



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Biosolids Expedited Settlement Agreement Program

FROM: Rosemarie A. Kelley, Director
Office of Civil Enforcement

TO: Wendy Lubbe, Acting Director,
Enforcement and Compliance Assurance Division

Leslie Humphrey, Regional Counsel

With this memorandum, I am approving the Biosolids Center of Excellence's request for an Expedited Settlement Agreement ("ESA") Program for the Clean Water Act ("CWA") Biosolids Program. I am also approving the model ESA documents developed by the Biosolids Center. The Biosolids ESA Program is a tool to more efficiently resolve cases that involve certain violations of the CWA. This Biosolids ESA Program rescinds and replaces the 2019 Biosolids Expedited Settlement Agreement Memorandum ("2019 ESA Memo"), which initially piloted and established an expedited settlement process for resolving violations of the 40 CFR Part 503 regulations.

1. Purpose and goals

An ESA program for biosolids would provide an efficient "real time" enforcement mechanism that would complement informal and traditional enforcement mechanisms. The ESA Program allows EPA to maintain a larger and more timely enforcement presence while also allowing the Agency to focus more resources on those cases that have the most significant impact on human health and the environment.

2. Covered violations

The Biosolids Center intends for this ESA to cover the full range of possible 40 CFR Part 503 violations.

The limiting criteria, however, include:

- The penalty calculated using the Expedited Settlement Offer Worksheet cannot exceed \$59,973. The cap of \$59,973 is approximately the Class I administrative penalty cap, as most recently adjusted for inflation.¹

¹ See 87 Fed. Reg. No. 8 (January 12, 2022).

- For Repeat Violators, the cumulative amount of penalties paid by the preparer, operator, or generator over the last five years for any biosolids violations cannot exceed \$59,973. Further discussion of repeat violators is defined below.
- There is no evidence of significant harm to human health or the environment or imminent and substantial endangerment.

Violations are typically identified in one of several ways. Most violations are self-reported in the annual reports required by 40 CFR Part 503 and submitted electronically to EPA. If the facts merit, the Biosolids Center may follow up on the information reported in the annual report with a CWA Section 308 request to gather additional details. Alternatively, but less often, violations are identified during a biosolids inspection conducted by Region 7 or another region. That Region will then transfer enforcement follow-up to the Biosolids Center. Finally, violations are occasionally identified through follow-up on a tip and complaint. Violations often are corrected through minor adjustments to process controls or simply reprocessing the materials, and usually do not present an imminent and substantial endangerment.

3. Return to compliance timeliness

A major assumption of an ESA program is that identified violations can be corrected easily and quickly. The Agency therefore expects operators to correct violations as expeditiously as possible after being notified of a violation, and the operator is given 30 days to return a signed Expedited Settlement Agreement to the Agency certifying compliance. If the signed Expedited Settlement Agreement is not received within 30 days, it is automatically withdrawn without prejudice, and EPA will act consistently with the Revised Guidance on the Use of Expedited Settlement Agreements,² including instituting a more traditional enforcement action for noncompliance.

The Biosolids Center will exercise its discretion to extend the offer for cause, but generally should not grant an extension beyond 60 to 90 days after the alleged violator's receipt of the ESA offer. It is anticipated that extensions would be limited to allowing resolution of disagreement between the Biosolids Center and the Respondent on a technical issue related to violations pled in the ESA.

4. Repeat violators

ESAs will only be offered to Repeat Violators under the conditions described below. This would allow ESAs to be used to address a larger universe of violators, provided all ESA criteria are met (e.g., no evidence of significant environmental harm, violations can be quickly corrected). It is also consistent with the recommendation to increase the penalty cap. This ESA Program is consistent with the November 2014 Revised ESA Guidance which lifted the prohibition on the use of ESAs to remedy violations by Repeat Violators. The Program does not authorize unlimited issuance of ESAs to Repeat Violators but instead establishes parameters for when an ESA is appropriate for Repeat Violators.

The conditions for Repeat Violators are:

- For the purpose of this ESA Program, a Repeat Violator is an owner/operator of a publicly owned treatment works (POTW) or company that manages biosolids that has been issued a formal

² <https://www.epa.gov/sites/default/files/2014-12/documents/revisedesaguidance.pdf>

enforcement action for biosolids violations over the last five years.³ This includes formal enforcement actions with or without penalties for violations of 40 CFR Part 503 and includes both EPA and/or state actions against the same respondent whether at the same or different facility.

