

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Jeffrey C. Norcross 7/18/12
Name of Case Attorney Date

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

Case Docket Number CWA-01-2011-0104

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:

Town of Sudbury, MA
275 Old Sudbury Road
Sudbury, MA 01776

Total Dollar Amount of Receivable \$ 1,500 Due Date: 7/28/12

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 I
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912



BY HAND

July 18, 2012

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

Re: In the Matter of: the Town of Sudbury, MA
Docket No. CWA-01-2011-0104

Dear Ms. Santiago:

In accordance with 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and 22.45(c)(3), enclosed please find the original and one copy of the fully executed Consent Agreement and Final Order (in the form of an Expedited Settlement Agreement) resolving the above-referenced case.

Thank you for your attention to this matter.

Sincerely,

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

Jeffrey C. Norcross

Enclosures

cc: Maureen Valente, Town Manager, Town of Sudbury
Deborah Dineen, Conservation Coordinator, Town of Sudbury



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 1
5 Post Office Square, Suite 100, Boston, Massachusetts 02109-3912
EXPEDITED SETTLEMENT AGREEMENT

Issued under Section 309(g)(2)(A) of the Clean Water Act, 33 U.S.C. § 1319(g)(2)(A) and 40 C.F.R. § 22.13(b).

Docket Number: CWA-01-2011-0104

RECEIVED
JUL 18 2012
EPA ORC
Office of Regional Hearing Clerk

The Town of Sudbury, Massachusetts ("Respondent") is a "municipality" and a "person" discharging "pollutants" from "point sources" to "navigable waters," as those terms are defined in Section 502 of the Clean Water Act ("Act"), 33 U.S.C. § 1362. Respondent is an owner and operator of a regulated small Municipal Separate Storm Sewer System ("MS4") as defined at 40 C.F.R. §§ 122.26(b)(16) and 122.32(a), which is covered by the National Pollutant Discharge Elimination System ("NPDES") General Permit for Storm Water Discharges from Small Municipal Separate Sewer Systems ("Permit") issued under Section 402 of the Act, 33 U.S.C. § 1342, dated May 1, 2003, and continued in effect pursuant to 40 C.F.R. § 122.6.

EPA finds, and Respondent admits, that pursuant to Part III, F.1. of the Permit, Respondent was required to submit an Annual Report on May 1, 2011 and Respondent failed to submit this Annual Report in violation of the Permit. Respondent also failed to submit an annual report on its MS4 program due on May 1, 2009 in a timely manner. By violating the terms and conditions of the Permit issued pursuant to Section 402 of the Act, Respondent has violated Section 301(a) of the Act, 33 U.S.C. § 1311(a).

For purposes of this proceeding, Respondent admits it is subject to the Permit and Section 402 of the Act and the regulations promulgated thereunder, and that EPA has jurisdiction over Respondent and Respondent's conduct as described above. Respondent admits to the facts and finding of violation stated above, and waives any objections it may have to EPA's jurisdiction in this matter.

The parties enter into this Expedited Settlement Agreement ("Agreement") in order to settle the civil violation alleged above. Pursuant to the Act, based on the nature of the violations, Respondent's agreement to perform a Supplemental Environmental Project ("SEP"), and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of \$1,500. Respondent consents to the issuance of this Agreement and consents to the payment of such penalty and to the performance of the SEP as outlined in the attachments to this Agreement.

Respondent agrees that, within 10 days of the final date of this Agreement, Respondent shall submit a check, with case name and docket number noted ("In the Matter of the Town of Sudbury, MA Docket No. CWA-01-2011-0104"), for the amount specified above, payable to the "Treasurer, United States of America," via certified mail, to: U.S. EPA, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. Respondent shall submit a copy of the check to: Regional Hearing Clerk, U.S. EPA-Region 1, 5 Post Office Square, Suite 100 (ORA 18-1), Boston, MA 02109. Respondent further agrees to complete the SEP within the time frame set out in the attachments to this Agreement.

Respondent consents to the assessment of the penalty and performance of the SEP stated herein, and waives its right to: (1)

contest the findings of violation specified in this Agreement; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the U. S. Government, that all required Annual Reports have been submitted to EPA, or will be submitted to EPA within 10 days of the final date of this Agreement (or an alternative time frame agreed to by EPA in writing).

This Agreement settles EPA's civil penalty claims against Respondent for the violation(s) specified above. EPA does not waive its rights to take enforcement action against Respondent for any other past, present, or future violation(s) of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected violation(s).

