

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Rivera for Jeffrey Norcross 9/8/10  
Name of Case Attorney Date

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

Case Docket Number CWA-01-2010-0029

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:

M.C., LLC  
3 Powder Mill Rd.  
Maynard, MA

Total Dollar Amount of Receivable \$ 10,000 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 – New England  
5 Post Office Square - Suite 100  
Boston, Massachusetts 02109-3912

**BY HAND**

August 31, 2010

Wanda Santiago  
Regional Hearing Clerk  
U.S. EPA, Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Re: In the Matter of M.C., LLC, Docket Number CWA-01-2010-0029

Dear Ms. Santiago:

Enclosed for filing in the above-referenced matter, please find the original and one copy of an Expedited Settlement Agreement. Consistent with 40 C.F.R. §§ 22.13(b) and 22.18(b) the Expedited Settlement Agreement both commences and concludes this matter.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey C. Norcross".

Jeffrey C. Norcross

Enclosures

cc: Marc Fanticola, President, M.C., LLC



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

RECEIVED

SEP 02 2010

WS

DOCKET NO. CWA-01-2010-0054

On June 16, 2010 at Shelburne Shipyard, Inc., located at 4584 Harbor Road, Shelburne, Vermont (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, as owner of the facility, had violated regulations implementing Section 311(j) of the Act by failing to comply with the Oil Pollution Prevention regulations as noted on the attached Spill Prevention Control and Countermeasure Plan (SPCC) Inspection Findings and Alleged Violations Form (Violation Form) which is hereby incorporated by reference. By its first signature below, EPA ratifies the Inspection Findings and Alleged Violations set forth in the Violation Form.

The parties enter into this Expedited Settlement in order to settle the civil violations described in the Violation Form 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 terms and conditions:

EPA finds the Respondent is subject to the Oil Pollution Prevention regulations, and has violated the regulations as further described in the Violation Form. Respondent admits it is subject to the Oil Pollution Prevention regulations and that EPA has jurisdiction over Respondent and Respondent's conduct as described in the Violation Form. Respondent does not contest the Inspection Findings, and waives any objections it may have to EPA's jurisdiction. Respondent 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 in the Violation Form have been corrected and the facility is now in full compliance with the Oil Pollution Prevention regulations (or that the violations will be corrected and the facility 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, 5 Post Office Square (OES04-3), Boston, Massachusetts 02109-3912. The check should reference the docket number of the case and the "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, the third signature below.

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.

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 in the Violation Form.

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 in the Violation Form 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.

APPROVED BY EPA:

Joanna Jerison Date: 8/4/10  
Joanna Jerison, Legal Enforcement Manager  
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

Name(print): MARY M GRISWOLD

Title(print): PRESIDENT

Signature: Mary M Griswold Date: 8/12/10

Estimated cost of correcting violations and preparing SPCC Plan (to be filled in by respondent) \$2900.00

IT IS SO ORDERED:

Jill Metcalf Date: Aug 30, 2010  
Jill Metcalf  
Acting Regional Judicial Officer

**In the Matter of Shelburne Shipyard, Inc.**  
**EPA Docket No. CWA-01-2010-0054**

**CERTIFICATE OF SERVICE**

I certify that the foregoing Expedited Settlement Agreement was transmitted 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 I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Copy by certified mail,  
return receipt requested:

Mary M. Griswold, President  
Shelburne Shipyard, Inc.  
P.O. Box 610  
Shelburne, VT 05482

Dated: 9-2-10

  
Diane Boisclair  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency,  
Region I (OES04-3)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Phone: (617) 918-1762  
Fax: (617) 918-0762



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 POST OFFICE SQUARE SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912  
EXPEDITED SETTLEMENT AGREEMENT**

DOCKET NO.: CWA-01-2010-0029

On or around August 20, 2009, M.C., LLC (d/b/a Jiffy Lube), (Respondent), the owner or operator of an onshore facility located at 3 Powder Mill Rd., Maynard, MA, discharged oil, as defined in 40 CFR §110.1, to the Assabet River, a navigable water of the United States as defined in Section 502(7) of the Act, and 40 CFR § 110.1, or its adjoining shorelines, in violation of Section 311(b)(3) of the Clean Water Act (the "Act").

