

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Rohemir Ramirez Ballagas 5/2/16
Name of Case Attorney Date

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

Case Docket Number CWA-01-2016-0009

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:

Winkle Bus Company of West Haven, Inc.
10 Industry Drive
West Haven, CT 06516

Total Dollar Amount of Receivable \$ 31,000 Due Date: 6/2/16

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



U.S. Environmental Protection Agency

Region I New England
5 Post Office Square – Suite 100
Boston, MA 02109-3912

May 2, 2016

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

BY HAND

RECEIVED

MAY 02 2016

EPA ORC WS
Office of Regional Hearing Clerk

Re: *In the matter of Winkle Bus Company of West Haven, Inc.*
Docket No. CWA-01-2016-0009

Dear Ms. Santiago,

Enclosed for filing, please find a Consent Agreement and Final Order (CAFO) settling the matter referenced above.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rohemir Ramirez Ballagas".

Rohemir Ramirez Ballagas
Enforcement Counsel
EPA Region 1

Enclosure

cc: David Speranzini, Esq., Jacobi & Case, P.C.
Chris F. Winkle, III, President, Winkle Bus Co. of West Haven, Inc.
Alex Rosenberg, EPA (via email)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

In the matter of)	Docket No. CWA-01-2016-0009
)	
WINKLE BUS COMPANY)	
OF WEST HAVEN, INC.)	CONSENT AGREEMENT AND
10 Industry Drive)	FINAL ORDER FOR CLASS II
West Haven, Connecticut 06516)	CIVIL PENALTY UNDER THE
)	CLEAN WATER ACT
)	
Respondent.)	

The Regional Administrator of the United States Environmental Protection Agency, Region 1 ("EPA") issues this Consent Agreement and Final Order ("CAFO") to Winkle Bus Company of West Haven, Inc. ("Respondent" or "Winkle Bus"). EPA alleges that Respondent violated Sections 301(a), 308, and 311(j) of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1311(a), 1318 and 1321(j). The parties agree to resolve this action by the issuance of this CAFO as provided under 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) of EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 ("Part 22").

I. DESCRIPTION OF VIOLATIONS

1. EPA alleges that Respondent: (1) discharged untreated wastewater containing pollutants into navigable waters of the United States without authorization in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a); (2) discharged stormwater without having obtained coverage under the Connecticut General Permit for the Discharge of Stormwater Associated with Industrial Activity ("CTMSGP") in violation of Sections 301(a) and 308 of the CWA, 33 U.S.C. §§ 1311(a) and 1318; and (3) failed to comply with the Oil Pollution Prevention regulations set forth at 40 C.F.R. Part 112, promulgated under the authority of Section 311(j) of the CWA, 33

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MAY 02 2016

EPA ORC
Office of Regional Hearing Clerk

U.S.C. § 1321(j).

Statutory and Regulatory Authority

2. EPA takes this action under the authority of Sections 309(g) and 311(b)(6) of the Clean Water Act (“CWA” or the “Act”), 33 U.S.C. §§ 1319(g) and 1321(b)(6), as amended by the Oil Pollution Act of 1990. Pursuant to Section 309(g)(1) of the CWA, 33 U.S.C. § 1319(g)(1), and 40 C.F.R. § 22.38(b), EPA has notified the State of Connecticut Department of Energy and Environmental Protection of this action.

3. EPA has provided the public a thirty-day opportunity for public notice and comment on this proposed CAFO, pursuant to Sections 309(g)(4)(A) and 311(b)(6)(C)(i) of the CWA, 33 U.S.C. §§ 1319(g)(4)(A) and 1321(b)(6)(C)(i), and 40 C.F.R. § 22.45(b).

General Allegations

Connecticut Pollutant Discharge Elimination System (“CTPDES”)

4. The CWA is designed to restore and maintain the chemical, physical, and biological integrity of the nation’s waters. Section 101(a) of the CWA, 33 U.S.C. § 1251(a).