If Respondent does not sign and return this Agreement within 14 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 violation(s) identified herein.

This Agreement is binding on the parties signing below and final 30 days from the date it is signed by the Regional Judicial Officer unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), following public noticing of this settlement.

APPROVED BY THE TOWN OF SUDBURY,
MASSACHUSETTS:

Name(print): Maureen G. Valente
Title(print): Town Manager
Signature: Maureen G. Valente Date: 5/29/12

APPROVED BY EPA:

Joanna Jerison Date: 5-31-12
Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship

More than 40 days have elapsed since the public notice required by Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA has received no public comments concerning this matter.

IT IS SO ORDERED:

Jill Metcalf Date: 7/17/12
Acting Regional Judicial Officer

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JUL 18 2012
EPA ORC WS
Office of Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

Attachment to Expedited Settlement Agreement
Sudbury, Massachusetts
Docket No. CWA 01-2011-0104
Supplemental Environmental Project to be completed by Respondent

Description of the SEP

Respondent shall complete a supplemental environmental project ("SEP"), which the parties agree is intended to secure significant environmental or public health protection and improvements, and which requires the Respondent to oversee a project to upgrade stormwater best management practices in two locations outside of Sudbury's EPA-identified MS4 Urban areas in accordance with the attached Scope of Work (Exhibit A). Respondent agrees to spend, at a minimum, \$5,625 on such SEP and to complete the SEP no later than May 1, 2013.

Respondent hereby certifies that, as of the date of this Expedited Settlement Agreement ("Agreement"), Respondent is not required to perform or develop the SEP by any federal, state or local law or regulation, nor is Respondent required to perform or develop the SEP under any grant or agreement with any governmental or private entity, as injunctive relief in this or any other case, or in compliance with state or local requirements. Respondent further certifies that Respondent has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP. Respondent specifically certifies as follows:

It is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. To the best of Respondent's knowledge and belief after reasonable inquiry, there is no such open federal transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date of this settlement (unless the project was barred from funding as statutorily ineligible). For the purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not yet expired.

SEP Completion Report

By June 1, 2013, Respondent shall submit a SEP Completion Report to Jeffrey Norcross, Paralegal, at the addresses in the Agreement. The SEP Completion Report shall contain the following information:

- (i) A detailed description of the SEP as implemented;
- (ii) A description of any operating problems encountered and the solutions thereto;
- (iii) Itemized costs, documented by copies of purchase orders and receipts, canceled checks, or wire transfer records;
- (iv) Certification that the SEP has been fully implemented pursuant to the provisions of this Agreement; and,
- (v) A description of the environmental and public health benefits resulting from implementation of the SEP (with a quantification of the benefits and pollutant reductions, if feasible).

Failure to Complete SEP

In the event that Respondent fails to complete the SEP as outlined above, Respondent shall pay \$5,625.

To the extent that Respondent's expenditures do not equal or exceed the \$5,625 minimum cost of the SEP, Respondent shall be liable for paying the difference between the \$5,625 amount Respondent agreed to spend and Respondent's actual SEP expenses.

The determination of whether the Respondent has satisfactorily completed the SEP shall be in the sole discretion of EPA.

SCOPE OF WORK

Background:

Truck spills of fuel oil or chemicals can travel via stormwater systems to sensitive wetlands and surface waters. Sudbury has identified areas of Town vulnerable to unexpected discharge of pollutants to the roadway network due to spills. Although outside of the MS4 area, two areas of Town were deemed a priority due to the narrow roadways, the extent of water bodies adjacent to those roadways, and the lack of any structure to capture and treat runoff from these roadways. Several asphalt swales conveying runoff from the roads directly into Hop Brook (a large perennial stream feeding into several Town drinking water wells), were removed and deep sump catch basins with grease and gas traps and roadside curbing were installed to direct runoff into these catch basins.

On March 26, 2012, a spill of 150 gallons of diesel fuel onto a public way occurred in Sudbury outside of our EPA MS4 urbanized area. It was one of these new catch basins with grease and gas traps that collected and trapped the diesel fuel. Quick response and the capacity of these basins prevented the fuel from directly entering Hop Brook.

