

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Rivera for

Tonia Bandrawicz
Name of Case Attorney

12/22/08
Date

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

Case Docket Number CWA-01-2009-0008

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:

Petroleum Heat & Power Co., Inc. d/b/a DeBlais Oil

Total Dollar Amount of Receivable \$ 3,000 Due Date: _____

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 I
ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

September 9, 2008

BY HAND

RECEIVED
2008 DEC 22 P 1:47
EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region I
1 Congress Street
Suite 1100, Mail Code RAA
Boston, MA 02114-2023

Re: In the Matter of Petroleum Heat & Power Co., Inc. d/b/a DeBlois Oil,
Docket No. CWA-01-2009-0008

Dear Ms. Santiago,

Enclosed for filing, please find a Consent Agreement and Final Order (CAFO) settling the matter referenced above.

Pursuant to EPA Order Classification No.: 2551.1A dated June 7, 2006, the Regional Hearing Clerk (RHC) shall send a copy of the CAFO in any Clean Water Act (CWA) case assessing a penalty under the authority of Section 311 of the CWA to:

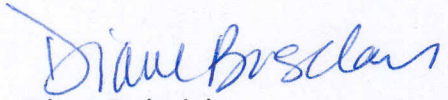
U.S EPA
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-002)
Cincinnati, OH 45268

In addition, the RHC must pass along the name and address of the regional attorney responsible for any collection recommendation if the civil debt becomes delinquent. For this case, the responsible attorney is:

Tonia Bandrowicz
Senior Enforcement Counsel
EPA Region 1
1 Congress St., Suite 1100 (SEL)
Boston, MA 02114-2023
Tel: 617-918-1734

Thank you for your attention to this matter.

Sincerely,



Diane Boisclair
Water Technical Unit

Enclosure

cc: Barry P. Fogel, Keegan Werlin LLP



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114
EXPEDITED SPILL SETTLEMENT AGREEMENT**

RECEIVED
2008 DEC 22 P 1:47
REGION 1

DOCKET NO. CWA-01-2009-0008

On or about November 20, 2007, Petroleum Heat and Power Co., Inc. d/b/a DeBlois Oil (PETRO), (Respondent), was responsible for a discharge of oil to the Pawcatuck River, a navigable water of the United States as defined in Section 502(7) of the Act, and 40 CFR § 110.1, or its adjoining shorelines, in violation of Section 311(b)(3) of the Clean Water Act (the "Act").

EPA finds that Respondent is subject to the Act and has violated the Act by discharging a harmful quantity of oil, as defined in 40 CFR § 110.3, into navigable waters of the United States or adjoining shorelines. Respondent admits to being subject to the Act and that EPA has jurisdiction over Respondent and Respondent's conduct as described in this Expedited Settlement. Respondent does not contest the Findings, and waives any objections Respondent may have to EPA's jurisdiction.

EPA is authorized to enter into this Expedited Settlement under the authority vested in EPA by Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 CFR § 22.13(b). The parties enter into this Expedited Settlement in order to settle the civil violations described in this Expedited Settlement for a penalty of \$3,000. Respondent consents to the assessment of this penalty.

This Expedited Settlement also is subject to the following terms and conditions: Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has investigated the cause of the spill, has cleaned up the spill pursuant to federal requirements, will maintain its training programs and procedures to prevent spills as part of Respondent's operations, and has sent a certified check in the amount of \$3,000, payable to the Environmental Protection Agency. Respondent shall send the check to: U.S. Environmental Protection Agency, Fines and Penalties, P.O. Box 979077, St. Louis, MO 63197-9000. Respondent shall send a copy of the check to Diane Boisclair, U.S. Environmental Protection Agency, Region 1, One Congress Street, Boston, Massachusetts 02114-2023. The check should reference the above docket number of the case and the "Oil Spill Liability Trust Fund - 311."

Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signing below, and is effective after signature by the Regional Judicial Officer, the third signature below.


Once the Expedited Settlement is signed by the Regional Judicial Officer, the original Expedited Settlement will be

filed with the Regional Hearing Clerk and a copy will be mailed to: U.S. EPA Cincinnati Finance Office, 26 W. Martin Luther King Drive (MS-002), Cincinnati, Ohio 45268. A copy of the Expedited Settlement will also be mailed to the Respondent.

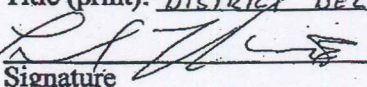
If Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the noncompliance identified in this document.

After this Expedited Settlement becomes effective, EPA will take no further civil action against Respondent for the violations of the Act described in this Expedited Settlement. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the Act or of any other federal statute or regulations.

APPROVED BY EPA:

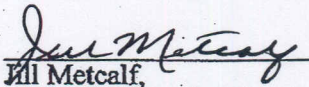

Joel Blumstein
Enforcement Manager
Office of Environmental Stewardship
Date: 12/4/08

APPROVED BY RESPONDENT:

Name (print): FRANK TUCKER JR
Title (print): DISTRICT DELIVERY MANAGER

Signature
Date 12-5-08

Estimated Cost of taking corrective action to clean up the spill: \$ 20,000.00

IT IS SO ORDERED:


Jill Metcalf,
Acting Regional Judicial Officer
Date December 22, 2008

**In the Matter of Petroleum Heat & Power Co. Inc., d/b/a DeBlois Oil
CWA-01-2009-0008**

CERTIFICATE OF SERVICE

I 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:

Regional Hearing Clerk
U.S. EPA, Region I
One Congress Street
Boston, MA 02114-2023

Copy by certified mail,

Frank Tucker, Jr.
District Delivery Manager
Petroleum Heat & Power Co., Inc.
d/b/a DeBlois Oil
141 Knight Street
Warwick, RI 02886



Diane Boisclair
Office of Environmental Stewardship(SEW)
U.S. Environmental Protection Agency
One Congress Street, Suite 1100
Boston, MA 02114-2023
(617)918-1762

Date: 12-22-08