



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
-Region 10

1200 Sixth Avenue, Seattle, Washington 98101
AMENDED EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-2007-0160, NPDES No. IDR10B685 and IDU000232

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EPA--REGION 10

Gordon Paving Co., Inc., and Force Engineering, LLP ("Respondent") 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: Force Engineering, LLP
Docket No.: CWA-10-2007-0160
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 is responsible for the deficiencies specified in the Form.

This Amended Agreement settles EPA's civil penalty claims against Respondents for the Clean Water Act violation(s) specified in this Amended 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 Amended 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 its National Pollutant Discharge Elimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

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

EPA finds, and Respondents admit, that Respondents is 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: 6/19/07
Kimberly A. Ogle
Manager, NPDES Compliance Unit

EPA is authorized to enter into this Amended Consent Agreement and Final Order ("Amended 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 Amended Agreement in order to settle the civil violation(s) alleged in this Amended Agreement for a penalty of \$4,000. Respondents consents to the assessment of this penalty, and waives 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): ANDREW SWENSEN Brian T. Hanson
FORCE ENGINEERING Gordon Paving Co.

Title
(print): PRINCIPAL secretary

Signature: [Signature] Date: 7/6/07

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.

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 Amended Agreement detailing the specific actions taken to correct the violations cited herein.

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

Respondents certify that it has 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:

Richard G. McAllister Date: 9/17/07
Richard G. McAllister
Regional Judicial Officer, Region 10

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **AMENDED EXPEDITED SETTLEMENT AGREEMENT** in **In the Matter of: Gordon Paving Co., Inc., and Force Engineering, LLP**, **DOCKET NO.: CWA-10-2007-0160**, was filed with the Regional Hearing Clerk on September 17, 2007.

On September 19, 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 September 19, 2007, to:

Brian Hansen
Gordon Paving Co., Inc.
837 Madrona Street South
Twin Falls, Idaho 83301

Andrew Swenson
Force Engineering, LLP
P.O. Box 442
Twin Falls, Idaho 83303

DATED this 19th day of September 2007.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10