- A Repeat Violator is eligible for an ESA provided the cumulative penalty amount from EPA and/or state formal enforcement actions for 40 CFR Part 503 violations over the last five years, including the penalty amount in the ESA, does not exceed the ESA cap of \$59,973.
- The Biosolids Center also will not issue another ESA to the same entity for the same biosolids violations. Rather, an ESA is appropriate for a repeat violator only when the subsequent violations differ from those covered by the prior ESA. For example, a violator may have received an ESA for failure to report, or failure to timely report in year one. In year three the same violator may not meet the vector attraction reduction requirements when land applying biosolids. In year three, the Biosolids Center may consider a second ESA for the violator, assuming the cumulative penalties do not exceed the Biosolids ESA cap.
- When assessing a penalty for a Repeat Violator, an escalation factor is applied to the penalty amount calculated using the Expedited Settlement Offer Worksheet. A 25% escalation factor is applied to the ESA if it is the second formal enforcement action issued over the previous five years, and a 50% escalation factor is applied if it is the third or more formal enforcement action issued over the last five years. For example, if the penalty calculated using the Expedited Settlement Offer Worksheet is \$10,000, the final penalty amount would be \$12,500 and \$15,000 if this were the second or third formal enforcement actions, respectively, over the last five years.
- EPA can also issue multiple concurrent ESA offers to an operator for violations at multiple sites. Concurrent means that the ESA offers would be issued in response to annual reports received from facilities that contract with the same company to manage and land apply the biosolids they produce. In this situation, the cumulative penalty cannot exceed \$59,973, however, an escalation factor would not be applied since all the ESA offers would be issued at about the same time. This allows EPA to address violations by the same operator that were identified at multiple sites within the same short time period.

5. Penalty reductions

Enforcement staff will use an Expedited Settlement Offer Worksheet to calculate penalties. This is a line-item Excel worksheet where each type of violation is assigned a specific penalty amount. These amounts are based on the Biosolids Center's years of experience issuing penalty actions for biosolids violations. The amounts in the Expedited Settlement Offer Worksheet are based on the risk to public health and the environment for each violation. The Expedited Settlement Offer Worksheet is attached. Economic benefit is not a separate component of the penalty calculated under the ESA Program. The economic benefit of the annual report violations is considered to be de minimis as the potential noncompliance period is 12 months.

The deterrent value of penalties collected under an ESA is not diminished because of lower amounts collected because the Agency is able to take a larger number of enforcement actions and ensure wider compliance within the universe of regulated entities. The transaction costs associated with ESA cases are much lower than those associated with traditional enforcement allowing the Biosolids Center to make the most of limited resources.

³For this ESA Program, formal enforcement actions include APOs, as well as AOs, CAFOs, AOCs, etc.

6. Model ESA documents

Attached to this memorandum is a package of model ESA documents prepared by the Biosolids Center for their use. OCE approves the use of these documents. The package includes the Expedited Settlement Agreement form, the Administrative Penalty Order and ESA Cover Letter, including ESA payment instructions, for transmitting an offer to enter into an ESA, the order sign-off sheet for internal use, and the ESA Worksheet Deficiencies Form that staff use to determine an appropriate penalty amount.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Article No.:

SENT VIA ELECTRONIC MAIL
RECEIPT CONFIRMATION REQUESTED

Addressee

Email address

Re: Case/Facility Name
Docket No. CWA-07-202x-xxxx
NPDES Permit No.: XX-XXXXXXXX

Dear:

The U.S. Environmental Protection Agency recently evaluated the annual report submitted by [PERMITTEE NAME] regarding compliance with 40 CFR Part 503 Sewage Sludge requirements at the [RESPONDENT'S FACILITY]. The EPA identified violations of Section 405(a) of the Clean Water Act, 33 U.S.C. § 1345, or the implementing regulations. The enclosed Expedited Settlement Offer Worksheet Deficiencies Form specifies the violations identified by the EPA.

