 Title V Permit, and Condition 10.1.b of the Construction Permit require Defendant to operate each of the Wartsila Generators with a low-NO_x retrofit package with water injection.

40. Under Condition 10.1.b of the Construction Permit, water injection must be used at all engine loads from 0-100 percent. Under Condition 15.1.b of the 2003 Title V Permit, which was in effect until October 19, 2010, water injection must be used at all engine loads from 0-100 percent. Under Condition 16.1.b of the 2010 Title V Permit, which was in effect on and after October 20, 2010, water injection must be used at all engine loads greater than 50 percent.

41. The CASS on each of the Wartsila Generators is a water injection system.

42. Defendant failed to use water injection during operation of the Wartsila Generators on almost every day during the Noncompliance Period.

43. On approximately 79 days during the Noncompliance Period, Defendant operated one or more of the Wartsila Generators at an engine load above 75 percent resulting in NO_x emissions from such emission unit in excess of 42.3 pounds/hour expressed as NO₂, averaged over three consecutive hours.

44. On approximately 442 days from approximately August 1, 2009 through October 19, 2010, Defendant operated one or more of the Wartsila Generators without using water injection.

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45. On approximately 314 days from approximately October 20, 2010 through August 31, 2011, Defendant operated one or more of the Wartsila Generators at an engine load greater than 50 percent without using water injection.

46. Accordingly, on almost every day during the Noncompliance Period, Defendant violated Condition 15.1.a and/or 15.1.b of the 2003 Title V Permit, or Condition 16.1.a or 16.1.b of the 2010 Title V Permit, as well as Condition 10.1.a or Condition 10.1.b of the Construction Permit, and thus violated the Alaska SIP, Section 113 of the CAA, 42 U.S.C. § 7413, and Section 502(a) of the CAA, 42 U.S.C. § 7661a(a).

47. As a result of the above-listed violations, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), WSI is liable for injunctive relief and the assessment of civil penalties of not more than \$37,500 per violation per day for each violation.

48. Under Alaska Statute § 46.03.760, for the above-listed violations, WSI is subject to a civil assessment of not less than \$500 nor more than \$100,000 for the initial violation, and not more than \$5,000 for each day after that on which the violation continues.

SECOND CLAIM FOR RELIEF

Failure to Operate Monitoring Equipment, Perform Required Maintenance, and Keep Records

49. Paragraphs 1 through 48 are incorporated by reference as if fully set forth herein.

50. Condition 15.1.c of the 2003 Title V Permit, Condition 16.1.c of the 2010 Title V Permit, and Condition 10.1.b of the Construction Permit require Defendant to, among other things, operate each of the Wartsila Generators with a dedicated fuel and water flow meter, accurate within five percent error, and to record fuel and water consumption at a consistent time once per day.

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51. Condition 36 of the 2003 Title V Permit and Condition 39 of the 2010 Title V Permit require Defendant, with respect to the Wartsila Generators, to perform regular maintenance considering the manufacturer's or the operator's maintenance procedures; keep records of any maintenance that would have a significant effect on emissions; and keep a copy of either the manufacturer's or the operator's maintenance procedures. As provided in Condition 39.d of the 2010 Title V Permit, this requirement terminated on May 3, 2013.

52. Condition 55.2 of the 2003 Title V Permit and Condition 60.2 of the 2010 Title V Permit require Defendant to keep records of all monitoring required by the permits and information about the monitoring including the date, place, and time of the sampling or measurements, the date(s) analyses were performed, the company or entity that performed the analyses, and the analytical techniques or methods used, and the results of such analyses.

53. On every day during the Noncompliance Period, Defendant failed to operate each of the Wartsila Generators with a dedicated fuel and water flow meter accurate within five percent error, accurately record fuel or water consumption at a consistent time once per day, keep accurate records of all maintenance performed on each of the Wartsila Generators that would have a significant effect on emissions, and/or accurately record all information required by Condition 55.2 of the 2003 Title V Permit and Condition 60.2 of the 2010 Title V Permit.

54. Defendant's Semi-Annual Facility Operating Report for July through December 2011 reported that the water meter for the Wartsila Generators was not functioning from September 5, 2011 through September 20, 2011.