On November 4, 2009, an EPA inspector conducted an inspection to determine compliance with the Oil Pollution Prevention regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Act, 33 U.S.C. § 1321(j), and found that Respondent had violated regulations implementing Section 311(j) of the Act by failing to comply with the Oil Pollution Prevention regulations by having failed to fully implement a Spill Prevention Control and Countermeasure Plan.

EPA finds that Respondent is subject to the Act and has violated the Act by discharging a harmful quantity of oil, as defined in 40 CFR § 110.3, into navigable waters of the United States or adjoining shorelines, and by failing to fully implement an SPCC plan. Respondent admits to being subject to the Act and that EPA has jurisdiction over Respondent and Respondent's conduct as described in this Expedited Settlement. Respondent waives any objections Respondent may have to EPA's jurisdiction.

EPA is authorized to enter into this Expedited Settlement under the authority vested in EPA by Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 CFR § 22.13(b). The parties enter into this Expedited Settlement in order to settle the civil violations described in this Expedited Settlement for a penalty of \$10,000. Respondent consents to the assessment of this penalty.

This Expedited Settlement also is subject to the following terms and conditions: Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has investigated the cause of the spill, has cleaned up the spill pursuant to federal requirements, has taken corrective actions that will prevent future spills, and has sent a certified check in the amount of \$10,000, 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, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square Suite 100, Mail Code OES04-3, Boston, Massachusetts 02109-3912. The check should reference the above docket number of the case and the phrase "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 after signature by the Regional Judicial Officer, the third signature below.

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

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 noncompliance identified in this document.

After this Expedited Settlement becomes effective, EPA will take no further civil penalty action against Respondent for the violations of the Act described in this Expedited Settlement. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the Act or of any other federal statute or regulations.

APPROVED BY EPA:

 Date: 8/30/10

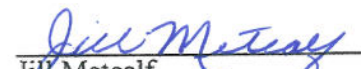
Joanna Jerison, Legal Enforcement Manager  
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

 Date: 8/17/2010

Marc Fanticola  
President M.C., LLC

IT IS SO ORDERED:

 Date 8/31/10  
Jill Metcalf  
Acting Regional Judicial Officer

**In the Matter of M.C., LLC d/b/a Jiffy Lube**  
**EPA Docket No. CWA-01-2010-0029**

**CERTIFICATE OF SERVICE**

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

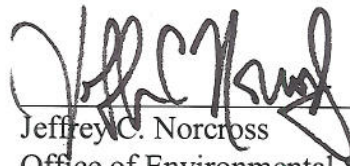
Original and one copy  
hand-delivered:

Wanda Santiago  
Regional Hearing Clerk  
U.S. EPA, Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Copy by certified mail,  
return receipt requested:

Marc Fanticola, President  
M.C., LLC  
1422 Edinger Avenue, Suite 150  
Tustin, CA 92780

Dated: 8/31/2010

  
\_\_\_\_\_  
Jeffrey C. Norcross  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency,  
Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912  
Phone: (617) 918-1839  
Fax: (617) 918-0839



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 POST OFFICE SQUARE SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912  
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DOCKET NO.: CWA-01-2010-0029

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EPA finds that Respondent is subject to the Act and has violated the Act by discharging a harmful quantity of oil, as defined in 40 CFR § 110.3, into navigable waters of the United States or adjoining shorelines, and by failing to fully implement an SPCC plan. Respondent admits to being subject to the Act and that EPA has jurisdiction over Respondent and Respondent's conduct as described in this Expedited Settlement. waives any objections Respondent may have to EPA's jurisdiction.

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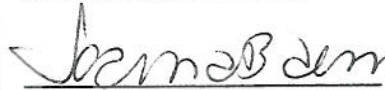
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APPROVED BY EPA:


 Date: 8/30/10

Joanna Jerison, Legal Enforcement Manager  
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

 Date: 8/17/2010  
Marc Fanticola  
President M.C., LLC

IT IS SO ORDERED:

 Date 8/31/10  
Jill Metcalf  
Acting Regional Judicial Officer