5. To accomplish the objectives of the CWA, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person except in compliance with a permit issued pursuant to Section 402 or 404 of the CWA, 33 U.S.C. §§ 1342 or 1344, and EPA’s implementing regulations, found at 40 C.F.R. Part 122.

6. Section 502(5) of the CWA, 33 U.S.C. § 1362(5), defines “person” to include “an individual, corporation, partnership, [or] association.”

7. Section 311(a)(7) of the CWA, 33 U.S.C. § 1321(a)(7), defines “person” to include “an individual, firm, corporation, association, [or] partnership.”

8. Section 502(12) of the CWA, 33 U.S.C. § 1362(12), defines “discharge of a pollutant” to include “any addition of any pollutant to navigable waters from any point source.”

9. Section 502(6) of the CWA, 33 U.S.C. § 1362(6), defines “pollutant” to include, among other things, solid waste, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial waste discharged into water.
10. Section 502(14) of the CWA, 33 U.S.C. § 1362(14), defines “point source” to include “any discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged.”
11. Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines “navigable waters” as “the waters of the United States, including the territorial seas.”
12. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), requires any stormwater discharge “associated with industrial activity” to be authorized by a National Pollutant Discharge Elimination System (“NPDES”) permit.
13. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the Administrator of EPA to require the owner or operator of any point source to provide such information as the Administrator may reasonably need to carry out the objectives of the CWA, including, among other things, the development and issuance of NPDES permits under Section 402 of the CWA, 33 U.S.C. § 1342.
14. Pursuant to Sections 308 and 402 of the CWA, 33 U.S.C. §§ 1318 and 1342, EPA promulgated storm water discharge regulations at 40 C.F.R. § 122.26.
15. Forty C.F.R. § 122.26(c)(1) provides that dischargers of stormwater associated with industrial activity are required to apply for an individual permit, apply for a permit through a group application, or seek coverage under a general permit.
16. Forty C.F.R. § 122.26(b)(13) defines “storm water” to include storm water runoff, snow melt runoff, and surface runoff and drainage.

17. Section 402(b) of the CWA, 33 U.S.C. § 1342(b), provides that the EPA Administrator may authorize a state to issue NPDES permits in accordance with the requirements of the CWA. In 1973 the Administrator granted the State of Connecticut the authority to issue NPDES permits. Connecticut's authority for the issuance of permits is established in Section 22a-430 of Chapter 446k of the Connecticut General Statutes.

18. On October 1, 2002, the Connecticut Department of Energy and Environmental Protection ("CTDEEP") issued the 2002 Connecticut General Permit for the Discharge of Stormwater Associated with Industrial Activity ("2002 CTMSGP"), which was modified on July 14, 2003, and again on October 1, 2007. Although the expiration date for the 2002 CTMSGP was originally set for September 30, 2007, it remained in effect until the effective date of the 2011 Connecticut General Permit for the Discharge of Stormwater Associated with Industrial Activity ("2011 CTMSGP"), which was October 1, 2011. The expiration date of the 2011 CTMSGP is September 30, 2016.

19. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and implementing regulation, 40 C.F.R. § 122.26(a)(1)(ii), require stormwater discharges associated with industrial activity to be authorized by a NPDES permit.

20. Section 3(b) of the 2002 CTMSGP and the 2011 CTMSGP authorize the discharge of "stormwater associated with industrial activity" to surface water or to a storm sewer system.

21. Section 2 of the 2002 CTMSGP and the 2011 CTMSGP specify that "industrial activity" includes any activity with primary SIC code 41.

22. Under the 2002 CTMSGP and the 2011 CTMSGP, a facility discharging stormwater "associated with industrial activities" is required to submit a Notice of Intent

("NOI"), prepare and implement a Stormwater Pollution Prevention Plan ("SWPPP"), conduct inspections, conduct monitoring and sampling, and meet other eligibility requirements.

