



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

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2009 APR -9 A 9:16

BY HAND

April 9, 2009

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 Milton Academy,
Docket No. CWA-01-2009-0028

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,

A handwritten signature in cursive script that reads "Diane Boisclair".

Diane Boisclair
Water Technical Unit

Enclosure

cc: Fretz Hobbs, Chairman of the Board, Milton Academy



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 1
One Congress Street, Boston, Massachusetts 02114-2023
EXPEDITED SPCC SETTLEMENT AGREEMENT

In re: Milton Academy, Milton, Massachusetts
DOCKET NO. CWA-01-2009-0028

RECEIVED

On March 12, 2008 at the Milton Academy located at 170 Centre Street, Milton, Massachusetts (Respondent), an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection to determine compliance with the Oil Pollution Prevention regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act (the Act), 33 U.S.C. § 1321(j), and found that Respondent had violated the regulations by failing to have a Spill Prevention Control and Countermeasure (SPCC) plan prepared and implemented for the school.

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 upon signature by the Regional Judicial Officer.

The parties enter into this Expedited Settlement in order to settle the alleged civil violation described above for a penalty of \$3,000. The parties are authorized to enter into this Expedited Settlement under the authority of Section 311(b) (6) (B) (i) of the Act, 33 U.S.C. § 1321(b) (6) (B) (i), and by 40 CFR § 22.13(b).

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, OH 45268. A copy of the Expedited Settlement will also be mailed to the Respondent.

This settlement is subject to the following findings, terms, and conditions:

After this Expedited Settlement becomes effective, EPA will take no further civil penalty action against Respondent for the violations of the Oil Pollution Prevention regulations described above through the order date of this Expedited Agreement. However, EPA does not waive any rights to take any 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.

EPA finds that the Respondent is subject to, and has violated, the Oil Pollution Prevention regulations by its failure to have an SPCC plan prepared and implemented for the school, and that it has jurisdiction over Respondent for the violation in question. Respondent does not contest EPA's finding of violation, waives any objections it may have to EPA's jurisdiction and consents to the assessment of the penalty stated above.

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 violations identified above.

Respondent further certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the violations identified above have been corrected and the school is now in full compliance with the Oil Pollution Prevention regulations (or that the violations will be corrected and the school brought in full compliance with the Oil Pollution Prevention regulations within an alternative time frame agreed to by EPA in writing); and (2) Respondent has sent a certified check to EPA 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, Water Technical Unit, Environmental Protection Agency, Region 1, One Congress Street, Boston, Massachusetts 02114-2023. The check should reference the title and docket number of the case "In re Milton Academy, Docket # CWA-01-2009-0028" and "Oil Spill Liability Trust Fund - 311".

APPROVED BY EPA:

Susan Studlien Date: 03/03/09
Susan Studlien, Division Director
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

Name(print): NEAL LITVACK
Title(print): CFO
Signature: [Signature] Date: 3/18/09
Estimated cost of correcting violations and preparing SPCC Plan (to be filled in by respondent) \$63,000

IT IS SO ORDERED:

[Signature] Date: 4/6/09
LeAnn Jensen
Acting Regional Judicial Officer

**In the Matter of Milton Academy
CWA-01-2009-0028**

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,

Fretz Hobbs, Chairman of the Board
Milton Academy
170 Centre Street
Milton, MA 02186



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: 4/9/09