

## 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 Respondent agrees that consistent with section 162(f)(1) of 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 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

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. § 1 3 19(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.

Vanessa Oquendo, Case Officer Enforcement and Compliance Assurance Division

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

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.

1   James Fletcher   WA0023183     Mayor, City of Cashmere   Permit Effective Date:   June 1, 2020     101 Woodring Street   December 31, 2024   Permit Effective Date:   December 31, 2024     2   City of Cashmere Washington 98815   EPA Contact Name:   Vaneesa Oquendo     2   City of Cashmere Washington 98815   EPA Contact Name:   Vaneesa Oquendo     2   City of Cashmere Washington 98815   EPA Contact Name:   Vaneesa Oquendo     2   City of Cashmere Washington 98815   EPA Contact Name:   Vaneesa Oquendo     2   City of Cashmere Washington 98815   EPA Contact Name:   Vanee Officer     2   Area ny findings a result of an inspection 220 Mayor James Fletcher   Mahon and Dorien McEiroy)     Name of Racility Contact (ESO Worksheet recipient):   Mayor James Fletcher   Mahon and Dorien McEiroy)     3   Name of Racility Contact (ESO Worksheet recipient):   Mayor James Fletcher   Mayor James Fletcher     4   Is the entity privately owned?   If yes, adjustment factor of 2.0 is applied.   No   Image Stellater     5   Select the appropriate average volume of flow on a day of discharge in millions of galons per day (MGD). If a flexibly discharges only on a periodic basis, do ngl include days with zero flow wh			LEGAL NAME AND MAILING ADDRESS OF RES	PONSIBLE ENTITY	NPDES Permit Num	ber	
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Construction   EPA Contact Name:   Vanessa Oquendo     2   City of Cashmere   Compliance Officer   EPA Contact Name:   Vanessa Oquendo     2   City of Cashmere   Compliance Officer   EPA Contact Name:   Vanessa Oquendo     2   Contact Trule:   Compliance Officer   EPA Contact Name:   Vanes Fletcher with cc to current plant operators (Christopher Mayor James Fletcher with cc to current plant operators (Christopher Mayor James Fletcher With cc to current plant operators (Christopher Mayor James Fletcher     3   Name of Facility Contact (ESO Worksheet recipient):   Mayor James Fletcher with cc to current plant operators (Christopher Mayor James Fletcher     3   Name of Receiving Water Body (Indicate whether 303(d) listed):   Mayor James Fletcher     4   Is the entity privately owned?   If yes, adjustment factor of 2.0 is applied.   No     5   Select the appropriate average volume of flow on a day of discharge in millions of gallons per day (MGO). If a facility discharges only on a periodic basis, do ngi include days with zero flow when calculating the average flow:   No     6   A = 0.056 mgd and <0.250 mgd   Adjustment factor of 3.0 is applied.   E     6   A How many other state and federal formal and occore of 10.0 is applied.   For each enforcement action, adjustment factor of 2.0 is applied.   O     6							
2   City of Cashmere Wastewater Treatment Plant 2 Riverfront Drive Cashmere, Washington 98815   EPA Contact Title:   Compliance Officer     FACILITY DESCRIPTION / CONTACT NAMES   Mayor James Fletcher with cc to current plant operators (Christopher McMahon and Dorien McEircy)     Name of Facility Contact (ESO Worksheet recipient):   Mayor James Fletcher     Are any findings a result of an inspection?   No     3   Name of Receiving Water Body (Indicate whether 303(d) listed):   Wenatchee River, RM 8.6     PRIVATE ENTITY ADJUSTMENT FACTOR   If yes, adjustment factor of 2.0 is applied.   No     4   Is the entity privately owned?   If yes, adjustment factor of 2.0 is applied.   No     5   Select the appropriate average now:   A < 0.050 mgd (no adjustment is applied).   No adjustment factor of 1.0 is applied.   E     6   A < 0.050 mgd and <10 mgd   Adjustment factor of 10.0 is applied.   E   E     7   Select the appropriate average flow:   A   A   E   E     8   2.0.050 mgd and <2.050 mgd   Adjustment factor of 10.0 is applied.   E   E     8   2.0.050 mgd and <3.050 mgd   Adjustment factor of 2.0 is applied.   E   E   E     6   B 20.0.050 mgd and <3.050 mgd   Adj			, , ,				