55. Accordingly, on every day during the Noncompliance Period and also from September 5, 2011 through September 20, 2011, Defendant violated Conditions 15.1.c, 36, and/or 55.2 of the 2003 Title V Permit or Conditions 16.1.c, 39, or 60.2 of the 2010 Title V *U.S. and State of Alaska v. Westward Seafoods, Inc.; Case no. 3:17-cv-00087-TMB*

Permit, as well as Condition 10.1.c of the Construction Permit, and thus violated the Alaska SIP, Section 113 of the CAA, 42 U.S.C. § 7413, and Section 502(a) of the CAA, 42 U.S.C. § 7661a(a).

56. As a result of the above-listed violations, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), WSI is liable for injunctive relief and the assessment of civil penalties of not more than \$37,500 per violation per day for each violation.

57. Under Alaska Statute § 46.03.760, for the above-listed violations, WSI is subject to a civil assessment of not less than \$500 nor more than \$100,000 for the initial violation, and not more than \$5,000 for each day after that on which the violation continues.

THIRD CLAIM FOR RELIEF

Failure to Record and Report all Emissions or Operations that Deviate from the Title V Permit

58. Paragraphs 1 through 57 are incorporated by reference as if fully set forth herein.

59. Condition 56 of the 2003 Title V Permit and Condition 64 of the 2010 Title V Permit require Defendant, subject to certain exceptions not relevant here, to report all emissions or operations that exceed or deviate from the requirements of the permit within certain timeframes, but in any event within 30 days of the end of the month in which the excess emission or deviation occurred.

60. On one or more days during the Noncompliance Period, Defendant did not use CASS on the Wartsila Generators at times it was required by the WSI Title V Permits, did not accurately record fuel and water consumption at a consistent time each day, did not keep accurate records of all maintenance on each of the Wartsila Generators that would have a significant effect on emissions, and did not report these incidences as permit deviations within 30 days of the end of the month in which these deviations occurred.

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61. Accordingly, on one or more days during the Noncompliance Period, Defendant violated Condition 56 of the 2003 Title V Permit or Condition 64 of the 2010 Title V Permit, and thus violated Section 502(a) of the CAA, 42 U.S.C. § 7661a(a).

62. As a result of the above-listed violations, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), WSI is liable for injunctive relief and the assessment of civil penalties of not more than \$37,500 per violation per day for each violation.

63. Under Alaska Statute § 46.03.760, for the above-listed violations, WSI is subject to a civil assessment of not less than \$500 nor more than \$100,000 for the initial violation, and not more than \$5,000 for each day after that on which the violation continues.

FOURTH CLAIM FOR RELIEF

Failure to Report all Permit Deviations in Semi-Annual Operating Report

64. Paragraphs 1 through 63 are incorporated by reference as if fully set forth herein.

65. Condition 58 of the 2003 Title V Permit and Condition 65 of the 2010 Title V Permit require Defendant to submit to ADEC an original and one copy of an operating report by August 1 for the period January 1 to June 30 of the current year and by February 1 for the period July 1 to December 31 of the previous year (“Semi-Annual Operating Report”). The Semi-Annual Operating Report is required to include all information required to be in operating reports by other conditions of the permits and an identification of all excess emissions or permit deviations that occurred during the reporting period.

66. The Semi-Annual Operating Reports submitted by Defendant to ADEC for the periods July 1 to December 1, 2009, January 1 to June 30, 2010, July 1, to December 1, 2010, and January 1 to June 30, 2011 did not identify all instances of permit deviations. In particular, these Semi-Annual Operating Reports made affirmative statements that the CASS systems were

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in operation on the Wartsila Generators, when in fact such systems were not in operation; did not identify as permit deviations the multiple occasions during the Noncompliance Period on which a CASS system was not operated on the Wartsila Generators at times it was required by the WSI Title V Permits; and did not identify as permit deviations the multiple occasions during the Noncompliance Period on which fuel and water usage for and maintenance of the CASS systems on the Wartsila Generators were not accurately recorded or performed.

