



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2007 OCT 11 PM 12:35

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

RECEIVED  
ENVIRONMENTAL PROTECTION AGENCY

DOCKET NO.: CWA-08-2008-0001

IN THE MATTER OF:	)	
	)	
VEOLIA TRANSPORTATION, INC.	)	FINAL ORDER
	)	
RESPONDENT	)	

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Expedited Settlement Agreement and Final Order.

SO ORDERED THIS 11<sup>th</sup> DAY OF October, 2007.

Elyana R. Sutin  
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2007 OCT 11 PM 12:35

In the Matter of: )  
)  
**Veolia Transportation, Inc.** )  
)  
) **EXPEDITED CONSENT AGREEMENT**  
)  
) **DOCKET NO. : CWA-08-2008-0001**  
Respondent. )

RECEIVED  
REGIONAL OFFICE  
EPA

Complainant, United States Environmental Protection Agency, Region VIII, and Respondent, Veolia Transportation, Inc., by their undersigned representatives, hereby settle the civil cause of action arising out of a spill of oil that occurred on or about April 25, 2007, and violations of the Spill Prevention Control and Countermeasure (SPCC) Plan regulations, and agree as follows:

The Clean Water Act (the Act), as amended, authorizes the Administrator of EPA to assess administrative penalties against any person who discharges oil into or upon the navigable waters and adjoining shorelines of the United States in quantities that have been determined may be harmful to the public health or welfare or environment of the United States, 33 U.S.C. § 1321(b)(6) and (b)(3) or any person who violates the oil pollution prevention (SPCC) regulations, promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j). This determination includes discharges of oil that (1) violate applicable water quality standards, (2) cause a film, sheen, or discoloration of the surface of the water or the adjoining shoreline, or (3) cause a sludge or emulsion to be deposited beneath the surface of the water or the adjoining shoreline, 40 C.F.R. § 110.3 and the failure to prepare and implement an SPCC plan, in accordance with 40 C.F.R. § 112.7. This authority has been properly delegated to the undersigned EPA official.

Respondent owns and/or operates Veolia Transportation, Inc., d.b.a. Veolia Transportation Services, Inc. located at 2775 South Vallejo Street, Englewood, Colorado.

Respondent admits that on or about April 25, 2007, its Veolia Transportation Services facility discharged approximately 20 gallons or less of diesel fuel and water into or upon South Platte River body and/or its adjoining shorelines.

Respondent's discharge from its facility caused a sheen upon, or discoloration of, or caused a sludge or emulsion to be deposited on the surface of the South Platte River and/or its adjoining shoreline.

Respondent's discharge constitutes a violation of Section 311 (b)(3) of the Act.

Respondent admits its facility is subject to the SPCC regulations.

Respondent admits that it failed to prepare and implement an SPCC Plan for Veolia Transportation Services in accordance with 40 C.F.R. § 112.7.

Respondent agrees to correct the cited violations of 40 C.F.R. § 112.7 on the attached list within thirty (30) days unless an extension for achieving compliance is granted by EPA at its discretion.

Respondent agrees to submit a revised copy of the SPCC Plan for Veolia Transportation Services, Inc. to EPA for its review and approval.

Respondent admits that EPA has jurisdiction in this proceeding.

Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this agreement.

This agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership

or corporate status of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement.

This Agreement contains all terms of the settlement agreed to by the parties.

Respondent consents and agrees to the assessment of a civil penalty of \$ 1,600.00, \$500.00 for the discharge of oil in violation of Section 311(b)(3) of the Act and \$1,100.00 for violations of Section 311(j) of the Act, which, shall be paid no later than 30 days after the effective date of the Final Order by means of a cashier's or certified check, or by electronic funds transfer (EFT). If paying by check, the Respondent shall submit a cashier's or certified check, payable to "Environmental Protection Agency," and bearing the notations "OSLTF – 311" and the title and docket number of this case. If the Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

U.S. Environmental Protection Agency  
P.O. Box 371099M  
Pittsburgh, PA 15251

If the Respondent sends payment by a private delivery service, the payment shall be addressed to:

Mellon Client Service Center  
ATTN: Shift Supervisor  
Lockbox 371099M Account 9109125  
500 Ross Street  
Pittsburgh, PA 15262-0001

If paying by EFT, the Respondent shall transfer \$1,600.00 to:

Mellon Bank  
ABA 043000261  
Account 9109125  
22 Morrow Drive  
Pittsburgh, PA 15235

In the case of an international transfer of funds, the Respondent shall use SWIFT address MELNUS3P.

The Respondent shall submit copies of the check (or, in the case of an EFT transfer, copies of the EFT confirmation) to the following persons:

**Tina Artemis, Regional Hearing Clerk (8RC)**  
**U.S. EPA Region 8**  
**1595 Wynkoop**  
**Denver, CO 80202-1129**

and

**Jane Nakad**  
**Technical Enforcement Program (8ENF-UFO)**  
**U.S. EPA Region 8**  
**1595 Wynkoop**  
**Denver, CO 80202-1129**

Respondent states, under penalty of perjury, that they have (1) investigated the cause of the spill, (2) cleaned up the spill pursuant to federal requirements, (3) taken corrective actions to prevent future spills, and (4) Respondent will revise, implement, and maintain an SPCC plan in accordance with 40 C.F.R. § 112.7. Respondent's cost of corrective actions and measures to achieve compliance to date has been \$ 500.00.

Respondent further agrees and consents that if Respondent fails to pay the penalty amount as required by this agreement once incorporated into the final order, or fails to make the corrective measures to obtain compliance or has not cleaned up the discharged oil as represented, this agreement is null and void, and EPA may pursue any applicable enforcement options.

The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this agreement and to bind Respondent to the terms and conditions of this agreement.

The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.

Each party shall bear its own costs and attorneys fees in connection with this matter.

This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in this agreement.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8,  
Office of Enforcement Compliance and Environmental Justice, Complainant.**

By: \_\_\_\_\_  
Tim Osag, Acting Director  
Technical Enforcement Program  
Office of Enforcement, Compliance and  
Environmental Justice

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

**Veolia Transportation, Inc., Respondent.**

By: Michael D. Griffin

Date: 09-28-07

Name: MICHAEL D. GRIFFIN

Title: President and COO

This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in this agreement.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8,  
Office of Enforcement, Compliance, and Environmental Justice, Complainant.**

By : Mark A.R. Chalfant Date: 10/10/2007  
Mark A.R. Chalfant, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance and  
Environmental Justice

**Veolia Transportation, Inc., Respondent.**

By : \_\_\_\_\_ Date: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT/FINAL ORDER** in the matter **VEOLIA TRANSPORTATION, INC., DOCKET NO.: CWA-08-2008-0001** was filed with the Regional Hearing Clerk on October 11, 2007.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Brenda Morris, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on October 11, 2007, to:

Michael D. Griffus  
President and CEO  
Veolia Transportation  
2015 Spring Road, No. 750  
Oak Brook, IL 60523

October 11, 2007



Tina Artemis  
Paralegal/Regional Hearing Clerk

