



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 10

1200 Sixth Avenue, Seattle, Washington 98101

AMENDED EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-2007-0154, NPDES No. IDR10AJ38

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HEARINGS CLERK
EPA -- REGION 10

Tuscany Hills Development Company ("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.

U.S. EPA, Region 10
In the Matter of: Tuscany Hills Development Company
Docket No.: CWA-10-2007-0154
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 Respondent is responsible for the deficiencies specified in the Form.

This Amended Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Amended 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 Amended Agreement to be appropriate.

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

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

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 deficiencies specified in the Form.

APPROVED BY EPA:

EPA is authorized to enter into this Amended Consent Agreement and Final Order ("Amended 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 Amended Agreement in order to settle the civil violation(s) alleged in this Amended Agreement for a penalty of \$4,050. Respondent consents to the assessment of this penalty, and waives 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).

Kimberly A. Ogle Date: 6/28/07
Kimberly A. Ogle
Manager, NPDES Compliance Unit

APPROVED BY RESPONDENT:

Name: Tuscany Hills Development LLC
(print):

Title: member
(print):

Signature: [Signature] Date: 7/23/07

Additionally, Respondent certifies, 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. Respondent shall submit a written report with this Amended 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.

Respondent certifies that it has submitted 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:

Having determined that this Amended Agreement is authorized by law,

IT IS SO ORDERED:

Richard G. McAllister Date: 9/7/07
Richard G. McAllister
Regional Judicial Officer, Region 10

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **AMENDED EXPEDITED SETTLEMENT AGREEMENT** in **In the Matter of: Tuscany Hills Development Company**, **DOCKET NO.: CWA-10-2007-0154**, was filed with the Regional Hearing Clerk on September 17, 2007.

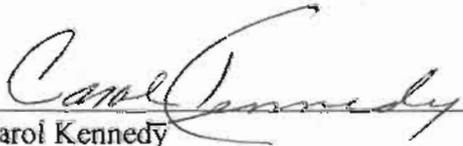
On September 17, 2007 the undersigned certifies that a true and correct copy of the document was delivered to:

David Allnutt,, Esquire
US 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 September 17, 2007, to:

Bill Isley, Owner
Tuscany Hills Development Company
444 Hospital Way, Suite 555
Pocatello, ID 83201

DATED this 17th day of September 2007.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10