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PRIVATE ENTITY ADJUSTMENT FACTOR     4   Is the entity privately owned?   If yes, adjustment factor of 2.0 is applied.   No     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 not include days with zero flow when calculating the average flow:     A   <0.050 mgd (no adjustment is applied)   No adjustment factor of 1.5 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 1.5 is applied.     E   ≥5 mgd and <10 mgd   Adjustment factor of 1.5 is applied.     E   ≥5 mgd and <10 mgd   Adjustment factor of 1.0 is applied.     F   ≥10 mgd and <50 mgd   Adjustment factor of 10.0 is applied.     G   ≥50 mgd   Adjustment factor of 12.0 is applied.     F   ≥10 mgd and <50 mgd   Adjustment factor of 20.0 is applied.     G   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 factor is increased 50%.   0	3		Name of Receiving Wa	ater Body (Indicate whether 303(d) listed):	Wenatchee River, RM	18.6	
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.     D   ≥1 mgd and <5 mgd   Adjustment factor of 1.0 is applied.     E   ≥5 mgd and <10 mgd   Adjustment factor of 1.0 is applied.     F   ≥10 mgd and <50 mgd   Adjustment factor of 1.0 is applied.     G   ≥50 mgd   Adjustment factor of 20.0 is applied.     F   ≥10 mgd and s50 mgd   Adjustment factor of 20.0 is applied.     G   ≥50 mgd   Adjustment factor of 20.0 is applied.     F   ≥10 mgd and factor 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%.	5		Select the appropriate average volume of flow on a day (MGD). If a facility discharges only on a periodi				
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.     D   ≥1 mgd and <5 mgd   Adjustment factor of 6.0 is applied.     E   ≥5 mgd and <10 mgd   Adjustment factor of 1.5 is applied.     F   ≥10 mgd and <50 mgd   Adjustment factor of 10.0 is applied.     G   ≥50 mgd   Adjustment factor of 20.0 is applied.     G     A   How many other state and federal formal enforcement action, adjustment factor is increased 50%.     F   Por each enforcement actions at this facility and any other factor is increased 50%.		•	<b>·</b> ·	All a discharge of the day is a smaller d	r –		
C   ≥0.250 mgd and <1 mgd   Adjustment factor of 3.0 is applied.   X     D   ≥1 mgd and <5 mgd   Adjustment factor of 6.0 is applied.   Image: Simple and <10 mgd     E   ≥5 mgd and <10 mgd   Adjustment factor of 10.0 is applied.   Image: Simple and <50 mgd     F   ≥10 mgd and <50 mgd   Adjustment factor of 10.0 is applied.   Image: Simple and <50 mgd     G   ≥50 mgd   Adjustment factor of 20.0 is applied.   Image: Simple and <50 mgd     G   ≥50 mgd   Adjustment factor of 20.0 is applied.   Image: Simple and <50 mgd     REPEAT VIOLATOR ADJUSTMENT FACTOR     C     C     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 factor is increased 50%.   0     A   How many other state is a this facility and any other factor is increased 50%.   0		A					
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.     REPEAT VIOLATOR ADJUSTMENT FACTOR     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 factor is increased 50%.   0		_			V		3.
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.     REPEAT VIOLATOR ADJUSTMENT FACTOR     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		_			^		3.
F   ≥10 mgd and <50 mgd					<u> </u>		L
G   ≥50 mgd   Adjustment factor of 20.0 is applied.     REPEAT VIOLATOR ADJUSTMENT FACTOR     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					<u> </u>		L
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		G			<u> </u>		
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	-	9	i ≥oo nigu				
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			REPEAT VIOLATOR ADJUSTMENT FACTOR				
enforcement actions has the responsible entity been subject to in the last three years? Include enforcement actions at this facility and any other facilities.	6	A		For each enforcement action, adjustment	0		1.
been subject to in the last three years? Include enforcement actions at this facility and any other facilities.							
enforcement actions at this facility and any other facilities.							
facilities.							
TOTAL ADJUSTMENT FACTOR							
					ΤΟΤΑΙ	ADJUSTMENT FACTOR	3.00
							0.00



