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Filed October 21, 2020 @ 1135am
USEPA – Region II
Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION 2
Enforcement and Compliance Assurance Division
290 Broadway, 21st Floor, New York, NY 10007
EXPEDITED SETTLEMENT AGREEMENT
Docket Number: CWA-02-2021-3302, NPDES Unpermitted No.: NYU003966

The undersigned representatives of the United States Environmental Protection Agency (EPA) and Village of Sleepy Hollow Local Development Corporation (Respondent), enter into this Expedited Settlement Agreement (Agreement) to resolve Respondent's civil penalty liability for **allegedly discharging storm water without a permit from the Village of Sleepy Hollow Local Development Corp. - East Parcel (60 Continental Street) Construction site into the Pocantico River without a State Pollutant Discharge Elimination System ("SPDES") Permit.**

The EPA finds that: (1) Respondent discharged storm water from the Site that disturbed or planned to discharge more than 1 acre, without authorization by any construction stormwater permit issued pursuant to the Clean Water Act (Act) in violation of Section 301 of the Act, 33 U.S.C. § 1311]; (2) Respondent is a "person" as defined in Section 502(5) of the Act, 33 U.S.C. § 1362(5); and (3) Respondent is 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.

The EPA also finds, and Respondent admits, 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. Respondent neither admits nor denies the violations alleged in the Form.

Respondent agrees to pay a civil penalty of **$4,980**. Respondent waives the rights (1) to contest the allegations in the Form and (2) to appeal any final order an EPA Regional Judicial Officer may issue to ratify this Agreement (Final Order). The civil penalty will be due no later than 10 days after the issuance of the Final Order and shall be made in accordance with the attached Expedited Settlement Agreement Payment Instructions.

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

Regional Hearing Clerk, U.S. EPA, Region 2
Fines and Penalties, Cincinnati Finance Center
In the Matter of: Village of Sleepy Hollow Local Development Corporation
Docket No.: CWA-02-2021-3302
P.O. Box 979077
St. Louis, MO 63197-9000

This Agreement, upon incorporation into the Final Order and full satisfaction by the parties, shall be a complete and full resolution of Respondent's liability for federal civil penalties for the violations of the Permit and or Section 301(a) of the Clean Water Act 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 an administrative compliance order, e.g., for any uncorrected violations listed in the Form. Nothing in this Agreement shall relieve Respondent of the duty to comply with the Act and any regulation, 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 this 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.

APPROVED BY RESPONDENT:
Name (print): KEN WRAY
Title (print): MAYOR
Signature: [signature] Date: 8/14/20

APPROVED BY EPA:
KATHLEEN ANDERSON Digitally signed by KATHLEEN ANDERSON Date: 2020.09.03 08:32:01 -04'00' For Date: 09/03/2020
Dore LaPosta, Director
Enforcement and Compliance Assurance Division

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:
KATHLEEN ANDERSON Digitally signed by KATHLEEN ANDERSON Date: 2020.10.15 12:44:15 -04'00' For Date: 10/15/20
Dore LaPosta, Director
Enforcement and Compliance Assurance Division