



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

1445 Ross Ave., Suite 1200, Dallas, Texas 75202-2733

**EXPEDITED STORM WATER SETTLEMENT AGREEMENT**

Docket Number: CWA-06-\_\_\_\_\_ - \_\_\_\_\_, NPDES No. \_\_\_\_\_

(herein the "Respondent") is a "person," within the meaning of § 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is a "Findings and Alleged Violations Form" (herein the "Form"), which is hereby incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent has committed the violation(s) set forth in the Form.

Respondent had an unauthorized discharge of storm water in violation of Section 301(a) of the Clean Water Act ("the Act" or "CWA"), 33 U.S.C. § 1311, and/or failed to comply with its National Pollutant Discharge Elimination System ("NPDES") storm water permit authorized under Section 402 of the Act, 33 U.S.C. § 1342, as noted on the attached Form.

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 ("CAFO") 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 CFR § 22.13(b). The parties enter into this CAFO in order to settle the civil violation(s) specified in the Form for a penalty of \$ \_\_\_\_\_. Respondent consents to the assessment of this penalty, and waives the right to contest the allegation(s) specified in the Form, and waives the right to appeal.

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 also certifies that it has sent a bank, cashiers or certified check for the amount specified above, payable to the "Treasurer, United States of America" to:

**U.S. EPA, Region 6**  
**Docket No.: CWA-06-\_\_\_\_\_ - \_\_\_\_\_**  
**P.O. Box 360582M**  
**Pittsburgh, PA 15251**

Respondent shall write the docket number of this case on the penalty payment check. This CAFO, along with a photocopy of your check, is to be returned to the address at the top of this document.

This CAFO settles EPA's civil penalty claims against Respondent for the CWA violation(s) described in the Form. 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, and does not waive its right to issue a compliance order for the violation(s) described in the Form. EPA has determined this CAFO to be in the public interest, and Respondent agrees.

This CAFO is binding on the parties signing below and effective thirty (30) days from the date it is signed by the Regional Administrator unless a petition to set aside the Order is filed by a commenter pursuant to §309(g)(4)(C) of the Act, 33 U.S.C. §1319(g)(4)(C) and Part 22. If Respondent does not sign and return this CAFO as presented within 30 days of the date of its receipt, the proposed CAFO is withdrawn without prejudice to EPA's ability to issue any order or file any enforcement action for the violation(s) identified in the Form.

APPROVED BY EPA:

\_\_\_\_\_ Date: \_\_\_\_\_

David W. Neleigh  
Branch Chief  
Water Enforcement Branch

APPROVED BY RESPONDENT in accordance with 40 CFR §122.22:

Name (print): \_\_\_\_\_

Title (print): \_\_\_\_\_

Signature: \_\_\_\_\_

Having determined that this CAFO is authorized by law and is in the public interest,

IT IS SO ORDERED:

\_\_\_\_\_ Date: \_\_\_\_\_

Richard E. Greene  
Regional Administrator