

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Rivera for Tom Bandrowicz  
Name of Case Attorney

3/19/09  
Date

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

Case Docket Number CWA-01-2009-0030

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:

Brewster Academy  
80 Academy Drive  
Wolfeboro, NH

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

SEP due? Yes \_\_\_\_\_ No \_\_\_\_\_ Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

1<sup>st</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

5<sup>th</sup> \$ \_\_\_\_\_ 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

RECEIVED

MAR 17 2009

EPA ORC  
Office of Regional Hearing Clerk

BY HAND

March 17, 2009

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 Brewster Academy,  
Docket No. CWA-01-2009-0030

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:

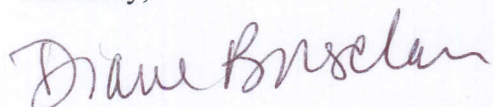
U.S EPA  
Cincinnati Finance Center  
26 W. Martin Luther King Drive (MS-002)  
Cincinnati, OH 45268

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: Robert Simoneau, Business Manager, Brewster Academy

**In the Matter of Brewster Academy  
CWA-01-2009-0030**

**CERTIFICATE OF SERVICE**

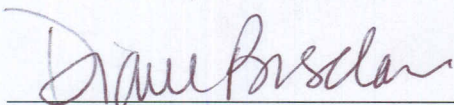
I certify that the foregoing Consent Agreement and Final Order was sent to the following Persons, in the manner specified on the date below:

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,

Daniel Mudge, President  
Brewster Academy  
80 Academy Drive  
Wolfeboro, NH 03894



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: 3-11-09



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

RECEIVED

MAR 17

EPA ORC  
Office of Regional Hearing Clerk

In re: Brewster Academy, Wolfeboro, New Hampshire  
DOCKET NO. CWA-01-2009-0030

On May 14, 2008 at the Brewster Academy located at 80 Academy Drive, Wolfeboro, New Hampshire (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.

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).

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

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.

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 Brewster Academy, Docket # CWA-01-2009-0030" and "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 upon signature by the Regional Judicial Officer.

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.

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.

**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.**

APPROVED BY EPA:

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

APPROVED BY RESPONDENT:

BREWSTER ACADEMY  
Name(print): Robert G. Simoneau, "duly authorized"  
Title(print): CFO/Business Manager  
Signature: Robert G. Simoneau Date: 03/10/2009

Estimated cost of correcting violations and preparing SPCC Plan (to be filled in by respondent) \$ 1,812.<sup>50</sup>/<sub>100</sub>

IT IS SO ORDERED:

LeAnn Jensen Date: 3-16-09  
LeAnn Jensen  
Acting Regional Judicial Officer



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

RECEIVED  
 MAR 17 2009

EPA ORC  
 Office of Regional Hearing Clerk

In re: Brewster Academy, Wolfeboro, New Hampshire  
 DOCKET NO. CWA-01-2009-0030

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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).

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

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.

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 Brewster Academy, Docket # CWA-01-2009-0030" and "Oil Spill Liability Trust Fund - 311."

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**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.**

APPROVED BY EPA:

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

APPROVED BY RESPONDENT:

BREWSTER ACADEMY  
 Name(print): Robert G. Simoneau, "duly authorized"  
 Title(print): CFO/Business Manager  
 Signature: Robert G. Simoneau Date: 03/10/2009

Estimated cost of correcting violations and preparing SPCC Plan (to be filled in by respondent) \$ 1,812.<sup>50</sup>/<sub>100</sub>

IT IS SO ORDERED:

LeAnn Jensen Date: 3-16-09  
 LeAnn Jensen  
 Acting Regional Judicial Officer