

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, New York 10007-1866

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866
2011 JUL 26 P 12:58
RECEIVED

IN THE MATTER OF:

Washington County Sewer District II
17 Cortland Street, PO Box 288
Fort Edward, NY 12828

Respondent

Proceeding to Assess Class II
Administrative Penalty Under
Clean Water Act, Section 309(g)

**CONSENT AGREEMENT
AND
FINAL ORDER**

**DOCKET NO.
CWA-02-2011-3403**

I. Preliminary Statement

This administrative proceeding for assessment of a civil penalty was instituted pursuant to Section 309(g) of the Clean Water Act (the "Act"), 33 U.S.C. §1319(g).

The Complainant in this proceeding, the Director of the Division of Enforcement and Compliance Assistance ("DECA"), Region 2, United States Environmental Protection Agency ("EPA"), issued a "Complaint, Findings of Violation, Notice of Proposed Assessment of a Civil Penalty and Notice of Opportunity to Request a Hearing" (hereinafter, "Complaint") to Washington County Sewer District II ("Respondent"), on November 16, 2010.

The Complaint charged Respondent with violating Sections 308(a) and 405(d) of the Act, 33 U.S.C. §§1318(a) and 1345 (d) and regulations promulgated pursuant thereto at 40 C.F.R. Part 503 at its facility in Kingsbury New York.

The following Findings are made, and Consent Agreement issued, under the authority vested in the Administrator of the EPA, by Section 309(g) of the Clean Water Act ("Act"), 33 U.S.C. Section 1319(g). The Administrator has delegated these authorities to the Regional Administrator of EPA Region 2, who hereby issues this Final Order.

II. Findings of Fact and Conclusions of Law

1. Respondent is a duly organized municipality and is a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. §1362(5), and 40 C.F.R. §503.9, and is a "person who prepares sewage sludge" within the meaning of 40 C.F.R. §503.9. Respondent owns and operates a sewage sludge composting facility in Kingsbury, New York ("the Facility").

2. Respondent owns and operates a sewage sludge composting facility in Kingsbury, New York ("the Facility"). Over the past 2 years, the Facility has treated and distributed an average of 400 dry metric tons of compost per year to be land applied. Respondent is therefore subject to the requirements of Section 405(d) of the Act and its implementing regulations at 40 CFR Part 503.

3. Under the authority of Section 405(d) of the Act and the Standards for the Use and/or Disposal of Sewage Sludge ("40 CFR Part 503"), the Respondent is required to comply with the 40 CFR Part 503 standards (the Class A pathogen requirements in §503.32(a) or the Class B pathogen requirements and site restrictions in §503.32(b), one of the vector attraction reduction requirements in §503.33(b)(1) through (b)(10) and the pollutant limits in §503.13 when bulk sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site).

4. On January 3, 2008, the Respondent, was issued an Administrative Order (Docket CWA-02-2008-3006) ("2008 ORDER") for failure to comply with the Class A fecal coliform limit of 1000 Most Probable Number ("MPN") per gram of total solids (dry weight basis) in four (4) out of seven (7) samples, collected during a sludge sampling inspection conducted by representatives from EPA on October 17, 2007, and to request documentation describing the disposition of the compost that exceeded the Class A fecal coliform limit of 1000 MPN per gram of total solids during calendar year 2006. In addition, in the 2008 ORDER, the Respondent, was ordered to comply with all subsequent 40 CFR Part 503 requirements and to ensure that all compost samples, that are collected to be analyzed for fecal coliform and/or salmonella, are analyzed within 24 hours of the time of collection and, during that time, the compost samples remain chilled to four (4) degrees Celsius.

5. On April 1, 2010, the Respondent, was issued an Administrative Order (Docket CWA-02-2010-3028) ("2010 ORDER") for failure to comply with the Class A fecal coliform limit of 1000 MPN per gram of total solids (dry weight basis) in samples collected during 2009 and for failure to analyze the compost samples with 24 hours from the time of collection for samples collected during 2009. As a result, the Respondent was requested in the 2010 ORDER to submit all fecal coliform laboratory results and the chain of custody forms for the compost produced and distributed by the Washington County Compost Facility during 2007 and 2008, to this office, within thirty (30) days of receipt of the 2010 ORDER. In addition, the Respondent, was requested to submit supporting documentation describing the disposition of the compost that exceeded the fecal coliform Class A limit of 1000 MPN/gram of total solids for the samples specified in the 2010 ORDER that were collected during 2009, to this office, within thirty (30)

days of receipt of the 2010 ORDER. Also, the Respondent was requested to submit temperature readings collected of all the sewage sludge composting piles constructed, including temperature readings collected during the curing phase of the composting process, for calendar years 2007, 2008 and 2009, to this office, within thirty (30) days of receipt of the 2010 ORDER.

