

to Section 309(g) of the CWA, 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

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

3.2. Section 402(a) of the Act, 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 the waters of the United States upon such specific terms and conditions as the Administrator may prescribe.

3.3. Section 502(12) of the Act, 33 U.S.C. § 1362(12), defines the term “discharge of a pollutant” to include “any addition of any pollutant to navigable waters from any point source.” The term “navigable waters” is defined as “waters of the United States.” 33 U.S.C. § 1362(7). Regulations at 40 C.F.R. § 122.2 define “waters of the United States” to include waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; all interstate waters; and tributaries to those waters.

3.4. Respondent is a “municipality” as defined in CWA Section 502(4), 33 U.S.C. § 1362(4), and a “person” under CWA Section 502(5), 33 U.S.C. § 1362(5).

3.5. Respondent owns and/or operates the City of Plummer, Idaho Wastewater Treatment Facility (“Facility”) located on Toetly Road in Plummer, Idaho.

3.6. At all times relevant to this action, Respondent was authorized to discharge wastewater containing pollutants from the Facility pursuant to NPDES Permit No. ID0022781 ("Permit"). The Permit became effective on July 1, 2012, and expires on June 30, 2017. A permit application was received and the Permit was administratively continued on January 27, 2017, pursuant to 40 C.F.R. § 122.6.

3.7. The Facility discharges pollutants from Outfall 001 to Plummer Creek, which flows into Lake Chatcolet which is within Lake Coeur d'Alene. Outfall 001 is a "point source" as defined in 40 C.F.R. § 122.2.

3.8. Lake Coeur d'Alene is currently used, was used in the past, or may be susceptible to use in interstate and foreign commerce. As such, Lake Coeur d'Alene is a "navigable water" within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7), and a "water of the United States" as defined at 40 C.F.R. § 122.2.

3.9. Part I.B. of the Permit establishes effluent limits for the discharges from Outfall 001. These effluent limits include pH, *Escherichia coli* ("*E. coli*"), biochemical oxygen demand ("BOD"), total suspended solids ("TSS"), total ammonia and total phosphorus.

3.10. Part III.B. of the Permit requires Respondent to summarize monitoring results for the Facility each month in a Discharge Monitoring Report ("DMR").

3.11. When a permittee exceeds a monthly average effluent limit, the permittee is deemed to be in violation of the effluent limit each day of the month in which the exceedance occurred. 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 an instantaneous effluent limit, the violation is counted as one violation.

3.12. Respondent's DMRs from July 2012 through April 2017 indicate that the Facility had 3,325 violations of the effluent limits set forth in the Permit.

3.13. Part I.B of the permit specifies that the instantaneous minimum limit of pH in the effluent shall not be less than 6.5 standard units (su). From July 2012 through April 2017, Respondent exceeded the instantaneous minimum limit for pH three times, constituting three violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
February 2016	pH	6.5	5.84	su
March 2016	pH	6.5	6	su
April 2016	pH	6.5	6.3	su

3.14. Part I.B of the permit specifies that the instantaneous maximum limit of *E. coli* in the effluent shall not exceed 235/100ml. From July 2012 through April 2017, Respondent exceeded the instantaneous maximum limit for *E. coli* six times, constituting six violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
January 2013	<i>E. coli</i>	235	1,990	#/100mL
November 2014	<i>E. coli</i>	235	2,420	#/100mL
February 2015	<i>E. coli</i>	235	2,420	#/100mL
July 2015	<i>E. coli</i>	235	649	#/100mL
January 2017	<i>E. coli</i>	235	345	#/100mL
February 2017	<i>E. coli</i>	235	2,420	#/100mL

3.15. Part I.B of the permit specifies that the average monthly loading of BOD in the effluent shall not exceed 27 lbs/day. From July 2012 through April 2017, Respondent exceeded

the average monthly loading limit for BOD one time, constituting 31 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
January 2016	BOD	27	40	lb/d

3.16. Part I.B of the permit specifies that the average weekly loading of BOD in the effluent shall not exceed 40 lbs/day. From July 2012 through April 2017, Respondent exceeded the average weekly loading limit for BOD three times, constituting 21 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
February 2014	BOD	40	52.04	lb/d
March 2014	BOD	40	115.63	lb/d
January 2016	BOD	40	143	lb/d

