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HEARINGS CLERK
EPA REGION 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

City of Genesee

Genesee, Idaho

Respondent

DOCKET NO. CWA-10-2018-0357

CONSENT AGREEMENT

Proceedings Under Section 309(g) of the Clean
Water Act, 33 U.S.C. § 1319(g)

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g).

1.2. Pursuant to CWA Section 309(g)(1)(A), 33 U.S.C. § 1319(g)(1)(A), the EPA is authorized to assess a civil penalty against any person that has violated CWA Section 301, 33 U.S.C. § 1311, and/or any permit condition or limitation in a permit issued under CWA Section 402, 33 U.S.C. § 1342.

1.3. CWA Section 309(g)(2)(B), 33 U.S.C. § 1319(g)(2)(B), authorizes the administrative assessment of Class II civil penalties in an amount not to exceed \$10,000 per day for each day during which the violation continues, up to a maximum penalty of \$125,000. Pursuant to 40 C.F.R. Part 19, the administrative assessment of Class II civil penalties may not exceed \$21,393 per day for each day during which the violation continues, up to a maximum penalty of \$267,415. See also 83 Fed. Reg. 1190 (January 10, 2018) (2018 Civil Monetary Penalty Inflation Adjustment Rule).

1.4. Pursuant to CWA Section 309(g)(1)(A) and (g)(2)(B), 33 U.S.C. § 1319(g)(1)(A) and (g)(2)(B), and in accordance with Section 22.18 of the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,” 40 C.F.R. Part 22, EPA issues, and City of Genesee (Respondent) agrees to issuance of, the Final Order attached to this Consent Agreement.

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), execution of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Administrator has delegated the authority to sign consent agreements between EPA and the party against whom a penalty is proposed to be assessed pursuant to CWA Section 309(g), 33 U.S.C. § 1319(g), to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Director of the Office of Compliance and Enforcement, EPA Region 10 (“Complainant”).

2.3. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of the CWA, together with the specific provisions of the CWA and implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

Statutory and Regulatory Framework

3.1. As provided in CWA Section 101(a), 33 U.S.C. § 1251(a), the objective of the CWA is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”

3.2. CWA Section 301(a), 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person from any point source into waters of the United States except, *inter alia*, as authorized by a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to CWA Section 402, 33 U.S.C. § 1342.

3.3. The CWA defines “discharge of a pollutant” to include “any addition of any pollutant to navigable waters from any point source.” CWA § 502(12), 33 U.S.C. § 1362(12).

3.4. The CWA defines a “pollutant” to include “industrial, municipal, and agricultural waste discharged into water.” CWA § 502(6), 33 U.S.C. § 1362(6).

3.5. The CWA defines “point source” to include, *inter alia*, “any pipe, ditch, channel, tunnel, conduit, well, discrete fissure [or] container ... from which pollutants are or may be discharged.” CWA § 502(14), 33 U.S.C. § 1362(14).

3.6. The CWA § 502(7) defines ‘navigable waters’ as ‘the waters of the United States, including the territorial seas.’ 33 U.S.C. § 1362(7). In turn, ‘waters of the United States’ has been defined to include, *inter alia*, all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; and tributaries to such waters. 40 C.F.R. §§ 122.2 & 110.1 (2014).

3.7. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of any pollutant into navigable waters upon such specific terms and conditions as the Administrator may prescribe.

3.8. On February 14, 2005, EPA issued NPDES Permit No. ID 0020125 (“2005 Permit”), authorizing Respondent to discharge municipal wastewater containing pollutants from the Facility. The 2005 Permit expired on March 31, 2010, but was

administratively extended following application pursuant to 40 C.F.R. § 122.6. Therefore, NPDES Permit No. ID 0020125 is the controlling NPDES permit for the Facility.

General Allegations

3.9. Respondent is a “municipality,” organized under the laws of the State of Idaho, with jurisdiction over the disposal of sewage, industrial wastes, or other wastes, and a “person” under CWA Section 502(5), 33 U.S.C. § 1362(5).

3.10. Respondent owns and/or operates the City of Genesee wastewater treatment plant (“Facility”) located one mile southwest of the city center on Morscheck Road in Genesee, Idaho.

