



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region 10, 1200 Sixth Avenue, Seattle, Washington 98101**  
**EXPEDITED SETTLEMENT AGREEMENT**

Docket Number: CWA-10-2024-0140, NPDES No. WA0023183

Penalty Amount: **\$4,125**, Desk Audit Date: May 30, 2024

The United States Environmental Protection Agency (EPA) and the City of Cashmere Wastewater Treatment Plant (“Respondent”), a “person” within the meaning of Section 502(5) of the Clean Water Act, 33 U.S.C § 1362(5), and 40 C.F.R § 122.2 enter into this Expedited Settlement Agreement (“Agreement”) to resolve Respondent's civil penalty liability for alleged violations of the National Pollutant Discharge Elimination System permit cited above (“Permit”).

The EPA finds that Respondent failed to comply with the Permit, that the Permit was issued pursuant to section 402 of the Clean Water Act (Act), 33 U.S.C. § 1342, that Respondent is a “person” as defined in section 502(5) of the Act, 33 U.S.C. § 1362(5), and that Respondent is responsible for the violations specified in the attached Expedited Settlement Offer Worksheet Violations Form for Wastewater (“Violations Form”). The Violations Form is incorporated into this Agreement by reference.

The EPA also finds, and Respondent admits, that the EPA has jurisdiction over this matter pursuant to section 309(g) of the Act, 33 U.S.C. § 1319(g), and 40 C.F.R. part 22. Respondent neither admits nor denies the violations specified in the Violations Form.

Respondent agrees to pay a penalty of **\$4,125**. Respondent waives the rights (1) to contest the statements in the Violations Form and (2) to appeal any final order that an EPA Regional Judicial Officer may issue to ratify this Agreement (Final Order).

Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any violations identified in the Violations Form have been corrected. No later than the date it signs this Agreement, Respondent shall submit an itemized list to the EPA detailing the specific actions taken to correct the violations cited in the Violations Form.

Respondent certifies that, within ten (10) days after receipt of the Final Order, Respondent will submit electronic payment via [www.pay.gov](http://www.pay.gov) or 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:

**Regional Hearing Clerk**  
**U.S. EPA, Region 10**  
**Fines and Penalties, Cincinnati Finance Center**  
**In the Matter of: City of Cashmere Wastewater Treatment Plant**  
**Docket No.: CWA-10-2024-0140**  
**P.O. Box 979078**  
**St. Louis, MO 63197-9000**

Respondent agrees that consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), it will not deduct the penalties paid under this Agreement for federal tax purposes.

This Agreement, upon incorporation into a Final Order and full satisfaction by the parties, shall be a complete and full resolution of Respondent's liability for federal civil penalties for the violations and facts alleged in the Violations Form. This Agreement does not affect the right of the EPA or the United States to pursue additional violations not specifically listed in the Violations Form or appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. Nothing in this Agreement shall relieve Respondent of the duty to comply with the Act and any regulation, order, or permit issued pursuant to the Act.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, EPA will provide a copy of the Agreement to the state of Washington for the purposes of consultation with Washington on the appropriateness of this Agreement. EPA will also provide public notice of this Agreement and a reasonable opportunity for public comment on it. EPA will address any comments on the Agreement in accordance with section 309(g)(4) of the Act, 33 U.S.C. § 1319(g)(4), and 40 C.F.R. § 22.45.

This Agreement is binding on the parties signing below and becomes final 30 days from the date it signed is by the Regional Judicial Officer, unless a petition to set aside this Agreement is filed by a commenter pursuant to Section 309(g)(5) of the Act, 33 U.S.C. §1391(g)(5), following public notice of this Agreement.

APPROVED BY RESPONDENT:

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

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

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

APPROVED BY EPA:

\_\_\_\_\_  
Edward J. Kowalski, Director  
Enforcement and Compliance Assurance Division

More than 40 days have elapsed since providing the Agreement to Washington and the issuance of public notice pursuant to Section 309(g)(1) and (4)(A) of the Act, 33 U.S.C. § 1319(g)(1) and (4)(A), and EPA has received no comments concerning this matter.

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Vanessa Oquendo, Case Officer  
Enforcement and Compliance Assurance Division

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

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Regional Judicial Officer  
Region 10  
U.S. Environmental Protection Agency

# Expedited Settlement Offer Worksheet Violations Form For Wastewater



Version 1 (updated April 2019)

