



Public Notice: Proposed settlement with BNSF Railway Company for Clean Water Act violations in Idaho

Publish Date: October 20, 2025

Summary

EPA is providing notice of a proposed administrative penalty settlement with BNSF Railway Company for violations of Sections 311(b)(3) and 301(a) of Clean Water Act resulting from a freight train derailment that discharged diesel fuel into the **Kootenai River** near Katka, Idaho.

This action is being simultaneously commenced and concluded in a legal document called a Consent Agreement and Final Order. Under the proposed agreement (see "related documents"), the respondent will pay a **civil penalty of \$191,000**.

How to Comment

Comments Due: November 18, 2025

Please send all written comments by email to the EPA Regional Hearing Clerk (R10_RHC@epa.gov) within 30 days of the date of this notice.

Respondent

BNSF Railway Company
2650 Lou Menk Drive
Fort Worth, Texas 76131-2830

Legal authority

This is a Class II administrative penalty proceeding governed by Section 311(b)(6) of the Clean Water Act [33 U.S.C. § 1321(b)(6)], and the procedural rules found at 40 CFR Part 22 <<https://epa.gov/enforcement/consolidated-rules-practice-40-cfr-part-22-administrative-assessment-civil-penalties-1>>. The requirements that apply to public comment and participation are set forth in Clean Water Act section 311(b)(6)(C) and 40 CFR § 22.45.

Comments should reference docket number **CWA-10-2025-0185**.

Be sure to include your name and address if you would like a response.

If you are unable to submit comments by email, please call Salee Porter, Regional Hearing Clerk, at 206-553-0531.

For more information, contact Rick Cool (cool.richard@epa.gov), 206-553-6223.

Related documents

-  [Draft Consent Agreement with BNSF Railway Company \(pdf\)](#) <<https://www.epa.gov/system/files/documents/2025-10/cwa-10-2025-0185-bnsf.pdf>> (247.85 KB, October 2025)
EPA enforcement docket number CWA-10-2025-0185

Last updated on October 20, 2025