

Stormwater Enforcement: U.S. Environmental Protection Agency and Tigard, Oregon, Structural Steel Fabricator Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Fought & Company, Inc., (“Fought”) entered into a Consent Agreement (“CA”) addressing alleged violations of a Stormwater Industrial General Permit. See Docket No. CWA-10-2021-0069.

The CA provides that Fought owns and operates a facility in Tigard, Oregon, (“Facility”) whose primary operations include fabrication of structural steel components.

The fabrication of structural steel components is categorized under Standard Industrial Classification Code 3441 (Fabricated Structural Metal).

The Facility is stated to discharge stormwater to Fanno Creek which eventually flows to a navigable water as defined under Section 502(7) of the Clean Water Act. It is also stated that the Facility is authorized to discharge stormwater associated with industrial activity from the Facility under a Stormwater Industrial General Permit (“Permit”).

A representative of EPA is stated to have conducted on May 8, 2019, a compliance inspection of the Facility to determine compliance with applicable Stormwater General Permits. Further, as part of the inspection, the CA provides that EPA requested records concerning Fought’s compliance with the Stormwater Industrial General Permit. These records included those related to the Stormwater Pollution Control Plan (“SWPCP”) for the Facility. Additional records stated to have been provided included copies of the Facility’s Tier I and Tier II Corrective Action Reports and a copy of the Tier II Corrective Action Response Memorandum.

The CA alleges the following violations:

- Failure to complete adequate Tier II response
- Failure to complete adequate Tier I corrective action response
- Failure to develop an adequate Tier II report
- Failure to monitor discharge points and conduct representative sampling
- Failure to include required elements in the SWPCP
- Failure to implement cleaning and maintenance of control measures
- Failure to implement control measures

- Failure to cover all waste contained in bins or dumpsters

Fought is stated to neither admit nor deny the specific factual allegations contained in the CA.

A civil penalty of \$82,000 is assessed.

A copy of the CA can be downloaded [here](#).