**Consult instructions regarding eligibility criteria and procedures prior to use.**

<b>LEGAL NAME AND MAILING ADDRESS OF RESPONSIBLE ENTITY</b>		<b>NPDES Permit Number</b>			
1	James Fletcher Mayor, City of Cashmere 101 Woodring Street Cashmere, Washington 98815	WA0023183			
		Permit Effective Date:	June 1, 2020		
		Permit Expiration Date:	December 31, 2024		
<b>LOCATION AND ADDRESS OF FACILITY</b>		EPA Contact Name:	Vanessa Oquendo		
2	City of Cashmere Wastewater Treatment Plant 2 Riverfront Drive Cashmere, Washington 98815	EPA Contact Title:	Compliance Officer		
		EPA Office:	Region 10 - Seattle, WA		
<b>FACILITY DESCRIPTION / CONTACT NAMES</b>					
	<b>Name of Facility Contact (ESO Worksheet recipient):</b>	Mayor James Fletcher with cc to current plant operators (Christopher McMahon and Dorien McElroy)			
	<b>Name of Authorized Official (40 CFR 122.22):</b>	Mayor James Fletcher			
	<b>Are any findings a result of an inspection?</b>	No			
	<b>Inspection Date(s) (if applicable):</b>				
3	<b>Name of Receiving Water Body (Indicate whether 303(d) listed):</b>	Wenatchee River, RM 8.6			
<b>PRIVATE ENTITY ADJUSTMENT FACTOR</b>					
4	Is the entity privately owned?	If yes, adjustment factor of 2.0 is applied.	No		1.0
<b>FLOW ADJUSTMENT FACTOR</b>					
5	Select the appropriate average volume of flow on a day of discharge in millions of gallons per day (MGD). If a facility discharges only on a periodic basis, do <u>not</u> include days with zero flow when calculating the average flow:				
	A	<0.050 mgd (no adjustment is applied)	No adjustment factor is applied.		
	B	≥0.050 mgd and <0.250 mgd	Adjustment factor of 1.5 is applied.		
	C	≥0.250 mgd and <1 mgd	Adjustment factor of 3.0 is applied.	X	3.0
	D	≥1 mgd and <5 mgd	Adjustment factor of 6.0 is applied.		
	E	≥5 mgd and <10 mgd	Adjustment factor of 10.0 is applied.		
	F	≥10 mgd and <50 mgd	Adjustment factor of 15.0 is applied.		
	G	≥50 mgd	Adjustment factor of 20.0 is applied.		
<b>REPEAT VIOLATOR ADJUSTMENT FACTOR</b>					
6	A	How many other state and federal formal enforcement actions has the responsible entity been subject to in the last three years? Include enforcement actions at this facility and any other facilities.	For each enforcement action, adjustment factor is increased 50%.	0	1.0
<b>TOTAL ADJUSTMENT FACTOR</b>					<b>3.00</b>

Notes: \* RCA = Requires Corrective Action

		Violation(s) / Corrective Action(s)	CWA / Permit Citation	R C A*	No. of Viol- actions	Dollar Amount w/ Adjust. Factor	Total	
		<b>MONITORING / REPORTING</b>						
		<b>ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.</b>						
7	Failure to submit compliance schedule report:	An annual DMR for these priority pollutants would have been due by January 15, 2023 for the calendar year 2022 monitoring period. 1 count for conventional pollutant - Oil and Grease analysis conducted 1/17/23, analysis report transmitted 2/1/23. 5 counts of nonconventional pollutants (Total Nitrogen Kjeldahl, Total Nitrite+Nitrate, Total Hardness, Total Dissolved Solids) analysis conducted 1/17/23, report transmitted	S3.A4.b					
A	Late but less than 30 days late			No	5	\$150	=	\$750
B	Submitted more than 30 days late					\$225	=	
C	Not submitted					\$450	=	
8	Failure to submit timely discharge monitoring report (DMR) and/or DMR submitted with failure to conduct self-monitoring:	No annual DMR and/or no self-monitoring conducted for priority pollutants for 2021 per Permit Part S3.A4.b "submit by January 15, 2022 and annually thereafter". An annual DMR for these priority pollutants would have been due by January 15, 2023 for the calendar year 2022 monitoring period. 2 counts missing priority pollutant analysis in report (nonconventional pollutants) - Total Cyanide and Total Phenols.	S3.A4.b					
A	DMR late but less than 30 days late					\$150	=	
B	DMR submitted more than 30 days late					\$225	=	
C	DMR not submitted or DMR submitted with a failure to sample pollutants - conventional pollutants  (count each conventional pollutant not reported or not sampled as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform)					\$225	=	
D	DMR not submitted or DMR submitted with a failure to sample pollutants - toxic pollutants  (count each toxic pollutant not reported or not sampled as a violation)		Yes	2	\$225	=	\$450	
9	Failure to conduct self-monitoring in accordance with permit requirements, including but no limited to required sample type, sample location, representative sampling, meeting 40 CFR 136 or other permit requirements (count each pollutant with one or more failures)	Per Permit Part S2.A, failure to conduct dissolved oxygen analysis by accredited laboratory for monitoring periods ending 3/31/23 - failure to follow required analytical method as specified in Appendix A for dissolved oxygen for each of those monitoring periods.	S2.A	No	1	\$75	=	\$75