6. On September 29, 2010, the Respondent had completed its submittals of the information requested in the 2010 ORDER and other information requested by EPA to complete its review and to make a determination on the extent of violations.

7. EPA reviewed the above mentioned submittals by the Respondent and determined that the Respondent failed to comply with: a) the pathogen reduction requirements in §503.32(a)(7) which requires that, when using the static aerated pile composting method, the temperature of the sewage sludge is maintained at 55 degrees Celsius or higher for three consecutive days from October 2006 to September 2009 at Blowers 8.45, 15.5, 11.43 and 11.58. b) the vector attraction reduction requirements in §503.33(b)(5) which requires that, when using the static aerated pile composting method, sewage sludge shall be treated in an aerobic process for fourteen (14) days or longer. During that time, the temperature of the sewage sludge shall be higher than 40°C and the average temperature of the sewage sludge shall be higher than 45°C. Respondent failed to ensure that the 40°C was met for fourteen (14) consecutive days at the same time as pathogen reduction or after pathogen reduction was met from March 2006 through May 2010 at Blowers 1.38, 14.39, 9.41, 11.43, 13.45, 11.45, 8.45, 5.45, 4.45, 2.45, 7.46, 7.47, 15.49, 6.49, 5.49, 15.5, 14.5, 8.5, 2.5, 9.54, 7.54, 5.54, 4.54, 12.55, 13.55, 14.55, 10.55, 6.55, 5.55, 14.57, 10.57, 9.57, 5.57, 6.57, 8.57, 12.58, 11.58, 9.58, 7.58, 8.58, 14.59, 5.58, 4.58, 15.59, 13.59, 11.59, 10.59, 9.59, 7.59, 6.59, 5.59, 4.59, 8.59, 6.6, 12.6, 12.61 and 15.61. c) the fecal coliform Class A limit of 1000 MPN/gram of total solids for samples collected from January 2007 to April 2010 for Samples 070117V01, 070725D01, 070801M01, 070912F01, 64589, 76973, 19930, 40871, 53205, 69730, 71617, 74113, 26295, 28190, 29986, 31787, 37542, 48383, 50659, 53275, 58249, 62215, 70101, 80328, 88223, 96955, 99217, 19941, 22425, 33788, 36127, 40586, 43206, 84642, 98131 and 98132.

8. The Respondent could not provide EPA with information on the disposition of the compost that exceeded the fecal coliform Class A limit of 1000 MPN/gram of total solids and the compost that did not comply with the pathogen and vector attraction reduction requirements in Part 503.

9. Based on the findings above, the Respondent has violated Sections 308(a) and 405(d) of the Act, and has violated 33 U.S.C. §§1318(a) and 1345(d) and 40 CFR §§503.32(a)(7) and 503.33(b)(5).

III. Consent Agreement

Based upon the foregoing and pursuant to Section 309(g) of the Act, 33 U.S.C. §1319(g), and the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits" (40 C.F.R. § 22.18), it is hereby agreed by and between the parties and Respondent voluntarily and knowingly agrees as follows:

Jurisdiction

1. For the purpose of this proceeding, Respondent a) admits the jurisdictional allegations of the Complaint as applied to the facility; and b) neither admits nor denies the specific factual allegations contained in the Complaint and Findings of Fact.

Terms of Agreement

2. Based upon the foregoing Finding of Facts and Conclusions of Law, and having taken into account the nature, circumstances, extent and gravity of the violations, Respondent's agreement to perform a Supplemental Environmental Project ("SEP"), Respondent's prior compliance history, degree of culpability and the economic benefit or savings accruing to Respondent by virtue of the violation, and Respondent's ability to pay the proposed penalty, and pursuant to the authority of Section 309(g), EPA has determined an appropriate civil penalty of \$25,000.00 in addition to the payment by Respondent of no less than \$94,117.65 to perform the SEP set forth in Paragraph 4. et seq.

