



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

RECEIVED

2013 JUN 10 P 1:12

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

BY HAND

June 10, 2013

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 Smithfield Peat Company, Smithfield, Rhode Island 02917
Docket No. CWA-01-2013-0023

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,

A handwritten signature in blue ink that reads "Diane Boisclair". The signature is written in a cursive style with a large initial "D".

Diane Boisclair
Water Technical Unit

Enclosure



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

DOCKET NO. CWA-01-2013-0023

On December 18, 2012 at Smithfield Peat Company ("Respondent"), located at 295 Washington Highway, Smithfield, RI, 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). EPA determined that Respondent, as owner or operator of the facility, 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 Violations Form ("Violation Form") which is hereby incorporated by reference. By its first signature below, EPA ratifies the Inspection Findings and 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 **\$2,500**. 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 \$2,500, 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, 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 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, 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.

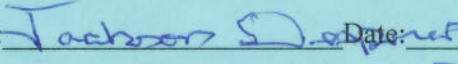
APPROVED BY EPA:

 Date: 4/9/13
Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship

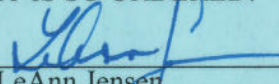
APPROVED BY RESPONDENT:

Name(print): JACKSON DESPRES

Title(print): PRESIDENT

Signature:  Date: 5/28/13

IT IS SO ORDERED:

 Date: 5/28/13
LeAnn Jensen
Acting Regional Judicial Officer



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1, 5 POST OFFICE SQUARE, BOSTON, MASSACHUSETTS 02109-3912
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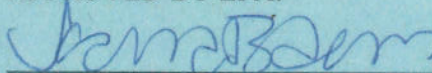
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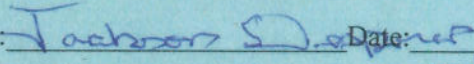
APPROVED BY EPA:

 Date: 4/9/13
Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship

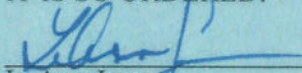
APPROVED BY RESPONDENT:

Name(print): JACKSON DESPRES

Title(print): PRESIDENT

Signature:  Date: 5/21/13

IT IS SO ORDERED:

 Date: 5/28/13
LeAnn Jensen
Acting Regional Judicial Officer

In the Matter of Smithfield Peat Company
EPA Docket No. CWA-01-2013-0023

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:

Jackson Despres, President
Smithfield Peat Company
295 Washington Highway
Smithfield, RI 02917

Dated: 6-10-13



Diane Boisclair
Office of Environmental Stewardship
U.S. Environmental Protection Agency,
Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Phone: (617) 918-1762
Fax: (617) 918-0762

115-0085
0115

The Washington Trust Company

No. 362594

Date: May 21, 2013

Pay to the Order of U.S. Environmental Protection Agency***** Amount \$ *****2,500.00

DOLLARS

Two Thousand Five Hundred and 00/100*****

CASHIERS CHECK

NON-NEGOTIABLE

Authorized Signature

Docket #CWA-01-2013-0023

Memo

CUSTOMER COPY



THE WASHINGTON TRUST COMPANY
Member FDIC

115-0085
0115

No. 362594

Date: May 21, 2013

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DOLLARS

Two Thousand Five Hundred and 00/100*****

CASHIERS CHECK

Authorized Signature

Docket #CWA-01-2013-0023

Memo

015p.11 Liability Trust Fund - 311

⑈ 36 2594 ⑈ ⑆ 01 500858 ⑆

90055160⑈

A. R. ...
Authorized Signature
...
Authorized Signature