3.17. Part I.B of the permit specifies that the average monthly concentration of BOD in the effluent shall not exceed 10 mg/L. From July 2012 through April 2017, Respondent exceeded the average monthly concentration limit for BOD two times, constituting 62 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
July 2015	BOD	10	10.5	mg/L
January 2016	BOD	10	14	mg/L

3.18. Part I.B of the permit specifies that the average weekly concentration of BOD in the effluent shall not exceed 15 mg/L. From July 2012 through April 2017, Respondent exceeded

the average weekly concentration limit for BOD three times, constituting 21 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
February 2014	BOD	15	24	mg/L
March 2014	BOD	15	25	mg/L
January 2016	BOD	15	33	mg/L

3.19. Part I.B 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 July 2012 through April 2017, Respondent did not meet the 85% average monthly removal of BOD four times, constituting 121 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
January 2013	BOD	85	68	%
January 2015	BOD	85	65.5	%
February 2015	BOD	85	79	%
January 2016	BOD	85	0.09	%

3.20. Part I.B of the permit specifies that the average monthly loading of TSS in the effluent shall not exceed 45 lbs/day. From July 2012 through April 2017, Respondent exceeded the average monthly loading limit for TSS two times, constituting 62 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
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March 2014	TSS	45	47.35	lb/d
January 2016	TSS	45	60	lb/d

3.21. Part I.B of the permit specifies that the average weekly loading of TSS in the effluent shall not exceed 67 lbs/day. From July 2012 through April 2017, Respondent exceeded the average weekly loading limit for TSS three times, constituting 21 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
January 2013	TSS	67	71	lb/d
February 2014	TSS	67	75.89	lb/d
March 2014	TSS	67	319.15	lb/d

3.22. Part I.B of the permit specifies that the average monthly concentration of TSS in the effluent shall not exceed 17 mg/L. From July 2012 through April 2017, Respondent exceeded the average monthly concentration limit for total TSS two times, constituting 62 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
March 2014	TSS	17	19.25	mg/L
January 2016	TSS	17	21	mg/L

3.23. Part I.B of the permit specifies that the average weekly concentration of TSS in the effluent shall not exceed 25 mg/L. From July 2012 through April 2017, Respondent exceeded the average weekly concentration limit for TSS three times, constituting 21 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
January 2014	TSS	25	27	mg/L
February 2014	TSS	25	35	mg/L
March 2014	TSS	25	69	mg/L

3.24. Part I.B of the permit specifies that for each month, the monthly average effluent concentration of TSS shall not exceed 15% of the monthly average influent concentration. This represents a minimum 85% removal requirement. From July 2012 through April 2017, Respondent did not meet the 85% average monthly removal of TSS three times, constituting 93 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
January 2013	TSS	85	83	%
March 2014	TSS	85	79	%
January 2016	TSS	85	0.9	%

3.25. Part I.B of the permit specifies that the average monthly loading of total ammonia in the effluent shall not exceed 6.67 lbs/day. From July 2012 through April 2017, Respondent exceeded the average monthly loading limit for total ammonia eight times, constituting 240 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
January 2013	total ammonia	6.67	16.86	lb/d
February 2014	total ammonia	6.67	13.95	lb/d
January 2015	total ammonia	6.67	16.12	lb/d

February 2015	total ammonia	6.67	13.01	lb/d
March 2015	total ammonia	6.67	16.59	lb/d
April 2015	total ammonia	6.67	11.23	lb/d
January 2016	total ammonia	6.67	32	lb/d
April 2017	total ammonia	6.67	8.8	lb/d

3.26. Part I.B of the permit specifies that the maximum daily loading of total ammonia in the effluent shall not exceed 20.8 lbs/day. From July 2012 through April 2017, Respondent exceeded the maximum daily loading limit for total ammonia four times, constituting four violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
January 2013	total ammonia	20.8	28.9	lb/d
February 2014	total ammonia	20.8	34.06	lb/d
January 2016	total ammonia	20.8	63	lb/d
April 2017	total ammonia	20.8	35	lb/d

3.27. Part I.B of the permit specifies that the average monthly concentration of total ammonia in the effluent shall not exceed 2.5 mg/L. From July 2012 through April 2017, Respondent exceeded the average monthly concentration limit for total ammonia 16 times, constituting 486 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
January 2013	total ammonia	2.5	8.2	mg/L
May 2013	total ammonia	2.5	3.1	mg/L
December 2013	total ammonia	2.5	4.4375	mg/L

