

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Andrew Spejewsky 10/26/11
Name of Case Attorney Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number CWA-01-2011-0050

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Speedwagon Partners, LLC
1762 Massachusetts Ave, Ste 201
Lexington, MA 02420

Total Dollar Amount of Receivable \$ 12,150 Due Date: 11/19/11

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:
1st \$ _____ on _____
2nd \$ _____ on _____
3rd \$ _____ on _____
4th \$ _____ on _____
5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

RECEIVED

2011 OCT 26 A 10:41

DELIVERED BY HAND

October 26, 2011

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square - Suite 100
Mail Code: ORA18-1
Boston, MA 02109-3912

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

Re: In the Matter of: Speedwagon Partners, LLC
Docket No. CWA-01-2011-0050

Dear Ms. Santiago:

Enclosed please find the original and one copy of a Consent Agreement and Final Order ("CAFO") settling the above-captioned case. The CAFO has been signed by the parties and approved by the Regional Judicial Officer.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Spejewski".

Andrew Spejewski
Environmental Engineer
Office of Environmental Stewardship, Water Technical Unit

Enclosure

cc: David Sukoff, Speedwagon Partners, LLC

In the Matter of: Speedwagon Partners, LLC
Docket No. CWA-01-2011-0050

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order was sent to the following persons, in the manner specified, on the date below:

Original and one copy,
hand-delivered to:

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square - Suite 100
Mail Code: ORA18-1
Boston, MA 02109-3912


Copy by Registered Mail to:

David Sukoff
Speedwagon Partners LLC
1762 Massachusetts Ave, Suite 201
Lexington, MA 02420

Copy by First Class Mail to:

Richard Chalpin Regional Director
Massachusetts DEP
Northeast Region
205B Lowell Street
Wilmington, Massachusetts 01887

Dated: 26 Oct 2011


Andrew Spejewski
U.S. EPA, Region 1
5 Post Office Square - Suite 100
Mail Code: OES04-1
Boston, MA 02109-3912
617-918-1014



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1, 5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

RECEIVED

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-01-2011-0050

2011 OCT 26 A 10:42

Speedwagon Partners, LLC ("Respondent") 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.

In the Matter of: Speedwagon Partners, LLC, Docket No. CWA-01-2011-0050, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000

Attached is an "Expedited Settlement Offer 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.

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.

Respondent had an unauthorized discharge of storm water in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311, and/or 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.

This Agreement is binding on the parties signing below and effective thirty (30) days from the date it is signed by the Presiding Officer unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), and 40 C.F.R. Part 22.

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, 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.

APPROVED BY EPA:

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 \$12,150. 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).

Susan Studlien Date: 08/17/11
Susan Studlien
Director
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

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.

DAVID SUKOFF Date: 8/1/11
Name (print): DAVID SUKOFF
Title (print): PRINCIPAL
Signature: [Signature] Date: 8/1/11

Within 10 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,

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.

Having determined that this Agreement is authorized by law,

IT IS SO ORDERED:

Jill T. Metcalf Date: Oct 20, 2011
Jill T. Metcalf
Acting Regional Judicial Officer

**Expedited Settlement Offer Worksheet
Deficiencies Form**

Consult instructions regarding eligibility criteria
and procedures prior to use

version 10.3.4



LEGAL NAME AND MAILING ADDRESS OF OPERATOR		Telephone Number	NPDES Permit Number
1	Speedwagon Partners LLC 1762 Massachusetts Ave, Suite 201 Lexington, MA 02420		
LOCATION AND ADDRESS OF SITE		Inspector Name:	Andrew Spejewski
2	Abbot Lane 100 Concord Road Bedford, MA 01730	Inspector Agency:	US EPA
		Entrance Interview Conducted:	
		Exit Interview Conducted:	
		Exit Interview given to:	
		Exit Interview time:	Date:

