



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

2013 NOV -6 AM 10: 57

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: CWA-08-2013-0031

IN THE MATTER OF;

NORTHRIDGE VILLAS, LLC.

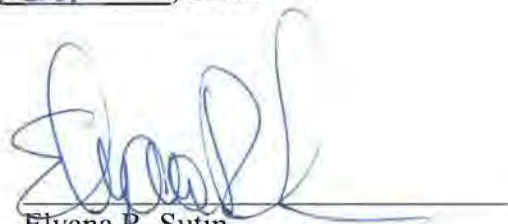
RESPONDENT

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)
)
)
)

FINAL ORDER

Pursuant to 40 C.F.R. §22.13(b) and 22.18, of EPA’s Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

SO ORDERED THIS 6th DAY OF November, 2013.


Elyana R. Sutin
Regional Judicial Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-L

September 20, 2013

Ms. Tina Artemis
Regional Hearing Clerk
U. S. Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129

Re: Northridge Villas, LLC
Docket No. **CWA-08-2013-0031**

Dear Ms. Artemis:

Enclosed for filing please find an Expedited Settlement Agreement (Agreement) between the U.S. Environmental Protection Agency (EPA) and Northridge Villas, Inc. (Northridge). It has been approved by the EPA and Roers. The EPA intends to issue a public notice of the Agreement. After the conclusion of the public comment period, the EPA will notify you whether any comments have been received and whether the EPA requests that the Regional Judicial Officer enter an order approving the Agreement.

I understand that Northridge is not represented by counsel in this matter. Its contact person is Dwayne Sikich, President, Northridge Villas, LLC, 1412 31st Avenue Southeast, Minot, North Dakota, 58701.

Please contact me at 303-312-6858 or livingston.peggy@epa.gov if you have any questions.

Sincerely,

Margaret J. (Peggy) Livingston
Margaret J. (Peggy) Livingston
Senior Enforcement Attorney

cc:

Dallas Grossman, North Dakota Department of Health
Dwayne Sikich, Northridge Villas, LLC
Matt Petron, City of Minot



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 Region 8
 1595 Wynkoop Street
 Denver, Colorado 80202

FILED
 EPA REGION 8
 HEARING CLERK

9/20/13
 Am 1034

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-08-2013-0031, NPDES Permit No. NDR105108

This Expedited Settlement Agreement (Agreement) is entered into between the U.S. Environmental Protection Agency (EPA), and Northridge Villas, LLC (Respondent), a North Dakota corporation and a "person" within the meaning of section 502(5) of the Clean Water Act (Act), 33 U.S.C. § 1362(5).

St. Louis, MO 69197-9000
 Docket No. CWA- 08-2013-0031
 Northridge Villas, LLC

This Agreement settles the EPA's civil penalty claims against Respondent for the violation(s) specified in the Form. The 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, any permit issued under the Act, or of any other federal statute or regulation. The EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. The EPA has determined this Agreement to be appropriate.

The EPA finds that Respondent failed to comply with the National Pollutant Discharge Elimination System (NPDES) storm water permit cited above, which was issued pursuant to section 402 of the CWA, 33 U.S.C. § 1342, and that Respondent is responsible for the deficiencies specified in the attached Expedited Settlement Offer Deficiencies Form (Form), which is incorporated by reference. The EPA also finds, and Respondent admits, that the EPA is authorized to assess administrative penalties for NPDES permit violations pursuant to section 309 of the Act, 33 U.S.C. § 1319, and 40 C.F.R. part 22, and that the Regional Judicial Officer for EPA Region 8 has jurisdiction to issue a final order ratifying this Agreement under section 309(g) of the Act, 33 U.S.C. § 1319(g), and 40 C.F.R. § 22.13(b). Respondent neither admits nor denies the deficiencies specified in the Form.

This Agreement is binding on the parties signing below and shall become final thirty (30) days from the date an order approving it is issued by the Regional Judicial Officer, unless a petition to set aside the order approving this Agreement is filed by a commenter pursuant to section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), or a hearing is requested under section 309(g)(5) of the Act, 33 U.S.C. § 1319(g)(5).

The parties enter into this Agreement in order to settle civil penalty liability for the violations described in the Form for a penalty of \$7,300. Respondent consents to the assessment of this penalty and waives the right to: (1) contest the statements in the Form; (2) participate in 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).

