



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 10

1200 Sixth Avenue, Seattle, Washington 98101

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-2008-0004, NPDES Nos. AKR10BZ23 and AKR10BV08

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HEARINGS CLERK  
EPA--REGION 10

Alaska Electric Light and Power and Southeast Road Builders, Inc. ("Respondents") are "persons," 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.

U.S. EPA, Region 10

In the Matter of: Alaska Electric Light and Power and Southeast Road Builders, Inc.

Docket No.: CWA-10-2008-0004

P.O. Box 371099M

Pittsburgh, PA 15251

Attached is an "Expedited Settlement Offer Deficiencies Form" ("Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondents are responsible for the deficiencies specified in the Form.

This Agreement settles EPA's civil penalty claims against Respondents for the Clean Water Act violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondents 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 deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

Respondents had an unauthorized discharge of storm water in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311, and/or failed to comply with their National Pollutant Discharge Elimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

This Agreement is binding on the parties signing below and effective upon filing with the Regional Hearing Clerk.

EPA finds, and Respondents admit, that Respondents are 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." Respondents neither admit nor deny the deficiencies specified in the Form.

APPROVED BY EPA:

*Kimberly A. Ogle*

Date: 8/23/07

Kimberly A. Ogle  
Manager, NPDES Compliance Unit

EPA is authorized to enter into this Consent Agreement and Final Order ("Agreement") 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 in order to settle the civil violation(s) alleged in this Agreement for a penalty of \$8,450. Respondents consent to the assessment of this penalty, and waive the right to: (1) contest the finding(s) specified in the Form; (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).

APPROVED BY RESPONDENT:

Name (print): Roger Schnabel

Title (print): President, Southeast Road Builders Inc

Signature: *R Schnabel* Date: 9/17/07

Additionally, Respondents certify, 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. Respondents shall submit a written report with this Agreement detailing the specific actions taken to correct the violations cited herein.

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 EPA has received no comments concerning this matter.

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

Respondents certify that they have submitted bank, cashiers, or certified checks, with case name and docket number noted, totaling the amount specified above, payable to the "Treasurer, United States of America," via certified mail, to:

*Richard G. McAllister* Date: 11/9/07

Richard G. McAllister  
Regional Judicial Officer, Region 10



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*Kimberly A. Ogle*  
Kimberly A. Ogle

Date: 8/23/07

Manager, NPDES Compliance Unit

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APPROVED BY RESPONDENT:

Name

(print): ERRY V. HILDENBRAND

Title

(print): V.P. ENERGY RESOURCE DEVELOP.

Signature: *[Signature]* Date: 8-28-07

Additionally, Respondents certify, 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. Respondents shall submit a written report with this Agreement detailing the specific actions taken to correct the violations cited herein.

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*Richard G. McAllister*  
Richard G. McAllister

Date: 11/9/07

Regional Judicial Officer, Region 10

Vendor US-EPA U.S. EPA, REGION Check Date 9/12/2007 Check Number 081796 81796

Ref Nbr	Inv Nbr	Inv Date	Invoice Amount	Amount Paid	Disc Taken	Net Check Amt
072527	09062007	9/6/2007	8,450.00	8,450.00	0.00	8,450.00

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 EPA--REGION 10

#Invoices: 1 Alaska Electric Light and Power

**ALASKA ELECTRIC LIGHT AND POWER COMPANY**  
 5601 TONSGARD CT. (907) 780-2222 JUNEAU, ALASKA 99801-7201

89-5 1252 81796

ACCOUNTS PAYABLE CHECK

WELLS FARGO BANK, NA  
JUNEAU, ALASKA

CHECK NO. CHECK DATE  
 081796 9/12/2007

THIS CHECK VOID 90 DAYS AFTER ISSUE

Eight Thousand Four Hundred Fifty and 00/100-----

\$ \*\*\*\*\*8,450.00  
 PAY EXACTLY

PAY TO THE ORDER OF U.S. EPA, REGION 10  
 DOCKET NO CWA-10-2008-0004  
 PO BOX 371099M  
 PITTSBURGH, PA 15251

ALASKA ELECTRIC LIGHT AND POWER CO.  
*[Signature]*  
 AUTHORIZED SIGNATURE

*[Signature]*  
 AUTHORIZED SIGNATURE

⑈081796⑈ ⑆125200057⑆ 0018110371⑈

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT** in **In the Matter of: Alaska Electric Light and Power and Southeast Road Builders, Inc., DOCKET NO.: CWA-10-2008-0004** was filed with the Regional Hearing Clerk on November 09, 2007.

On November 09, 2007 the undersigned certifies that a true and correct copy of the document was delivered to:


David Allnutt, Esquire  
US Environmental Protection Agency  
1200 Sixth Avenue, ORC-158  
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 on November 09, 2007, to:

Corry V. Hildenbrand, Vice President  
Energy Resource Development  
Alaska Electric Light and Power  
5601 Tongard Court  
Juneau, Alaska 99801

Roger Schnabel, President  
Southeast Road Builders  
HC60 Box 4800  
Haines, Alaska 99827

DATED this 09<sup>th</sup> day of November 2007.

  
\_\_\_\_\_  
Carol Kennedy  
Regional Hearing Clerk  
EPA Region 10

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Corry V. Hildenbrand, Vice President  
Engery Resource Development  
Alaska Electric Light and Power  
5601 Tonsgard Court  
Juneau, AK 99801

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PS Form 3800, August 2006

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Roger Schnabel, President  
Southeast Road Builders  
HC60 Box 4800  
Haines, AK 99827

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