January 2014	total ammonia	2.5	4.4	mg/L
February 2014	total ammonia	2.5	8.26	mg/L
March 2014	total ammonia	2.5	2.665	mg/L
April 2014	total ammonia	2.5	2.59	mg/L
November 2014	total ammonia	2.5	6.48	mg/L
December 2014	total ammonia	2.5	4.898	mg/L
January 2015	total ammonia	2.5	8.995	mg/L
February 2015	total ammonia	2.5	7.1	mg/L
March 2015	total ammonia	2.5	8.62	mg/L
April 2015	total ammonia	2.5	8.8	mg/L
December 2015	total ammonia	2.5	4.36	mg/L
January 2016	total ammonia	2.5	11	mg/L
April 2017	total ammonia	2.5	4.4	mg/L

3.28. Part I.B of the permit specifies that the maximum daily concentration of total ammonia in the effluent shall not exceed 7.8 mg/L. From July 2012 through April 2017, Respondent exceeded the maximum daily concentration limit for total ammonia 11 times, constituting 11 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
January 2013	total ammonia	7.8	12.8	mg/L
February 2014	total ammonia	7.8	8.9	mg/L
April 2014	total ammonia	7.8	11	mg/L
November 2014	total ammonia	7.8	15.4	mg/L
December 2014	total ammonia	7.8	10.7	mg/L

January 2015	total ammonia	7.8	12	mg/L
February 2015	total ammonia	7.8	13	mg/L
March 2015	total ammonia	7.8	20.7	mg/L
April 2015	total ammonia	7.8	10.4	mg/L
January 2016	total ammonia	7.8	22	mg/L
April 2017	total ammonia	7.8	17.3	mg/L

3.29. Part I.B of the permit specifies that the average monthly loading of total phosphorus in the effluent shall not exceed 0.133 lbs/day. From July 2012 through April 2017, Respondent exceeded the average monthly loading limit for total phosphorus 29 times, constituting 878 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
August 2012	total phosphorus	0.133	0.4537	lb/d
September 2012	total phosphorus	0.133	0.411	lb/d
October 2012	total phosphorus	0.133	0.511	lb/d
January 2013	total phosphorus	0.133	0.545	lb/d
February 2013	total phosphorus	0.133	0.376	lb/d
March 2013	total phosphorus	0.133	0.38	lb/d
April 2013	total phosphorus	0.133	2.22	lb/d
May 2013	total phosphorus	0.133	0.201	lb/d
June 2013	total phosphorus	0.133	119	lb/d
July 2013	total phosphorus	0.133	1.07	lb/d
August 2013	total phosphorus	0.133	1,310	lb/d
September 2013	total phosphorus	0.133	267	lb/d

October 2013	total phosphorus	0.133	92.06	lb/d
November 2013	total phosphorus	0.133	0.194	lb/d
December 2013	total phosphorus	0.133	82.8278	lb/d
January 2014	total phosphorus	0.133	47	lb/d
February 2014	total phosphorus	0.133	0.7	lb/d
March 2014	total phosphorus	0.133	581.76	lb/d
November 2014	total phosphorus	0.133	0.1465	lb/d
December 2014	total phosphorus	0.133	0.2135	lb/d
January 2015	total phosphorus	0.133	0.6774	lb/d
February 2015	total phosphorus	0.133	0.194	lb/d
March 2015	total phosphorus	0.133	0.1646	lb/d
January 2016	total phosphorus	0.133	0.63	lb/d
February 2016	total phosphorus	0.133	0.188	lb/d
January 2017	total phosphorus	0.133	0.154	lb/d
February 2017	total phosphorus	0.133	0.33	lb/d
March 2017	total phosphorus	0.133	0.225	lb/d
April 2017	total phosphorus	0.133	0.19	lb/d

3.30. Part I.B of the permit specifies that the average weekly loading of total phosphorus in the effluent shall not exceed 0.35 lbs/day. From July 2012 through April 2017, Respondent exceeded the average weekly loading limit for total phosphorus 18 times, constituting 150 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
August 2012	total phosphorus	0.35	1.16	lb/d

