

Expedited Settlement Offer Worksheet Violations Form For Wastewater

Version 1 (updated April 2019)

Consult instructions regarding eligibility criteria and procedures prior to use.



LEGAL NAME AND MAILING ADDRESS OF RESPONSIBLE ENTITY		NPDES Permit Number	
1	Walter Mills Acting Wastewater Treatment Plant Foreman 989 Broadway Seaside, Oregon 97138	OR0020401	
		Permit Effective Date:	1/1/2019
		Permit Expiration Date:	11/30/2023
LOCATION AND ADDRESS OF FACILITY		EPA Contact Name:	Katrina Chambon
2	City of Seaside 1821 North Franklin Street Seaside, Oregon 97138	EPA Contact Title:	Case Officer
		EPA Office:	Anchorage Operations Office
FACILITY DESCRIPTION / CONTACT NAMES			
		Name of Facility Contact (ESO Worksheet recipient):	Tony Biamont
		Name of Authorized Official (40 CFR 122.22):	Tony Biamont
		Are any findings a result of an inspection?	No
		Inspection Date(s) (if applicable):	
3		Name of Receiving Water Body (Indicate whether 303(d) listed):	Necanicum River (303(d) listed)
PRIVATE ENTITY ADJUSTMENT FACTOR			
4	Is the entity privately owned?	If yes, adjustment factor of 2.0 is applied.	No 1.0
FLOW ADJUSTMENT FACTOR			
5	Select the appropriate average volume of flow on a day of discharge in millions of gallons per day (MGD). If a facility discharges only on a periodic basis, do <u>not</u> include days with zero flow when calculating the average flow:		
	A <0.050 mgd (no adjustment is applied)	No adjustment factor is applied.	
	B ≥0.050 mgd and <0.250 mgd	Adjustment factor of 1.5 is applied.	
	C ≥0.250 mgd and <1 mgd	Adjustment factor of 3.0 is applied.	
	D ≥1 mgd and <5 mgd	Adjustment factor of 6.0 is applied.	X 6.0
	E ≥5 mgd and <10 mgd	Adjustment factor of 10.0 is applied.	
	F ≥10 mgd and <50 mgd	Adjustment factor of 15.0 is applied.	
	G ≥50 mgd	Adjustment factor of 20.0 is applied.	
REPEAT VIOLATOR ADJUSTMENT FACTOR			
6	A How many other state and federal formal enforcement actions has the responsible entity been subject to in the last three years? Include enforcement actions at this facility and any other facilities.	For each enforcement action, adjustment factor is increased 50%.	1.0
TOTAL ADJUSTMENT FACTOR			6.00

Violation(s) / Corrective Action(s)		CWA / Permit	R C A*	No. of Viol- actions	Dollar Amount w/ Adjust. Factor	Total
MONITORING / REPORTING						
ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.						
7	Failure to submit compliance schedule report:					
	A Late but less than 30 days late				\$300 =	
	B Submitted more than 30 days late				\$450 =	
	C Not submitted				\$900 =	
8	Failure to submit timely discharge monitoring report (DMR) and/or DMR submitted with failure to conduct self-monitoring:	September 2022 failed to submit toxicity sampling report due October 15, 2022. The report was submitted February 10, 2023. November 2023 failed to sample for alkalinity.	Schedule B.1 and Schedule B.3			
	A DMR late but less than 30 days late				\$300 =	
	B DMR submitted more than 30 days late			1	\$450 =	\$450
	C DMR not submitted or DMR submitted with a failure to sample pollutants - conventional pollutants (count each conventional pollutant not reported or not sampled as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform)			1	\$450 =	\$450
	D DMR not submitted or DMR submitted with a failure to sample pollutants - toxic pollutants (count each toxic pollutant not reported or not sampled as a violation)				\$450 =	
9	Failure to conduct self-monitoring in accordance with permit requirements, including but no limited to required sample type, sample location, representative sampling, meeting 40 CFR 136 or other permit requirements (count each pollutant with one or more failures)				\$150 =	
10	Failure to submit any other required report or notice (e.g., biosolids report, pretreatment report, industrial user notification, planned changes, anticipated noncompliance, anticipated bypass, etc.):					
	A Late but less than 30 days late				\$300 =	
	B Submitted more than 30 days late				\$450 =	
	C Not submitted				\$900 =	
11	24-Hour Noncompliance Notice					
	A Failure to provide notice of noncompliance				\$450 =	
	B Noncompliance notice late				\$300 =	
12	5-Day Written Noncompliance Follow-up Report:					
	A Failure to provide report				\$450 =	
	B Report provided late and/or incomplete				\$300 =	
13	Noncompliance Not Required Within 24 Hours:					
	A Failure to provide report with DMR				\$150 =	
	B Report provided late and/or incomplete				\$60 =	
Subtotal Monitoring / Reporting Violations						\$900