Payment of Civil Penalty

3. Respondent shall pay, by cashiers or certified check, a civil penalty in the amount of **Twenty-five Thousand (\$25,000) Dollars in two installments**. The first check for \$12,500 must be received on or before forty-five (45) calendar days after the date of signature of the Final Order at the end of this document (the date by which payment must be received shall hereafter be referred to as the "due date"). The second installment check in the amount of \$12,500 must be received no later than 180 calendar days after the due date. Such payment shall be made by cashier's or certified check, corporate check or by Electronic Fund Transfer (EFT). If the payment is made by check, then the check shall be payable to the "**Treasurer, United States of America**" and shall be mailed to:

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

The check shall be identified with a notation thereon listing the following: **IN THE MATTER OF WASHINGTON COUNTY SEWER DISTRICT II**, and shall bear thereon the **Docket Number CWA-02-2011-3403**. Payment of the first installment check must be received at the above address on or before forty-five (45) calendar days after the due date.

If Respondent chooses to make the payment by EFT, then Respondent shall provide the following information to its remitter bank:

- a. Amount of Payment
- b. SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045
- c. Account Code for Federal Reserve Bank of New York receiving payment: 68010727
- d. Federal Reserve Bank of New York ABA routing number: 021030004
- e. Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"
- f. Name of Respondent: Washington County Sewer District II
- g. Case Number: CWA-02-2011-3403

Respondent shall also send copies of this payment to each of the following:

Nadine Orrell, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency - Region 2
290 Broadway - 16th Floor
New York, New York 10007

and

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007

- h. Failure to pay the amount in full within the time period set forth above may result in referral of this matter to the United States Department of Justice or the United States Department of the Treasury for collection.
- i. Further, if the payment is not received on or before the due date, interest will be assessed at the annual rate established by the Secretary of Treasury pursuant to the Debt Collection Act, 31 U.S.C. §3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15.00 will be assessed for each 30 day period (or any portion thereof) following the due date in which the balance remains unpaid. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.
- j. The civil penalty constitutes a penalty within the meaning of 26 U.S.C. §162(f).
- k. The penalty to be paid is a civil penalty assessed by the EPA and shall not be deductible from Respondent's federal or state taxes.

Description of the Supplemental Environmental Project

4. Respondent shall complete the following SEP, which the parties agree is intended to secure significant environmental or public health protection and improvements. The SEP shall involve the purchase of a new Trommel Screen, as described in Exhibit A. Acquisition of the new Trommel Screen will help reduce the recurrence of future pathogen and vector attraction violations, increase the amount of sludge the facility processes into composting materials that benefit the environment by allowing more sludge compost to be used beneficially, and also benefits the population that the Facility serves by reducing the amount of sludge disposed of at landfills.

5. The total expenditure for the SEP shall not be less than \$94,117.65 in accordance with the specifications set forth in Exhibit A. Respondent shall provide documentation to the EPA of the expenditures made in connection with the SEP as part of the SEP Completion Report.

SEP Reports

6. Respondent shall submit a SEP Completion Report to EPA within 180 days from the date of the Final Order. The SEP Completion Report shall contain the following information:

- (a) A detailed description of the SEP as implemented;
- (b) Evidence of purchase of Trommel Screener
- (c) Itemized costs, as set forth in Paragraph 10, below;
- (d) Certification that the SEP has been fully implemented pursuant to the provisions of this Consent Agreement and Order; and
- (e) A description of the environmental and public health benefits resulting from implementation of the SEP.

7. Respondent shall submit eight (8) additional Progress Reports to EPA, in accordance with the schedule and requirements recited in Exhibit B.

8. Respondent agrees that failure to submit the SEP Completion Report or any Periodic Report required by Paragraphs 6 and 7, above, shall be deemed a violation of this Consent Agreement and Final Order and Respondent shall become liable for stipulated penalties pursuant to Paragraph 15, below.

9. Respondent shall submit all notices and reports required by this Consent Agreement and Order to Ms. Alia Roufaeal and copy to Ms. Nadine Orrell, Esq., U.S. Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007, by first class mail.

10. In itemizing its costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all eligible SEP costs. Where the SEP

Completion Report includes costs not eligible for SEP credit, those costs must be clearly identified as such. For purposes of this Paragraph, "acceptable documentation" includes invoices, purchase orders, receipts, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment has been made. Canceled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

11. Under no circumstances shall Respondent use federal grants, low-interest federal loans, federal contracts or other forms of federal financial assistance or non-financial assistance to perform the SEP. Respondent agrees that use of prohibited assistance shall be deemed a violation of this Consent Agreement and Final Order and Respondent shall become liable for stipulated penalties pursuant to Paragraph 15., below.