3.11. At all times relevant to this action, Respondent was authorized to discharge municipal wastewater containing pollutants from the Facility pursuant to NPDES Permit No. ID 0020125.

3.12. The Facility discharges pollutants from Outfall 001, which discharges into Cow Creek in the Palouse River Basin. Outfall 001 is a “point source.” CWA § 502(14), 33 U.S.C. § 1362(14), 40 C.F.R. § 122.2.

3.13. Cow Creek flows into Union Flat Creek, which flows into the Palouse River, which flows into the Snake River, which flows into the Columbia River, which flows into the Pacific Ocean. Cow Creek is a tributary to an interstate water body that is subject to interstate commerce. As such, Cow Creek is a “navigable water” under Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

3.14. Respondent has discharged pollutants from a point source into navigable waters of the United States at the Facility, within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

Violations

3.15. As described below, by discharging domestic wastewater containing pollutants from the Facility into navigable waters from February 2014 to May 2017, Respondent engaged in the “discharge of pollutants” from a point source within the meaning of CWA Sections 301(a) and 502(12), 33 U.S.C. § 1311(a) and 1362(12). Respondent violated CWA Section 301, 33 U.S.C. § 1311, and the conditions and/or limitations of its 2005 Permit.

3.16. Part I.A. of the Permit established effluent limits for the discharge from Outfall 001. These effluent limits include Biochemical Oxygen Demand (“BOD”), total suspended solids (“TSS”), *Escherichia coli* (“*E. coli*”), potential of hydrogen (“pH”), and total residual chlorine (“TRC”).

3.17. Part II.B. of the Permit requires Respondent to summarize monitoring results for the Facility each month in a Discharge Monitoring Report (“DMR”).

3.18. Part I.F. of the Permit requires Respondent to develop a quality assurance plan (QAP) and part I.F.3. of the Permit identifies the minimum QAP requirements.

3.19. Part I.E. of the Permit requires Respondent to develop and implement an operations and maintenance plan and retain the plan on site.

3.20. Part II.G. of the Permit requires Respondent to report, within 24 hours of the becoming aware of the circumstances, any violation of a maximum daily or instantaneous maximum discharge limitation for pollutants specified in Table 1 of Part I.A. of the Permit. These pollutants include pH and *E. Coli*. Furthermore, the permittee must also provide a follow-up letter within five days.

3.21. Part II.E. of the Permit requires the Respondent to record information related to the taking of samples or measurements.

3.22. When a permittee exceeds a daily maximum effluent limit, the exceedance is counted as one violation. When a permittee exceeds a weekly average effluent limit, the permittee is deemed to be in violation of the effluent limit for each day of the week in which the exceedance occurred. When a permittee exceeds a monthly average effluent limit, the permittee is deemed to be in violation of the effluent limit for each day of the month in which the exceedance occurred.

Count 1: 1,326 Effluent Limit Violations

3.23. The statements in Paragraphs 1 – 3.21 are hereby incorporated by reference as if set forth in full.

3.24. Respondent’s DMRs from February 2014 to May 2017 indicate that the Facility violated its effluent limitations 1,326 times, constituting 1,326 violations of the CWA.

3.25. The specific pollutants for which effluent limits were violated are BOD, TSS, TRC, pH, and *E. coli*.

3.26. Part I.A.4 of the Permit specifies that for each month, the monthly average effluent concentration of BOD shall not exceed 15% of the monthly average influent concentration. This represents a minimum 85% removal requirement. From February 2014 through May 2017, Respondent did not meet the 85% average monthly removal of BOD 12 times, constituting 359 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
February 2014	BOD	85	83.	%
March 2014	BOD	85	73.4	%
January 2015	BOD	85	77.	%
February 2015	BOD	85	50.	%
March 2015	BOD	85	53.	%

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
December 2015	BOD	85	78.	%
February 2016	BOD	85	71.	%
April 2016	BOD	85	69.	%
November 2016	BOD	85	72.	%
January 2017	BOD	85	77.	%
February 2017	BOD	85	61.	%
May 2017	BOD	85	68.	%

