



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 10, 1200 Sixth Avenue, Seattle, Washington 98101
EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-10-2024-0082, NPDES No. IDR051301
Penalty Amount: \$1,055, Inspection Date: September 14, 2023

FILED
May 28, 2024
12:57 P.M. PST
U.S. EPA REGION 10
HEARING CLERK

Clearwater Concrete, Inc. ("Respondent") is a "person," 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.

Attached is an "Expedited Settlement Offer Worksheet" ("Settlement Worksheet"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the alleged violations specified in the Settlement Worksheet.

Respondent failed to comply with the condition(s) or limitation(s) of a duly issued permit pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and Section 301(a) of the Act, 33 U.S.C. § 1311(a).

EPA finds, and Respondent admits, that Respondent is 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." Respondent neither admits nor denies the specific alleged violations specified in the Settlement Worksheet or this Expedited Settlement Agreement ("Agreement").

This Agreement constitutes a Consent Agreement and Final Order, which EPA is authorized to enter 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 to settle the civil violation(s) alleged in this Agreement for a penalty of \$1,055. Respondent consents to the assessment of this penalty and waives the right to: (1) contest the finding(s) specified in the Settlement Worksheet; (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, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the alleged violations identified in the Settlement Worksheet have been corrected. Respondent shall submit a written report and other documentation required by EPA with this Agreement detailing the specific actions taken to correct the alleged violations cited herein. This documentation may include monitoring, inspection and maintenance reports, documentation of corrective actions, certification records, and other records required for compliance with permit documentation and recordkeeping conditions.

Respondent certifies that, within ten (10) days after receipt of the Final Order, Respondent will submit electronic payment via www.pay.gov or submit a bank, cashiers, or certified check, with

case name and docket number noted, for the amount specified above, payable to the "Treasurer, United States of America," via certified mail, to:

Regional Hearing Clerk
U.S. EPA, Region 10
Fines and Penalties, Cincinnati Finance Center
In the Matter of: Clearwater Concrete, Inc.
Docket No.: CWA-10-2024-0082
P.O. Box 979078
St. Louis, MO 63197-9000

Respondent agrees that consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), it will not deduct the penalties paid under this Agreement for federal tax purposes.

This Agreement settles EPA's civil penalty claims against Respondent for the alleged 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 alleged violation(s) described in the Settlement Worksheet. EPA has determined this Agreement to be appropriate.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, EPA will provide a copy of the Agreement to the state of Idaho for the purposes of consultation with Idaho on the appropriateness of this Agreement. EPA will also provide public notice of this Agreement and a reasonable opportunity for public comment on it. EPA will address any comments on the Agreement in accordance with section 309(g)(1) and (4)(A) of the Act, 33 U.S.C. § 1319(g)(1) and (4)(A), and 40 CFR §§ 22.38 and 22.45.

This Agreement is binding on the parties signing below and becomes final 30 days from the date it is signed by the Regional Judicial Officer, unless a petition to set aside this Agreement is filed by a commenter pursuant to Section 309(g)(5) of the Act, 33 U.S.C. §1391(g)(5), following public notice of this Agreement.

APPROVED BY RESPONDENT:

Name
(print): Nicholas P. Seubert

Title President

(print):

Signature: [Handwritten Signature] Date: 4/9/2024

APPROVED BY EPA:

Edward J. Kowalski, Director
Enforcement and Compliance Assurance Division

More than 40 days have elapsed since providing the Agreement to Idaho and the issuance of public notice pursuant to Section 309(g)(1) and (4)(A) of the Act, 33 U.S.C. § 1319(g)(1) and (4)(A), and EPA has received no comments concerning this matter.

Vanessa Oquendo, Case Officer
Enforcement and Compliance Assurance Division

Having determined that this Agreement is authorized by law,
IT IS SO ORDERED:

_____ Date: _____
Regional Judicial Officer
Region 10
U.S. Environmental Protection Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
INDUSTRIAL STORMWATER
EXPEDITED SETTLEMENT AGREEMENT



Permit Section Citation	Description of Violations
2.1.1 Control Measure Selection and Design Considerations	
2.1.2 Non-Numeric Technology-Based Effluent Limits	Per 2.1.2.4 (Spill Prevention and Response): Lack of secondary containment for several storage drums close to bank of Clearwater River, no measures to prevent leaks/spills (facility did not utilize absorbent pads or other spill containment under vehicles), evidence on site of prior spills/leaks (staining) throughout the facility.
3.1 Routine Facility Inspections	
3.2 Quarterly Visual Assessment of Stormwater Discharges	
4.1 Monitoring Procedures	
4.2.2 Benchmark Monitoring	
4.2.3 Effluent Limitations Monitoring	
4.2.5 Impaired Waters Monitoring	
5.1 Corrective Actions	
5.2 Additional Implementation Measures (AIM)	
6 Stormwater Pollution Prevention Plan (SWPPP)	No major storm event considerations/procedures documented in the SWPPP. Part 6.2.4.6.a requires permittee to document how the facility addressed selection and design considerations in Part 2.1.1 which includes Part 2.1.1.8 that speaks to implementing measures to help minimize impacts from stormwater discharges from major storm events. Facility example was the high water level in the settling basin with potential to overflow during a major rain event.
7 Reporting and Recordkeeping	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
INDUSTRIAL STORMWATER
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Permittee		Site Factors		
Site Name:	Clearwater Concrete	Acres of Exposure:	3.25	
Street Address:	US12 Mile Point 73	Full Time Employees:	3	
City, State, Zip:	Kooskia, Idaho 83539	Environmental Harm:	N/A	
Lat/Long:	46.152362 N, -115.996188 W	Sector:	E - Glass Clay, Cement, Concrete, and Gypsum Products	
Permit ID:	IDR051301	Receiving Water(s):	Clearwater River	
Inspection Date:	9/14/2023	Water(s) Status:	Low Quality	
Permit Section Citation		Magnitude*	Penalty Amount	Duration
2.1.1	Control Measure Selection and Design Considerations			
2.1.2	Non-Numeric Technology-Based Effluent Limits	Minimal	\$352	
3.1	Routine Facility Inspections			
3.2	Quarterly Visual Assessment of Stormwater Discharges			
4.1	Monitoring Procedures			
4.2.2	Benchmark Monitoring			
4.2.3	Effluent Limitations Monitoring			
4.2.5	Impaired Waters Monitoring			
5.1	Corrective Actions			
5.2	Additional Implementation Measures (AIM)			
6	Stormwater Pollution Prevention Plan (SWPPP)	Minimal	\$703	
7	Reporting and Recordkeeping			
		Total:	\$1,055	

* "Magnitude" reflects the severity and/or duration of the violations identified by the inspector(s) at the time of the inspection.