

August 9, 2022 @ 3:47pm

USEPA – Region II  
Regional Hearing Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**EXPEDITED SETTLEMENT AGREEMENT**

Docket Number: CWA-02-2022-3319, NPDES Permit No. NY0026638

The United States Environmental Protection Agency (EPA) and the City of Ithaca, a municipality (Respondent), enter into this Expedited Settlement Agreement (Agreement) to resolve Respondent's civil penalty liability for alleged violations of the State Pollutant Discharge Elimination System permit (NY0026638) (Permit) for the Ithaca Area Wastewater Treatment Facilities.

The EPA finds that Respondent failed to comply with Paragraph F of the Permit; that the Permit was issued pursuant to Section 402 of the Clean Water Act (Act), 33 U.S.C. § 1342; that Respondent is a "person" as defined in Section 502(5) of the Act, 33 U.S.C. § 1362(5); and that Respondent is responsible for the violations specified in the attached Expedited Settlement Offer Worksheet Violations Form for Wastewater (Violations Form). The Violations Form is incorporated into this Agreement by reference.

The EPA also finds, and Respondent admits, that the EPA has jurisdiction over this matter pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), and 40 C.F.R. Part 22. Respondent neither admits nor denies the violations specified in the Violations Form.

Respondent agrees to pay a penalty of **\$1,125.00**. Respondent waives its rights: (1) to contest the statements in the Violations Form; and (2) to appeal any final order that an EPA Regional Judicial Officer may issue to ratify this Agreement (Final Order).

Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any violations identified in the Violations Form have been corrected. Respondent also certifies that, no later than ten (10) calendar days after it receives notice from the EPA that the Final Order has been issued, Respondent shall submit a check, with the case name and docket number noted, for the amount specified above, payable to the Treasurer, United States of America, to:

U.S. Environmental Protection Agency  
Fines and Penalties/Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000  
In the Matter of: **City of Ithaca**  
Docket No. CWA-02-2022-3319

This Agreement, upon incorporation into a Final Order and full satisfaction by the parties, shall be a complete and full resolution of Respondent's liability for federal civil penalties for the violations and facts alleged in the Violations Form. This Agreement does not affect the right of the EPA or the United States to pursue additional violations not specifically listed in the Violations Form or appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. Nothing in this Agreement shall relieve Respondent of the duty to comply with the Act and any regulation, order or permit issued pursuant to the Act.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, the EPA will provide public notice of this Agreement and a reasonable opportunity for the public to comment on it. The EPA will address any comments on this Agreement consistent with Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4) and 40 C.F.R. § 22.45.

APPROVED BY EPA:  
Anderson, Kate  
Digitally signed by Anderson, Kate  
Date: 2022.06.14 15:40:27 -04'00'

Date: 6/14/2022

**Dore LaPosta, Division Director**  
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (print): Michael Thorne  
Title (print): Superintendent of Public Works  
Signature: Michael Thorne  
Date: 5/31/2022

More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4) of the Act, 33 U.S.C. § 1319(g)(4)(A).

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

McKenna, Douglas  
Digitally signed by McKenna, Douglas  
Date: 2022.08.09 11:20:50 -04'00'

Date: 08/9/22

**Dore LaPosta, Division Director**  
Enforcement and Compliance Assurance Division