

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Rivera for Tonia Bandrowicz  
Name of Case Attorney

1/23/09  
Date

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

Case Docket Number CWA-01-2008-0095

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:

Independence Energy, Inc.  
Jack's Oil Bulk Plant  
955 Lewiston Road (11 North Lane)  
Topsham, ME

Total Dollar Amount of Receivable \$ 1,500 Due Date: \_\_\_\_\_

SEP due? Yes \_\_\_\_\_ No  Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

1<sup>st</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

5<sup>th</sup> \$ \_\_\_\_\_ 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  
ONE CONGRESS STREET SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

RECEIVED

2009 JAN 22 A 10:17

EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK

January 22, 2009

**BY HAND**

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 Independence Energy, Inc.  
Docket No. CWA-01-2008-0095

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 cursive script, reading "Diane Boisclair". The signature is written in dark ink and is positioned above the printed name.

Diane Boisclair  
Water Technical Unit

Enclosure

**In the Matter of Independence Energy, Inc.  
CWA-01-2008-0095**

**CERTIFICATE OF SERVICE**

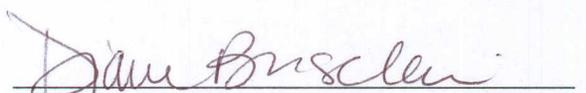
I certify that the foregoing Consent Agreement and Final Order was sent to the following Persons, in the manner specified on the date below:

Original and one copy hand delivered:

Regional Hearing Clerk  
U.S. EPA, Region I  
One Congress Street  
Boston, MA 02114-2023

Copy by certified mail,

Garry Glatz, President  
Independence Energy, Inc.  
295 Shiloh Road  
Durham, ME 04222

  
Diane Boisclair  
Office of Environmental Stewardship(SEW)  
U.S. Environmental Protection Agency  
One Congress Street, Suite 1100  
Boston, MA 02114-2023  
(617)918-1762

Date: 1-22-09



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1, One Congress Street, Boston, Massachusetts 02114-2023  
EXPEDITED SPCC SETTLEMENT AGREEMENT**

DOCKET NO. CWA-01-2008-0095

On February 19, 2008 at Jack's Oil Bulk Plant, located at 955 Lewiston Road (11 Notta Lane), Topsham, Maine, operated by Independence Energy, Inc. (Respondent), 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), and found that Respondent, as operator of the facility, had 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 Alleged Violations Form (Violation Form) which is hereby incorporated by reference. By its first signature below, EPA ratifies the Inspection Findings and Alleged 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 \$1,500. 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 \$1,500, 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, Water Technical Unit, Environmental Protection Agency, Region 1, One Congress Street, Boston, Massachusetts 02114-2023. The check should reference the docket number of the case and the "Oil Spill Liability Trust Fund - 311".

**RECEIVED**

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.

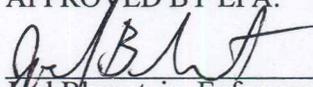
This Expedited Settlement is binding on the parties signing below, and is effective upon signature by the Regional Judicial Officer, the third signature below.

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.

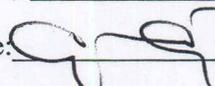
If Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Violation Form.

After this Expedited Settlement becomes effective, EPA will take no further 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:

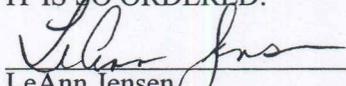
 Date: 7/14/08  
Joel Blumstein, Enforcement Manager  
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

Name(print): Garry Glatz  
Title(print): President  
Signature:  Date: 1/5/09

Estimated cost of correcting violations and preparing SPCC Plan (to be filled in by respondent) \$ 7,500.00

IT IS SO ORDERED:

 Date: 1-14-09  
LeAnn Jensen  
Acting Regional Judicial Officer