FACILITY DESCRIPTION / CONTACT NAMES	
Name of Site Contact (ESO Worksheet recipient):	
Name of Authorized Official (40 CFR 122.22):	
Inspection Date: 04/14/2011	
Start Construction Date: 10/01/2010	
Estimated Completion Construction Date: 12/31/2011	
If Unpermitted, Number of Months Unpermitted: 7	
Name of Receiving Water Body (Indicate whether 303(d) listed): Elm Brook	
Acres Currently Disturbed Acres to be Disturbed in Whole Common Plan: 4.75 4.75	
Has Operator Requested Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)? No	

PERMIT COVERAGE	Findings	Citation Reference**	R C A*	No. of Deficiencies	Dollar Amount	Total
3 Operator unpermitted for _____ months (# months unpermitted equals number of violations)	No NOI submitted until day before inspection	CWA 301		7 X	\$500.00 =	\$3,500
SWPPP REVIEW						
4 SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)	SWPPP is merely engineering plan	CGP 3.1.A			\$5,000.00 =	
5 SWPPP prepared but prepared after construction start (# of months = # of violations)		CGP 3.1.A		0 X	\$75.00 =	
6 SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc...		CGP 3.1.B		1	\$250.00 =	\$250
7 SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control		CGP 3.3.A		1	\$500.00 =	\$500
8 SWPPP does not have site description, as follows:						
A Nature of activity in description		CGP 3.3.B.1			\$100.00 =	
B Intended sequence of major activities		CGP 3.3.B.2			\$100.00 =	
C Total disturbed acreage		CGP 3.3.B.3			\$100.00 =	
D General location map		CGP 3.3.B.4		1	\$100.00 =	\$100
E Site map		CGP 3.3.C			\$500.00 =	
F Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage areas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)		CGP 3.3.C.1-8		1 X	\$50.00 =	\$50
G Location/description industrial activities, like concrete or asphalt batch plants		CGP 3.3.D			\$500.00 =	
9 SWPPP does not:						
A Describe all pollution control measures (e.g. BMPs)		CGP 3.4.A			\$750.00 =	

INSPECTIONS									
31	Inspections not performed and documented either once every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation).	Inspections not documented	CGP 3.10.A, 3.10.B		14	X	\$250.00	=	\$3,500
	No inspections conducted and documented (if True, then leave elements 32-39 blank)						True or False		
	Number of Inspections expected if performed every 7 days:	27							
	Number of Inspections expected if performed bi-weekly:	13							
	If known, number of days of rainfall of >0.5"								
32	Inspections not conducted by qualified personnel		CGP 3.10.D				\$50.00	=	
33	All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected		CGP 3.10.E.				\$50.00	=	
34	All pollution control measures not inspected to ensure proper operation		CGP 3.10.E.				\$50.00	=	
35	Discharge locations are not observed and inspected		CGP 3.10.E.				\$50.00	=	
36	For discharge locations that are not accessible, nearby locations are not inspected		CGP 3.10.E.				\$50.00	=	
37	Entrance/exit not inspected for off-site tracking		CGP 3.10.E.				\$50.00	=	
38	Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)		CGP 3.10.G			X	\$50.00	=	
39	Inspection reports not properly signed/certified (count each failure to sign/certify as 1 violation)		CGP 3.10.G			X	\$50.00	=	
Subtotal Inspections Deficiencies									\$3,500
AVAILABILITY OF RECORDS									
40	Sign/notice not posted		CGP 3.12.B				\$250.00	=	
	A Does not contain copy of complete NOI		CGP 3.12.B				\$50.00	=	
	B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign		CGP 3.12.B				\$50.00	=	
Subtotal Records Deficiencies									\$0
BEST MANAGEMENT PRACTICES									
41	No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water		CGP 3.13.F				\$500.00	=	
42	Control measures are not properly:	Significant sediment escaping site; due to poorly maintained controls at several locations							
	A Selected, installed and maintained		CGP 3.13.A		3		\$500.00	=	\$1,500
	B Maintenance not performed prior to next anticipated storm event (count each failure to select, install, maintain each BMP as one violation)		CGP 3.6.B		3		\$250.00	=	\$750
43	When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts		CGP 3.13.B				\$500.00	=	
44	Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)		CGP 3.13.C				\$500.00	=	