



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
 Region 7, 11201 Renner Blvd, Lenexa, KS 66219  
**EXPEDITED SETTLEMENT AGREEMENT**  
 Docket Number: CWA-07-2018-0289, NPDES No.: NER-1010000

**Nemaha Landscape Construction, Inc. d/b/a Nemaha Sports Construction** 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 its National Pollutant Discharge Elimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

EPA finds, and Respondent admits, that Respondent is subject to Section 402 of the Act, 33 U.S.C. § 1342, and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States". 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 **\$7,500**. 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 of the Effective Date of this Agreement, 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 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 but this determination is subject to a public comment period by Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), and Part 22.

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): JEFF E MARQUEL

Title (print): PRESIDENT

Signature: [Signature] Date: 9/11/2018

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 material comments concerning this matter.

**APPROVED BY EPA:**

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

Jeffery Robichaud  
 Director  
 Water, Wetlands, and Pesticides Division

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

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

Karina Borroneo  
 Regional Judicial Officer

EFFECTIVE DATE: \_\_\_\_\_