The EPA is authorized to proceed with an enforcement action to assess civil penalties for the violations. Pursuant to the CWA, a violator may be assessed penalties. In an effort to reach a prompt resolution to this matter, the EPA is offering to settle the specified CWA violations under the following terms:

1. Correct the violations identified by EPA and submit a written report to Sarah Moreno, Paralegal, at moreno.sarah@epa.gov, detailing measures taken to correct the findings of violations within thirty (30) days from the date of this letter.
2. Agree to the terms of settlement as specified in the enclosed Expedited Settlement Agreement. Specifically, agree to the penalty of \$[X], and certify that the violations have been corrected. This proposed penalty amount is significantly lower than would normally be assessed by the EPA through traditional enforcement.
3. Signature on and return of the enclosed Expedited Settlement Agreement within thirty (30) days from the date of this letter.

If RESPONDENT believes that any of the alleged violations are without merit, and can provide evidence contesting the allegations, such information must be provided to the EPA or request an extension as soon as possible but no later than 14 days from receipt of the proposed Agreement.

This expedited settlement offer is meant to quickly resolve the penalty amount for the CWA violations and bring about compliance. Following agreement and return of the signed Expedited Settlement Agreement, the EPA is required to solicit public comments regarding this settlement, and the comments may impact the settlement. If the public comments do not impact the settlement, the EPA will sign the agreement, and seek finalization of the Agreement by the Regional Judicial Officer and a fully executed copy of the Agreement will be emailed to RESPONDENT. Within thirty (30) days of the effective date of the Expedited Settlement Agreement, payment of the penalty must be made payable to the Treasurer, United States of America. The mechanics for payment are set forth in the Expedited Settlement Agreement Payment Instructions accompanying the ESA.

A copy of the check is to be provided to Ms. Moreno, via email, as proof of payment within thirty (30) days of the effective date of agreement. The agreement is effective and binding on the parties upon filing by the Regional Judicial Officer.

If the Expedited Settlement Agreement is not returned within thirty (30) days from the date of receipt of this letter, the EPA will assume the offer has been rejected, and the offer will be withdrawn. The EPA may then proceed with an enforcement action seeking standard penalty amounts for the violations. The lower than normal penalty amount that is part of this offer will only be available as part of this Expedited Settlement Offer.

The EPA would also like to take this opportunity to remind RESPONDENT it has the opportunity to develop an integrated plan in accordance with the Water Infrastructure Improvement Act (Public Law No. 115-436) and EPA's 2012 "Integrated Municipal Stormwater and Wastewater Planning Approach Framework" (Integrated Planning Framework).

Finally, to assist in consideration of EPA's offer, the following documents are enclosed:

1. Expedited Settlement Offer Worksheet Deficiencies Form
This is a document that specifies the violations at the facility that were identified by EPA and the penalty amount for each violation.
2. Expediated Settlement Agreement Instructions
This document explains the terms of EPA's offer to settle the violations.
3. Expediated Settlement Agreement
This is the formal document that will be used to settle the penalty amount that RESPONDENT will need to pay for the specified violations.
4. Small Business Resources Information Sheet [As needed]
This document provides information relating to the Small Business Regulatory Fairness Act (SBREFA).

If RESPONDENT has any questions, please contact Ms. Moreno at (913) 551-7206 or moreno.sarah@epa.gov.

Sincerely,

David Cozad
Director
Enforcement and Compliance Assurance Division

Enclosures

cc:



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

MEMORANDUM

SUBJECT: RESPONDENT
Invitation to Participate in Expedited Settlement Agreement

FROM: Sarah Moreno, ORC
COMPLIANCE OFFICER, ECAD

THRU: Dan Breedlove, ORC
Jodi Bruno, ECAD

TO: David Cozad, Director
Enforcement and Compliance Assurance Division

Attached for your signature is a letter inviting RESPONDENT to enter into an Expedited Settlement Agreement regarding violations of the biosolids regulations and the Clean Water Act associated with RESPONDENT'S FACILITY. [Specifically, land application of the biosolids exceeded agronomic rates in or around CITY, STATE.]

The U.S. Environmental Protection Agency recently evaluated the annual report submitted by [PERMITTEE NAME] for the subject facility, regarding compliance with 40 CFR Part 503 requirements, and the EPA identified violations of Section 405(a) of the CWA, 33 U.S.C. § 1345 or its implementing regulations. We have calculated a proposed penalty of \$AMOUNT and propose to send the attached ESA. The ESA must be returned within 30 days or offer is withdrawn and we will pursue traditional enforcement. An EJSCREEN review has been completed and indicated there [is/is not] Environmental Justice concerns for this area.

We recommend that you concur on the proposed ESA and sign the attached letter. If you have any questions, please contact Sarah Moreno at x7206 or COMPLIANCE OFFICER at xEXTENSION.

