

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

CITY OF ST. MARIES

St. Maries, Idaho

Respondent.

DOCKET NO. CWA-10-2026-0220

CONSENT AGREEMENT

Proceedings Under Section 309(g) of the Clean
Water Act, 33 U.S.C. § 1319(g)

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g).

1.2. Pursuant to CWA Section 309(g)(1)(A), 33 U.S.C. § 1319(g)(1)(A), the EPA is authorized to assess a civil penalty against any person that has violated CWA Section 301, 33 U.S.C. § 1311, and/or any permit condition or limitation in a permit issued under CWA Section 402, 33 U.S.C. § 1342.

1.3. CWA Section 309(g)(2)(B), 33 U.S.C. § 1319(g)(2)(B), authorizes the administrative assessment of Class II civil penalties in an amount not to exceed \$10,000 per day for each day during which the violation continues, up to a maximum penalty of \$125,000. Pursuant to 40 C.F.R. Part 19, the administrative assessment of Class II civil penalties may not exceed \$27,378 per day for each day during which the violation continues, up to a maximum penalty of \$342,218. *See also* 90 Fed. Reg. 1375 (January 8, 2025) (2025 Civil Monetary Penalty Inflation Adjustment Rule).

1.4. Pursuant to CWA Section 309(g)(1)(A) and (g)(2)(B), 33 U.S.C. § 1319(g)(1)(A) and (g)(2)(B), and in accordance with Section 22.18 of the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,” 40 C.F.R. Part 22, the EPA issues,

and the City of St. Maries (Respondent) agrees to issuance of, the Final Order attached to this Consent Agreement.

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), execution of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Administrator has delegated the authority to sign consent agreements between the EPA and the party against whom a penalty is proposed to be assessed pursuant to CWA Section 309(g), 33 U.S.C. § 1319(g), to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Director of the Enforcement and Compliance Assurance Division, EPA Region 10 (Complainant).

2.3. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of the CWA, together with the specific provisions of the CWA and implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

Statutory and Regulatory Framework

3.1. As provided in CWA Section 101(a), 33 U.S.C. § 1251(a), the objective of the CWA is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”

3.2. CWA Section 301(a), 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person from any point source into waters of the United States except, *inter alia*, as authorized by a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to CWA Section 402, 33 U.S.C. § 1342.

3.3. CWA Section 502(12), 33 U.S.C. § 1362(12), defines “discharge of a pollutant” to include “any addition of any pollutant to navigable waters from any point source.”

3.4. CWA Section 502(6), 33 U.S.C. § 1362(6), defines a “pollutant” to include, *inter alia*, dredged spoil, rock, sand, chemical wastes, and industrial wastes.

3.5. CWA Section 502(14), 33 U.S.C. § 1362(14), defines “point source” to mean any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, or conduit from which pollutants are or may be discharged.

3.6. CWA Section 502(5), 33 U.S.C. § 1362(5), defines “person” as “an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State or any interstate body.”

3.7. CWA Section 502(7), 33 U.S.C. § 1362(7), defines navigable waters as “waters of the United States.”

3.8. CWA Section 402(a), 33 U.S.C. § 1342(a), provides that the Administrator of the EPA may issue permits under the NPDES program for the discharge of any pollutant into the waters of the United States upon such specific terms and conditions as the Administrator may prescribe.

3.9. On October 1, 2020, the EPA issued NPDES Permit No. ID0022799, which became effective on November 1, 2020, and expired on October 31, 2025 (Permit).

3.10. Respondent failed to apply for a new permit in a timely manner as required by 40 C.F.R. § 122.21(d) and Section V of the Permit. Due to Respondent’s failure to submit a timely application, EPA neither administratively extended nor reissued the Permit. Nonetheless, Respondent continued operating pursuant to the Permit.

3.11. Prior to October 31, 2025, Respondent was authorized to discharge pollutants from the Facility to navigable waters only in compliance with the specific terms and conditions of the Permit.

3.12. Section 309(g)(1) of the CWA, 33 U.S.C. § 1319(g)(1), authorizes the EPA to assess administrative penalties against any person who violates Section 301 of the CWA, 33 U.S.C. § 1311, or any condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.

General Allegations

3.13. Respondent is a municipality, and a “person” under CWA Section 502(5), 33 U.S.C. § 1362(5).

3.14. At all times relevant to this action, Respondent owned and/or operated the City of St. Maries Wastewater Treatment Plant located at 602 College Avenue in St. Maries, Idaho (Facility).

3.15. The Facility discharges municipal wastewater containing “pollutants” within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6), from Outfall 001 into the St. Joe River.

3.16. Outfall 001 is a “point source” as defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

3.17. The St. Joe River is a traditionally navigable water. Accordingly, the St. Joe River is a “navigable water” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

3.18. Respondent has discharged pollutants from a point source into navigable waters at the Facility, within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

Violations

3.19. On September 22, 2022, an authorized representative of the EPA conducted a compliance inspection of the Facility to determine Respondent's compliance with the Permit and CWA Sections 301 and 402, 33 U.S.C. §§ 1311 and 1342.

3.20. As described below, based on the EPA Inspectors' observations and a review of Respondent's records, between March of 2022 to at least January of 2026, Respondent violated CWA Section 301, 33 U.S.C. § 1311, and/or the conditions and/or limitations of the Permit. Violations of the Permit are enforceable under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

Violation 1 – Biological Oxygen Demand Effluent Limitation Exceedances

3.21. Paragraphs 3.1 through 3.20 are realleged and incorporated herein by reference.

3.22. Section I.b.1 of the Permit required Respondent to comply with a Biological Oxygen Demand (BOD) monthly mean minimum percent removal effluent limitation of eighty-five percent (85%).

