



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 10

1200 Sixth Avenue, Seattle, Washington 98101

EXPEDITED SETTLEMENT AGREEMENT

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

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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.

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

Attached is an "Expedited Settlement 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.

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:

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.

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

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.

APPROVED BY EPA:  
Kimberly A. Ogle Date: 3/7/07  
Kimberly A. Ogle  
Manager, NPDES Compliance Unit

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).

APPROVED BY RESPONDENT:  
Name (print): STEVE R. SOMMER  
Title (print): PRESIDENT  
Signature: Steve Sommer Date: 3/21/2007

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.

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.

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:

Having determined that this Agreement is authorized by law, IT IS SO ORDERED:  
Richard G. McAllister Date: 3/10/07  
Richard G. McAllister  
Regional Judicial Officer, Region 10

REGN 1 2 3 4 5 6 7 8 9 10 CIN TRAVEL JURY DUTY CARD REFUNDS SALE OF PROPERTY TUITION

CNTCT: LORI MICHELLE DANA JOE MOLLY VAL PATTI ELIZBTH EVELYN CRAIG ERIC SARAH CAROL

### COLLECTION INFORMATION

DEPOSIT (SCHEDULE) NMBR 252

SUSPENSE  LIABILITY

CR NUMBER CWA10070100

REMOVED BY \_\_\_\_\_

REMOVED DATE \_\_\_\_\_

BILL NUMBER (IF DIFFERENT FROM CR NBR)

IFMS ENTERED DATE: \_\_\_\_\_

DATE ITEM REC'D (IF NOT CIRCLED ON CHECK)

IFMS ENTERED BY: \_\_\_\_\_

IPAC TO REG. 1 2 3 4 5 6 7 8 9 10 LV RTP HQ

COLLECTION ENTRY PERFORMED BY

ERIC

### ACCOUNTING

CR Line	BFY	APPR	Bud Org	BOC	PRC	Site/Proj	AMOUNT	REF. Line
001								998.001
002								997
003								001
								002
								003
								004
								005
								999

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

**05-14-07 0371099 1099019 14 031 25**



<b>SOMMER Construction</b>		FARMERS & MERCHANTS STATE BANK		20042
16200 N. 20TH ST. - NAMP, ID 83887 • (208) 484-5778		700 E. 1ST STREET MERIDIAN, IDAHO 83642 PH (208) 688-1410 • FAX (208) 688-1346 82-101 / 1241		
**Six Thousand Six Hundred Fifty & 00/100 Dollars				
	DATE	CHECK NO	AMOUNT	
	03/21/2007	20042	*****6,650.00	
PAY TO THE ORDER OF	U.S. EPA, REGION 10 P.O. BOX 371099M PITTSBURGH PA 15251			
#0 2004 2#		: 24 10 1 5 1 3 : 5005 24 000 1#		#000066 5000#

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 20<sup>th</sup>  
Nampa, ID 83687

DATED this 10<sup>th</sup> day of July 2007.



Carol Kennedy  
Regional Hearing Clerk  
EPA Region 10