APPROVED BY THE EPA:

Date: 09/19/13

Gwenette C. Campbell, Unit Chief
 NPDES Enforcement Unit
 Office of Enforcement, Compliance
 and Environmental Justice

Date: 9/19/13

James H. Eppers, Supervisory Attorney
 Legal Enforcement Program
 Office of Enforcement, Compliance
 and Environmental Justice

Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. No later than the date it signs this Agreement, Respondent shall submit a written report detailing the specific actions taken to correct all violations cited in the Form. Respondent also certifies that, no later than 10 days after receiving notice from the EPA that a final order has been signed ratifying this Agreement, Respondent shall submit a bank, cashiers or certified check, with the case name and docket number noted, for the amount specified above payable to the Treasurer, United States of America, to:

APPROVED BY RESPONDENT:

Name of individual signing (printed)

JAY L. ZIMMERMAN

Title of individual signing (printed)

Date: 9/16/13

U.S. Environmental Protection Agency
 Fines and Penalties
 Cincinnati Finance Center
 P.O. Box 979077

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8
1595 Wynkoop Street, Denver, CO 80202-1129

**PUBLIC NOTICE OF PROPOSED EXPEDITED SETTLEMENT AGREEMENT AND
OPPORTUNITY TO COMMENT ON CWA COMPLAINT**

Action: The EPA is providing notice of a proposed expedited settlement agreement and the opportunity to comment on the proposed agreement for alleged violations of the Clean Water Act (CWA) at the Northridge Villas residential development being constructed at 901 27th Street Northwest, Minot, North Dakota, 58702 (Ward County).

Summary: The EPA is authorized by section 309(g) of the CWA, 33 U.S.C. § 1319(g), to issue an order assessing a civil administrative penalty for violations of certain provisions of the CWA, after providing (1) an opportunity for the person to be assessed the penalty (the Respondent) to request a hearing to contest the penalty, and (2) notification to the public of its rights to submit written comments and to participate in any hearing. The deadline for the public to submit comments is forty days after issuance of this notice.

On August 15, 2013, the EPA commenced a civil administrative action by offering an expedited settlement offer against the Respondent identified below, alleging violations of the CWA and a permit. Pursuant to section 309(g)(4) of the CWA, the EPA hereby notifies the public of the EPA's proposed penalty assessment against:

Northridge Villas, LLC
1412 31st Avenue Southeast
Minot, ND 58701

EPA Docket Number: **CWA-08-2013-0031**

Proposed penalty: \$7,300.00

Alleged violations: (1) failing to maintain an adequate site map, (2) failing to maintain required documents on-site, (3) failing to conduct and/or document required site inspections, and (4) failing to properly install and maintain storm water best management practices (BMPs) to minimize discharges of sediment and other pollutants into waters of the United States.

PUBLIC COMMENTS

Written comments on the complaint are encouraged and will be accepted at the address listed below for a period of forty (40) days after the publication of this notice. Written comments submitted by the public will be available for public review. Any person submitting written comments has a right to participate in a hearing, if one is held. The Complaint is available for review between 9:00 a.m. and 4:00 p.m. at the address listed below and on the internet at: <http://www.epa.gov/region8/compliance/publicnotice> under Docket **CWA-08-2013-0031**

Please submit written comments to:

Tina Artemis (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129.
Telephone: (303) 312-6765

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the complaint or other documents in this proceeding (such as the regulations in 40 C.F.R. part 22, which establish procedures for the hearing), or to comment upon the proposed penalty assessment or upon any other aspect of the matter, should contact the Regional Hearing Clerk identified above. No action will be taken by the EPA to finalize a settlement in this matter until 40 days after this public notice.

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

Having determined that this Agreement is authorized by law,

IT IS SO ORDERED:

_____ Date: _____

Hon. Elyana R. Sutin
Regional Judicial Officer

Expedited Settlement Offer Worksheet
Deficiencies Form
Consult instructions regarding eligibility criteria and procedures prior to use

version 10.3.4



LEGAL NAME AND MAILING ADDRESS OF OPERATOR		Telephone Number	NPDES Permit Number
1	Dwayne Sikich, President Northridge Villas, LLC. 1412 31st Avenue Southeast Minot, ND 58701	612.290.5704	NDR105108
LOCATION AND ADDRESS OF SITE		Inspector Name:	David Gwisdalla
		Inspector Agency:	US EPA
		Entrance Interview Conducted:	Yes
		Exit Interview Conducted:	Yes
		Exit Interview given to:	Dwayne Sikich
2	901 27th Street Northwest Minot, ND 58702	Exit Interview time:	16.00 Date: 07/18/2013

