



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 10

1200 Sixth Avenue, Suite 155, Seattle, Washington 98101

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-10-2020-0023, NPDES Nos. "Unpermitted" and IDR1001DM

The undersigned representatives of the United States Environmental Protection Agency ("EPA") and Larsen Construction, LLC and Stanley Construction ("Respondents"), enter into the Expedited Settlement Agreement ("Agreement") to resolve Respondents' civil penalty liability for alleged violations of the National Pollutant Discharge Elimination System stormwater permit cited above ("Permit") at a facility located at 12979 Highway 21 in Stanley, Idaho ("Site").

Respondents had an unauthorized discharge of storm water from the Site in violation of Section 301(a) of the Clean Water Act ("Act"), 33 U.S.C. § 1311(a), and/or failed to comply with its U.S.C. § 1342. Respondents are a "person" as defined in Section 502(5) of the Act, 33 U.S.C. § 1362(5). Respondents are responsible for the alleged violations specified in the attached Expedited Settlement Offer Worksheet - Findings and Alleged Violations ("Form"). The Form is incorporated into this Agreement by reference.

EPA finds, and Respondents admit, that the EPA has jurisdiction over this matter pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g) and 40 C.F.R. Part 22. Respondents neither admit nor deny the violations alleged in the Form.

Respondents agree to pay a civil penalty of \$14,360. Respondents certify that they have submitted a bank, cashiers, or certified check, with case name and docket number noted, for the amount specified above, payable to the "Treasurer, United States of America," via certified mail, to:

U.S. EPA, Region 10
Fines and Penalties, Cincinnati Finance Center
In the Matter of: Larsen Construction, LLC & Stanley Construction
Docket No.: CWA-10-2020-0023
P.O. Box 979077
St. Louis, MO 63197-9000

Respondents waive the rights to: (1) contest the allegation(s) in the Form; and (2) to appeal any final order an EPA Regional Judicial Officer may issue to ratify this Agreement ("Final Order").

By signing this Agreement, Respondents certify that: (1) the alleged violations listed in the Form have been corrected, and Respondents have submitted true and accurate documentation to the EPA of such correction; (2) consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), Respondents will not deduct penalties paid under this

Agreement for federal tax purposes; and (3) Respondents, in accordance with the attached Payment Instructions, have provided payment of the civil penalty, which Respondents understand is to be held by the EPA financial management center on behalf of the Respondents pending issuance of the Final Order.

This Agreement, upon incorporation into the Final Order and full satisfaction by the parties, shall be a complete and full resolution of Respondents' liability for federal civil penalties for the violations of the Permit and/or Section 301(a) of the Act as alleged in the Form. This Agreement does not affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law or to issue and administrative compliance order, e.g., for any uncorrected violations listed in the Form. Nothing in this Agreement shall relieve Respondents of the duty to comply with the Act and any regulations, order, or permit issued pursuant to the Act.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, the EPA will provide public notice of this Agreement and a reasonable opportunity for the public to comment on it. The EPA will address any comments on the Agreement in accordance with Section 309(g)(4) of the Act, 33 U.S.C. § 1319(g)(4), and 40 C.F.R. § 22.45.

Attachments:

- 1. Expedited Settlement Offer Worksheet - Findings and Alleged Violations
2. Payment Instructions

APPROVED BY EPA:

Morgan J. Jenkins Date: 3-5-2020
for Edward J. Kowalski, Director
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (print): Russell Clark

Title (print): member, owner

Signature: [Signature] Date: 3/17/20

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:

_____ Date: _____

Richard Mednick
Regional Judicial Officer, Region 10