January 2013	total phosphorus	0.35	0.45	lb/d
February 2013	total phosphorus	0.35	0.68	lb/d
March 2013	total phosphorus	0.35	0.48	lb/d
April 2013	total phosphorus	0.35	1.839	lb/d
June 2013	total phosphorus	0.35	2.21	lb/d
July 2013	total phosphorus	0.35	1.9	lb/d
August 2013	total phosphorus	0.35	3	lb/d
September 2013	total phosphorus	0.35	0.4	lb/d
January 2014	total phosphorus	0.35	0.46	lb/d
February 2014	total phosphorus	0.35	1.3	lb/d
March 2014	total phosphorus	0.35	4.17	lb/d
November 2014	total phosphorus	0.35	0.6809	lb/d
February 2015	total phosphorus	0.35	0.37	lb/d
January 2016	total phosphorus	0.35	0.38	lb/d
January 2017	total phosphorus	0.35	0.36	lb/d
February 2017	total phosphorus	0.35	0.67	lb/d
March 2017	total phosphorus	0.35	0.52	lb/d

3.31. Part I.B of the permit specifies that the average monthly concentration of total phosphorus in the effluent shall not exceed 50 µg/L. From July 2012 through April 2017, Respondent exceeded the average monthly concentration limit for total phosphorus 27 times, constituting 817 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
January 2013	total phosphorus	50	265	µg/L

February 2013	total phosphorus	50	195	µg/L
March 2013	total phosphorus	50	227	µg/L
June 2013	total phosphorus	50	169	µg/L
August 2013	total phosphorus	50	2,180	µg/L
September 2013	total phosphorus	50	522	µg/L
October 2013	total phosphorus	50	189.8	µg/L
November 2013	total phosphorus	50	261	µg/L
December 2013	total phosphorus	50	97.75	µg/L
January 2014	total phosphorus	50	51.75	µg/L
February 2014	total phosphorus	50	414.75	µg/L
March 2014	total phosphorus	50	236.5	µg/L
November 2014	total phosphorus	50	161.75	µg/L
December 2014	total phosphorus	50	161	µg/L
January 2015	total phosphorus	50	378	µg/L
February 2015	total phosphorus	50	106.25	µg/L
March 2015	total phosphorus	50	85.5	µg/L
July 2015	total phosphorus	50	58.2	µg/L
October 2015	total phosphorus	50	57.25	µg/L
November 2015	total phosphorus	50	95	µg/L
January 2016	total phosphorus	50	220	µg/L
February 2016	total phosphorus	50	126	µg/L
December 2016	total phosphorus	50	82	µg/L
January 2017	total phosphorus	50	173	µg/L
February 2017	total phosphorus	50	58	µg/L

March 2017	total phosphorus	50	65	µg/L
April 2017	total phosphorus	50	140	µg/L

3.32. Part I.B of the permit specifies that the average weekly concentration of total phosphorus in the effluent shall not exceed 131 µg/L. From July 2012 through April 2017, Respondent exceeded the average weekly concentration limit for total phosphorus 18 times, constituting 149 violations. The violations are as follows:

Month of Violation	Pollutant	Permit Limit	Value Reported	Units
January 2013	total phosphorus	131	341	µg/L
February 2013	total phosphorus	131	378	µg/L
March 2013	total phosphorus	131	187	µg/L
June 2013	total phosphorus	131	277	µg/L
July 2013	total phosphorus	131	3,570	µg/L
August 2013	total phosphorus	131	3,760	µg/L
September 2013	total phosphorus	131	925	µg/L
October 2013	total phosphorus	131	583	µg/L
November 2013	total phosphorus	131	330	µg/L
December 2013	total phosphorus	131	199	µg/L
February 2014	total phosphorus	131	1,190	µg/L
March 2014	total phosphorus	131	902	µg/L
November 2014	total phosphorus	131	406	µg/L
January 2015	total phosphorus	131	179	µg/L
February 2015	total phosphorus	131	199	µg/L
March 2015	total phosphorus	131	148	µg/L

January 2017	total phosphorus	131	412	µg/L
April 2017	total phosphorus	131	206	µg/L

3.33. During the violations period set forth above, Respondent made good-faith efforts to come into compliance with the Permit.

IV. CONSENT AGREEMENT

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

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

4.3. As required by Section 309(g)(3) of the CWA, 33 U.S.C. § 1319(g)(3), EPA has taken into account the nature, circumstances, extent, and gravity of the alleged violations as well as Respondent's economic benefit of noncompliance, ability to pay, and other relevant factors. After considering all of these factors, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$2,500.

