



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 7
11201 Renner Blvd, Lenexa, Kansas 66219

FILED
March 14, 2024
12:47PM
U.S. EPA REGION 7
HEARING CLERK

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-07-2024-0015, NPDES No.: WV0032336

City of Buckhannon, West Virginia ("Respondent")

is a "person," within the meaning of Section 502(5) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. §1362(5), and 40 C.F.R. § 122.2.

Attached is an "Expedited Settlement Offer Worksheet Deficiencies Form" ("Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the violation(s) specified in the Form. The violation(s) are associated with operation of the City's Wastewater Treatment Plant located at Hall Road, Buckhannon, West Virginia 26201.

Based on information provided by the Respondent, Respondent failed to comply with Section 405 of the CWA, 33 U.S.C. § 1345, and/or 40 C.F.R. 503, Standards for the Use or Disposal of Sewage Sludge, which limit the disposal of sewage sludge.

EPA finds, and Respondent admits, that Respondent is subject to Section 405 of the Act, 33 U.S.C. § 1345, and 40 C.F.R. 503 and that EPA has jurisdiction over any "person" who "prepares sewage sludge" or "applies sewage sludge to the land". Respondent neither admits nor denies the violation(s) specified in the Form.

EPA is authorized to enter into this Expedited Settlement Agreement ("ESA") 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) and 22.18(b)(2)-(3). The parties enter into this ESA in order to settle the civil violation(s) alleged in this ESA for a penalty of **\$3,000**. Respondent 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); (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8); and (4) judicial review pursuant to CWA § 309(g)(8), 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and/or criminal penalties for making a false statement to the United States Government, that any violation(s) identified in the Form have been corrected. Respondent shall submit a written report with this ESA detailing the specific actions taken to correct the violation(s) cited herein.

The civil penalty will be due no later than thirty (30) days after the Effective Date of the Final Order and shall be made in accordance with the attached Expedited Settlement Agreement Payment Instructions.

This ESA settles EPA's civil penalty claims against Respondent for the CWA violation(s) specified in this ESA. EPA does not waive its rights to take any enforcement action against

Respondent 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 violation(s) described in the Form. EPA has determined this ESA to be appropriate.

This ESA is binding on the parties signing below and, pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), and Part 22. Its Effective Date is the date it is filed with the Regional Hearing Clerk. Respondent agrees to service of this ESA at the email address provided herein.

APPROVED BY RESPONDENT:

Name (print): Thomas J. O'Neill

Title (print): City Attorney

Email address: Tom.ONeill@buckhanonwv.org

Signature:  Date: 21 Dec 2023

APPROVED BY EPA:

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.

_____ Date: _____

David Cozad
Director
Enforcement and Compliance Assurance Division

FINAL ORDER
IT IS SO ORDERED:

_____ Date _____

Karina Borromeo
Regional Judicial Officer

Effective Date: See Notice of Filing for Effective Date.