3.27. Table 1 of the Permit specifies that the average monthly loading of total BOD in the effluent shall not exceed 38 lbs/day. From February 2014 through August 2017, Respondent exceeded the average monthly loading limit for BOD 10 times, constituting 333 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
March 2014	BOD	38	40.5	lb/d
January 2015	BOD	38	39.6	lb/d
February 2015	BOD	38	47.5	lb/d
March 2015	BOD	38	38.9	lb/d
December 2015	BOD	38	90.91	lb/d
April 2016	BOD	38	40.7	lb/d
January 2017	BOD	38	59.72	lb/d
February 2017	BOD	38	78.23	lb/d
April 2017	BOD	38	46.54	lb/d
May 2017	BOD	38	53.88	lb/d

3.28. Table 1 of the Permit specifies that the average monthly concentration of total BOD in the effluent shall not exceed 30 mg/L. From February 2014 through August 2017,

Respondent exceeded the average monthly concentration limit for BOD nine times, constituting 303 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
March 2014	BOD	30	37.4	mg/L
January 2015	BOD	30	39.6	mg/L
February 2015	BOD	30	40.7	mg/L
March 2015	BOD	30	38.9	mg/L
December 2015	BOD	30	43.6	mg/L
January 2016	BOD	30	33.3	mg/L
November 2016	BOD	30	39.1	mg/L
January 2017	BOD	30	44.7	mg/L
February 2017	BOD	30	33.5	mg/L

3.29. Table 1 of the Permit specifies that the average weekly loading of BOD in the effluent shall not exceed 56 lbs/day. From February 2014 through August 2017, Respondent exceeded the average weekly loading limit for BOD three times, constituting 21 violations. These violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
December 2015	BOD	56	90.91	lb/d
January 2017	BOD	56	59.72	lb/d
February 2017	BOD	56	78.23	lb/d

3.30. Part I.A.4 of the Permit specifies that for each month, the monthly average effluent concentration of TSS shall not exceed 35% of the monthly average influent concentration. This represents a minimum 65% removal requirement. From February 2014

through August 2017, Respondent did not meet the 65% average monthly removal of TSS two times, constituting 60 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
April 2016	TSS	65	55	%
November 2016	TSS	65	55	%

3.31. Table 1 of the Permit specifies that the average monthly loading of total TSS in the effluent shall not exceed 56 lbs/day. From February 2014 through August 2017, Respondent exceeded the average monthly loading limit for TSS five times, constituting 150 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
March 2014	TSS	56	69.4	lb/d
February 2015	TSS	56	60.7	lb/d
April 2016	TSS	56	76.5	lb/d
April 2017	TSS	56	136.36	lb/d
May 2017	TSS	56	77.8	lb/d

3.32. Table 1 of the Permit specifies that the average monthly concentration of total TSS in the effluent shall not exceed 45 mg/L. From February 2014 through August 2017, Respondent exceeded the average monthly concentration limit for TSS five times, constituting 149 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
March 2014	TSS	45	64.	mg/L
February 2015	TSS	45	52.	mg/L
April 2016	TSS	45	54.	mg/L
November 2016	TSS	45	60.	mg/L
April 2017	TSS	45	45.4	mg/L

3.33. Table 1 of the Permit specifies that the average weekly loading of TSS in the effluent shall not exceed 81 lbs/day. From February 2014 through August 2017, Respondent exceeded the average weekly loading limit for TSS one time, constituting seven violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
April 2017	TSS	81	136.36	lb/d

3.34. Table 1 of the Permit specifies that the daily maximum loadings of TRC in the effluent shall not exceed 0.13 lbs/day. From February 2014 through August 2017, Respondent exceeded the daily maximum loadings limit for TRC one time, constituting one violation. The violation is as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
May 2017	TRC	0.13	.179	lb/d

3.35. Part I.A.2 of the Permit specifies that the instantaneous maximum pH shall not exceed 9.0 standard units (SU). From February 2014 through August 2017, Respondent exceeded the instantaneous maximum limit for pH two times, constituting two violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
March 2014	pH	9	10.3	SU
March 2015	pH	9	9.82	SU

3.36. Table 1 of the Permit specifies that the instantaneous maximum E. coli in the effluent shall not exceed 576/100mL. From February 2014 through August 2017, Respondent

exceeded the instantaneous maximum limit for E. coli three times, constituting three violations.