Attachments

Expedited Settlement Offer Worksheet

Deficiencies Form

Consult instructions regarding eligibility criteria and procedures prior to use

Biosolids



LEGAL NAME AND MAILING ADDRESS OF OPERATOR		Telephone Number			NPDES Permit Number	
		Date Annual Report Submitted:				
		308 issued?				
		Date 308 issued:				
		Date of 308 response:				
		Number of Biosolids Enforcement Actions in the last 5 years?				
Management Practice Description						
	Notes	Citation Reference	RCA*	No. of Deficiencies	Dollar Amount	Total
General Requirements						
1	Representative samples of sewage sludge that is applied to the land shall be sampled and analyzed.	503.8(a)		X	\$350.00	=
2	Samples must be analyzed using approved methods.	503.8b (1)-(7)		X	\$350.00	=
3	Facility applied domestic septage to agricultural land, forest, or a reclamation site above agronomic rate.	503.12(c)		X	\$1,500.00	=
4	Facility applied bulk sewage sludge above the cumulative pollutant loading rates.	503.12(a)		X	\$1,500.00	=
Pollutant Limits						
5	Sewage sludge applied to the land or given away shall not exceed the pollutant concentration limits in 503.13 Table 1.	503.13		X	\$3,000.00	=
6	Sewage sludge applied to the land or given away shall not exceed the pollutant concentration limits in 503.13 Tables 2, 3, and/or 4.	503.13		X	\$1,500.00	=
Management Practices						
7	Adverse affects on Endangered Species	503.14(a)		X	\$700.00	=
8	Prohibition against applying to flooded, frozen, or snow-covered land such that sludge enters wetlands or waters of the U.S.	503.14(b)		X	\$700.00	=
9	Prohibition against applying to land less than 10 meters from Waters of the U.S.	503.14(c)		X	\$700.00	=
10	Prohibition against applying bulk sewage sludge above the agronomic rate.	503.14(d)		X	\$1,500.00	=
11	Sewage sludge that is sold or given away must include an information label that meets the requirements.	503.14(e)(1)-(3)		X	\$700.00	=
Operational Standards - Pathogens & VAR						
12	Class A or B pathogen requirements shall be met when bulk sewage sludge is applied to land.	503.15(a)(1)		X	\$2,000.00	=
13	Class A pathogen requirements shall be met when sewage sludge is applied to a lawn or garden.	503.15(a)(2)		X	\$3,000.00	=
14	Class A pathogen requirements shall be met when sewage sludge is sold or given away.	503.15(a)(2)		X	\$3,000.00	=
15	503.32(c)(1) or (c)(2) shall be met when domestic septage is applied to land.	503.15(b)		X	\$1,500.00	=
16	One of the Vector Attraction Reduction requirements in 503.33(b)(1) through (b)(10) shall be met when bulk sewage sludge is applied to land.	503.15(c)(1)		X	\$700.00	=
17	One of the Vector Attraction Reduction requirements in 503.33(b)(1) through (b)(8) shall be met when bulk sewage sludge is applied to a lawn or a home garden.	503.15(c)(2)		X	\$1,500.00	=
18	One of the Vector Attraction Reduction requirements in 503.33(b)(1) through (8) shall be met when sewage sludge is sold or given away.	503.15(c)(3)		X	\$1,500.00	=
Monitoring						
19	Sewage sludge shall be monitored for pollutants at the frequency in Table 1.	503.16(a)		X	\$1,000.00	=
20	Domestic Septage shall be monitored in accordance with 503.16(b)	503.16(b)		X	\$700.00	=
Recordkeeping						
21	Those who prepare and/or apply sewage sludge shall do so in accordance with 503.17.	503.17		X	\$700.00	=