Proposed Project:

In accordance with the foregoing Consent Agreement and Final Order, Respondent shall complete the SEP as follows:

The Town of Sudbury Conservation Office and Department of Public Works (DPW) will oversee a project to upgrade stormwater best management practices in two locations *outside* of Sudbury's EPA-identified MS4 Urban areas which will consist of (i) installation of 2 catch basins with grease and gas traps and deep sumps to the extent limited by depth to groundwater on Old Sudbury Road and Water Row, bordering directly on the Sudbury River; 2) retrofitting existing catch basins in 2 locations with grease and gas traps and deep sumps on Water Row and 3) upgrading the outfalls of these four catch basins by installing flared-end sections for flow dissipation and constructing small sediment forebays to trap particulates.

As detailed below, the SEP will fund the purchase and installation of two new catch basins with deep sumps, four grease/gas traps, 32' of reinforced concrete pipe, four flared- end sections and four sediment forebays.

The Town proposes to maximize publicity of the Project and its purpose.

SCHEDULE AND ESTIMATED COSTS

Purchase and Installation

The Town will fund the purchase of

2 catch basins	\$1,995.00
4 grease/gas traps	880.00
32' of reinforced concrete pipe	260.00
4 flared-end sections	1,400.00
2 days labor	1,895.00

Net Cost..... **\$6,430.00**

Purchase and Installation shall be completed by December 31, 2012.

Documentation

The Town will prepare and submit a final report, as outlined in the foregoing settlement document.

Preparation of final report	\$500.00
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Net Cost..... **\$500.00**

Submit the report to EPA Region 1 no later than June 1, 2013.

Total Project Cost..... **\$6,930.00**

ESTIMATED ENVIRONMENTAL BENEFITS

The project benefits include the collection and treatment of stormwater runoff in two areas of Sudbury where there currently exists sheet flow from asphalt directly via paved swales or shallow ditches into a wetland resource area abutting a major water body, the Sudbury River. In addition to providing continuous removal of oil from the asphalt, the installation will prevent damage in the event of an accidental spill of oil. The Town will demonstrate how drainage structures can capture and treat stormwater runoff, benefitting other towns and highway departments.

In the Matter of: the Town of Sudbury, MA
EPA Docket No. CWA-01-2011-0104

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order (in the form of an Expedited Settlement Agreement) was transmitted to the following persons, in the manner specified, on the date below:

Original and one copy
hand-delivered:

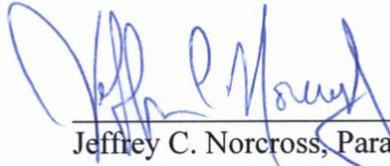
Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Copy by certified mail,
return receipt requested:

Maureen Valente
Town Manager
Town of Sudbury
275 Old Sudbury Road
Sudbury, MA 01776

Dated: _____

7/18/2012



Jeffrey C. Norcross, Paralegal
Office of Environmental Stewardship
U.S. EPA, 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 – New England
5 Post Office Square - Suite 100
Boston, Massachusetts 02109-3912

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JUL 18 2012

EPA ORC WS
Office of Regional Hearing Clerk

BY HAND

July 16, 2012

LeAnn Jensen
Acting Regional Judicial Officer
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Re: In the Matter of the Town of Sudbury, MA,
Docket No. CWA-01-2011-0104

Dear Ms. Jensen:

In accordance with 40 C.F.R. § 22.18(b), enclosed please find a Clean Water Act (“CWA”) Consent Agreement and Final Order (in the form of an Expedited Settlement Agreement) that has been signed by the parties and is now being submitted to you for approval. Consistent with 40 C.F.R. §§ 22.13(b) and 22.18(b), this Consent Agreement and Final Order both commences and concludes the matter referenced above.

The penalty is consistent with the statutory penalty factors set forth in Section 309(g) of the CWA, 33 U.S.C. § 1319(g), as well as EPA’s settlement penalty policy for these types of violations. The settlement complies with EPA’s Supplemental Environmental Projects Policy.

Pursuant to 40 C.F.R. § 22.45, EPA is required to notify the public before assessing a civil penalty in any proceeding under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g). Accordingly, EPA has provided the public the opportunity to comment on this matter and received no comments on this proposed action. In accordance with § 22.45(c)(3), the Final Order is being submitted to you at least 10 days after the close of the public comment period.

Once the Final Order has been signed, EPA will file the fully executed CAFO with the Regional Hearing Clerk thereby resolving this matter.

Respectfully submitted,

Jeffrey C. Norcross
Paralegal

Enclosure

cc: Maureen Valente, Town Manager, Town of Sudbury
Deborah Dineen, Conservation Coordinator, Town of Sudbury
Wanda Santiago, Regional Hearing Clerk (w/o enclosure)