

UNITED STATES ENVIRONMENTAL PROTECTION AGEN Region 10

1200 Sixth Avenue, Seattle, Washington 98101 07 JUL 10 PM 2: 25 EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-10-2007-0100, NPDES Nos. IDR10B498 & IDR10B503 LERK EPA -- REGION 10

The City of Meridian and Sommer Construction, Inc. ("Respondents") are both "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.

"Expedited Settlement Attached is an Offer Deficiencies Form" ("Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondents are responsible for the deficiencies specified in the Form.

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 their National Pollutant Discharge Elimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

EPA finds, and Respondents admit, that Respondents are 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.

EPA is authorized to enter into this Consent Agreement and Final Order ("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 Agreement in order to settle the civil violation(s) alleged in this Agreement for a penalty of \$6,650 Respondents consent to the assessment of this penalty, and waive 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).

Additionally, Respondents certify, subject to civil and criminal penalties for making a false statement to the United States Governmenn, that any deficiencies identified in the Form have been corrected. Respondents shall submit a written report with this Agreement detailing the specific actions taken to correct the violations cited herein.

Respondents certify that they have submitted bank, cashiers, or certified checks, with case name and docket number noted, totaling the amount specified above, payable to the "Treasurer, United States of America," via certified mail, to:

U.S. EPA, Region 10

In the Matter of: Sommer Construction, Inc.

Docket No.: CWA-10-2007-0100

P.O. Box 371099M Pittsburgh, PA 15251

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. 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 deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate:

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

APPROVED BY EPA:

Simberly (1) Kimberly A. Ogle

Manager, NPDES Compliance Unit

APPROVED BY RESPONDENT:

(print):

(print):

Signature:

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:

Date: 7/10/07

Richard G. McAllister

Regional Judicial Officer, Region 10

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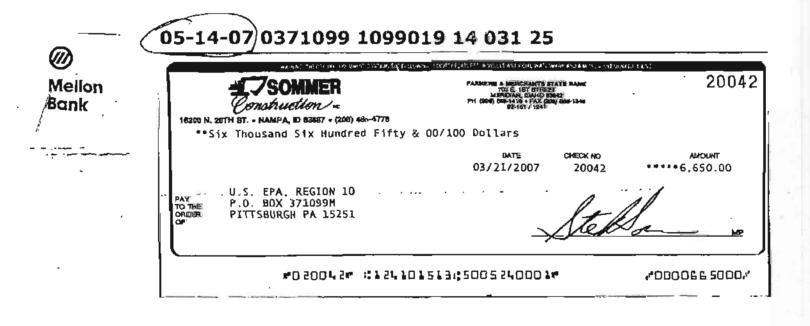
CNTCT: LORI (MICHELLE) DANA JOE MOLLY VAL PATTI ELIZETH EVELYN CRAIG ERIC SARAH CAROL

| COLLECTION | INFORMATION |
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KEY: REF. LINE NO. 997=Interest LINE NO. 998=Handling LINE NO. 999=Penalty



CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached EXPEDITED SETTLEMENT AGREEMENT in In the Matter of: The City of Meridian and Sommer Construction, Inc., DOCKET NO.: CWA-10-2007-0100 was filed with the Regional Hearing Clerk on July 10, 2007.

On July 10, 2007 the undersigned certifies that a true and correct copy of the document was delivered to:

David Allnutt
U.S. 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 July 10, 2007, to:

City of Meridian 660 East Watertower, Suite 200 Meridian, ID 83642

Sommer Construction, Inc. 16200 North 20th Nampa, ID 83687

DATED this 10th day of July 2007.

Carol Kennedy

Regional Hearing Clerk

EPA Region 10