The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
December 2015	<i>E.coli</i>	576.	1600.	#/100mL
January 2016	<i>E.coli</i>	576.	920.	#/100mL
January 2017	<i>E.coli</i>	576	1600.	#/100mL

Count 2: Quality Assurance Plan Violation

3.37. The statements in Paragraphs 1 – 3.21 are hereby incorporated by reference as if set forth in full.

3.38. Part I.F. of the Permit states that the permittee must develop a quality assurance plan (QAP) and part I.F.3. of the Permit identifies the minimum QAP requirements including:

- “a. Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
- b. Map(s) indicating the location of each sampling point.
- c. Qualification and training of personnel.
- d. Name(s), address(es) and telephone number(s) of the laboratories, used by or proposed to be used by the permittee.”

3.39. The Facility was inspected on 8/23/16 by EPA. At the time of the inspection, the inspector noted the following:

- the QAP did not include information on the number of samples that are to be collected
- the QAP did not include sample collection and analysis information for total phosphorous which the Permit requires be monitored once per month at the effluent
- the QAP specified requirements for the collection of fecal coliform instead of E. coli

- the QAP did not specify the analytical methods used to analyze for specific parameters
- the QAP did not include information on the sample shipping methods
- the QAP map did not indicate the location of the sampling points
- the QAP did not include personnel qualification and training information
- the QAP did not include laboratory name, address or contact information

3.40. Failure to include the minimum required information in the QAP is a violation of Part I.F. of the Permit. This constitutes one violation of the CWA.

Count 3: Operations and Maintenance Plan Violation

3.41. The statements in Paragraphs 1 – 3.21 are hereby incorporated by reference as if set forth in full.

3.42. Part I.E. of the Permit states that "...by May 1, 2008, the permittee shall develop and implement an operations and maintenance plan for the wastewater treatment facility. The plan shall be retained on site and made available on request to EPA and IDEQ."

3.43. The Facility was inspected on 8/23/16 by EPA. At the time of the inspection, the Facility did not have an O&M plan available.

3.44. Failure to develop an O&M plan is a violation of Part I.E. of the Permit. This constitutes one violation of the CWA.

Count 4: Noncompliance Reporting Violations

3.45. The statements in Paragraphs 1 – 3.21 are hereby incorporated by reference as if set forth in full.

3.46. Part II.G. of the Permit requires the Respondent to report, within 24 hours of becoming aware of the circumstances, any violation of a maximum daily or instantaneous maximum discharge limitation for pollutants specified in Table 1 of Part I.A. of the Permit.

These pollutants include pH and *E. coli*. Furthermore, the permittee must also provide a follow-up letter within five days.

3.47. During EPA's 8/23/16 inspection, EPA reviewed the compliance filed from January 2014 through May 2017 and identified the following missing reports of noncompliance:

- March 2014 instantaneous maximum pH exceeded and reported to 24-hour noncompliance hotline, but no follow-up letter was submitted to EPA.
- March 2015 instantaneous maximum pH exceeded. Neither a 24-hour noncompliance report, nor a follow-up letter were submitted to EPA.
- January 2016 instantaneous maximum E.coli exceeded. Neither a 24-hour noncompliance report, nor a follow-up letter were submitted to EPA.
- January 2017 instantaneous maximum E.coli exceeded and reported to 24-hour noncompliance hotline, but no follow-up letter was submitted to EPA.

3.48. These failures to report noncompliance constitute four violations of the CWA.

Count 5: Monitoring Information Recording Violations

3.49. The statements in Paragraphs 1 – 3.21 are hereby incorporated by reference as if set forth in full.

3.50. Part II.E. of the Permit states that "Records of monitoring information must include...the date, exact place, and time of any sampling or measurements..."

3.51. During EPA's 8/23/16 inspection of the Facility, the inspector noted that from February 2014 through December 2016 the sample collection times for pH, total residual chlorine (TRC), and temperature had not been recorded. These failures to record the times of sample collection constitute 108 violations of the CWA.

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations contained in this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this Consent Agreement.

