

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Catherine Smith
Name of Case Attorney

7/1/15
Date

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

Case Docket Number CAA-01-2015-0039

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:

Christopher G. Huskison, President
Tiverton Power LLC and Emerq Inc.
1223 Lower Water St.
Halifax, Nova Scotia NSB3J3S8 Canada

Total Dollar Amount of Receivable \$ 11,040.00 Due Date: 7/21/15

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

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

July 1, 2015

RECEIVED

VIA HAND DELIVERY

JUL 01 2015

EPA ORC
Office of Regional Hearing Clerk

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region I
5 Post Office Square, Suite 100 (ORA 18-1)
Boston, MA 02109

Re: In the Matter of Tiverton Power LLC, 304 Progress Road,
Tiverton, Rhode Island, Docket Number CAA-01-2015-0039

Dear Ms. Santiago:

Enclosed for filing please find the original and one copy of an Expedited Settlement Agreement resolving the above referenced matter and a certificate of service.

Sincerely,


Heather Thompson
Paralegal Specialist

Enclosures: Expedited Settlement Agreement
Certificate of Service

cc: Christopher G. Huskilson, Tiverton Power LLC and Emera Inc.

In the Matter of Tiverton Power LLC
Docket No. CAA-01-2015-0039

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited Settlement Agreement (ESA) was sent to the following persons, in the manner specified, on the date below:

Original and one copy
hand-delivered:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square (ORA 18-1)
Boston, MA 02109-3912

Copies of ESA and letters
to Regional Judicial Officer
and Regional Hearing Clerk
by mail:

Mr. Christopher G. Huskison, President
Tiverton Power LLC and Emera Inc.
1223 Lower Water St.
Halifax, Nova Scotia
NS B3J 3S8, Canada

Dated: July 1, 2015



Catherine Smith
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
Office of Environmental Stewardship
5 Post Office Square, Suite 100 (OES04-4)
Boston, MA 02109-3912
Tel: (617) 918-1777
Fax: (617) 918-0777
Email: smith.catherine@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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

RECEIVED

JUL 01 2015

**EPA ORC
Office of Regional Hearing Clerk**

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-01-2015-0039

**This ESA is issued to: Tiverton Power LLC, 304 Progress Road,
Tiverton, RI 02878**

for violating Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (“ESA”) is being entered into by the United States Environmental Protection Agency (EPA), Region 1, by its duly delegated official, Susan Studlien, Director, Office of Environmental Stewardship, and by Respondent, Tiverton Power LLC, pursuant to Section 113(a)(3) and (d) of the Clean Air Act (“Act”), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On October 14, 2014, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. §7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

On August 7, 2013, authorized representatives of the EPA conducted a compliance inspection of the Respondent’s facility located at 304 Progress Road, Tiverton, Rhode Island to determine compliance with the Risk Management Program (“RMP”) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with the regulations as noted on the attached “Risk Management Program Inspection Findings, Alleged Violations And Proposed Penalty Form” (“Form”), which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent’s size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into the ESA in order to settle the violation, described in the attached Form, for the total penalty amount of \$11,040.

This settlement is subject to the following terms and conditions:

The Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the Form, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C §7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed in the attached Form. Respondent agrees to submit payment of the \$11,040 penalty within 20 days of receiving a fully

executed copy of this Settlement Agreement. The Respondent may pay the penalty by cashier's check, certified check, or wire transfer.

If payment is made by check, make payable to "Treasurer, United States of America," include Docket Number CAA-01-2015-0039, and send to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

If payment is made by wire transfer, include the Docket Number CAA-01-2015-0039 in Field Tag 6000 and "D 68010727 Environmental Protection Agency" in Field Tag 4200. The wire transfer account is:

Federal Reserve Bank of New York
33 Liberty Street
New York NY 10045
ABA: 021030004
Account: 68010727
SWIFT address: FRNYUS33

Respondent must also send a copy of the check or wire transfer receipt to:

Jim Gaffey
Environmental Protection Specialist
Office of Environmental Stewardship (OES 05-1)
U.S. Environmental Protection Agency Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

and

Wanda I. Santiago
Regional Hearing Clerk (ORA 18-1)
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

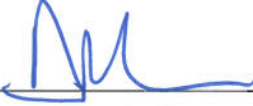
Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above and in the Form. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

If the signed ESA is not returned to the EPA Region 1 office at the above address by the Respondent within 30 days of the date of receipt, the proposed ESA is withdrawn, without

prejudice to EPA's ability to file an enforcement action for the cited violations. If you do not sign and return the ESA and pay the penalty on time, EPA may pursue more formal enforcement measures, including seeking civil penalties of up to \$37,500 per day for each violation. This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.


FOR RESPONDENT:



Name (print): ARCHIE COLLINS
Title (print): VICE PRESIDENT

Date: JUNE 25, 2015

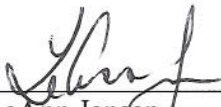
FOR COMPLAINANT:



Susan Studlien, Director
Office of Environmental Stewardship
U.S. EPA Region 1

Date: 06/30/15

I hereby ratify the ESA resolving *In the Matter of Tiverton Power LLC* No. CAA-01-2015-0039 and incorporate it herein by reference. It is so ORDERED.



LeAnn Jensen
Acting Regional Judicial Officer
U.S. EPA Region I

Date: 6/30/15