

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, New York 10007-1866

REGIONAL HEARING
CLERK

2014 APR 10 PM 2: 54

U.S. Environmental
Protection Agency-Reg 2

IN THE MATTER OF:

City of Glens Falls Wastewater Treatment Plant
2 Shermantown Road
Glens Falls, New York 12801

NPDES Permit No. NY0029050

FINAL ORDER
Docket No. CWA-02-2013-3301

CONSENT AGREEMENT

A. STATUTORY AUTHORITY

1. This Consent Agreement and Final Order ("CA/FO") is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 309(g)(2)(A) of the Clean Water Act ("Act"), as amended, 33 U.S.C. §1319(g)(2)(A). The Administrator has delegated this authority to the Regional Administrator of EPA, Region 2, who in turn has delegated it to the Director, Division of Enforcement and Compliance Assistance of EPA, Region 2. In accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" ("CROP"), 40 Code of Federal Regulations Part 22, the Director, Division of Enforcement and Compliance Assistance hereby issues this CA/FO.

B. STIPULATIONS AND FINDINGS

Upon Consent of the Parties by their attorneys or other authorized officials, the parties stipulate:

1. On December 28, 2012, EPA issued an Administrative Complaint, Docket No. CWA-02-2013-3301, pursuant to Section 309(g)(2)(A) of the Act, alleging that Respondent was in violation of Section 405(d) of the Act, 33 U.S.C. §1345(d), and proposing a penalty of \$24,500. In the Administrative Complaint, EPA alleged that the Respondent failed to continuously monitor for carbon monoxide ("CO") in the exit gas from the sewage sludge incinerator stack during the months of May 2008 through August 2008, May 2009 through December 2009, January 2010 through July 2010, January 2011 through December 2011, January 2012 through April 2012.

2. Respondent admits the jurisdictional allegations in the Administrative Complaint as set forth above and admits the specific violations alleged in the Administrative Complaint.

3. Respondent knowingly and explicitly waives its right to a hearing under Section 309(g)(2)(A) of the Act, and to appeal this order under Section 309(g)(8) of the Act, 33 U.S.C. §1319(g)(8).

C. SETTLEMENT TERMS

1. A Class I Civil Penalty of \$24,500 is hereby assessed against Respondent. Respondent shall pay such penalty as follows.

Payment Terms

2. Respondent shall pay, by cashier's or certified check, a civil penalty in the amount of twenty-four thousand five hundred dollars (\$24,500) to be paid in four equal installments payable to the "Treasurer of the United States of America". The checks shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document. The payments are to be paid in accordance with the following schedule:

- a. Due and owing forty-five (45) days after the Final Order is signed by the Director of the Division of Enforcement and Compliance Assistance of EPA Region 2, Respondent shall submit a cashier's or certified check, payable to the "Treasurer of the United States of America," for six thousand one hundred twenty-five dollars (\$6,125);
- b. Due and owing ninety (90) days after the Final Order is signed by the Director of the Division of Enforcement and Compliance Assistance of EPA Region 2, Respondent shall submit a cashier's or certified check, payable to the "Treasurer of the United States of America," for six thousand one hundred twenty-five dollars (\$6,125);
- c. Due and owing one hundred eighty (180) days after the Final Order is signed by the Director of the Division of Enforcement and Compliance Assistance of EPA Region 2, Respondent shall submit a cashier's or certified check, payable to the "Treasurer of the United States of America," for six thousand one hundred twenty-five dollars (\$6,125); and
- d. Due and owing two hundred seventy (270) days after the Final Order is signed by the Director of the Division of Enforcement and Compliance Assistance of EPA Region 2, Respondent shall submit a cashier's or certified check, payable to the "Treasurer of the United States of America," for six thousand one hundred twenty-five dollars (\$6,125).

Such check shall be mailed to:

**US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000**