Note		RCA = Requires Corrective Action	Violation(s) / Corrective Action(s)	CWA / Permit Citation	R C A*		Dollar Amount w/ Adjust. Factor	Total
7		MONITORING / REPORTING Failure to submit compliance schedule report:	ESA eligible if violations occu An annual DMR for these priority	Irred within the 2 S3.A4.b	4 mo	onths imn	nediately prio	or to the ESA offer.
7	A B C	Late but less than 30 days late Submitted more than 30 days late Not submitted	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	55.A4.D	No	5	\$150 \$225 \$450	=
8		(DMR) and/or DMR submitted with failure to conduct self-monitoring: DMR late but less than 30 days late DMR submitted more than 30 days late DMR not submitted or DMR submitted with a failure to sample pollutants - conventional pollutants (count each conventional pollutant not reported	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	Yes	2	\$150 \$225 \$225	=
9		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)		S2.A	No	1	\$75	= \$

	(e.g., biosolids report, pretreatment report, industrial user notification, planned changes, anticipated noncompliance, anticipated bypass, etc.):	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						
A						\$150	_	
В				No	2	\$225	=	\$450
C						\$450	=	
11	24-Hour Noncompliance Notice					<b>*</b> 005		
A						\$225		
	Noncompliance notice late					\$150	=	
12	5-Day Written Noncompliance Follow-up Report: A Failure to provide report				1	\$225		
AB		•				\$225 \$150		
	Noncompliance Not Required Within 24 Hours:					\$150	-	
13		•			-	\$75	_	
A		•				\$75		
			Subtotal Monit	oring	/ Papar			\$1,725
			Subtotal Mollit	Juni	Пероі		13	ψ1,725
	<b>OPERATIONS AND MAINTENANCE</b>	ESA eligible if violations occu	urred within the 2	4 mo	nthe im	mediately priv	or to	the ESA offer
14	Failure to conduct and document self-inspections of			+ IIIC		\$120		the ESA offer:
14	facility (count each month with one or more missed and/or undocumented inspection)					ψιΖΟ		
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	=	
		Subt	total Operations a	and M	Maintena	ance Violation	ns	\$0

	EFFLUENT LIMITATIONS	ESA eligible if violations occu	irred within	the <u>12 m</u>	onth <u>s im</u>	mediately prior to	the ESA offer.
	Failure to meet effluent limitations:	Part S1.A of the permit outlines the					
Α	Months with effluent exceedance less than 40%	effluent limits for BOD, TSS, phosphorus,		No	2	\$150 =	\$3
	above the limit - conventional pollutants	pH, fecal coliform bacteria, and					
		temperature. In July of 2023, there was					
		insufficient TSS removal; the permit					
		requires 85% removal and the reported					
	fecal coliform)	value was 78.8% (missing 7.5% removal).	C1 A				
	,	In July of 2023, the facility exceeded total	51.A				
В		phosphorus with a reported value of		No	4	\$225 =	\$9
	above the limit - conventional pollutants	1.4022 kg/day and a limit of 0.64 kg/day					
	(count each conventional pollutant separately as	119% exceedance). 3/1/24 - Exceeded					
	a violation; BOD, TSS, pH, oil and grease, e. coli,	weekly average TSS with reported value of					
	fecal coliform)	69.5 mg/L and limit of 45 mg/L (54%	S1.A				
С	Manuthan Stherest and a set have the OOO/	exceedance). 3/1/24 - Exceeded monthly	0			\$300 =	
C		average TSS with reported value of 32.25				\$300 <b>-</b>	
	above the limit - toxic pollutants	mg/L and limit of 30 mg/L (7.5%					
	A such a sub-tanks will take to succeed the succeed	exceedance). 3/1/24 - Exceeded weekly					
	(count each toxic pollutant separately as a	geometric mean for fecal coliform with					
	violation)	reported value of 2419/100ml and limit of					
		200/100ml (1,110% exceedance). 3/1/24 -					
			S1.A				
_	Months with effluent exceedance 20% or more	reported value of 43.25mg/L (44%	51.7	No	2	\$600 =	\$1,2
E		exceedance) and limit of 30mg/L. 3/1/24 -		NO	2	\$600 =	<b>ΦΙ,</b> 2
	above the limit - toxic pollutants	Exceeded weekly average BOD5 with					
		reported value of 79mg/L and limit of					
	(count each toxic pollutant separately as a	45mg/L (76%). 3/1/24 - Exceeded average					
	violation)	monthly total phosphorus with reported					
		value of 2.51125kg/day and limit of					
		0.64kg/day (292% exceedance).	C1 A				
			S1.A		t Linsitet	ions Violations	<u>ቀ</u> ጋ .
			Subio				\$2,4
1	RECORDS	ESA eligible if violations occu	rred within	the 24 m	onths im	mediately prior to	the ESA offer.
	Failure to create/maintain sampling and/or analysis					\$120 =	
	records (count each month with one or more						
	failure)						
	Failure to maintain other records required by the					\$75 =	
	permit (count each month with one or more failure						
	excluding records not maintained in #22)						
	,,,,,,			Subt	otal Rec	ords Violations	
	INDUSTRIAL WASTE	ESA eligible if violations occu	irred within	the 60 m	onths im		the ESA offer.
	Failure to meet industrial waste					\$300 =	
	management/pretreatment requirement for POTWs						
	without approved pretreatment programs (excluding						
	failure to provide notice counted in #11)						
	ECONOMIC BENEFIT ESTIMATE	ESA eligible if estimated eco	nomic bene	efit of non	complia	nce is less than to	al ESA offer.
	Enter total estimate economic benefit calculated rou			3,875	- Price	ESA eligi	
	TENTERTOTAL ESTIMATE ECONOMIC DENETIL CALCULATED TOT						