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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

September 28, 2010

Jill Metcalf
Acting Regional Judicial Officer
U.S. EPA, Region I
5 Post Office Square, Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912

Re: In the Matter of City of Peabody, Massachusetts
Administrative Penalty Action Settlement: Docket No. CWA-01-2009-0076

Dear Ms. Metcalf:

In accordance with 40 C.F.R. § 22.18(b)(2), enclosed please find a Consent Agreement and Final Order settling the above-captioned action. The Consent Agreement has been signed by the parties and is now being submitted to you for approval.

EPA filed a complaint against the City of Peabody on August 13, 2009 alleging that the City had failed to comply with the Small Municipal Separate Storm Sewer System General Permit, including failure to comply with the requirement that the City pass an ordinance or other regulatory mechanism that prohibits non-stormwater discharges into the MS4 system. EPA also alleged that the City failed to comply with the Permit requirement that the City develop and implement an illicit discharge detection and elimination plan.

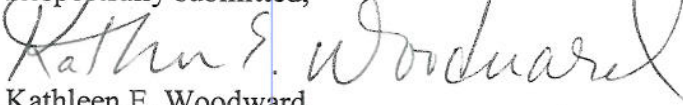
The proposed penalty of \$17,453 in this matter together with the implementation of a Supplemental Environmental Project ("SEP") is consistent with the "Interim Clean Water Act Settlement Penalty Policy" (March 1, 1995) and the statutory penalty factors found in Section 309(g)(3) of the Clean Water Act, 33 U.S.C. § 1319(g)(3). The SEP consists of replacement of 16,000 square feet of existing impermeable pavement with porous asphalt in the faculty parking lot of the Welch Elementary School (i.e., 44 parking spaces). The SEP will benefit the environment by functioning with two existing detention basins to virtually eliminate the possibility of discharges of stormwater from the faculty parking lot to Strongwater Brook. The

result is elimination of pollutant transport through absorption and infiltration of storm water runoff from a surface that would likely contain elevated levels of total suspended solids. The Consent Agreement and Final Order ("CAFO") provides that the City will spend \$34,895 on this SEP.

Public notice of this matter was provided as required by 40 C.F.R. § 22.45(b) on August 24, 2009 following complaint issuance. The close of the public comment period was September 22, 2009. EPA did not receive any public comments with respect to this matter.

Once the Final Order has been signed, I will file the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk thereby resolving this matter. If you have any questions related to this matter please call me at 617-918-1780.

Respectfully submitted,



Kathleen E. Woodward
Senior Enforcement Counsel

Enclosure

cc: Wanda Santiago, Regional Hearing Clerk (by hand w/o enclosure)
Mayor Michael Bonfanti
John Christopher, City Solicitor