23. Section 309(g) of the CWA, 33 U.S.C. § 1319, provides for the assessment of penalties for violations of Sections 301 and 308 of the CWA, 33 U.S.C. §§ 1311, 1318, and for violating any condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.

Oil Pollution Prevention Regulations

24. Section 311(j)(1) of the Act, 33 U.S.C. § 1321(j)(1), provides that the President shall issue regulations "establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances . . . from onshore and offshore facilities, and to contain discharges"

25. Under the authority of Section 311(j)(1) of the Act, the Oil Pollution Prevention regulations, found at 40 C.F.R. Part 112, establish procedures, methods, and requirements for preventing the discharge of oil. These requirements apply to owners or operators of non-transportation-related facilities engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil or oil products which, due to their location, could reasonably be expected to discharge oil in harmful quantities (as defined in 40 C.F.R. Part 110) to navigable waters of the United States or adjoining shorelines. 40 C.F.R. § 112.1(b). However, except as provided in 40 C.F.R. § 112.1(f), these requirements do not apply to the owner or operator of any facility which meets both of the following requirements:

- (1) the completely buried storage capacity of the facility is 42,000 gallons or less of oil; and
- (2) the aggregate aboveground storage capacity of the facility is 1,320 gallons or less of oil. 40 C.F.R. § 112.1(d)(2).

26. Under 40 C.F.R. § 112.3(a)(1), an owner or operator of an onshore facility that

became operational prior to August 16, 2002 and that has discharged or, due to its location, could reasonably be expected to discharge, oil in harmful quantities unto or upon the navigable waters of the United States must prepare and fully implement a Spill Prevention, Control, and Countermeasure (“SPCC”) plan in accordance with 40 C.F.R. § 112.7.

27. Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6), provides for the assessment of penalties for violations of the Oil Pollution Prevention regulations, found at 40 C.F.R. Part 112.

Findings of Violation

28. Winkle Bus is a corporation organized under the laws of the State of Connecticut with its principal place of business in West Haven, Connecticut.

29. Respondent is a “person” within the meaning of Sections 311(a)(7) and 502(5) of the CWA, 33 U.S.C. §§ 1321(a)(7), 1362(5).

30. Respondent owns and/or operates a school bus service facility located at 10 Industry Drive, West Haven, Connecticut 06516 (the “Facility”), which is classified under SIC code 41 (Local & Suburban Transit & Interurban Highway Passenger), in particular code 4151 (school buses).

31. At the Facility, Respondent stores and provides maintenance for a number of school buses. The site is approximately 2.31 acres, the majority of which is paved with asphalt. The facility consists of one parcel which contains a commercial building of approximately 5,340 square feet situated in the northwestern portion of the parcel. The building is utilized for the washing and servicing of the company’s school bus fleet and as office space. The asphalt paved areas in the northern portions of the site are primarily used for bus staging and/or storage. A fueling area, consisting of a concrete-lined, partially enclosed 3,000-gallon diesel aboveground storage tank (AST) is located to the southeast of the site building.

32. Respondent has at all times relevant to this Consent Agreement and Final Order controlled all daily business and industrial operations at the Facility, and otherwise meet the definition of “operators” of the Facility, as defined at Section 311(a)(6) of the CWA, 33 U.S.C. § 1321(a)(6), 40 C.F.R. § 112.2, and under the 2002 CTMSGP and 2011 CTMSGP.

33. Since at least January 1, 2000, Respondent has conducted “industrial activity,” within the meaning of 40 C.F.R. § 112.26(b)(14)(ii), at the Facility.

34. At times, during certain wet weather events, the Facility discharged and continues to discharge stormwater associated with industrial activity into a catchbasin onsite which flows into the City of West Haven’s Municipal Separate Storm Sewer System (MS4).

35. The catchbasins onsite and the MS4 are “point source[s]” within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

36. The discharges described in paragraphs 34 above contains sediments (rock, sand, dirt), and associated industrial waste from transportation vehicle parking areas, among other things, which are “pollutant[s]” within the meaning of section 502(6) of the CWA, 33 U.S.C. § 1362(6).

