



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY – REGION 2

Enforcement and Compliance Assurance Division

Regional Hearing Clerk

290 Broadway, 21<sup>st</sup> Floor, New York, New York 10007-1866  
EXPEDITED STORM WATER SETTLEMENT AGREEMENT

Docket Number: CWA-02-2022-3313, Permit: NYU009514

No Place Like Home Development Corp.

(“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.

Attached is an “Expedited Settlement Offer Deficiencies Form” (herein the “Form”), which is incorporated by reference. By its signature, Complainant (“EPA”) finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent failed to obtain the Construction General Permit requirements in violation of Sections 301(a) and 402 of the Clean Water Act, 33 U.S.C. §1311 and §1342, as described in the attached table.

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 the allegations and any “person” who “discharges pollutants” from a “point source” to “waters of the United States.” Respondent neither admits nor denies the allegation(s) 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 \$4,200. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s); (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, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that it has corrected any deficiencies identified in the Form, and to the best of its knowledge, is in compliance with the NPDES permitting program.

Respondent certifies that, within ten (10) days of receiving notice from EPA that the Agreement is effective (“So Ordered”) it will send bank, cashiers or certified checks for the amount specified above payable to the “Treasurer, United States of America,” via certified mail, **in accordance with the attached payment schedule to:**

Regional Hearing Clerk  
U.S. EPA, Region 2

In the Matter of: No Place Like Home Development Corp.  
Docket No.: CWA-02-2022-3313  
Cincinnati Finance Center, PO Box 979077  
St. Louis, MO 63197-9000

This Agreement settles EPA’s civil penalty claims against Respondent for the CWA violation(s) specified in this Agreement. However, 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.

This Agreement is binding on the parties signing below and effective thirty (30) days from the date it is signed (“Approved”) by the Director of the Enforcement and Compliance Assurance Division unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. §1319(g)(4)(C), and Part 22.

APPROVED BY EPA:  
Anderson, Ka Digitally signed by Anderson, Kate  
Date: 2022.05.31  
10:40:56 -04'00'

For te \_\_\_\_\_ Date: 5/31/2022

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

APPROVED BY RESPONDENT in accordance with 40 C.F.R. §122.22:

Name: JAMES CAFFEY  
**James Caffrey Owner, No Place Like Home Development Corp.**

Signature: [Signature] Date: 5-27-22

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 CAFO is authorized by law and is in the public interest,

IT IS SO ORDERED:

McKenna, Digitally signed by McKenna, Douglas  
Date: 2022.08.04 16:15:11  
-04'00'

Douglas \_\_\_\_\_ Date: 8/4/2022  
**Dore LaPosta, Division Director**  
For Enforcement and Compliance Assurance Division