4.4. Respondent agrees to pay the total civil penalty set forth in Paragraph 4.3 within thirty (30) days of the effective date of the Final Order.

4.5. Payment under this Consent Agreement must be made by cashier's check or certified check payable to the order of "Treasurer, United States of America" and delivered via United States mail to the following address:

By U.S. Postal Mail:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

By UPS, Federal Express or overnight mail:

U.S. Bank Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
St. Louis, MO 63101

Respondent must note on the check the title "In the Matter of: City of Plummer, Wastewater Treatment Plant, Plummer, Idaho" and docket number "CWA-10-2017-0141".

4.6. Respondent must deliver via United States mail a photocopy of the check described in Paragraph 4.5 to the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10, Mail Stop ORC-158
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

David Domingo
U.S. Environmental Protection Agency
Region 10, Mail Stop OCE-101
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

4.7. If Respondent fails to pay the penalty assessed by this Consent Agreement in full by the due date set forth in Paragraph 4.4, 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.

4.7.1. Interest. Pursuant to Section 309(g)(9) of the CWA, 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 thirty (30) days of the effective date of the Final Order.

4.7.2. Attorneys Fees, Collection Costs, Nonpayment Penalty. Pursuant to Section 309(g)(9) of the CWA, 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 twenty percent (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 4.7.2, above, each party shall bear its own fees and costs in bringing or defending this action.

4.11. Respondent expressly waives any right to contest the allegations and waives any right to appeal the Final Order set forth in Part V.

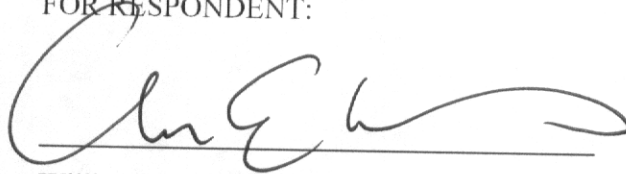
4.12. The provisions of this Consent Agreement shall bind Respondent and its agents, servants, employees, successors, and assigns.

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

DATED:

July 13th 2017

FOR RESPONDENT:

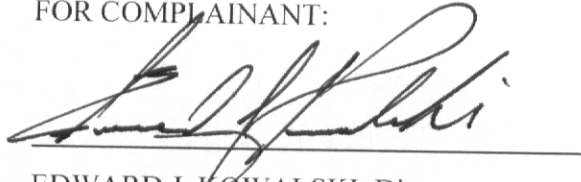


William Weems, Mayor
City of Plummer

DATED:

9/11/2017

FOR COMPLAINANT:



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

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. CWA-10-2017-0141
)	
CITY OF PLUMMER,)	FINAL ORDER
WASTEWATER TREATMENT PLANT,)	
)	
Plummer, Idaho)	
)	
Respondent.)	

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. This Consent Agreement and Final Order constitute a settlement by EPA of all claims for civil penalties pursuant to the 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.

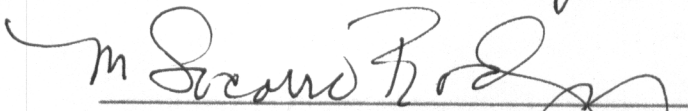
4. Respondent waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the Respondent may have with respect to any

issue or fact of law set forth in this Final Order, including, but not limited to, any right of judicial review under the Administrative Procedure Act, 5 U.S.C. §§ 701-708.

5. Pursuant to Section 309(g)(4)(A) of the CWA, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45(b), EPA has issued public notice of and provided reasonable opportunity to comment on its intent to assess an administrative penalty against Respondent. More than 40 days have elapsed since issuance of this public notice and EPA has received no petition to set aside the Consent Agreement contained herein.

6. This Final Order shall become effective upon filing.

SO ORDERED this 15th day of September, 2017.


SOCORRO RODRIGUEZ
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 the Matter of : City of Plummer, Wastewater Treatment Plant, Plummer, Idaho Docket No.: CWA-10-2017-0141**, was filed with the Regional Hearing Clerk and 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:

Stephanie Mairs
U.S. Environmental Protection Agency
1200 Sixth Avenue, ORC-113
Suite 900
Seattle, Washington 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:

Craig Trueblood
K&L Gates
925 Fourth Avenue
Suite 2900
Seattle, WA 98104

DATED this 18 day of September, 2017, Teresa Young
Signature

Teresa Young
Regional Hearing Clerk
EPA Region 10