10	Failure to submit any other required report or notice (e.g., biosolids report, pretreatment report, industrial user notification, planned changes, anticipated noncompliance, anticipated bypass, etc.):	Permit Part S5.G: Failure to submit timely O&M Manual Review Letter - submitted on 4/20/23 with due date of 1/1/22. Permit Part S4.F Failure to submit Wasteload Assessment - submitted on 4/20/23 with due date of 10/1/22	S4.F, S5.G							
	A Late but less than 30 days late							\$150 =		
	B Submitted more than 30 days late						No	2	\$225 =	\$450
	C Not submitted							\$450 =		
11	24-Hour Noncompliance Notice									
	A Failure to provide notice of noncompliance							\$225 =		
	B Noncompliance notice late			\$150 =						
12	5-Day Written Noncompliance Follow-up Report:									
	A Failure to provide report							\$225 =		
	B Report provided late and/or incomplete			\$150 =						
13	Noncompliance Not Required Within 24 Hours:									
	A Failure to provide report with DMR							\$75 =		
	B Report provided late and/or incomplete			\$30 =						
<b>Subtotal Monitoring / Reporting Violations</b>						\$1,725				

<b>OPERATIONS AND MAINTENANCE</b>		<b>ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.</b>				
14	Failure to conduct and document self-inspections of facility (count each month with one or more missed and/or undocumented inspection)				\$120 =	
15	Failure to document all required information in self-inspections or conduct a complete inspection (count each month with one or more partially documented/completed inspection unless the month is accounted for in #15)				\$60 =	
16	Failure to identify and document corrective actions				\$60 =	
17	Failure to meet operation and maintenance requirement of the permit				\$300 =	
18	Failure to manage removed substances in accordance with the permit				\$750 =	
<b>Subtotal Operations and Maintenance Violations</b>						\$0

<b>EFFLUENT LIMITATIONS</b>		<b>ESA eligible if violations occurred within the 12 months immediately prior to the ESA offer.</b>						
19	Failure to meet effluent limitations:	Part S1.A of the permit outlines the effluent limits for BOD, TSS, phosphorus, pH, fecal coliform bacteria, and temperature. In July of 2023, there was insufficient TSS removal; the permit requires 85% removal and the reported value was 78.8% (missing 7.5% removal). In July of 2023, the facility exceeded total phosphorus with a reported value of 1.4022 kg/day and a limit of 0.64 kg/day 119% exceedance). 3/1/24 - Exceeded weekly average TSS with reported value of 69.5 mg/L and limit of 45 mg/L (54% exceedance). 3/1/24 - Exceeded monthly average TSS with reported value of 32.25 mg/L and limit of 30 mg/L (7.5% exceedance). 3/1/24 - Exceeded weekly geometric mean for fecal coliform with reported value of 2419/100ml and limit of 200/100ml (1,110% exceedance). 3/1/24 - Exceeded average monthly BOD5 with reported value of 43.25mg/L (44% exceedance) and limit of 30mg/L. 3/1/24 - Exceeded weekly average BOD5 with reported value of 79mg/L and limit of 45mg/L (76%). 3/1/24 - Exceeded average monthly total phosphorus with reported value of 2.51125kg/day and limit of 0.64kg/day (292% exceedance).						
A	Months with effluent exceedance less than 40% above the limit - conventional pollutants  (count each conventional pollutant separately as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform)		S1.A	No	2	\$150	=	\$300
B	Months with effluent exceedance 40% or more above the limit - conventional pollutants  (count each conventional pollutant separately as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform)		S1.A	No	4	\$225	=	\$900
C	Months with effluent exceedance less than 20% above the limit - toxic pollutants  (count each toxic pollutant separately as a violation)		S1.A			\$300	=	
E	Months with effluent exceedance 20% or more above the limit - toxic pollutants  (count each toxic pollutant separately as a violation)		S1.A	No	2	\$600	=	\$1,200
		<b>Subtotal Effluent Limitations Violations</b>						<b>\$2,400</b>
<b>RECORDS</b>		<b>ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.</b>						
20	Failure to create/maintain sampling and/or analysis records (count each month with one or more failure)				\$120	=		
21	Failure to maintain other records required by the permit (count each month with one or more failure excluding records not maintained in #22)				\$75	=		
		<b>Subtotal Records Violations</b>						<b>\$0</b>
<b>INDUSTRIAL WASTE</b>		<b>ESA eligible if violations occurred within the 60 months immediately prior to the ESA offer.</b>						
22	Failure to meet industrial waste management/pretreatment requirement for POTWs without approved pretreatment programs (excluding failure to provide notice counted in #11)				\$300	=		
<b>ECONOMIC BENEFIT ESTIMATE</b>		<b>ESA eligible if estimated economic benefit of noncompliance is less than total ESA offer.</b>						
23	Enter total estimate economic benefit calculated rounded up to the nearest \$50	\$	3,875	<b>ESA eligible</b>				