67. Accordingly, Defendant's submission to ADEC of the Semi-Annual Operating Reports for the periods July 1 to December 1, 2009, January 1 to June 30, 2010, July 1, to December 1, 2010, and January 1 to June 30, 2011 violated Condition 58 of the 2003 Title V Permit or Condition 65 of the 2010 Title V Permit, and thus violated Section 502(a) of the CAA, 42 U.S.C. § 7661a(a).

68. As a result of the above-listed violations, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), WSI is liable for injunctive relief and the assessment of civil penalties of not more than \$37,500 per violation per day for each violation.

69. Under Alaska Statute § 46.03.760, for the above-listed violations, WSI is subject to a civil assessment of not less than \$500 nor more than \$100,000 for the initial violation, and not more than \$5,000 for each day after that on which the violation continues.

FIFTH CLAIM FOR RELIEF

Failure to Conduct a Reasonable Inquiry into Compliance for Compliance Certification Report

70. Paragraphs 1 through 69 are incorporated by reference as if fully set forth herein.

71. Condition 59 of the 2003 Title V Permit and Condition 66 of the 2010 Title V Permit require Defendant to compile and submit to ADEC by March 31 of each year an original and one copy of an annual compliance certification report that certifies the compliance status of *U.S. and State of Alaska v. Westward Seafoods, Inc.; Case no. 3:17-cv-00087-TMB*

the stationary source over the preceding calendar year consistent with the monitoring required by the permit.

72. Condition 59.2 of the 2003 Title V Permit and Condition 66.3 of the 2010 Title V Permit require Defendant to also submit a copy of the annual compliance certification report directly to EPA.

73. Condition 52 of the 2003 Title V Permit and Condition 61 of the 2010 Title V Permit require Defendant to certify all reports or compliance certifications submitted to ADEC and required under the permit by including the signature of a responsible official for the permitted stationary source following the statement: “Based on information and belief formed after reasonable inquiry, I certify that the statement and information in and attached to this document are true, accurate, and complete.”

74. Defendant failed to conduct a reasonable inquiry when determining compliance with Conditions 15.1.a, 15.1.b, 15.1.c, 36, 55.2, and 56 of the 2003 Title V Permit and Conditions 16.1.a, 16.1.b, 16.1.c, 39, 60.2, and 64 of the 2010 Title V Permit, as applicable, prior to signing and submitting the annual compliance certification reports to ADEC and to EPA for 2009 and 2010. In particular, the annual compliance certification reports did not identify as exceptions to compliance the periods when the CASS systems and monitoring devices were not operated and Defendant was not operating in continuous compliance with Conditions 15.1.a, 15.1.b, 15.1.c, 36, 55.2, and 56 of the 2003 Title V Permit and Condition 16.1.a, 16.1.b, 16.1.c, 39, 60.2, and 64 of the 2010 Title V Permit, as applicable, when a reasonable inquiry would have revealed this noncompliance.

75. Accordingly, Defendant’s submission to ADEC and EPA of the annual compliance certification reports for 2009 and 2010 violated Conditions 52 and 59 of the 2003 Title V Permit

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or Conditions 61 or 65 of the 2010 Title V Permit, respectively, and thus violated Section 502(a) of the CAA, 42 U.S.C. § 7661a(a).

76. As a result of the above-listed violations, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), WSI is liable for injunctive relief and the assessment of civil penalties of not more than \$37,500 per violation per day for each violation.

77. Under Alaska Statute § 46.03.760, for the above-listed violations, WSI is subject to a civil assessment of not less than \$500 nor more than \$100,000 for the initial violation, and not more than \$5,000 for each day after that on which the violation continues.

PRAYER FOR RELIEF

WHEREFORE, based on the allegations set forth above, Plaintiffs respectfully request that this Court:

- (1) Order WSI to comply with the statutory and regulatory requirements cited in this Complaint;
- (2) Order WSI to take appropriate measures to mitigate the effects of its violations;
- (3) Assess civil penalties against WSI for up to the amounts provided in the applicable statutory provisions;
- (4) Award Plaintiffs their costs of this action; and
- (5) Grant the Plaintiffs such other relief as this Court deems just and proper.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA

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Section Chief
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FOR THE STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL
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