4.3. As required by CWA Section 309(g)(3), 33 U.S.C. § 1319(g)(3), the EPA has taken into account “the nature, circumstances, extent and gravity of the violation, or violations, and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require.” After considering all of these factors as they apply to this case, EPA has determined that an appropriate penalty to settle this action is \$30,000.

4.4. Respondent consents to the assessment of the civil penalty set forth in Paragraph 4.3 and agrees to pay the total civil penalty within 30 days of the effective date of the Final Order.

4.5. Payment under this Consent Agreement and the Final Order may be paid by 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

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

4.6. Respondent must serve photocopies of the check, or proof of other payment method described in Paragraph 4.5, on the Regional Hearing Clerk and EPA Region 10

Compliance Officer at the following addresses:

In the Matter of: City of Genesee
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U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, Washington 98101
(206) 553-1037

Theresa Young, Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10, Mail Stop ORC-113
1200 Sixth Avenue, Suite 155
Seattle, WA 98101
young.teresa@epa.gov

Brian Levo, Compliance Officer
U.S. Environmental Protection Agency
Region 10, Mail Stop OCE-201
1200 Sixth Avenue, Suite 155
Seattle, WA 98101
levo.brian@epa.gov

4.7. If Respondent fails to pay the penalty assessed by this Consent Agreement 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 Respondent 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.

a. Interest. Pursuant to CWA Section 309(g)(9), 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 set forth in Part V, provided however, that no interest shall be payable on any portion of the assessed penalty that is paid within 30 days of the effective date of the Final Order.

b. Attorneys Fees, Collection Costs, Nonpayment Penalty. Pursuant to CWA Section 309(g)(9), 33 U.S.C. § 1319(g)(9), if Respondent fails to pay on a timely basis the penalty set forth in Paragraph 4.3, Respondent shall pay (in addition to any assessed penalty and interest) attorneys fees and costs for collection proceedings and 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 Respondent's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

4.8. The penalty described in Paragraph 4.3, including any additional costs incurred under Paragraph 4.7, above, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.9. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

4.10. Except as described in Subparagraph 4.7.b., above, each party shall bear its own costs in bringing or defending this action.

4.11. Respondent expressly waives any right to contest the allegations and waives any right to appeal this Consent Agreement and the Final Order.

4.12. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.13. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

August 30th, 2018

FOR RESPONDENT:

Steve Odenborg
The Honorable STEVE ODENBORG,
Mayor
City of Genesee

DATED:

Sept 13, 2018

FOR COMPLAINANT:

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

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

City of Genesee

Genesee, Idaho

Respondent

DOCKET NO. CWA-10-2018-0357

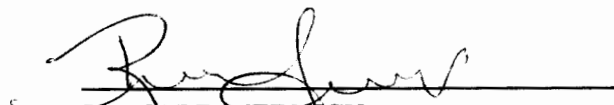
FINAL ORDER

Proceedings Under Section 309(g) of the Clean
Water Act, 33 U.S.C. § 1319(g)

1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of the U.S. Environmental Protection Agency (EPA) Region 10, who has in turn delegated this authority to the Regional Judicial Officer in EPA Region 10.
2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.
3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties pursuant to the Clean Water Act (CWA) for the violations alleged in Part III of the Consent Agreement. 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 Respondent's obligations to comply with all applicable provisions of the CWA and regulations promulgated or permits issued thereunder.

4. This Final Order shall become effective upon filing.

SO ORDERED this 20th day of September, 2018.



RICHARD MEDNICK
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 10

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in **In the Matter of: City of Genesee, Idaho, Docket No.: CWA-10-2018-0357** was served on the addressees in the following manner on the date specified below:

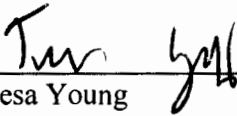
The undersigned certifies that a true and correct copy of the document was delivered to:

Jennifer Byrne
Office of Regional Counsel
U.S. Environmental Protection Agency
Region 10, Mail Stop ORC-158
1200 Sixth Avenue, Suite 155
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:

The Honorable Steve Odenborg
Mayor of Genesee
P.O. Box 38
140 East Walnut
Genesee, Idaho 83832

DATED this 25 day of September 2018.



Teresa Young
Regional Hearing Clerk
EPA Region 10