FACILITY DESCRIPTION / CONTACT NAMES	
Name of Site Contact (ESO Worksheet recipient):	Dwayne Sikich
Name of Authorized Official (40 CFR 122.22):	Dwayne Sikich
Inspection Date:	07/18/2013
Start Construction Date:	10/08/2012
Estimated Completion Construction Date:	12/31/2013
If Unpermitted, Number of Months Unpermitted:	N/A
Name of Receiving Water Body (Indicate whether 303(d) listed):	City of Minot MS4, then to the Souris River
Acres Currently Disturbed Acres to be Disturbed in Whole Common Plan:	9.75 9.75
Has Operator Requested Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?	No

PERMIT COVERAGE	Findings	Citation Reference**	R C A*	No. of Deficiencies	Dollar Amount	Total	
3 Site unpermitted for one month (# months unpermitted equals number of violations). Discharge without a permit.		CWA 301			\$500.00 =		
SWPPP REVIEW							
4 SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)		ND CGP I.C.1			\$5,000.00 =		
5 SWPPP prepared but prepared after construction start (# of months = # of violations)		ND CGP I.C.1			\$75.00 =		
6 SWPPP does not identify all potential sources of pollution to include: port-a-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc...		ND CGP II.C			\$250.00 =		
7 SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control		ND CGP II.C			\$500.00 =		
8 SWPPP does not have site description, as follows:	E. The erosion control plan (ECP) was not referenced in the SWPP plan as the site map. A photo of the ECP site map which was shown to the inspectors, by Mr. Taylor Braaten, the Resident Project Representative was taken by the inspectors (photo 1477). A SWPP plan, using the site's original ECP, was provided by Mr. Sikich on 7/26/2013. The ECP for the site was missing the existing grades, the areas of disturbance, equipment storage areas, and the current discharge points (future outlets were shown). For the area west of the Minot Coulee, while the ECP illustrated a portion of the area's final grade it did not illustrate the existing grade, any major controls or discharge points.						
A Nature of activity in description		ND CGP II.C.1.a			\$100.00 =		
B Intended sequence of major activities		ND CGP II.C.1.c			\$100.00 =		
C Total disturbed acreage		ND CGP II.C.1.b			\$100.00 =		
D General location map		EPA CGP 3.3.B.4			\$100.00 =		
E Site map		ND CGP II.C.1.f			\$500.00 =		
F Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage areas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)		ND CGP II.C.1.f-6	Yes	7	X	\$50.00 =	\$350
G Location/description industrial activities, like concrete or asphalt batch plants		ND CGP II.C.1.f.7				\$500.00 =	

9	SWPPP does not:								
	A Describe all pollution control measures (e.g. BMPs)		ND CGP II.C.2				\$750.00	=	
	B Describe sequence for implementation		ND CGP III.C.3				\$250.00	=	
	C Detail operator(s) responsible for implementation		ND CGP II.C.2.a				\$250.00	=	
10	SWPPP does not describe interim stabilization practices		ND CGP II.C.3.b				\$250.00	=	
11	SWPPP does not describe permanent stabilization practices		ND CGP II.C.3.b				\$250.00	=	
12	SWPPP does not describe a schedule to implement stabilization practices		ND CGP II.C.3				\$250.00	=	
13	Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)		EPA CGP 3.4.C.1-3				\$250.00	=	
14	SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas		EPA CGP 3.4.C				\$500.00	=	
15	SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed		EPA CGP 3.4.C				\$500.00	=	
16	SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit		EPA CGP 3.4.C				\$500.00	=	
17	SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust		ND CGP II.C.3.a				\$500.00	=	
18	SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials		ND CGP II.C.3.b				\$250.00	=	
19	SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials		ND CGP II.C				\$500.00	=	
20	SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP		ND CGP II.A				\$500.00	=	
21	SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges		ND CGP II.C				\$500.00	=	
22	Endangered Species Act documentation is not in SWPPP		EPA CGP 3.7				\$500.00	=	
23	Historic Properties (Reserved)								
24	Copy of permit, coverage letter, and/or NOI not in SWPPP (count each omission under 24 as 1 violation)	The NOI, coverage letter, and permit were neither on site nor in the SWPPP plan during the inspection. A copy of the NOI and coverage letters, maintained by the operator who was not on-site at the time of the inspection, was provided by Mr. Sikich on 7/26/2013 via email.	ND CGP III.B	Yes	1	X	\$250.00	=	\$250
25	SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)		EPA CGP 3.9				\$750.00	=	
26	SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans		EPA CGP 3.9				\$250.00	=	
27	Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates		ND CGP IV.A.5				\$500.00	=	

