

EXPEDITED STORM WATER SETTLEMENT INSTRUCTIONS & AGREEMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733

INSTRUCTIONS

The United States Environmental Protection Agency (EPA) has authority under Section 309 of the Clean Water Act to pursue civil penalties for violations of the storm water regulations. EPA encourages the expedited settlement of certain easily verifiable violations of storm water requirements, such as the violations cited in the Expedited Settlement Agreement for which these instructions are provided.

You may resolve the cited violations quickly by signing and returning the original Expedited Settlement Agreement and paying the penalty amount within 30 days of your receipt of the Expedited Settlement Agreement. As a condition of the settlement, you must also correct the violations within 30 days of your receipt of the Expedited Settlement Agreement. After a 30 day public comment period and once fully executed by EPA the Expedited Settlement Agreement is binding on EPA and the owner or operator. Upon signing and returning of the Expedited Settlement Agreement and a check for the amount of the penalty, copies of which should be retained by you, this will resolve these civil penalty claims for these violations. EPA will not accept or approve any Expedited Settlement Agreement returned more than 30 days after the date of your receipt of the settlement agreement.

If you do not sign and return the Expedited Settlement Agreement with payment of the penalty amount within 30 days of your receipt of the Expedited Settlement Agreement the Expedited Settlement Agreement will be automatically withdrawn, without prejudice to EPA's ability to file an enforcement action for the above or any other violations. Failure to return the Expedited Settlement Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations, including correcting the violations that have been specifically identified in the Expedited Settlement Offer Worksheet Findings and Alleged Violations form. If you decide not to sign and return the Expedited Settlement Agreement and pay the penalty, EPA may pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to a maximum penalty of \$27,500 per day per violation.

You are required in the Expedited Settlement Agreement to certify that you have corrected the violations and paid the penalty amount. 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**. The Docket Number is located at the top of the Expedited Settlement Agreement.

The **original, signed, Expedited Settlement Agreement** and a **copy of the check payment** of the penalty amount **must** be sent via **CERTIFIED MAIL** to the address listed at the top of the Expedited Settlement Agreement. The original **check payment** of the penalty amount **must** be sent to the address listed in the lower left hand column of the Expedited Settlement Agreement.

By the terms of the Expedited Settlement Agreement, you waive your opportunity for a hearing pursuant to Section 309 of the Clean Water Act. EPA will treat any response to the proposed Expedited Settlement Agreement, other than acceptance of the settlement offer, as an indication that the recipient is not interested in pursuing this expedited settlement procedure.

If you have any questions, you may contact EPA Region 6 at (214) 665-7112.

