

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Jeffrey Norcross  
Name of Case Attorney

8/14/12  
Date

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

Case Docket Number CWA-01-2011-0117

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:

Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778-2614

Total Dollar Amount of Receivable \$ 6,000 Due Date: 9/23/12

SEP due? Yes \_\_\_\_\_ No  Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

- 1<sup>st</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 5<sup>th</sup> \$ \_\_\_\_\_ 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 I  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912



**BY HAND**

August 14, 2012

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

Re: In the Matter of: the Town of Wayland, MA  
Docket No. CWA-01-2011-0117

Dear Ms. Santiago:

In accordance with 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and 22.45(c)(3), enclosed please find the original and one copy of the fully executed Consent Agreement and Final Order (in the form of an Expedited Settlement Agreement) resolving the above-referenced case.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey Norcross".

Jeffrey Norcross

Enclosures

cc: Frederic E. Turkington, Jr., Town Administrator, Town of Wayland  
Mark Lanza, Esq.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 1**  
**5 Post Office Square, Suite 100, Boston, Massachusetts 02109-3912**  
**EXPEDITED SETTLEMENT AGREEMENT**  
**Issued under Section 309(g)(2)(A) of the Clean Water Act, 33 U.S.C. § 1319(g)(2)(A)**  
**and 40 C.F.R. § 22.13(b).**  
**Docket Number: CWA-01-2011-0117**

**RECEIVED**  
**AUG 14 2012**  
 EPA ORC  
 Office of Regional Hearing Clerk

The Town of Wayland, Massachusetts ("Respondent") is a "municipality" and a "person" discharging "pollutants" from "point sources" to "navigable waters," as those terms are defined in Section 502 of the Clean Water Act ("Act"), 33 U.S.C. § 1362. Respondent is an owner and operator of a regulated small Municipal Separate Storm Sewer System ("MS4") as defined at 40 C.F.R. §§ 122.26(b)(16) and 122.32(a), which is covered by the National Pollutant Discharge Elimination System ("NPDES") General Permit for Storm Water Discharges from Small Municipal Separate Sewer Systems ("Permit") issued under Section 402 of the Act, 33 U.S.C. § 1342, dated May 1, 2003, and continued in effect pursuant to 40 C.F.R. § 122.6.

EPA finds that, pursuant to Part III, F.1. of the Permit, Respondent was required to submit an Annual Report on May 1, 2011 and Respondent failed to submit this Annual Report in violation of the Permit. EPA further finds that Respondent failed to submit an annual report on its MS4 program due on May 1, 2010 in a timely manner. By violating the terms and conditions of the Permit issued pursuant to Section 402 of the Act, EPA finds that Respondent has violated Section 301(a) of the Act, 33 U.S.C. § 1311(a).

For purposes of this proceeding, Respondent admits it is subject to the Permit and Section 402 of the Act and the regulations promulgated thereunder, and that EPA has jurisdiction over Respondent and Respondent's omission as described above, and waives any objections it may have to EPA's jurisdiction in this matter. Respondent neither admits nor denies the specific factual allegations of violation stated above. Nothing herein shall be construed as an admission by Respondent that it discharged pollutants into the environment.

The parties enter into this Expedited Settlement Agreement ("Agreement") in order to settle the civil violation alleged above. Pursuant to the Act, based on the nature of the violations and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of **\$6,000**. Respondent consents to the issuance of this Agreement and consents to the payment of such penalty.

Respondent agrees that, within 10 days of the final date of this Agreement, Respondent shall submit a check, with case name and docket number noted ("In the Matter of the Town of Wayland, MA Docket No. CWA-01-2011-0117"), for the amount specified above, payable to the "Treasurer, United States of America," via certified mail, to: U.S. EPA, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. Respondent shall submit a copy of the check to: Regional Hearing Clerk, U.S. EPA-Region 1, 5 Post Office Square, Suite 100 (ORA 18-1), Boston, MA 02109.