37. The City of West Haven’s MS4 flows into the Cove River and eventually New Haven Harbor (the Atlantic Ocean) which are waters of the United States, and, thereby, “navigable waters,” as defined in Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

38. On April 9, 2015, authorized representatives of EPA inspected the Facility for compliance with federal environmental laws and regulations under the CWA and the Oil Pollution Act (the “Inspection”).

Count 1: Discharge of untreated wastewater containing pollutants into navigable waters of the United States without authorization

39. During the Inspection an EPA inspector observed a facility staff member using

soap and pressurized water to wash a vehicle parked in the three bay garage. The wash water for this activity flowed out of the garage and towards the stormwater catchbasin on site that discharges into the City of West Haven's MS4.

40. The facility did not have a permit authorizing the discharge of process wastewater.

41. By discharging process water into waters of the United States without authorization under any NPDES permit, Respondent violated Section 301(a) of the CWA, 33 U.S.C. § 1311(a) on April 9, 2015.

Count 2: Discharge of stormwater without having obtained coverage under the Connecticut General Permit for the Discharge of Stormwater Associated with Industrial Activity ("CTMSGP")

42. Paragraphs 1 through 41 are incorporated herein by reference.

43. During the Inspection an EPA inspector observed that the Facility's stormwater drains from the parking lot via stormwater catch basins into the City of West Haven's MS4.

44. The facility did not have a permit authorizing the discharge of stormwater.

45. From at least September 2010 through October 2015, Respondent has discharged "storm water associated with industrial activities" within the meaning of 40 C.F.R. § 122.26, into the City of West Haven's MS4.

46. The release of stormwater associated with industrial activity from this point source constitutes a "discharge of pollutants" within the meaning of Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

47. By discharging stormwater from the Facility into waters of the U.S. without a permit authorizing such discharge, and by failing to apply for coverage under the 2002 CTMSGP and the 2011 CTMSGP, Respondent violated Section 301(a) and Section 308 of the CWA, 33 U.S.C. §§ 1311(a) and 1318 from at least September 2010 through October 2015.

Count 3: Failure to Prepare and Fully Implement a Spill Pollution Control and Countermeasure Plan

48. Paragraphs 1 through 47 are incorporated herein by reference.

49. At all times relevant to the allegations in this CAFO, Respondent engaged in storing, using, and consuming “oil” or oil products located at the Facility within the meaning of 40 C.F.R. § 112.2.

50. At all times relevant to the allegations in this CAFO, the Facility had an aboveground oil storage capacity greater than 1,320 gallons in containers each with a shell capacity of at least 55 gallons.

51. The Facility is an “onshore facility” within the meaning of Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2.

52. The Facility became operational prior to August 16, 2002.

53. The Facility is a “non-transportation-related” facility within the meaning of Appendix A to 40 C.F.R. Part 112, as incorporated by reference within 40 C.F.R. § 112.2.

54. Accordingly, the Facility is a non-transportation-related onshore facility which, due to its location, could reasonably be expected to discharge oil to navigable waters of the United States or its adjoining shorelines in a harmful quantity.

55. Respondent is therefore subject to the Oil Pollution Prevention regulations at 40 C.F.R. Part 112 at the Facility.

56. During the Inspection and based on additional information submitted by Respondent, EPA determined that Respondent had failed to prepare and fully implement an SPCC Plan for the Facility until September 10, 2015, in violation of Section 311(j) of the Act.

57. By failing to prepare and fully implement an SPCC plan for the Facility Respondent violated 40 C.F.R. § 112.3 and Section 311(j) of the CWA, 33 U.S.C. § 1321(j),

from at least November 2010 until September 10, 2015.

