

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

DATE: JUL - 3 2012

SUBJECT: Administrative Penalty Assessment - Class I  
Village of Walden, CWA-02-2012-3306

FROM: Alia Roufaeal, Regional Sludge Coordinator  
NPDES Team, Water Compliance Branch

TO: File

REGIONAL HEARING  
CLERK

2012 JUL - 3 P 2:08

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.II

We have determined an appropriate proposed penalty against all Permittees for which penalty orders are being issued for violations of 40 CFR Part 503 and Section 405(d) of the Clean Water Act related to the non-submittal of the nineteenth Annual Sludge Report through the following application of the statutory factors in §309(g) of the Act.

(A) Nature, Circumstances, Extent and Gravity of the Violation

Respondent has violated the Act by not submitting a complete and timely Annual Sludge Report due by February 19, 2012 and by not complying with our administrative order to submit the Annual Sludge Report on February 19, 2009 and every year thereafter. EPA noted deficiencies in the January - December 2011 reporting period.

(B) Prior History of Such Violations

EPA does not allege or rely upon prior violations in these cases.

(C) Degree of Culpability

Respondent is required to submit complete and timely reports, but lack of attention or misunderstanding of requirements has often resulted in respondent's failures. Respondent should be aware of its responsibility, since the Respondent was issued an Administrative Order on April 7, 2009 to submit the sixteenth Annual Sludge Report and to submit future Annual Sludge Reports on February 19, 2010 and every year thereafter. Reminder letters were mailed to notify Permittees of their responsibility to submit the nineteenth Annual Sludge Report by February 19, 2012. The penalty assessment will help to prevent future violations of the 40 CFR Part 503 requirements.

(D) Economic Benefit

EPA has decided not to include an economic benefit component in the penalty since the benefit in all of these cases is negligible, generally less than \$1,000 in preparing Sludge Report costs.

(E) Ability to Pay

Due to the small penalty sought, it is unlikely that inability to pay arguments will be persuasive. At this time, no reduction has been made.