

**EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR
ADMINISTRATIVE ACTIONS**

This form was originated by Wanda I. Santiago for Andrea Simpson 11/19/13
Name of Case Attorney Date

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

Case Docket Number TSCA-01-2013-0028

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:

C@C Ventures, LLC
Craig Lampari, President
33 Haynes Circle
Chicopee, MA 01026

Total Dollar Amount of Receivable \$ 76,958.50 Due Date: 12/18/13

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 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

RECEIVED

2013 NOV 19 P 4: 15

EPA ORC
OFFICE OF *WS*
REGIONAL HEARING CLERK

November 19, 2013

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 1 (ORA 18-1)
5 Post Office Square
Boston, Massachusetts 02140

Re: C & C Ventures, LLC
Docket No. TSCA-01-2013-0028

Dear Ms. Santiago:

Enclosed for filing in the above-referenced matter, please find the original and one copy of the Consent Agreement and Final Order. Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrea Simpson", with a long horizontal flourish extending to the right.

Andrea Simpson
Senior Enforcement Counsel

cc: Craig Lampani

Enclosure

Docket No. RCRA-01-2013-0028

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2013, the original and one copy of the Consent Agreement and Final Order in the Matter of C & C Ventures, LLC, Docket No. RCRA-01-2013-0028, were hand-delivered to the Regional Hearing Clerk and a copy was sent to Respondent, as set forth below:

Original and one copy
by hand delivery to:

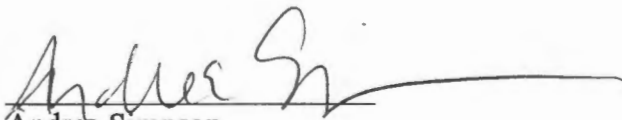
Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I (ORA18-1)
5 Post Office Square, Suite 100
Boston, MA 02109

Copies by certified mail to:

Craig Lampani, President
C & C Ventures, LLC
33 Haynes Circle
Chicopee, Massachusetts 01020

Dated:

11/19/13


Andrea Simpson
Senior Enforcement Counsel
U.S. Environmental Protection Agency
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109

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2013 NOV 19 P 4: 15

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK
WS

_____)	
In the Matter of:)	
)	
C & C Ventures, LLC.)	Docket No. RCRA-01-2013-0028
33 Haynes Circle)	
Chicopee, Massachusetts 02816)	
)	
Proceeding under Section 3008(a))	CONSENT AGREEMENT AND
of the Resource Conservation and)	FINAL ORDER
Recovery Act, 42 U.S.C. § 6928(a))	
_____)	

CONSENT AGREEMENT AND FINAL ORDER

CONSENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA"), Region 1, has alleged that C & C Ventures, LLC ("C & C" or "Respondent") has violated Subtitle C of the Resource Conservation and Recovery Act ("RCRA"), Section 3002, 42 U.S.C. § 6922, Chapter 21C of the Massachusetts General Laws and regulations promulgated thereunder at Title 310, Chapter 30 of the Code of Massachusetts Regulations set forth at 310 C.M.R. 30.100 *et seq.* EPA Region I ("Complainant") and C & C (together, the "Parties") have agreed to settle this matter through this administrative Consent Agreement and Final Order ("CAFO"). EPA's regulations governing RCRA administrative penalty actions and settlements are set out in the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22.

I. PRELIMINARY STATEMENT

2. On June 27, 2013, EPA Region 1 issued a complaint, compliance order, and notice of opportunity for hearing ("Complaint") in this action to C & C.

3. C & C filed Requests for Extension of Time to File the Answer on July 22, 2013, August 27, 2013 and October 21, 2013. The answer is now due on December 20, 2013.

4. The Parties have agreed that settlement of this matter is in the public interest and that entry of this CAFO without further litigation is the most appropriate means of resolving the matter.

II. GENERAL TERMS

5. The terms of this CAFO shall apply to and be binding on Respondent, its successors and assigns.

6. Respondent admits the jurisdictional allegations contained in the Complaint, and neither admits nor denies the factual allegations contained in the Complaint. Further, Respondent waives any right to a judicial or administrative hearing or appeal on any allegation of law or fact set forth in the Complaint and waives its right to appeal the Final Order accompanying this CAFO.

7. Respondent consents to the assessment of the civil penalty set out in Section IV below. Respondent also consents to any conditions specified in this CAFO.

