



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 1
5 POST OFFICE SQUARE, BOSTON, MASSACHUSETTS 02109-3912
EXPEDITED SETTLEMENT AGREEMENT

In the Matter of Boston Concrete Company, Lowell, MA
Docket No. CWA-01-FY21-0083

The U.S. Environmental Protection Agency ("EPA") has determined that the facility owned and operated by Boston Concrete Company ("Respondent") and located at 706 Broadway Street, Lowell, Massachusetts was in noncompliance with the Oil Pollution Prevention regulations promulgated at 40 C.F.R. Part 112 under Section 311(j) of the Clean Water Act (the "Act"), 33 U.S.C. § 1321(j), by failing to have an adequate and fully implemented Spill Prevention, Control and Countermeasure ("SPCC") plan as noted on the attached SPCC Inspection Findings and Violation Form ("Violation Form") from at least the date of an EPA March 25, 2021 inspection, until May 27, 2021 when the facility submitted to EPA a Tier II self-certified SPCC plan. The Parties enter into this Expedited Settlement Agreement to settle EPA's claims for such violation for a total penalty of \$1,778. The Parties are authorized to enter into this Expedited Settlement Agreement under the authority of Section 311(b) (6) (B) (i) of the Act, 33 U.S.C. § 1321(b) (6) (B) (i), and in accordance with 40 C.F.R. § 22.13(b) and 22.18.

This settlement is subject to the following terms:

EPA finds that the Respondent is subject to the Oil Pollution Prevention regulations and has violated the regulations by failing to have an adequate and fully implemented SPCC plan. Respondent admits it is subject to the Oil Pollution Prevention regulations and neither admits nor denies that it is in violation of such regulations. Respondent waives any objections it may have to EPA's jurisdiction and consents to the assessment of the penalty stated above.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has corrected the violations identified in the Violation Form and has sent a bank, cashiers, or certified check in the amount of \$1,778, payable to the Treasury, United States to: Environmental Protection Agency, Fines and Penalties, P.O. Box 979077, St. Louis, MO 63197-9000. This check shall reference the case name and docket number ("In the Matter of Boston Concrete Company Docket No. CWA-01-2021-0083") and "Oil Spill Liability Trust Fund - 311."

Respondent shall send an electronic copy of the check to Diane Boudrot, at: Boudrot.diane@epa.gov and to Wanda Santiago, Regional Hearing Clerk at: R1_Hearing_Clerk_Filings@epa.gov.

Upon signing and returning this Expedited Settlement Agreement 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 Agreement without further notice.

Once the Expedited Settlement Agreement is signed by the Regional Judicial Officer, it will be electronically filed with the Regional Hearing Clerk and a copy mailed or emailed to the U.S. EPA Cincinnati Finance Office. A copy of the Expedited Settlement Agreement will also be electronically conveyed to the Respondent.

This Expedited Settlement Agreement is binding on the parties signing below and is effective upon filing with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b).

Respondent agrees to acceptance of the Complainant's: i. digital or an original signature on this Agreement; ii. service of the fully executed Agreement on the Respondent by mail or electronically by e-mail. Respondent understands that the mailing or e-mail address may be made public when the Agreement and Certificate of Service are filed and uploaded to a searchable database. Complainant agrees to acceptance of the Respondent's digital or an original signature on this Agreement.

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

After this Expedited Settlement Agreement becomes effective, EPA will take no further civil penalty action against Respondent for the violations of the Oil Pollution Prevention regulations described herein through the effective date of this Expedited Settlement Agreement. EPA does not waive any rights to take enforcement action for any other past, present, or future violations by Respondent of the Oil Pollution Prevention regulations or of any other federal statute or regulations.

APPROVED BY EPA:

Date:
James Chow, Deputy Director for Karen McGuire, Director, Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (print): STEVEN PLOOF
Title (print): TREAS.
Signature: [Handwritten Signature] Date: 8-25-21

IT IS SO ORDERED:

Date:
LeAnn Jensen
Regional Judicial Officer