

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Tonia Bandrowicz 9/7/17
Name of Case Attorney Date

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

Case Docket Number CWA-01 2017-0060

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:

REF Trucking, Inc
55 Hampshire Road
Methuen, MA

Total Dollar Amount of Receivable \$ 1,600 Due Date: 10/7/17

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 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

BY HAND

SEP 06 2017

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency – Region 1
5 Post Office Square, Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912



Re: In the Matter of REF Trucking, Inc.; CWA-01-2017-0066

Dear Ms. Santiago,

Enclosed for filing, please find an Expedited Settlement Agreement (ESA) 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 ESA 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
U.S. Environmental Protection Agency – Region 1
5 Post Office Square, Suite 100
Mail Code OES04-3
Boston, MA 02109-3912
Tel: (617) 918-1734

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Heather L. Thompson". The signature is written in a cursive style with a large, stylized initial "H".

Heather L. Thompson
OES Legal Office

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

RECEIVED

SEP 06 2017

EXPEDITED SPILL SETTLEMENT AGREEMENT

EPA ORC
Office of Regional Hearing Clerk

In the matter of REF Trucking, Inc., Docket No. CWA-01-2017-0066

On or around April 11, 2017, REF Trucking, Inc. ("Respondent"), located at 55 Hampshire Road, Methuen, MA, discharged oil, as defined in 40 CFR §110.1, to the Pawtucket Canal, a navigable water of the United States as defined in Section 502(7) of the Act, and 40 CFR § 110.1, and its adjoining shorelines, in violation of Section 311(b)(3) of the Clean Water Act (the "Act"). The spill occurred while a REF Trucking, Inc. tanker truck driver was filling a school bus at the City of Lowell School Bus Parking Lot located at 3 Pevey Street, Lowell, MA. A defective coupling on the gasoline hose that had been fabricated recently by a third party failed during the pumping which was the primary reason for this discharge. The third party accepted responsibility for the malfunctioning of the coupling.

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. 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 admits the facts in the first paragraph of this Settlement Agreement, and 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 \$1,600. 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, has a training regimen in place to mitigate potential impacts of spills, and has sent a certified check in the amount of \$1,600, payable to the Environmental Protection Agency to: U.S. Environmental Protection Agency, Fines and Penalties, P.O. Box 979077, St. Louis, MO 63197-9000. This check shall reference the docket number of the case and the "Oil Spill Liability Trust Fund - 311." Respondent shall send a copy of the check to Heather Thompson, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square Suite 100, Mail Code OES04-4, Boston, MA 02109-3912, and to the Regional Hearing Clerk, Environmental Protection Agency, Region 1, 5 Post Office Square (ORC-18), Boston, MA 02109-3912.

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 will become effective upon filing with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b).

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: 8/30/17 Date:
Audrey Zeeb for
Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

Name (print): John J. McCarthy
Title (print): President/owner
Signature: [Signature] Date: 8/30/17

IT IS SO ORDERED:

[Signature] Date: 8/30/17
LeAnn Jensen
Acting Regional Judicial Officer

BrooklineBank

10135045

REMITTER: REF TRUCKING INC

DATE: 9/25/17

PAY TO THE ORDER OF

ENVIRONMENTAL PROTECTION AGENCY

EXACTLY **1,600 AND 00/100 DOLLARS

\$ 1,600.00

CASHIER'S CHECK

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY CASHIER'S CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE EVENT IT IS LOST, MISPLACED, OR STOLEN.

[Handwritten Signature]

AUTHORIZED SIGNATURE

MEMO: EPA # CWA-01-2017-0066 OLD SPILL LIABILITY TRUST FUND-311

⑈0010135045⑈ ⑆211371489⑆ 390002228⑈

In the Matter of REF Trucking, Inc.
EPA Docket No. CWA-01-2017-0066

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:

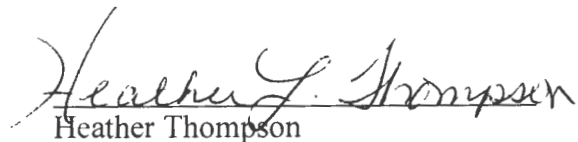
Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Copy by certified mail.
return receipt requested:

Richard A. Nylén, Jr., Esq.
Lynch, DeSimone & Nylén, LLP
10 Post Office Square, Suite 970N
Boston, MA 02109

John McCarthy, President
REF Trucking, Inc.
55 Hampshire Road
Methuen, MA 01844

Dated: 9/6/17


Heather Thompson

Office of Environmental Stewardship
U.S. Environmental Protection Agency,
Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Phone: (617) 918-1320
Fax: (617) 918-0320