



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

U.S. Environmental
Protection Agency-Reg 2

2014 SEP 30 AM 8:04

SEP 29 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5967 7803

REGIONAL HEARING
CLERK

Mr. David Schwartz
U.T.A Mesivta
48 Bakertown Road Unit #501
Monroe, New York 10950

RE: **Final Expedited Settlement Agreement/Consent Agreement and Final Order**
U.T.A Mesivta Proposed School Buildings, Berdichev Road, Kiryas Joel, New York
Docket No. CWA-02-2014-3311
NPDES Permit No. NYR10X832

Dear Mr. Schwartz:

Enclosed is a copy of the signed Expedited Settlement Offer ("ESO") Agreement entered into as part of the Consent Agreement and Final Order ("CAFO").

As you agreed to in this Expedited Storm Water Settlement Agreement, you must pay the settlement penalty amount (\$15,000) within ten (10) days from the date of receipt of this letter, which contains the agreement which has been "So Ordered" and is effective. You must send your payment and a copy of the Agreement, via certified mail, to:

Regional Hearing Clerk
U.S. EPA, Region 2
In the Matter of: U.T.A Mesivta of Kiryas Joel Proposed School Buildings
Docket No. CWA-02-2014-3311
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

The payment for the penalty amount must be in the form of a bank, cashiers or certified check payable to the "Treasurer, United States of America" with EPA and the Docket Number of the Expedited Settlement Agreement written on the check.

A copy of the check payment of the penalty amount must also be sent via certified mail, express mail or equivalent to Chief, Compliance Section, Water Compliance Branch, 290 Broadway, 20th Floor, New York, NY 10007 for our records.

Please note that once full payment is made this settles all civil penalties claims against you only for the Clean Water Act violations described in the Expedited Settlement Offer and/or CAFO. If you have any questions concerning the above, please contact Mrs. Justine Modigliani, Chief, Compliance Section at (212) 637-4268.

Sincerely,



Dore LaPosta, Director

 Division of Enforcement and Compliance Assistance

Enclosure

cc: Joseph DiMura, P.E., Director, Bureau of Water Compliance Programs, NYSDEC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION 2
 Division of Enforcement and Compliance Assistance
 290 Broadway
 New York, New York 10007-1866
EXPEDITED STORM WATER SETTLEMENT AGREEMENT
 U.T.A Mesivta, Docket Number: CWA-02-2014-3311, NPDES No. NYR10X832

U.S. Environmental Protection Agency-Reg 2

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REGIONAL HEARING CLERK

U.T.A Mesivta of Kiryas Joel ("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 Permit coverage in a timely manner 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 \$15,000. 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 a bank, cashiers or certified check for the amount specified above payable to the "Treasurer, United States of America," via certified mail, to:

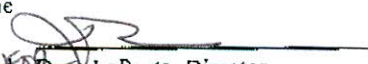
Regional Hearing Clerk
 U.S. EPA, Region 2
 In the Matter of U.T.A. Mesivta, Proposed School Buildings
 Docket No.: CWA-02-2014-3311
 Cincinnati Finance Center
 PO Box 979077
 St. Louis, MO 63197-9000

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

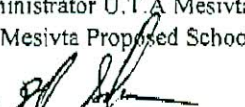
However, EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies 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 Division of Enforcement and Compliance Assistance 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:

 Date: 8/13/14
 Dore LaPosta, Director
 Division of Enforcement and Compliance Assistance

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

Name: David Schwartz
 Title: Administrator U.T.A. Mesivta of Kiryas Joel (Owner/Operator) of U.T.A. Mesivta Proposed School Buildings, Berdichev Road
 Signature:  Date: 8/12/14

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:

 Date: 9/25/14
 Dore LaPosta, Director
 Division of Enforcement and Compliance Assistance

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

U.T.A Mesivta of Kiryas Joel
48 Bakertown Road Unit #501
Monroe, New York 10950

NPDES Tracking No. NYR10X832

Respondent

Proceeding to Assess Civil Penalty Pursuant to
Section §309 (g) of the Clean Water Act, 33
U.S.C. §1319 (g)

Docket No. CWA-02-2014-3311

CERTIFICATE OF SERVICE

I certify that, on the date noted below, I caused to be mailed a copy of this "CONSENT AGREEMENT AND FINAL ORDER" to the following person at the address listed below:

David Schwartz, Administrator
U.T.A Mesivta of Kiryas Joel
48 Bakertown Road Unit #501
Monroe, New York 10950

I [hand carried/mailed] the original and a copy of this "CONSENT AGREEMENT AND FINAL ORDER" to the following person at the address listed below:

U.S. Environmental Protection Agency
Regional Hearing Clerk
290 Broadway, 16th Floor
New York, N.Y. 10007-1866

Date: 9/29/14
New York, New York


[Signature of Sender]