II. CONSENT AGREEMENT

58. EPA and Respondent agree that settlement of this cause of action is in the public interest and that entry of this CAFO without further litigation is the most appropriate means of resolving this matter. Therefore, before taking any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the parties, it is hereby ordered and adjudged as follows:

59. Respondent admits the jurisdictional allegations set forth in Section I above and hereby waive any defenses they might have as to jurisdiction and venue.

60. Respondent neither admits nor denies the factual or non-jurisdictional allegations contained in Section I above. This CAFO is not to be construed as an admission of any violation of any federal, state, or local law or regulation by the Respondent.

Waiver of Rights

61. Respondent waives the right to a hearing under Sections 309(g)(2)(B) and 311(b)(6)(B)(ii) of the CWA, 33 U.S.C. §§ 1319(g)(2)(B) and 1321(b)(6)(B)(ii), and to any appeal of the Final Order in this matter under Sections 309(g)(8)(B) and 311(b)(6)(G)(ii) of the CWA, 33 U.S.C. §§ 1319(g)(8)(B) and 1321(b)(6)(G)(ii). Respondent consents to the issuance of a Final Order without further adjudication.

Penalty

62. EPA proposes, and Respondent consents to, the assessment of a civil penalty of thirty one thousand dollars (\$31,000.00) for all violations contained in this CAFO.

Payment Terms

63. In agreeing to the penalty described in paragraph 62 above, EPA has taken into account the statutory penalty factors at Sections 309(g)(3) and 311(b)(8) of the CWA, 33 U.S.C.

§§ 1319(g)(3) and 1321(b)(8).

64. Of the total amount, \$23,000.00 shall represent payment for Respondent's violations of Sections 301 and 308 of the CWA, 33 U.S.C. §§1311 and 1318, and \$8,000.00 shall represent payment for Respondent's violations of Section 311 of the CWA, 33 U.S.C. §1321.

65. Respondent shall pay a total penalty of \$31,000.00 in two (2) installments. The first payment shall be paid within ten (10) calendar days of the date this CAFO becomes final and shall consist of two payments that total \$15,500.00. Of that first installment, Respondent shall pay a penalty of \$7,500.00 for violations of Sections 301 and 308, 33 U.S.C. §§1311 and 1318, and at the same time, Respondent shall pay \$8,000.00 for the violations of Section 311 of the CWA, 33 U.S.C. §1321. The second installment, comprising the remaining penalty for the violations of Sections 301 and 308 of the CWA, 33 U.S.C. §§1311 and 1318, shall be in the amount of \$15,758.00 (*i.e.*, \$15,500.00 in principal, plus \$258.00 in interest) and shall be due within six (6) months of the date this CAFO became final.

66. Respondent shall make each payment by cashier's, certified, or company check, payable to "Treasurer, United States of America," referencing the case name and docket number of this action (*In the matter of Winkle Bus Company of West Haven, Inc.*, No. CWA-01-2016-0009) on the face of the check. For the payment relating to the violation of Section 311 of the CWA (\$8,000.00), the face of the check shall additionally include "Oil Spill Trust Fund – 311." The payment shall be made via regular U.S. Postal Service mail to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

In addition, at the time of payment, Respondent should also forward notice of payment of the

civil penalty as well as copies of the payment check to:

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (Mail Code ORA 18-1)
Boston, MA 02109-3912

and

Rohemir Ramirez Ballagas
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (Mail Code OES 04-3)
Boston, MA 02109-3912

67. If Respondent fails to make any of the payments required by Paragraph 65 by the required due dates, all remaining installments shall become immediately due and payable as of the missed payment date. Interest on such unpaid penalty amount shall accrue from the missed payment date until the total amount dues has been received by the United States. Respondent shall be liable for such amount regardless of whether EPA has notified Respondent of its failure to pay or made demand for payment. All payments to the United States under this paragraph shall be made as described in Paragraph 66.