28	SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under 28 as 1 violation)	No changes to the SWPP plan were annotated in the SWPP plan since it was drafted on 6/22/2012. Known required SWPP plan updates include fueling operations, equipment storage, and BMP measures. The SWPP Plan illustrated that a "fuel truck will be used to fuel the construction equipment. . . The fuel truck will be stored off-site." During the inspection two fuel tanks were observed stored on-site (photos 1447 and 1448). These tanks were not shown on the original (photo 1477) or the amended (dated 7/19/2013) site maps. Equipment storage was also not shown on the site maps. Outlet protection at the site (photo 1472) was not annotated on the site map as being present on-site in either the original (photo 1477) or amended site map (dated 7/19/2013). The site map was updated on 7/19/2013 to illustrate seven changes at the site related to elimination/removal of BMP protective measures; nothing was annotated on the site map to illustrate these changes until after the EPA's inspection of 7/18/2013. No discussion was illustrated in the SWPP plan to address the reasons for these changes.	ND CGP II.C.7.c	Yes	10	X	\$50.00	=	\$500
29	Copy of SWPPP not retained on site A SWPPP not made available upon request	An outdated and unsigned copy of the SWPP plan (dated 6/22/2012) was provided by Mr. Dwayne Sikich of Northridge Villas, LLC during the inspection. A copy of the signed and current SWPP plan was not available during the inspection. The current, signed and amended SWPP plan, maintained by the operator who was not on-site during the inspection, was provided by Mr. Sikich on 7/26/2013 via email. The SWPP plan was certified/signed by Mr. Sikich on 9/28/2012.	ND CGP II.C.7.a ND CGP II.C.7.b	No	1	X	\$500.00 \$500.00	=	\$500
30	SWPPP not signed/certified		ND CGP II.C.7.a				\$500.00	=	
Subtotal SWPPP Deficiencies									\$1,600
INSPECTIONS									
31	Inspections not performed and documented at least once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation).	Required self-inspections not documented and/or missed include two missed self-inspections required on 5/21/2013 and 7/6/2013 due to a precipitation events recorded at Minot International Airport (KMOT), which were on 5/20/2013 totaling 1.11 inches and 7/5/2013 of 1.01 inches.	ND CGP III.A.1	No	2	X	\$250.00	=	\$500
	No inspections conducted and documented (if True, then leave elements 32-39 blank)				FALSE		True or False		
	Number of Inspections expected if performed every 7 days:	30							
	Number of Inspections expected if performed bi-weekly:	14							
	If known, number of days of rainfall of >0.5"	12							
32	Inspections not conducted by qualified personnel		ND CGP II.C.2.a				\$50.00	=	
33	All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected		EPA CGP 3.10.E.				\$50.00	=	
34	All pollution control measures not inspected to ensure proper operation		EPA CGP 3.10.E.				\$50.00	=	

