

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF)	
)	CWA SECTION 311 CLASS I
Curtis Transport, Inc.)	CONSENT AGREEMENT AND
1123 West Main Street)	FINAL ORDER
Chesterfield, SC)	
)	UNDER 40 C.F.R. § 22.18
Respondent)	
)	Docket No. CWA-04-2014-5126
)	
)	

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I. LEGAL AUTHORITY

1. This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 311(b)(6)(B)(i) of the Clean Water Act (“CWA”), 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and under the authority provided by 40 C.F.R. §§ 22.18(b)(1) and (2). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region 4, who has in turn delegated these authorities to the Director, Resource Conservation and Restoration Division (“Complainant”) pursuant to EPA Region 4 CWA Delegation 2-51.

II. CONSENT AGREEMENT

2. On September 17, 2014, Complainant filed an Administrative Complaint against Curtis Transport, Inc. (“Respondent”) seeking a civil penalty for the violation of Section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3), as amended by the Oil Pollution Act of 1990. Respondent filed an Answer to the Administrative Complaint on October 23, 2014. Respondent and Complainant have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law, Complainant and Respondent have agreed to the

execution of this Consent Agreement and Final Order ("CA/FO"), and Respondent hereby agrees to comply with the terms of this CA/FO.

3. For the purposes of this proceeding, Respondent admits the jurisdictional allegations contained in the Complaint.

4. For the purposes of this proceeding, Respondent neither admits nor denies the factual allegations contained in the Complaint.

III. WAIVER OF RIGHTS

5. Solely for the purpose of this Consent Agreement, Respondent waives the right to contest the allegations contained herein, to a hearing under Section 311(b)(6)(B)(i) of the CWA, 33 U.S.C. § 1321(b)(6)(B)(i), to appeal any Final Order in this matter under Section 311(b)(6)(G)(i) of the CWA, 33 U.S.C. § 1321(b)(6)(G)(i), and consents to the issuance of a Final Order without further adjudication.

6. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq.

7. The Final Order does not constitute a waiver, suspension or modification of the requirements of Section 311 of the CWA, 33 U.S.C. § 1321, or any regulations promulgated thereunder, and does not affect the right of the Administrator or the United States to pursue any applicable injunctive or other equitable relief or criminal sanctions for any violation of law.

IV. PAYMENT OF CIVIL PENALTY

8. Respondent consents to the assessment and the payment of a civil penalty in the amount of fifteen thousand dollars (\$15,000.00), plus interest of one (1) % per annum, payable as follows:

a. The civil penalty will be paid in six (6) equal installments in order to complete payment of the entire civil penalty, including interest. Including the civil penalty and interest, the total amount that will be paid upon completion of all payments will be \$15,093.78. The first payment is due

within thirty (30) days of the effective date of this CA/FO, which is upon its filing with the Regional Hearing Clerk. Respondent's subsequent payments shall thereafter be due in three (3) month intervals from said effective date.

b. Respondent shall make payments in accordance with the following schedule:

Payment Number	Payment shall be made no later than	Principal Amount	Interest Amount	Total Payment Amount
1	30 calendar days following the effective date of this CA/FO.	U.S. \$2,516.3	U.S. None	U.S. \$2,515.63
2	120 calendar days following the effective date of this CA/FO.	U.S. \$2,484.42	U.S. \$31.21	U.S. \$2,515.63
3	210 calendar days following the effective date of this CA/FO.	U.S. \$2,490.63	U.S. \$25.00	U.S. \$2,515.63
4	300 calendar days following the effective date of this CA/FO.	U.S. \$2,496.86	U.S. \$18.77	U.S. \$2,515.63
5	390 calendar days following the effective date of this CA/FO.	U.S. \$2,503.10	U.S. \$12.53	U.S. \$2,515.63
6	480 calendar days following the effective date of this CA/FO.	U.S. \$2,509.36	U.S. \$6.27	U.S. \$2,515.63

c. If Respondent fails to make one of the installment payments in accordance with the schedule set forth above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described below in the event of any such failure or default.

d. Further, if Respondent fails to pay the installment payments in accordance with the schedule set forth above, EPA may refer the debt to a collection agency, a credit reporting agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court. In any such collection action, the validity, the amount, and appropriateness of the assessed penalty and of this CA/FO shall not be subject to review.

e. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth above, Respondent may pay the entire civil penalty of \$15,000.00 within thirty (30) calendar days of the effective date of this CA/FO and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a). In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance remaining, together with interest accrued up to the date of such full payment.