Reporting							
22	Failure to submit an annual report		503.18(a)1-2			X	\$2,000.00 =
23	Failure to submit a complete annual report and/or on time		503.18(a)1-2			X	\$700.00 =
24	Failure to submit an electronic report via CDX		503.18(a)			X	\$1,500.00 =
Pathogens							
25	Failure to meet requirements in 503.32(a)(2) and either 503.32(a)(3), (a)(4), (a)(5), (a)(6), (a)(7) or (a)(8) to be classified Class A with respect to pathogens.		503.32(a)(1)			X	\$1,500.00 =
26	Failure to meet 503.32(a)(3) through (8) at the same time the vector attraction reduction requirements in 503.33 are met except when 503.33(b)(6) through (b)(8) are met.		503.32(a)(2)			x	\$1,500.00
27	Failure to meet Class A Alternative 2 (if applicable)		503.32(a)(4)			x	\$1,500.00
28	Failure to meet Class A Alternative 3 (if applicable).		503.32(a)(5)			x	\$1,500.00
29	Failure to meet Class A Alternative 4 (if applicable).		503.32(a)(6)			x	\$1,500.00
30	Failure to meet Class A Alternative 5 (if applicable).		503.32(a)(7)			X	\$1,500.00 =
31	Failure to meet Class A Alternative 6 (if applicable).		503.32(a)(8)			X	\$1,500.00 =
32	Failure to meet the requirements in either 503.32(b)(2), (b)(3), or (b)(4) to be classified Class B with respect to pathogens.		503.32(b)(1)(i)			X	\$1,000.00 =
33	Failure to meet the site restrictions in 503.32(b)(5) when Class B sewage sludge is applied to land.		503.32(b)(1)(ii)			X	\$1,000.00 =
34	Failure to meet Class B Alternative 1 (if applicable).		503.32(b)(2)			x	\$1,000.00
35	Failure to meet Class B Alternative 2 (if applicable).		503.32(b)(3)			X	\$1,000.00 =
36	Failure to meet Class B Alternative 3 (if applicable).		503.32(b)(4)			X	\$1,000.00 =
37	Failure to meet the site restrictions in 503.32(b)(5) when domestic septage is applied to land.		503.32(c)(1)			X	\$1,000.00 =
38	Failure to meet pH requirements for domestic septage applied to land		503.32(c)(2)			x	\$700.00
Vector Attraction Reduction							
39	Failure to meet one of the vector attraction reduction methods in 503.33(b)(1) through (b)(10) when bulk sewage sludge is applied to the land.		503.33(a)(1)			X	\$1,000.00 =
40	Failure to meet one of the vector attraction reduction methods in 503.33(b)(1) through (b)(8) when bulk sewage sludge is applied to a lawn or home garden.		503.33(a)(2)			x	\$1,500.00
41	Failure to meet one of the vector attraction reduction methods in 503.33(B0(1) through (b)(8) when sewage sludge is sold or given away.		503.33(a)(3)			X	\$1,500.00 =
42	Failure to meet one of the vector attraction reduction methods in 503.33(b)(1) through (b)(11) when sewage sludge (other than domestic septage) is placed on an active sewage sludge unit.		503.33(a)(4)			x	\$700.00
43	Failure to meet one of the vector attraction reduction methods in 503.33(b)(9), (b)(10), or (b)(12) when domestic septage is applied to land and one of the vector attraction reduction methods in 503.33(b)(9) through (b)(12) shall be met when domestic septage is placed on an active sewage sludge unit.		503.33(a)(5)			x	\$700.00

Repeat Violator Adjustment

* Requires Corrective Action

Total Expedited Settlement: **\$0**

EXPEDITED SETTLEMENT AGREEMENT INSTRUCTIONS
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

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 biosolids regulations. EPA encourages the expedited settlement of certain violations of biosolids requirements, such as the violations cited in the Expedited Settlement Agreement (Agreement) for which these instructions are provided.

You may resolve this matter quickly by: (1) correcting all deficiencies identified by EPA in the *Deficiencies Form*; (2) detailing your corrective actions in a written report; (3) signing the original proposed Agreement; and (4) submitting your penalty payment by check with case name and docket number noted after the Agreement is issued by the Regional Judicial Officer.

Within THIRTY (30) DAYS from your receipt of the Agreement, you must send the original, signed proposed Agreement, which includes a certification that you will submit your penalty payment within THIRTY (30) days from the date the Agreement is effective, and the report detailing your corrective actions via certified mail, to:

U.S. EPA, Region 7
Attn: _____
Water Branch
Enforcement and Compliance Assurance Division
11201 Renner Blvd
Lenexa, KS 66219
913-551-____
_____@epa.gov

Within THIRTY (30) days from when the proposed Agreement is effective (i.e. filed with Regional Hearing Clerk), you must send your original check with the case name and docket number noted and a copy of the Agreement, via certified mail, to:

U.S. EPA
Fines and Penalties - CFC
P.O. Box 979077
St. Louis, MO 63197-9000

Please retain copies of the signed agreement, the report detailing your corrective actions and the penalty checks for your own records.