III. COMPLIANCE CERTIFICATION

8. Respondent certifies that is now in compliance with the items described in the Compliance Order section of the complaint and is generally in compliance with RCRA and federal and state hazardous waste regulations.

IV. CIVIL PENALTY

9. Respondent shall pay a civil penalty in the amount of \$153,917. EPA Region 1 has determined, consistent with statutory penalty criteria and applicable policies, that this is an appropriate settlement penalty based on the nature of the alleged violations and other relevant factors.

10. Respondent shall pay the penalty in two installments. Respondent shall submit the first payment of \$76,958.50 no later than 30 days after the effective date of this CAFO, by cashier's or certified check, payable to the order of the "Treasurer, United States of America," and referencing the title of this action and the RCRA case docket number (RCRA-01-2013-0028).

The check shall be sent via regular mail to the following address:

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

If C & C sends the check via express mail, the following address shall be used:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Natalie Pearson
phone 314-418-4087

C & C shall send a notice of the penalty payment and a copy of the check to:

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
Mail code ORA-18-1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

and

Andrea Simpson
Senior Enforcement Counsel
U.S. EPA, Region 1
Mail code OES04-2
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

11. Respondent shall make the second payment of \$76,958.50 within 180 days of the effective date of this CAFO in the manner described in paragraph 10 above.

12. If Respondent fails to make the first payment of \$76,958.50 by its due date, the full amount of \$153,917 plus interest from the effective date, shall be due immediately. Respondent shall pay interest on the late amount pursuant to 31 U.S.C. § 3717, plus any late charges to cover the cost of processing and handling the delinquent claim. The interest on the late amount shall be calculated at the rate of the U.S. Treasury tax and loan rate, in accordance with 31 C.F.R. § 901.9(b)(2).

13. All payments made pursuant to this Section are penalties within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), and Respondent shall not use these payments in any way as, or in furtherance of, a tax deduction under federal law.

V. EFFECT OF SETTLEMENT

14. This CAFO constitutes a settlement by EPA of all claims for federal civil penalties

under Sections 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), for the violations set out in the Complaint.

15. Nothing in this CAFO shall be construed to limit the authority of EPA or the United States to undertake any action against Respondent for criminal activity, or to respond to conditions which may present an imminent and substantial endangerment to the public health, welfare or the environment. EPA reserves all rights and remedies available to it to enforce the provisions of this CAFO, RCRA and its implementing regulations and permits, and any other federal, state or local law or regulation.

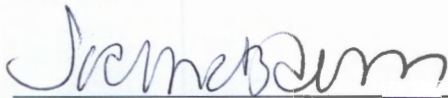
16. This CAFO shall not relieve Respondent of its obligations to comply with all applicable provisions of federal or state law, and shall not be construed to be a ruling or determination regarding any issue related to any federal, state or local permit. Except as provided in Paragraph 14 above, compliance with this CAFO shall not be a defense to any action subsequently commenced pursuant to environmental laws and regulations administered by EPA.

17. Each Party shall bear its own costs, disbursements and attorneys fees in connection with this enforcement action, and specifically waives any right to recover such costs, disbursements or fees from the other Party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

18. Respondent's undersigned representative certifies that he is fully authorized by Respondent to enter into the terms and conditions of this CAFO and to execute and legally bind Respondent to it.

SO SIGNED AND AGREED:

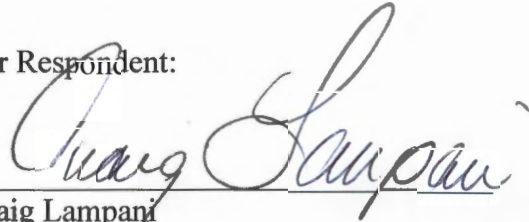
For Complainant:



Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
EPA Region I

Date: 11/15/13

For Respondent:



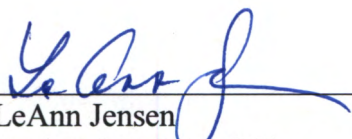
Craig Lampani
President
C & C Ventures, LLC

Date: 10/31/13

FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Respondent is hereby ordered to comply with the terms of this CAFO, which shall be effective on the date that it is filed with the Regional Hearing Clerk.

SIGNED:



LeAnn Jensen
Regional Judicial Officer
EPA Region 1

Date: 4/18/13