12. Respondent agrees that EPA and its authorized representatives may inspect the SEP site at any time in order to confirm that the SEP is being undertaken and maintained in conformity with the representations made herein.

13. Respondent shall maintain legible copies of documentation for any and all documents or reports submitted to EPA pursuant to this Consent Agreement and shall provide the documentation to EPA not more than seven days after a request for such information. In all documents or reports, including, without limitation, any SEP reports, submitted to EPA pursuant to this Consent Agreement, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

14. EPA Acceptance of SEP Report

- a. After receipt of the SEP Completion Report described in Paragraph 6, above, EPA will notify the Respondent, in writing, regarding:
 - (i) any deficiencies in the SEP Report itself along with a grant of an additional thirty (30) days for Respondent to correct any deficiencies; or
 - (ii) EPA conclusions that the project has been completed satisfactorily; or,
 - (iii) EPA's determination that the project has not been completed satisfactorily and EPA's intent to seek stipulated penalties in accordance with Paragraph 15., below.

- b. If EPA elects to exercise option (i), above, i.e., if the SEP Report is determined to be deficient but EPA has not yet made a final determination about the adequacy of the completion of the SEP itself, EPA shall permit Respondent the opportunity to object in writing to the notification of deficiency given pursuant to this paragraph within thirty (30) days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement on changes necessary to the SEP Report. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision on adequacy of the completion of the SEP to Respondent, which decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any such deficiency or failure to comply with the terms of this Consent Agreement and Order. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with Paragraph 15., below.

15. Stipulated Penalties for Failure to Complete SEP or Failure to Expend Sufficient Funds in Performance of the SEP.

- a. In the event that Respondent fails to comply with any of the terms or provisions of this Agreement relating to the performance of the SEP described in Paragraph 4., above, and/or to the extent that the actual expenditures for the SEP do not equal or exceed the cost of the SEP described in Paragraph 7, above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:
 - (i) For a SEP which has not been completed satisfactorily pursuant to this Consent Agreement and Final Order, Respondent shall pay a stipulated penalty to the United States in the amount of \$ 25,000.00.
 - (ii) If the SEP is completed in accordance with Paragraph 4, but Respondent spent less than 90 percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to the United States equal to the difference between \$94,117.65 and the amount of money spent.
 - (iii) If the SEP is completed in accordance with Paragraph 4 and Respondent spent at least 90 percent of the amount of money required to be spent for the project, Respondent shall not be liable for any stipulated penalty.
 - (iv) For failure to submit the SEP Completion Report required by Paragraph 6., above, Respondent shall pay a stipulated penalty in the amount of \$100.00 for each day after the report due date as set forth in Paragraph 6, above, until the report is submitted.
 - (v) For failure to submit any other report required by Paragraph 7, above, Respondent shall pay a stipulated penalty in the amount of \$100.00 for each day after the report was originally due until the report is submitted.
- b. The determinations of whether Respondent has complied with the terms of this Consent Agreement and whether the SEP has been satisfactorily completed, and

whether Respondent has made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA.

- c. Stipulated penalties for Subparagraphs (iv) and (v), above, shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity.
- d. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of Paragraph 3, above. Interest and late charges shall be paid as stated in Paragraph 4, above.
- e. Nothing in this agreement shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

16. Any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the SEP shall include the following language, "This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of Sections 308(a) and 405(d) of the Clean Water Act, 33 U.S.C. §§1318(a) and 1345(d)."

17. Unexpected Circumstances Which Delay the Performance of a SEP.

- a. If any event occurs which causes or may cause delays in the completion of the SEP as required under this Agreement, Respondent shall notify EPA in writing not more than ten (10) days after the delay or Respondent's knowledge of the anticipated delay, whichever is earlier. The notice shall describe in detail the anticipated length of the delay, the precise cause or causes of the delay, the measures taken and to be taken by Respondent to prevent or minimize the delay, and the timetable by which those measures will be implemented. Respondent shall adopt all reasonable measures to avoid or minimize any such delay. Failure by Respondent to comply with the notice requirements of this paragraph shall render this paragraph void and of no effect as to the particular incident involved and shall constitute a waiver of Respondent's right to request an extension of its obligation under this Agreement based on such incident.
- b. If the parties agree that the delay or anticipated delay in compliance with this Agreement has been or will be caused by circumstances entirely beyond the control of Respondent, the time for performance hereunder may be extended for a period no longer than the delay resulting from such circumstances. In such event, the parties shall stipulate to such extension of time.