Respondent consents to the assessment of the penalty and performance of the SEP stated herein, and waives its right to: (1) contest the findings of violation specified in this Agreement; (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 U. S. Government, that all required Annual Reports have been submitted to EPA, or will be submitted to EPA within 10 days of the final date of this Agreement (or an alternative time frame agreed to by EPA in writing).

This Agreement settles EPA's civil penalty claims against Respondent for the violation(s) specified above. EPA does not waive its rights to take enforcement action against Respondent for any other past, present, or future violation(s) 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 violation(s). Respondent does not waive any of its rights which it has not expressly waived herein.

If Respondent does not sign and return this Agreement within 14 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violation(s) identified herein.

This Agreement is binding on the parties signing below and final 30 days from the date it is signed by the Regional Judicial Officer unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), following public noticing of this settlement.

APPROVED BY THE TOWN OF WAYLAND, MA:

Name(print): Frederic E. Turkington, Jr.  
 Title(print): Town Administrator  
 Signature: [Signature] Date: 6-14-12

APPROVED BY EPA:

[Signature] Date: 6/21/12  
 Joanna Jerison, Legal Enforcement Manager  
 Office of Environmental Stewardship

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

IT IS SO ORDERED:

[Signature] Date: 8/13/12  
 LeAnn Jensen  
 Acting Regional Judicial Officer

**In the Matter of: the Town of Wayland, MA**  
**EPA Docket No. CWA-01-2011-0117**

**CERTIFICATE OF SERVICE**

I certify that the foregoing Consent Agreement and Final Order (in the form of an Expedited Settlement Agreement) was transmitted to the following persons, in the manner specified, on the date below:

Original and one copy  
hand-delivered:

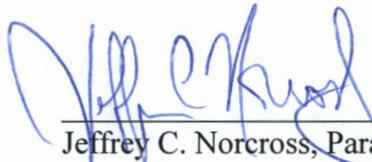
Wanda Santiago  
Regional Hearing Clerk  
U.S. EPA, Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Copy by certified mail,  
return receipt requested:

Frederic E. Turkington, Jr.  
Town Administrator  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778

Dated: \_\_\_\_\_

8/14/2012



\_\_\_\_\_  
Jeffrey C. Norcross, Paralegal  
Office of Environmental Stewardship  
U.S. EPA, Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912  
Phone: (617) 918-1839  
Fax: (617) 918-0839



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 1 – New England  
5 Post Office Square - Suite 100  
Boston, Massachusetts 02109-3912

**BY HAND**

August 9, 2012

LeAnn Jensen  
Regional Judicial Officer  
U.S. Environmental Protection Agency, Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912



Re: In the Matter of the Town of Wayland, Massachusetts,  
Docket No. CWA-01-2011-0117

Dear Ms. Jensen:

In accordance with 40 C.F.R. § 22.18(b), enclosed please find a Clean Water Act ("CWA") Consent Agreement and Final Order (in the form of an Expedited Settlement Agreement) that has been signed by the parties and is now being submitted to you for approval. Consistent with 40 C.F.R. §§ 22.13(b) and 22.18(b), this Consent Agreement and Final Order both commences and concludes the matter referenced above.

The proposed penalty is consistent with the statutory penalty factors set forth in Section 309(g) of the CWA, 33 U.S.C. § 1319(g), as well as EPA's settlement penalty policy for these types of violations.

Pursuant to 40 C.F.R. § 22.45, EPA was required to notify the public before assessing a civil penalty in any proceeding under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g). Accordingly, EPA has provided the public the opportunity to comment on this matter and received no comments on this proposed action. In accordance with § 22.45(c)(3), the Final Order is being submitted to you at least 10 days after the close of the public comment period.

Once the Final Order has been signed, EPA will file the fully executed CAFO with the Regional Hearing Clerk thereby resolving this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey C. Norcross".

Jeffrey C. Norcross  
Paralegal

Enclosure

cc: Frederic E. Turkington, Jr., Town Administrator, Town of Wayland  
Mark Lanza, Esq.  
Wanda Santiago, Regional Hearing Clerk (w/o enclosure)