

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Tonia Bandrowsicz 12/13/18
Name of Case Attorney Date

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

Case Docket Number CWA-01-2019-0002

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:

Middlesex School
1400 Lowell Road
Concord, MA 01742

Total Dollar Amount of Receivable \$ 3,000 Due Date: 1/12/19

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1st \$ _____ on _____
2nd \$ _____ on _____
3rd \$ _____ on _____
4th \$ _____ on _____
5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

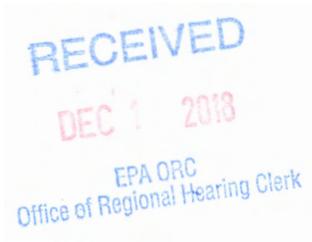
IFMS Accounts Receivable Control Number _____

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



December 13, 2018

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

By Hand

Re: CWA Consent Agreement and Final Order
In the Matter of Middlesex School (Concord, MA)
Docket No. CWA-01-2019-0002

Dear Ms. Santiago:

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), enclosed please find a fully executed consent agreement and final order resolving the above-referenced case.

Respectfully submitted,

A handwritten signature in black ink that reads "Tonia Bandrowicz".

Tonia Bandrowicz
Senior Enforcement Counsel
U.S. EPA, Region I

Enclosure

cc: Kathleen Carroll Giles, Head of School



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912**

RECEIVED

DEC 13 2018

EPA ORC
Office of Regional Hearing Clerk

**In the Matter of Middlesex School, Concord, Massachusetts
Docket No. CWA-01-2019-0002**

The Middlesex School (Respondent) is the owner and operator of a wastewater treatment facility located at 1400 Lowell Road, Concord, Massachusetts, that discharges pollutants from a point source to the Concord River, and that is subject to a National Pollutant Discharge Elimination System permit issued by U.S. Environmental Protection Agency (EPA). Under the terms of an Administrative Order (Docket No. CWA-AO-R01-FY16-15), issued by EPA on June 29, 2016 pursuant to Sections 308 and 309(a) of the Clean Water Act (Act), 33 U.S.C. §§ 1318 and 1319(a), Respondent was required to submit a Wastewater Treatment Facility Evaluation Report within one year of the Order's issuance (June 29, 2017). Section 308 of the Act provides that, whenever necessary to carry out the objectives of the Act, EPA "shall require the owner or operator of any point source to ... make such reports ... as he may reasonably require." As of the date of approval by EPA below, Respondent has failed to submit the Report in violation of Section 308 of the Act, 33 U.S.C. § 1318, and is therefore subject to administrative penalties under Section 309(g) of the Act. While admitting the jurisdiction allegations herein, Respondent neither admits or denies any specific factual allegations.

EPA is authorized enter into this Expedited Settlement Agreement (ESA) under Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and 40 CFR § 22.13(b). In consideration of the statutory penalty factors in Section 309(g)(3), and applicable EPA penalty policy, the parties enter into this ESA to settle the civil violations cited above for a penalty of \$ 5,000. Respondent consents to the assessment of this penalty and the terms of this ESA.

This ESA is subject to the following terms: Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has sent a check in the amount of \$ 5,000, payable to EPA, to: U.S. Environmental Protection Agency, Fines and Penalties, P.O. Box 979077, St. Louis, MO 63197-9000, and the check references the name of this case ("In the Matter of Middlesex School, Concord, MA.") and the Docket No. (Docket No. CWA-01-2019-0002) and includes the following statement: "In settlement of EPA's administrative penalty action against the Middlesex School, Concord, MA, for violation of the Clean Water Act (Docket No. CWA-01-2019-0002), the Respondent submits the enclosed penalty payment check. This is a deposit, which should be held until the Expedited Settlement Agreement in this case is signed and submitted to the EPA Cincinnati Finance Center at which time the check may be cashed."

Respondent agrees to send copies of the check to the Regional Hearing Clerk, U.S. EPA, Region 1, Five Post Office Square, Suite 100 (ORC 04-6), Boston, MA 02109-3912 and to Diane Boudrot, U.S. EPA, Region 1, Five Post Office Square Suite 100, (OES 04-4), Boston, MA 02109-3912.

Once the ESA is signed by the Regional Judicial Officer, the original will be filed with the Regional Hearing Clerk and a copy mailed to: U.S. EPA, Cincinnati Finance Office, 26 W.

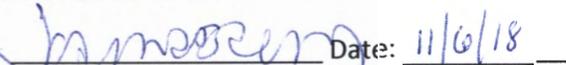
Martin Luther King Drive (MS-WG32B), Cincinnati, Ohio 45268. A copy will also be mailed to the Respondent. Failure to pay the full penalty shall subject Respondent to a civil action to collect the penalty plus interest and other charges from the date the ESA becomes final.

Upon signing and returning this ESA to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), and consents to EPA's approval of the ESA without further notice. This ESA is binding on the parties signing below, and will become final 30 days from the date it is signed by the Regional Judicial Officer unless a petition to set aside this ESA is filed by a commenter pursuant to Section 309(g)(5) of the Act, 33 U.S.C. § 1319(g)(5) following public notice of this settlement.

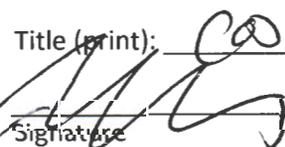
If Respondent does not sign and return this ESA within 30 days of the date of its receipt, the proposed agreement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the noncompliance identified in this document.

After this ESA becomes effective, EPA will take no further civil penalty action against Respondent for the violations of the Act described in this ESA. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the Act or of any other federal statute or regulations.

APPROVED BY EPA:

 Date: 11/6/18
Ioanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

Name (print): Matt P. Coca
Title (print): CO
 Date: 12/7/18
Signature

At least 10 days have elapsed since expiration of the public notice and comment period required by Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA did not receive any public comments or petitions to set aside this ESA.

IT IS SO ORDERED:

 Date: 12/10/18
LeAnn Jensen
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing fully executed consent agreement and final order was sent to the following persons in the manner and on the date specified below.

Original and one copy,
hand-delivered:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I (ORA18-1)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Copy, by Certified Mail,
Return Receipt Requested:

Kathleen Carroll Giles,
Head of School
Middlesex School
1400 Lowell Road
Concord, Massachusetts 01742

Dated: 12-13-18



Tonia Bandrowicz
Senior Enforcement Counsel
U.S. EPA, Region I (OES 04-03)
5 Post Office Square, Suite 100
Boston, MA 02114-2023