- c. In the event that EPA does not agree that a delay in achieving compliance with the requirements of this Consent Agreement and Order has been or will be caused by circumstances beyond the control of Respondent, EPA will notify Respondent in writing of its decision and any delays in the completion of the SEP shall not be excused.
- d. The burden of proving that any delay is caused by circumstances entirely beyond the control of Respondent shall rest with Respondent. Increased costs or expenses associated with the implementation of actions called for by this Agreement shall not, in any event, be a basis for changes in this Agreement or extensions of time under section (b) of this paragraph. Delay in achievement of one interim step shall not necessarily justify or excuse delay in achievement of subsequent steps.

General Provisions

18. This Consent Agreement is being voluntarily and knowingly entered into by the parties in full and final settlement of the civil liabilities that might have attached as a result of the allegations contained in the Complaint. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable and consents to its issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.

19. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement and agrees to pay the penalty in accordance with the terms of this Consent Agreement.

20. Respondent knowingly and explicitly waives its right under CWA Section 309(g)(2) and (8), 33 U.S.C. §1319(g)(2) and (8), to request or to seek any Hearing on or Judicial Review of the Complaint or on any of the allegations therein asserted, on this Consent Agreement or the Findings of Fact and Conclusions of Law herein, or on the accompanying Final Order.

21. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Director where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the accompanying Final Order.

22. Issuance of the Consent Agreement and Final Order does not constitute a waiver by EPA of its right to enforce the substantive legal requirements underlying this penalty assessment, either administratively or judicially pursuant to Sections 309(a), (b) and (c) of the Act, 33 U.S.C. §§1319(a), (b) and (c). Pursuant to Section 309(g)(7) of the Act, 33 U.S.C. § 1319(g)(7), issuance or compliance with this Consent Agreement Final Order does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable requirements of the Clean Water Act, of regulations promulgated thereunder and of any legal order or permit issued thereunder.

23. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.

24. The provisions of this Consent Agreement and Final Order shall be binding upon the Respondent, its officers, directors, agents, servants, authorized representatives and successors or assigns.

25. Each party hereto agrees to bear its own costs and fees in this matter.

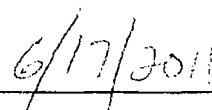
26. Respondent consents to service upon Respondent by a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

RESPONDENT:

BY:



DATE:



Matthew Traver, Chairman
Board of Commissioners
Washington County Sewer District II

COMPLAINANT:

BY: DLA/RL

DATE: 7/14/00

MS. DORE LAPOSTA, Director
Division of Enforcement and
Compliance Assistance
U.S. Environmental Protection Agency
Region 2
New York, NY 10007-1866

IV. Final Order

The Regional Administrator of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Consent Agreement. The Agreement entered into by the parties is hereby approved, incorporated herein, and issued as an Order. The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, U.S. EPA Region 2, New York, New York.

DATE: 7/15/11

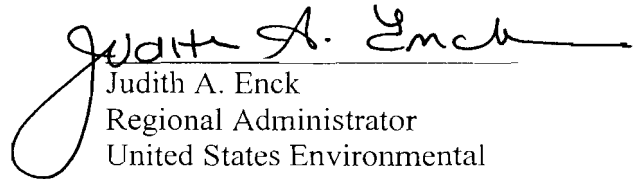

Judith A. Enck
Regional Administrator
United States Environmental
Protection Agency-Region 2
290 Broadway
New York, New York

EXHIBIT A

listed below. Within 120 calendar days from the due date of the Final Order, Respondent must submit documents to EPA that demonstrate that the Trommel Screener has been fully operational.

General

The system described herein consists of one new or demo Trommel screener with the listed specifications or equivalent:

- 85 HP (63kW) 4 cylinder liquid cooled C4.4 Caterpillar diesel engine
- Engine control panel with tamper proof hour meter and the following automatic shutdowns: Low oil pressure, high engine temperature, high hydraulic oil temperature, low hydraulic oil level and air filter restriction.
- 5th wheel kingpin and hydraulic landing gear installed.
- 5' diameter x 12' long rotary Trommel containing 2 standard width screen panels
- 4.5 yd³ (3.4 m³) Feed Hopper
- 30" (762mm) wide Feed Conveyor
- 30" (762 mm) wide Fines Conveyor
- Single wheel, 12R22.5 tires (grizzly option requires dual 11R22.5)
- 78 gallon (295 litre) lockable fuel tank
- 180 gallon (680 litre) lockable hydraulic tank is installed to feed the hydraulic pump, which is directly coupled to the diesel engine
- Gross weight 22,420 lb (9,979 kg)
- No special permits required
- No more than 800 hrs for used equipment
- Capable of processing 120 cu.yds./ 6 hrs. (minimum)