You may contact the person listed above and request an extension. EPA will consider whether to grant an extension on a case-by-case basis. If you believe that the alleged violations are without merit (and you can provide evidence contesting the allegations) you must provide such information to EPA or request an extension as soon as possible but no later than FIFTEEN (15) days from your receipt of the proposed Agreement.

If you choose to sign and return the proposed Agreement, you waive your opportunity for a hearing and to appeal pursuant to Section 309 of the Clean Water Act. If you choose not to sign and return the proposed Agreement within THIRTY (30) days, per the previous paragraph, the proposed Agreement will be automatically withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations alleged herein or any other violations. EPA may choose to pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to a maximum penalty of \$54,833 per day per violation. Failure to

return the proposed Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations.

EPA, Region 7 will provide an opportunity for public comment on the proposed assessment for a period of THIRTY (30) days after the signed proposed Agreement is received. The public notice will appear on EPA, Region 7's Homepage at <http://www.epa.gov/ks/region-7-table-clean-water-act-public-notices>. In order to provide opportunity for public comment, EPA will not issue a final order assessing a penalty in this proceeding prior to FORTY (40) days from the date of the public notice.

If you have any questions or need to request an extension, you may contact _____, at (913) 551-_____.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 Region 7, 11201 Renner Blvd, Lenexa, KS 66219
EXPEDITED SETTLEMENT AGREEMENT
 Docket Number: **CWA-07-20XX-XXXX**, NPDES No.: **XX-XXXXXXX**

[Owner/Operator] 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 Worksheet Deficiencies Form" ("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 comply with Section 405 of the CWA, 33 U.S.C. § 1345, and/or 40 C.F.R. 503, Standards for the Use or Disposal of Sewage Sludge, which limit the disposal of sewage sludge.

EPA finds, and Respondent admits, that Respondent is subject to Section 405 of the Act, 33 U.S.C. § 1345, and 40 C.F.R. 503 and that EPA has jurisdiction over any "person" who "prepares sewage sludge" or "applies sewage sludge to the land". Respondent neither admits nor denies the deficiencies 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 **SIX**. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (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 any deficiencies identified in the Form have been corrected. Respondent shall submit a written report with this Agreement detailing the specific actions taken to correct the violations cited herein.

Respondent certifies that within thirty (30) days from when the Agreement is effective (effective date is the date signed by Regional Judicial Officer), Respondent shall **submit a bank, cashiers or certified check**, with case name and docket number noted, for the amount specified above **payable to the "Treasurer, United States of America,"** via certified mail, to:

**U.S. EPA
 Fines and Penalties - CFC
 P.O. Box 979077
 St. Louis, MO 63197-9000**

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. 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, pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), and Part 22. Its Effective Date is the date it is filed with the Regional Hearing Clerk.

APPROVED BY RESPONDENT:

 Name (print): _____
 Title (print): _____
 Signature: _____ Date: _____

APPROVED BY EPA:

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.

_____ Date: _____
 DeAndre Singletary
 Acting Director
 Enforcement Compliance and Assurance Division

Having determined that this Agreement is authorized by law,
IT IS SO ORDERED:

_____ Date _____
 Karina Borromeo
 Regional Judicial Officer

Effective Date: _____

**CWA Expedited Settlement Offer Concurrence & Mailing List
Biosolids**

Respondent

Name: _____

City/State: _____

Docket No: CWA-07-20XX-XXXX

Initial Packet

___ Cover Letter ___ ESO Penalty Worksheet ___ Instructions

___ ESO Agreement ___ SBREFA ___ Case Initiation for RHC

APO Offer Routing (Initials and Date)

Compliance Officer: _____

WENF Branch Chief: _____ State Notified

Paralegal: _____

CNSL Branch Chief: _____

ECAD Director: _____
(Signature-Offer Letter)

Paralegal (mailing): _____

APO Acceptance

___ APO ___ ESO Penalty Worksheet ___ CCDS for RHC ___ Public Notice Sheet

APO Routing

Compliance Officer: _____

WENF Branch Chief: _____

Paralegal: Sarah Moreno

CNSL Branch Chief: Dan Breedlove

Public Notice Date: _____

ECAD Director: DeAndre Singletary

RHC (APO Filing): _____
(Signature-APO)

