



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
1 Congress Street  
Suite 1100 - SEL  
Boston, MA 02114-2023

June 1, 2009

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency - Region I  
One Congress Street  
Suite 1100, Mail Code RAA  
Boston, MA 02114-2023

RECEIVED  
2009 MAY 32 A 11: 30  
RECEIVED  
2009 JUN -1 P 1:1

BY HAND  
RHC  
OFFICE OF  
REGIONAL HEARING CLERK

Re: In the Matter of: George T. Taylor & Son, Inc. d/b/a "Taylor Energy"  
CWA-01-2009-0002

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:

Jeffrey Kopf  
Senior Enforcement Counsel  
EPA Region 1  
1 Congress St., Suite 1100 (SEL)  
Boston, MA 02114-2023  
Tel: 617-918-1796

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Kopf", with a long horizontal flourish extending to the right.

Jeffrey Kopf, Senior Enforcement Counsel  
EPA Region 1

Enclosure

cc: Mark T. Taylor, Taylor Energy



3. The factual and jurisdictional basis for proposing the assessment of civil penalties is set forth in the Complaint and incorporated herein by reference.

4. Section 311(b)(6)(C) of the CWA, 33 U.S.C. 1319(b)(6)(C) and 40 C.F.R. § 22.45(b), provide that, prior to issuing an order assessing a penalty under Section 311(j) of the CWA, 33 U.S.C. § 1321(j), EPA must provide public notice of, and reasonable opportunity to comment on, the proposed issuance of such order. EPA has satisfied this requirement by providing public notice of, and reasonable opportunity to comment on, the proposed penalty from December 17, 2008 through January 15, 2009. EPA has received no public comments regarding this matter.

## **II. CONSENT AGREEMENT**

5. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondent.

6. Respondent neither admits nor denies the specific factual allegations contained in the Complaint.

### **Waiver of Rights**

7. Respondent waives any defenses it might have as to jurisdiction and venue and consents to the terms of this Consent Agreement and Final Order (“CAFO”).

8. Respondent waives its rights to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint.

9. Respondent waives its rights to appeal any Final Order in this matter, and consent to the issuance of a Final Order without further adjudication.

### Penalty

10. For the purpose of settlement of this action, Complainant proposes and Respondent consents to the assessment of a civil penalty of \$70,000.

### Payment Terms

11. Respondent shall pay a total penalty of \$70,000, plus interest (calculated at 5%) on any penalty payment amounts not paid within 30 days of the effective date of the CAFO, pursuant to 31 U.S.C. § 3717 and 31 C.F.R. § 901.9(b), according to the following schedule:

- a. \$17,500 shall be due within 30 calendar days of the effective date of this CAFO;
- b. \$18,813 (i.e. \$17,500 principle, plus \$1,313 in interest) shall be due within 6 months of the effective date of this CAFO;
- c. \$18,375 (i.e. \$17,500 principle, plus \$875 in interest) shall be due within 1 year of the effective date of this CAFO;
- d. \$17,937 (i.e. \$17,500 principle, plus \$437 in interest) shall be due within 18 months of the effective date of this CAFO;
- e. Acceleration Clause: if Respondent fails to make any payment as described above, all remaining installments shall become immediately due and payable as of the missed payment date. Interest on such unpaid penalty amounts shall accrue from the missed payment date.

12. In agreeing to the penalty described in paragraph 10 above, EPA has taken into account the statutory penalty factors at Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8), particularly the economic impact of the penalty upon the Respondent. Respondent shall pay a

total penalty of \$70,000 plus interest which shall be due in accordance with the payment schedule described in paragraph 11.