35	Discharge locations are not observed and inspected		EPA CGP 3.10.E.					\$50.00	=	
36	For discharge locations that are not accessible, nearby locations are not inspected		EPA CGP 3.10.E.					\$50.00	=	
37	Entrance/exit not inspected for off-site tracking		EPA CGP 3.10.E.					\$50.00	=	
38	Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)	Records of the self inspections were provided by Mr. Dwayne Sikich on 7/26/2013 via email. The self inspection reports for the following dates do not include the time the inspections were conducted: 1/14/2013, 2/10/2013, 4/17/2013, 5/30/2013, 5/31/2013, 6/23/2013, 7/5/2013, 7/8/2013, and 7/15/2013. The self inspection reports do not include the date and or times and the party completing the required corrective action maintenance activities at the site for the following dates: 5/7/2013, 5/19/2013, 5/31/2013, and 7/5/2013. The site's self inspection records for June and July 2013 do not document that devices such as silt fence were in need of repair. The inspectors observed the silt fence along the southern border of the property had two areas in need of maintenance (photos 1450 and 1451) and appeared to have required maintenance for some time.	ND CGP III.A.2	Yes	14	X		\$50.00	=	\$700
39	Inspection reports not properly signed/certified (count each failure to sign/certify as 1 violation)		EPA CGP 3.10.G					\$50.00	=	
Subtotal Inspections Deficiencies										\$1,200
AVAILABILITY OF RECORDS										
40	Sign/notice not posted		EPA CGP 3.12.B					\$250.00	=	
	A Does not contain copy of complete NOI		EPA CGP 3.12.B					\$50.00	=	
	B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign		EPA CGP 3.12.B					\$50.00	=	
Subtotal Records Deficiencies										\$0
BEST MANAGEMENT PRACTICES										
41	No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water		ND CGP II.C.4.b					\$500.00	=	
42	Control measures are not properly:									
	A Selected, installed and maintained	A. The following BMP deficiencies were observed during the EPA inspection: 1. The silt fence along the southern border of the construction site had silt at approximately 80% of its depth (photo 1450), further west this same silt fence was down and covered by sediment (1451); 2. The silt fence along the ditch's eastern side had failed, or was damaged by construction equipment (photos 1463 and 1464 and 1469); 3. Silt fence did not appear to be installed along a significant portion of the site disturbance on the western side of the ditch (photos 1455, 1456, 1462); 4. A portion of the ditch's western side was protected with silt fence, but it was in need of maintenance (photos 1464 and 1467); 5. The pond's stormwater inlet protection was observed as needing maintenance (photo 1473); and 6. The fueling material storage area was not protected with secondary containment as illustrated in the SWPPP	ND CGP II.C.3.c	Yes	6	X		\$500.00	=	\$3,000
	B Maintenance not performed prior to next anticipated storm event.		ND CGP II.C.5					\$250.00	=	

	(count each failure to select, install, maintain each BMP as one violation)	Plan (photos 1447 and 1448)							
43	When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts	Sediment was observed in the Minot Coulee (i.e., the ditch) transecting the site. The ditch flows through a culvert off site. Sediment was observed downstream of the culvert in the ditch (photos 1458 to 1461).	ND CGP II.C.3.d	Yes	1	X	\$500.00	=	\$500
44	Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)		ND CGP II.C.2.b				\$500.00	=	
45	Stabilization measures are not initiated as soon as practicable on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation	The site has disturbed areas with significant slopes within 200 linear feet of a surface water. Many of the faces of these disturbed areas were either not stabilized or not properly stabilized (photos 1452, 1455, 1462, 1464-1469, 1474, and 1475). The ECP for the site (photo 1477) illustrates that erosion control blanket was to be installed along these slopes in two separate locations but were not at the time of the inspection.	ND CGP II.C.3	Yes	2	X	\$500.00	=	\$1,000
	*Exceptions:								
	(a) Snow or frozen ground conditions								
	(b) Activities will be resumed within 14 days								
	(c) Arid or Semi-arid areas (<20 inches per year)								
46	Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained		ND CGP II.C.3				\$1,000.00	=	
	A Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope boundaries		ND CGP II.C.3				\$1,000.00	=	
	B Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more		ND CGP II.C.3				\$500.00	=	
47	Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sedimentation sediment basin meeting criteria in 46 above)		ND CGP II.C.3				\$500.00	=	
	A Sediment not removed from sediment trap when design capacity reduced by 50% or more		ND CGP II.C.3				\$500.00	=	
Subtotal BMP Deficiencies									\$4,500

SMALL BUSINESS EVALUATION

48	Is the Owner/Operator a Small Business? A <i>small business</i> is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.	Per Mr. Dwayne Sikich, the President of Northridge Villas, LLC, the company has four partners and no employees.		Yes					
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Total Expedited Settlement: \$7,300

* Requires Corrective Action

** NPDES General Permit, 68 FR 39087, issued by EPA on July 1, 2003, <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT** in the matter of **NORTHRIDGE VILLAS, LLC; DOCKET NO.: CWA-08-2013-0031** was filed with the Regional Hearing Clerk on September 20, 2013. **THE FINAL ORDER** was filed on November 6, 2013.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Peggy Livingston, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were emailed and placed in the United States mail to:

Dwayne Sikich, President
Northridge Villas, LLC.
1412 31st Avenue Southeast
Minot, ND 58701
dwayne@evergreen-nd.com

And emailed to:

Kim White
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268

November 6, 2013



Tina Artemis
Paralegal/Regional Hearing Clerk

