



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 10

1200 Sixth Avenue, Seattle, Suite 900 Washington 98101

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-10-2017-0080, NPDES Nos. IDR12AJ40 and "unpermitted"

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HEARING MAR 29 2017
EPA - REGION 10

Verdis and Alamo Excavating ("Respondents") are "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.

Attached is an "Expedited Settlement Offer Worksheet 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 \$2,400. 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 Government, 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
Fines and Penalties, Cincinnati Finance Center
In the Matter of: Verdis & Alamo Excavating
Docket No.: CWA-10-2017-0080
P.O. Box 979077
St. Louis, MO 63197-9000

This Agreement settles EPA's civil penalty claims against Respondents for the Clean Water Act violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondents 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:

Date: 3/6/2017

Edward J. Kowalski, Director
Office of Compliance and Enforcement

APPROVED BY RESPONDENT:

Name (print): JEFF WOOD

Title (print): PRESIDENT

Signature: Date: 3/9/17

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:

M. Socorro Rodriguez
Regional Judicial Officer, Region 10

Date: 7/10/17



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 10

1200 Sixth Avenue, Seattle, Suite 900 Washington 98101 MAR 29 2017
EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-10-2017- 0080, NPDES Nos. IDR12AJ40 and "unpermitted"

Verdis and Alamo Excavating ("Respondents") are "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.

Attached is an "Expedited Settlement Offer Worksheet 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 \$2,400. 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).

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

APPROVED BY EPA:

Date: 3/6/2017

Edward J. Kowalski, Director
Office of Compliance and Enforcement

APPROVED BY RESPONDENT

Name (print): sanda young

Title (print): president

Signature: sanda young Date: 3-27-17

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: 7-19-17

M. Socorro Rodriguez
Regional Judicial Officer, Region 10

Expedited Settlement Offer Worksheet Deficiencies Form

*Consult instructions regarding eligibility criteria
and procedures prior to use*

version 10.3.4

1	LEGAL NAME AND MAILING ADDRESS OF OPERATOR	Telephone Number	NPDES Permit Number
	Ms. Sandra Young Verdis 601 East Front Street, Suite 205 McCall, Idaho 83814	Mr. Jeff Wood Alamo Excavating 3306 South Greensferry Road Coeur d' Alene, Idaho 83814	208-667-1214/661-4694 IDR12AJ40/"Unpermitted"
		Inspector Name: Patrick Stoll	
		Inspector Agency: US EPA	
		Entrance Interview Conducted: <input type="checkbox"/> Yes <input type="checkbox"/> No	
		Exit Interview Conducted: <input type="checkbox"/> Yes <input type="checkbox"/> No	
		Exit Interview given to: Sandy Young, Jeff Wood et al.	
		Exit Interview time: _____ Date: _____	
	LOCATION AND ADDRESS OF SITE		
2	4 Mile Point Hull Loop Road Coeur d' Alene, Idaho 83814		

	FACILITY DESCRIPTION / CONTACT NAMES	
	Name of Site Contact (ESO Worksheet recipient):	Sandy Young, Verdis
	Name of Authorized Official (40 CFR 122.22):	Sandy Young, Verdis & Jeff Wood, Alamo Excavating
	Inspection Date:	11/17/2016
	Start Construction Date:	8/19/2016
	Estimated Completion Construction Date:	
	If Unpermitted, Number of Months Unpermitted:	Verdis - 3 months
	Name of Receiving Water Body (Indicate whether 303(d) listed):	Lake Coeur d' Alene
	Acres Currently Disturbed Acres to be Disturbed in Whole Common Plan:	4 4
	Has Operator Requested Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?	No

	PERMIT COVERAGE	Findings	Citation Reference*	Requires Corrective Action	Violations
3	Operator unpermitted for _____ months (# months unpermitted equals number of violations)		CWA 301	Y	Y
	SWPPP REVIEW				
4	SWPPP not prepared (if no SWPPP, leave elements 5 - 30 blank)		CGP 5.1	*	*
5	SWPPP prepared but prepared after construction start (# of months = # of violations)		CGP 5.1	*	*
6	SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc...		CGP 5.1	*	*
7	SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control		CGP 5.2.A	*	*
8	SWPPP does not have site description, as follows:				
	A Nature of activity in description		CGP 5.2.B.1	*	*
	B Intended sequence of major activities		CGP 5.2.B.2	*	*
	C Total disturbed acreage		CGP 5.2.B.3	*	*
	D General location map		CGP 5.2.B.4	*	*
	E Site map		CGP 5.2.C	*	*
	F Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage areas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)		CGP 5.2.C.1-8	*	*
	G Location/description industrial activities, like concrete or asphalt batch plants		CGP 5.2.E	*	*
9	SWPPP does not:				
	A Describe all pollution control measures (e.g. BMPs)		CGP 5.3.A	*	*
	B Describe sequence for implementation		CGP 5.3.A	*	*
	C Detail operator(s) responsible for implementation		CGP 5.3.A	*	*
10	SWPPP does not describe interim stabilization practices		CGP 5.3.B	*	*
11	SWPPP does not describe permanent stabilization practices		CGP 5.3.B	*	*

12	SWPPP does not describe a schedule to implement stabilization practices		CGP 5.3.B	*	*
13	Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)		CGP 5.3.C.1-3	*	*
14	SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas		CGP 5.3.A	*	*
15	SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed		CGP 3.1.E	*	*
16	SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit		CGP 3.1.F	*	*
17	SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust		CGP 3.1.B	*	*
18	SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials		CGP 3.1.F.1	*	*
19	SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials		CGP 3.1.G	*	*
20	SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP		CGP 3.2	*	*
21	SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges		CGP 3.2	*	*
22	Endangered Species Act documentation is not in SWPPP		CGP 5.5	*	*
23	Historic Properties (Reserved)				
24	Copy of permit and/or NOI not in SWPPP (count each omission under 24 as 1 violation)		CGP 5.7	*	*
25	SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)		CGP 5.8	*	*
26	SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans		CGP 5.8	*	*
27	Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates		CGP 5.9	*	*
28	SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under under 28 as 1 violation)		CGP 5.10.A	Y	Y
29	Copy of SWPPP not retained on site		CGP 5.11.A	*	*
	A SWPPP not made available upon request		CGP 5.11.C	*	*
30	SWPPP not signed/certified		CGP 5.11.D	*	*
INSPECTIONS					
31	Inspections not performed and documented either once every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction)		CGP 4.A, 4.B	*	*
	No inspections conducted and documented (if True, then leave elements 32-39 blank)			FALSE	*
	Number of inspections expected if performed every 7 days:	12			

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Verdis and Alamo Excavating; Docket No.: CWA-10-2017-0080**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

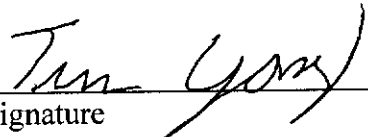
Christian F. Gebhardt, Compliance Officer
U.S. Environmental Protection Agency
1200 Sixth Avenue, OCE-101
Suite 900
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Ms. Sandy Young, President
Verdis Engineering
601 East Front Street, Suite 250
Coeur d' Alene, Idaho 83814

Jeff Wood, Owner
Alamo Excavating
3306 South Greenferry Road
Coeur d' Alene, ID 83814

DATED this 13 day of July, 2017



Signature

Teresa Young
Regional Hearing Clerk
EPA Region 10