13. Respondent shall make payment by cashier's or certified check, or check issued in the normal course of business operations, payable to "Environmental Protection Agency," and referencing the title and docket number of the action ("In the Matter George T. Taylor & Son Inc., CWA-01-2009-0002") and "Oil Spill Liability Trust Fund - 311." The payment shall be mailed to:

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

14. Respondent shall simultaneously submit a copy of the check referenced in paragraph 11 above to the following:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 1  
One Congress Street, Suite 1100 (RCA)  
Boston, Massachusetts 02114-2023

and

Jeffrey Kopf  
Senior Enforcement Counsel  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region 1  
One Congress Street, Suite 1100 (SEL)  
Boston, Massachusetts 02114-2023

15. Pursuant to Section 311(b)(6)(H) of the CWA, 33 U.S.C. § 1321(b)(6)(H), failure by the Respondent to pay the penalty amounts relating to the CWA violations assessed by this CAFO in full by the date required shall subject the Respondent to a civil action to collect the assessed

penalty, plus interest at the prevailing rates from the effective date of the CAFO. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Further, under Section 311(b)(6)(H) of the CWA, 33 U.S.C. § 1321(b)(6)(H), if Respondent fails to pay on a timely basis any CWA penalty payment assessed by this CAFO, Respondent shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to twenty percent (20%) of the aggregate amount of Respondent's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter. Interest will be assessed pursuant to 31 C.F.R. § 901.9(b), promulgated pursuant to 31 U.S.C. § 3717.

16. The penalty provided for herein is a penalty within the meaning of 26 U.S.C. §162(f) and is not tax deductible for purposes of federal, state, or local law.

17. The provisions of this CAFO shall be binding upon Respondent and Respondent's officers, directors, agents, servants, employees, and successors or assigns.

18. Except as described in Paragraph 15 above, each party shall bear its own costs and attorneys fees in this proceeding.

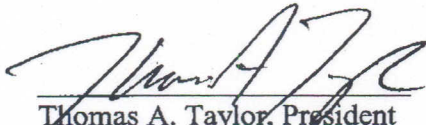
19. This CAFO shall not limit the authority of the United States to enforce the underlying substantive legal requirements of this administrative penalty assessment, whether administratively or judicially.

20. This CAFO does not constitute a waiver, suspension or modification of the requirements of the CWA, 33 U.S.C. §§ 1251 et seq., or any regulations promulgated thereunder.

21. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 311(j) of the CWA, for the violations of the CWA specifically alleged in the Complaint. Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with such laws and regulations. This CAFO in no way relieves Respondent or its employees of any criminal liability. Nothing in this CAFO shall be construed to limit the authority of the United States to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public.

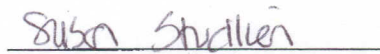
22. The undersigned representative of Respondent certifies that he or she is fully authorized by Respondent to enter into the terms and conditions of this CAFO and legally bind Respondent.

FOR RESPONDENT

  
Thomas A. Taylor, President  
George T. Taylor & Son, Inc.

Date: 5/15/2009

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY

  
Susan Studlien, Director  
Office of Environmental Stewardship  
U.S. EPA, Region 1

Date: 05/15/09



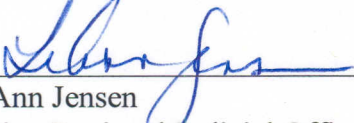
**FINAL ORDER**

23. In accordance with 40 C.F.R. § 22.18(b), the forgoing Consent Agreement is hereby approved and incorporated by reference into this Final Order.

24. Respondent is ordered to comply with the terms of the referenced Consent Agreement.

This Final Order shall become effective 30 days from today pursuant to Section 311(b)(6)(D) of the CWA, 33 U.S.C. § 1321(b)(6)(D).

U.S. ENVIRONMENTAL PROTECTION AGENCY

  
\_\_\_\_\_  
LeAnn Jensen  
Acting Regional Judicial Officer  
U.S. EPA, Region 1

Date: \_\_\_\_\_

5/27/09

In the Matter of: George T. Taylor & Son, Inc. d/b/a "Taylor Energy",  
Docket No. CWA-01-2009-0002

**CERTIFICATE OF SERVICE**

I certify that the foregoing Consent Agreement and Final Order (Docket No. CWA-01-2009-0002) was sent 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 1  
One Congress Street (RAA)  
Boston, MA 02114-2023

Copy by certified mail  
return receipt requested:

Mark Taylor  
Taylor Energy  
152 Broad Brook Rd.  
Broad Brook, CT 06016

Dated: June 1 2009



Jeffrey Kopf  
Senior Enforcement Counsel  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region 1  
One Congress Street, Suite 1100 (SEL)  
Boston, MA 02114-2023  
Tel: (617) 918-1796  
Fax: (617) 918-0796  
Email : Kopf.jeff@epa.gov