OPERATIONS AND MAINTENANCE		ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.				
14	Failure to conduct and document self-inspections of facility (count each month with one or more missed and/or undocumented inspection)				\$240 =	
15	Failure to document all required information in self-inspections or conduct a complete inspection (count each month with one or more partially documented/completed inspection unless the month is accounted for in #15)				\$120 =	
16	Failure to identify and document corrective actions				\$120 =	
17	Failure to meet operation and maintenance requirement of the permit				\$600 =	
18	Failure to manage removed substances in accordance with the permit				\$1,500 =	
Subtotal Operations and Maintenance Violations						\$0
EFFLUENT LIMITATIONS		ESA eligible if violations occurred within the 12 months immediately prior to the ESA offer.				
19	Failure to meet effluent limitations:	October 2023 and December 2023 exceedance of E.coli; the permit limit is 406 E.coli organisms/100 milliliter (#/100 mL) and the results are 629/100mL and 2,419/100mL., respectively. December 2023 total suspended solids (TSS) exceedance of the monthly average of 560 pounds per day (lb./d) and weekly average of 840 lb./day; results are 599 lb./d, and 1,833 lbs./d, respectively. TSS exceedance of monthly average percent(%) removal of 85% , the result is 67%. TSS exceedance of weekly average of 45 milligrams per liter (mg/l), result is 134 mg/L. January 2024 exceedance of minimum pH of 6.0, the result is 5.8.				
A	Months with effluent exceedance less than 40% above the limit - conventional pollutants (count each conventional pollutant separately as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform)		Schedule A.1.a.i	2	\$300 =	\$600
B	Months with effluent exceedance 40% or more above the limit - conventional pollutants (count each conventional pollutant separately as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform)			5	\$450 =	\$2,250
C	Months with effluent exceedance less than 20% above the limit - toxic pollutants (count each toxic pollutant separately as a violation)				\$600 =	
E	Months with effluent exceedance 20% or more above the limit - toxic pollutants (count each toxic pollutant separately as a violation)			\$1,200 =		
Subtotal Effluent Limitations Violations						\$2,850
RECORDS		ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.				
20	Failure to create/maintain sampling and/or analysis records (count each month with one or more failure)				\$240 =	
21	Failure to maintain other records required by the permit (count each month with one or more failure excluding records not maintained in #22)				\$150 =	
Subtotal Records Violations						\$0
INDUSTRIAL WASTE		ESA eligible if violations occurred within the 60 months immediately prior to the ESA offer.				
22	Failure to meet industrial waste management/pretreatment requirement for POTWs without approved pretreatment programs (excluding failure to provide notice counted in #11)				\$600 =	
ECONOMIC BENEFIT ESTIMATE		ESA eligible if estimated economic benefit of noncompliance is less than total ESA offer.				
23	Enter total estimate economic benefit calculated rounded up to the nearest \$50				ESA eligible	
Total Expedited Settlement						\$3,750