3.23. Respondent exceeded the BOD minimum percent removal effluent limitation at the Facility during fourteen (14) months between March of 2022 and May of 2025. Respondent's exceedances of the effluent limitation violated the Permit. Violations of the Permit are enforceable under CWA Section 309(g), 33 U.S.C. § 1319(g).

Violation 2 – Total Suspended Solids Effluent Limitation Exceedances

3.24. Paragraphs 3.1 through 3.20 are realleged and incorporated herein by reference.

3.25. Section I.b.1 of the Permit required Respondent to comply with a Total Suspended Solids (TSS) monthly mean minimum percent removal effluent limitation of eighty-five percent (85%).

3.26. Respondent exceeded the TSS minimum percent removal effluent limitation at the Facility during thirteen (13) months between December of 2022 and June of 2025. Respondent's exceedances of the effluent limitation violated the Permit. Violations of the Permit are enforceable under CWA Section 309(g), 33 U.S.C. § 1319(g).

3.27. Section I.b.1 of the Permit required Respondent to comply with a TSS average monthly effluent limitation of thirty (30) milligrams per liter.

3.28. Respondent exceeded the TSS average monthly effluent limitation at the Facility during June of 2025. Respondent's exceedance of the effluent limitation violated the Permit. Violations of the Permit are enforceable under CWA Section 309(g), 33 U.S.C. § 1319(g).

Violation 3 – *E. coli* Bacteria Effluent Exceedances

3.29. Paragraphs 3.1 through 3.20 are realleged and incorporated herein by reference.

3.30. Section I.b.1 of the Permit required Respondent to comply with an *E. coli* bacteria concentration average monthly effluent limitation of one hundred twenty-six per one hundred milliliters (126/100mL).

3.31. Respondent exceeded the *E. coli* bacteria concentration average monthly effluent limitation at the Facility during January of 2023. Respondent's exceedance of the effluent limitation violated the Permit. Violations of the Permit are enforceable under CWA Section 309(g), 33 U.S.C. § 1319(g).

3.32. Section I.b.1 of the Permit required Respondent to comply with an *E. coli* bacteria concentration instantaneous maximum effluent limitation of two hundred thirty-five per one hundred milli liters (235/100mL).

3.33. Respondent exceeded the *E. coli* bacteria concentration instantaneous maximum effluent limitation at the Facility during January of 2023. Respondent's exceedance of the

effluent limitation violated the Permit. Violations of the Permit are enforceable under CWA Section 309(g), 33 U.S.C. § 1319(g).

Violation 4 – Failure to Reapply for Permit

3.34. Paragraphs 3.1 through 3.20 are realleged and incorporated herein by reference.

3.35. Section V of the Permit required Respondent to submit a new permit application to the EPA one hundred eighty (180) days before the expiration of the Permit as required by 40 C.F.R. § 122.21(d).

3.36. Respondent failed to submit a new permit application before the Permit expired in violation of the Permit. Violations of the Permit are enforceable under CWA Section 309(g), 33 U.S.C. § 1319(g).

Violation 5 – Unauthorized Discharge

3.37. Paragraphs 3.1 through 3.20 are realleged and incorporated herein by reference.

3.38. CWA Section 301(a), 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person from any point source into waters of the United States except, *inter alia*, as authorized by a NPDES permit issued pursuant to CWA Section 402, 33 U.S.C. § 1342.

3.39. Beginning on or about December 15, 2025, Respondent discharged municipal wastewater from Outfall 001 at the Facility to the St. Joe River without authorization of a NPDES permit, in violation of CWA Section 301(a), 33 U.S.C. § 1311(a). Violations of CWA Section 301(a) are enforceable under CWA Section 309(g), 33 U.S.C. § 1319(g).

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations contained in this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this Consent Agreement.

4.3. As required by CWA Section 309(g)(3), 33 U.S.C. § 1319(g)(3), the EPA has taken into account “the nature, circumstances, extent and gravity of the violation, or violations, and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require.” After considering all of these factors as they apply to this case, the EPA has determined that an appropriate penalty to settle this action is \$6,534 (Assessed Penalty).

4.4. Respondent consents to the assessment of the Assessed Penalty set forth in Paragraph 4.3 and agrees to pay the total Assessed Penalty within 30 days after the date of the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk (Filing Date).

4.5. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA How to Make a Payment website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

4.6. When making a payment, Respondent shall:

4.6.1. Identify every payment with Respondent’s name and the docket number of this Agreement, CWA-10-2026-0220.

4.6.2. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of payment electronically to the following persons:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10

R10_RHC@epa.gov

Steven Potokar
Compliance Officer
U.S. Environmental Protection Agency, Region 10
potokar.steven@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

4.7. Interest, Charges, and Penalties on Late Payments. Pursuant to 33 U.S.C. § 1319(g)(9), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and the EPA is authorized to recover the following amounts.

4.7.1. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until the unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Interest will be assessed at prevailing rates, per 33 U.S.C. § 1319(g)(9). The rate of interest is the IRS standard underpayment rate.

4.7.2. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of collection proceedings.

4.7.3. Late Payment Penalty. A twenty percent (20%) quarterly non-payment penalty.

4.8. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.

4.8.1. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

4.8.2. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

4.8.3. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.

4.8.4. Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 33 U.S.C. § 1319(g)(9). In any such action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

4.9. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second

to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

4.10. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

4.11. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

4.12. Except as described in Subparagraph 4.7.2, above, each party shall bear its own fees and costs in bringing or defending this action.

4.13. For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in the Consent Agreement and to appeal the Final Order. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Consent Agreement.

4.14. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.15. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

FOR RESPONDENT:

Tina Thompson, Mayor
City of St. Maries

FOR COMPLAINANT:

for Edward J. Kowalski
Director
Enforcement and Compliance Assurance Division
EPA Region 10