68. Pursuant to Sections 309(g)(9) and 311(b)(6)(H) of the CWA, 33 U.S.C. §§ 1319(g)(9) and 1321(b)(6)(H), a failure by Respondent to pay the penalty assessed by this CAFO in full by its due date shall subject Respondent to a civil action to collect the assessed penalty, plus interest at the prevailing rates, from the date this Agreement becomes final. The rate of interest assessed shall be at the rate set forth in 31 C.F.R. § 901.9(b), promulgated under 31 U.S.C. § 3717. Any person who fails to pay on a timely basis the amount of an assessed penalty shall be required to pay, in addition to such amount and interest, attorney's fees, costs for collection proceedings, and a quarterly nonpenalty payment for each quarter during which such

failure to pay persists. Such nonpayment penalty shall be in an amount equal to twenty percent of the aggregate amount of such person's penalties and nonpayment penalties that are unpaid as of the beginning of such quarter. In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

General Provisions

69. The provisions of this CAFO shall apply to and be binding on Respondent, their officers, directors, agents, servants, employees, successors, and assigns.

70. The civil penalty provided under this CAFO, and any interest, nonpayment penalties, and charges described in this CAFO, shall represent penalties assessed by EPA within the meaning of 26 U.S.C. § 162(f) and are not tax deductible for purposes of federal, state, or local law. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of 26 C.F.R. § 1.162-21, and further agrees not to use those payments in any way as, or in furtherance of, a tax deduction under federal, state, or local law.

71. This CAFO does not constitute a waiver, suspension, or modification of the requirements of the CWA or any regulations or permits promulgated thereunder. Payment of the penalty pursuant to this CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged herein.

72. This CAFO in no way relieves Respondent or its employees of any criminal liability, and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare, or the environment.


73. Nothing in this agreement shall be construed as prohibiting, altering, or in any

way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or of the statutes and regulations upon which this CAFO is based, or for Respondent's violation of any applicable provision of law.

74. Except as described in paragraph 67 above, the parties shall bear their own costs and fees in this action, including attorney's fees, and specifically waive any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C § 504, or other applicable laws.

75. Each undersigned representative of the parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.


FOR WINKLE BUS OF WEST HAVEN INC.:



Mr. Christian Winkle III
President
Winkle Bus of West Haven Inc.

Date: 4/20/16

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY:



Susan Studien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1

Date: 04/22/2016

FINAL ORDER

76. The foregoing Consent Agreement is hereby approved and incorporated by reference into this Order.

77. Respondent is hereby ordered to comply with the terms of the above Consent Agreement, which will become final thirty (30) days from the date it is signed by the Regional Administrator unless a petition to set aside the order is filed by a commenter pursuant to Sections 309(g)(4)(C) and 311(b)(6)(C)(iii) of the CWA, 33 U.S.C. §§ 1319(g)(4)(C) and 1321(b)(6)(C)(iii), and 40 C.F.R. Part 22.

Date: 5/2/16

Deborah A. Azano for HCS
H. Curtis Spalding
Regional Administrator
U.S. Environmental Protection Agency, Region 1

IN THE MATTER OF: *Winkle Bus Company of West Haven, Inc.*, Docket No. CWA-01-2016-0009

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

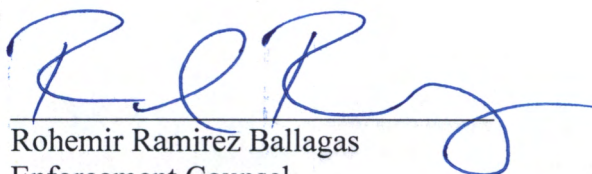
Original and one copy,
hand-delivered:

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I (ORA18-1)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Copy, by Certified Mail,
Return Receipt Requested

David Speranzini, Esq.
Jacobi & Case, P.C.
57 Plains Road, Suite 2B
Milford, Connecticut 06461-2573

Dated: 5/3/16



Rohemir Ramirez Ballagas
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (OES04-3)
Boston, MA 02109-3912
Tel (617) 918-1262
Fax (617) 918-1862