9. Payment(s) shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, Respondent shall submit a cashier's check or certified check, payable to the "Environmental Protection Agency." The check shall bear the notation "OSLTF - 311" and Respondent shall reference the title and docket number of this case on the face of the check.

a. If Respondent sends payment by the U.S. Postal Service, the payment shall be sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
Post Office Box 979077
St. Louis, Missouri 63197-9000

b. If Respondent sends payment by non-U.S. Postal express mail, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 481-1028

- c. If Respondent sends payment by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency."

- d. If Respondent is paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of US Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737
REX (Remittance Express): 1-866-234-5681

10. Respondent shall submit copies of each payment to the following people:

Patricia Bullock
Regional Hearing Clerk
U.S. EPA, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

And to:

Jacqueline Marie Jack
Oil Pollution Act Coordinator
UST, OPA and PCB Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division, US EPA Region IV
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

11. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under

26 U.S.C. § 162(f).

V. GENERAL PROVISIONS

12. The Final CA/FO shall be binding upon Respondent and Respondent's officers, directors, agents, and successors or assigns.

13. No change in ownership, partnership, corporate, or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.

14. Compliance with this CA/FO resolves Respondent's liability for federal civil penalties for the violations and facts stipulated to and alleged herein.

15. The undersigned representative of Respondent hereby certifies that he or she is fully authorized to enter into and execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and the attached Final Order.

16. A copy of any documents that Respondent files in this action shall be sent to the following attorney who represents the EPA in this matter and who is authorized to receive service for the EPA in this proceeding:

Teresa Mann
Associate Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960
(404) 562-9572
mann.teresa@epa.gov

17. A copy of any documents that Complainant files in this action shall be sent to the following individual who represents Respondent in this matter and who is to receive service for Respondent in this proceeding:

William D. Curtis, Jr.
Curtis Transport, Inc.
123 West Main Street
Chesterfield, SC 29709
(843) 623-7766
willcurtis85@gmail.com

18. By executing this CA/FO, Respondent certifies that all violations alleged herein, which are neither admitted nor denied, have been corrected.

VI. SEVERABILITY

19. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO or the application of this CA/FO to any party or circumstance is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CA/FO shall remain in force and shall not be affected thereby.

VII. EFFECTIVE DATE

20. This CA/FO is effective when the Final Order is filed with the Regional Hearing Clerk.


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In the matter of Curtis Transport, Inc., Docket No. CWA-04-2014-5126:

CONSENTED AND AGREED TO:

Curtis Transport, Inc.

Date: 08-19-2015



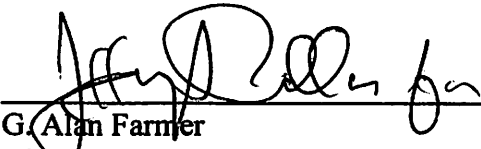
William Dennis Curtis, Sr.
President

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In the matter of Curtis Transport, Inc., Docket No. CWA-04-2014-5126:

U.S. Environmental Protection Agency

Date: 08/20/2015



G. Alan Farmer
Director
Resource Conservation and Restoration Division

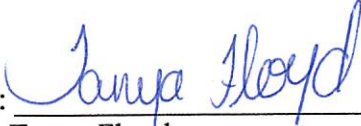
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF)	
)	CWA SECTION 311 CLASS I
)	CONSENT AGREEMENT AND
Curtis Transport, Inc.)	FINAL ORDER
123 West Main Street)	UNDER 40 C.F.R. § 22.18
Chesterfield, SC)	
)	
Respondent)	Docket No. CWA-04-2014-5126
_____)	

FINAL ORDER

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22. The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

Date: August 21, 2015

Signature: 
Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Consent Agreement and Final Order, in the matter of Curtis Transport, Inc., Docket No. CWA-04-2014-5126, on the parties listed below in the manner indicated:

Teresa Mann
Associate Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303

(Via EPA's Electronic Mail)

Quantindra Smith
Enforcement Compliance Branch
Resource Conservation and Restoration Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303

(Via EPA's Electronic Mail)


Jacqueline Marie Jack
UST, OPA and PCB Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303

(Via EPA's Electronic Mail)

William D. Curtis, Jr.
Curtis Transport, Inc.
123 West Main Street
Chesterfield, SC 29709

(Via Certified Mail)

Dated this 21 day of August, 2015


Patricia Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303