



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region 1 – 5 Post Office Square, Boston MA 02109**  
**EXPEDITED SETTLEMENT AGREEMENT**

Docket Number: CWA-01-2020-0043

Scituate Concrete Products Corp. (“Respondent”) is a “person,” within the meaning of Section 502(5) of the Clean Water Act (“Act”), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an “Industrial Non-filer Expedited Settlement Worksheet” (“Settlement Form”), which is incorporated by reference. By its signature, Complainant (“EPA”) finds that Respondent is responsible for the alleged violations specified in the Settlement Form.

Respondent had unauthorized discharge(s) of stormwater in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311.

EPA finds, and Respondent admits, that Respondent is subject to Section 301 of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any “person” who “discharges pollutants” from a “point source” to “waters of the United States.” Respondent neither admits nor denies the specific alleged violations specified in the Settlement Form.

EPA is authorized to enter into this Consent Agreement and Final Order (“Agreement”) under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement to settle the civil violation(s) alleged in this Agreement for a penalty of **\$40,000**. Respondent consents to the assessment of this penalty and waives the right to: (1) contest the finding(s) specified in the Form; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the Respondent has addressed the alleged violations identified in the Settlement Form by agreeing to comply with the Findings of Violations and Order for Compliance Docket No: CWA-AO-R01-FY20-02.

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Additionally, Respondent agrees that it shall submit payment of the penalty in the form of a bank, cashiers, or certified check in the amount of \$40,000, payable to the “Treasurer, United States of America” via certified mail to: U.S. EPA, Fines and Penalties, Cincinnati Finance Center, In the Matter of Scituate Concrete Products Corp., Docket No.: ~~CWA-01-2019-2020-0012~~, P.O. Box 979077, St. Louis, MO 63197-9000 within 15 days after this Agreement becomes final. Respondent shall send a copy of the check to Jeff Kopf, Environmental Protection Agency, Region 1, 5 Post Office Square (OES04-3), Boston, Massachusetts 02109-

3912, and to the Regional Hearing Clerk, Environmental Protection Agency, Region 1, 5 Post Office Square (ORC 04-6), Boston, Massachusetts 02109-3912.

This Agreement settles EPA’s civil penalty claims against Respondent for the alleged Clean Water Act violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected alleged violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

This Agreement is binding on the parties signing below and becomes final 30 days from the date it is signed by the Regional Judicial Officer unless a petition to set aside this Agreement is filed by a commenter pursuant to Section 309(g)(5) of the Act, 33 U.S.C. § 1319(g)(5), following public noticing of this Agreement.

APPROVED BY EPA:

Ka McGuire Date: 2-25-20  
 Karen McGuire, Director  
 Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name  
 (print): Justin Hoffman

Title  
 (print): V.P.

Signature: [Signature] Date: 3-9-20

More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA has received no comments concerning this matter.

Having determined that this Agreement is authorized by law, IT IS SO ORDERED:

\_\_\_\_\_  
 LeAnn Jensen  
 Regional Judicial Officer

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

# Industrial Non-Filer Expedited Settlement Worksheet



## Name and Location of Facility:

Scituate Concrete Products Corp.  
1 Buckeye Lane, Scituate, MA 02066

## Docket #:

CWA-01-2020-0043

## Case Developer:

Jack Melcher

## Inspection Date:

07/02/2019

## Factor 1 - Duration of Alleged Violation (D):

Date of First 0.5" Rainfall, After Facility Began Operating:

06/04/2015

Unpermitted through (Date)

07/02/2019

Years Operating w/o Permit Coverage under CWA §301:

4.1

Duration Category: >2 Years

1

## Factor 2 - Company Size/Sophistication (S):

Tier Level (1-3):

Tier 2

1

## Factor 3 - Acreage of Industrial Activity Exposed (E):

Calculated from Aerial:

3.16

Exposure Category:

2-5 Acres

2

## Factor 4 - Pollution Control (P):

Level of Pollution Control (P):

25-75%

1

## Factor 5 - Notification (N):

Previous written notification?

Yes

2

Expedited Settlement Formula:

$D \times S \times E \times P \times N \times \$10,000$

Total Expedited Settlement Amount:

\$40,000

Eligible for ESA Policy?

Yes