



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 Post Office Sq., Suite 100
Boston, MA 02109-3912

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FEB 08 2010

EPA ORC
Office of Regional Hearing Clerk

February 8, 2010

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

BY HAND

Re: In the Matter of: Triram Connecticut, LLC
CWA-01-2009-0053

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 the Cincinnati Finance Center ("CFC"). Please forward a copy of this CAFO to Ray Ledoux (Mail Code OARM16-1), Office of the Comptroller, EPA Region 1, and he will ensure that the CFC receives a copy.

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
U.S. Environmental Protection Agency, Region 1
5 Post Office Sq., Suite 100
Mail Code OES04-4
Boston, MA 02109-3912
Tel: 617-918-1796

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey Kopf", with a stylized flourish at the end.

Jeffrey Kopf, Senior Enforcement Counsel
EPA Region 1

Enclosure (CAFO)

cc: Hamilton Hackney, Greenberg Traurig, LLC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

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Office of Regional Hearing Clerk

IN THE MATTER OF:)

TRIRAM CONNECTICUT LLC)
171 Brownstone Avenue)
Portland, Connecticut 06480-1895)

Respondent.)
_____)

Docket No. CWA-01-2009-0053

**CONSENT AGREEMENT AND
FINAL ORDER**

This Consent Agreement and Final Order (“CAFO”) is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 311(b)(6)(B)(ii) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1321(b)(6)(B)(ii), as amended by the Oil Pollution Act of 1990, and under the authority provided by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, set forth at 40 C.F.R. Part 22 (“Part 22”).

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding against Triram Connecticut, LLC (“Respondent”) pursuant to Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6) by filing an Administrative Complaint, Docket No. CWA-01-2009-0053 (“Complaint”).

2. The Complaint alleges that Respondent's violations of Sections 311(j) of the CWA had subjected Respondent to penalties up to the statutory maximum authorized under those statutes.

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

II. CONSENT AGREEMENT

4. 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.

5. Respondent neither admits nor denies the specific factual allegations contained in the Complaint. The parties hereby agree that the execution and/or performance of this Agreement does not constitute an admission of fact or law by Respondent, including without limitation, any of the violations alleged in the Complaint, except as expressly stated in the CAFO.

6. Respondent certifies that it is operating the facility described in the Complaint in compliance with Section 311 of the CWA and the federal regulations promulgated thereunder.

Waiver of Rights

7. Respondent waives any defenses it might have as to jurisdiction and venue and consents to the terms of this CAFO.

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

9. Respondent waives its right to appeal any Final Order in this matter, and consents 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 SIXTY-EIGHT THOUSAND FOUR HUNDRED DOLLARS (\$68,400).

Payment Terms

11. 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). Respondent shall pay a total penalty of \$68,400 which shall be due within 10 calendar days of the final date of this CAFO, as specified in paragraph 22 hereof.

12. 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 of Triram Connecticut, LLC, CWA-01-2009-0053") 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

13. Respondent shall simultaneously submit a copy of the check referenced in paragraph 12 above to the following:

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

and

Jeffrey Kopf, Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code OES04-4
Boston, Massachusetts 02109-3912

14. 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.

15. 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.

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

17. Respondent shall bear its own costs and attorneys fees in this proceeding.

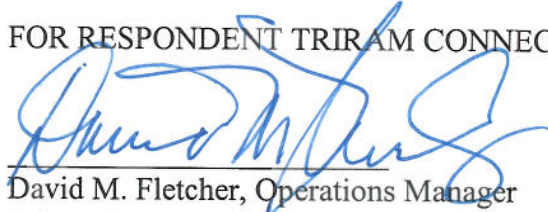
18. This CAFO shall not limit the authority of the United States to enforce the underlying substantive legal requirements of this administrative penalty assessment, whether administratively or judicially.

19. 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.

20. 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. Respondent understands that this CAFO constitutes a settlement of the civil matters alleged and does not have any applicability to any possible criminal liability, if any, of Respondent or its employees. 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.

21. 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 TRIRAM CONNECTICUT, LLC

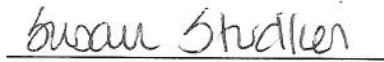


David M. Fletcher, Operations Manager
Triram Connecticut, LLC

Date: _____

1/13/10

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY



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

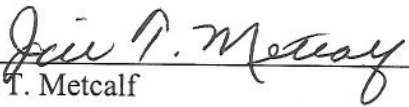
Date: _____

02/01/10

III. FINAL ORDER

22. In accordance with 40 C.F.R. Part 22, the forgoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of the referenced Consent Agreement. This Final Order shall become final 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



Jill T. Metcalf
Acting Regional Judicial Officer
U.S. EPA, Region 1

Date: February 8, 2010

In the Matter of Triram Connecticut, LLC
Docket No. CWA-01-2009-0053

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:

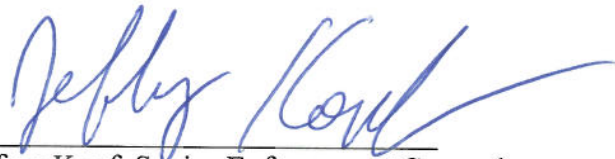
Original and one copy
hand-delivered:

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

Copy by certified mail,
return receipt requested:

Hamilton Hackney
Greenberg Traurig, LLC
One International Place
Boston, MA 02110

Dated: Feb 8, 2010



Jeffrey Kopf, Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Sq., Suite 100
Mail Code OES04-4
Boston, MA 02109-3912
Tel: (617) 918-1796
Fax: (617) 918-0796
Email : Kopf.jeff@epa.gov