



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

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

Received by
EPA Region 1
Hearing Clerk

EXPEDITED SPILL SETTLEMENT AGREEMENT

In the matter of Consolidated Communications of Northern New England Company, LLC
Docket No. CWA-01-2023-0046

On or around December 1, 2022, Consolidated Communications of Northern New England Company, LLC ("Respondent"), the owner or operator of a facility located at 770 Elm Street, Manchester, New Hampshire discharged oil, as defined in 40 CFR §110.1, from an oil tank vent located on the rooftop of the company's building. A portion of this oil flowed into the municipal storm sewer system which discharges into the Merrimack River. The River is a "navigable water" as defined in Section 502(7) of the Clean Water Act (the "Act") 33 U.S.C. 1362(7) and 40 CFR § 110.1. The discharge of oil was in such quantities as "may be harmful," as defined in 40 CFR § 110.3, and was in violation of Section 311(b)(3) of the Act 33 U.S.C. § 1321(b)(3).

EPA finds, and Respondent admits, that EPA has jurisdiction over this matter pursuant to section 311(b)(6) of the Act, 33 U.S.C. § 1321(b)(6), and 40 C.F.R. part 22. Respondent neither admits nor denies the specific factual allegations in the first paragraph of this Expedited Settlement Agreement ("Agreement").

EPA is authorized to enter into this Agreement 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 Agreement in order to settle the civil violations described in this Agreement for a penalty of **\$4,385**. Respondent consents to the assessment of this penalty.

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 made an electronic payment or sent a certified check, or check issued in the usual course of business, in the amount of **\$4,385**, payable to the United States Treasury to: Environmental Protection Agency, Fines and Penalties, P.O. Box 979077, St. Louis, MO 63197-9000. This check shall reference the case name and docket number ("In the matter of Consolidated Communications, LLC, Docket No. CWA-01-2023-0046") and "Oil Spill Liability Trust Fund - 311." If making an electronic payment Respondent shall follow the instructions available for making payments to EPA available at <https://www.epa.gov/financial/makepayment>

Respondent shall send an electronic copy of the check, or electronic proof of payment, to Diane Boudrot, at: Boudrot.diane@epa.gov and to Wanda Santiago, Regional Hearing Clerk at: R1_Hearing_Clerk_Filings@epa.gov.

Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to

Section 311 of the Act, consents to EPA's approval of the Agreement without further notice.

Respondent agrees to acceptance of the Complainant's: i. digital or an original signature on this Agreement; ii. service of the fully executed Agreement on the Respondent by mail or electronically by e-mail. Respondent understands that the mailing or e-mail address may be made public when the Agreement and Certificate of Service are filed and uploaded to a searchable database. Complainant agrees to acceptance of the Respondent's digital or an original signature on this Agreement.

This Agreement 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 Agreement is signed by the Regional Judicial Officer, the original Agreement will be filed with the Regional Hearing Clerk and a copy will be mailed or emailed to the U.S. EPA Cincinnati Finance Office. A copy of the Agreement will also be emailed to the Respondent.

Consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), Respondent agrees that it will not deduct penalties paid under this Agreement for federal tax purposes.

After this Agreement becomes effective, EPA will take no further civil penalty action against Respondent for the violations of the Act described in this 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 Act or of any other federal statute or regulations.

APPROVED BY EPA:

_____ Date: _____
James Chow, Acting Director
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (print): George J. Sanders

Title (print): Director

George J. Sanders Date: 3/28/23
Signature

IT IS SO ORDERED:

_____ Date: _____
LeAnn Jensen, Regional Judicial Officer