<p>Chassis</p> <ul style="list-style-type: none"> • Cross braced hollow structural steel with all welded construction • Removable on-site tow bar • Air brake axle, mud flaps and DOT approved signals (turning, brakes, reflectors) • Sandblasted and painted one coat primer, one coat machinery grade enamel. 	
<p>Feeder</p> <ul style="list-style-type: none"> • 12'-6" (3.8 m) Feed Hopper 4.5 yd³ (3.4 m³) capacity composed of ¼" plate hopper supported directly on chassis • Variable speed hydraulic driven gearbox with chain driven 10" (254mm) lagged head pulley • 30" (762mm) wide vulcanized belt supported by closely spaced steel rollers • 10" (254mm) barefaced tail pulley complete with scraper, V-plow, and manual screw take-up adjustment • 9'-6" (2.9 m) load height. • Powered via dedicated pump section, valve and flow control • 10' Feed height max. 	
<p>Fines Conveyor</p> <ul style="list-style-type: none"> • 48" (1220 mm) wide vulcanized belt supported by closely spaced picking and standard equal length idlers • 10" (254mm) lagged drive pulley driven by a close-coupled hydraulic motor with scraper • 10" (203mm) barefaced tail pulley complete with scraper, V-plow, and manual screw take-up adjustment • Self-cleaning rubber disc return idlers • 9'-6" (2.9 m) discharge height • Powered via dedicated pump section and valve • Belt adjustment • Heavy duty scrapers 	

Trommel Screen

- 5' (1.52m) diameter x 12' (3.6m) long drum containing four structural longitudinal angles to provide aggressive screening action.
- High strength crimped and inter-woven screen cloth of generous gauge and required clear opening is installed. The screen cloth is bolted and clamped to the outside of the drum framework.
- Two adjustable free rotating nylon brushes are mounted in close proximity to the drum and engage the outside of the drum face and cloth area for cleaning purposes.
- Variable speed (0-28 RPM) hydraulic drive powers the Trommel drum through four 18" x 7" solid rubber tires, each with independent hydraulic motors (total of four drum drive motors). One solid rubber tire provides thrust support for the drum and ensures smooth, quiet operation.
- A fully enclosed, flashed chute embraces the lower half of the Trommel and directs the fines materials on to the fines conveyor. This chute has an inclined surface with liner to reduce material build-up.
- 12" Rubber skirting is mounted to the rear of the drum to direct oversize material away from the machine.
- Powered via dedicated pump section, valve and flow control
- 3/8" screen

EXHIBIT B

PROGRESS REPORT SCHEDULE	
Date(s)	Activity
September 30, 2011	Respondent must submit a quarterly report of the temperature readings collected, fecal coliform laboratory results, metals laboratory results of the compost, and amount of compost generated and distributed.
December 31, 2011, March 31, 2012, June 30, 2012, September 30, 2012, December 31, 2012, March 31, 2013 and June 30, 2013,	Respondent must submit the next seven (7) consecutive quarterly reports of the temperature readings collected, fecal coliform laboratory results, metals laboratory results of the compost, and amount of compost generated and distributed.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
290 Broadway
New York, N.Y. 10007-1866**

IN THE MATTER OF:

Washington County Sewer District II
17 Cortland Street, PO Box 288
Fort Edward, NY 12828

Respondent

Proceeding to Assess Class II
Administrative Penalty Under
Clean Water Act, Section 309(g)

**CONSENT AGREEMENT
AND
FINAL ORDER**

**DOCKET NO.
CWA-02-2011-3403**

CERTIFICATE OF SERVICE


I certify that, on the date noted below, I caused to be mailed, by certified mail, return-receipt-requested, a copy of this "CONSENT AGREEMENT AND FINAL ORDER" to the following person at the address listed below:

Roger A. Wickes, Esq.
Washington county Attorney
383 Broadway Bldg. B
Fort Edward, NY 12828

I further certify that, on the date noted below, I caused to be mailed, by EPA internal mail (pouch), the original and one copy of this "CONSENT AGREEMENT AND FINAL ORDER" to the following person at the address listed below:

U.S. Environmental Protection Agency
Regional Hearing Clerk (16th Floor)
290 Broadway
New York, N.Y. 10007-1866

Date: 7-22-2011


Signature