



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 19 2009

CERTIFIED MAIL 7008 1140 0002 7576 8808
RETURN RECEIPT REQUESTED

Mr. Clyde E. Mathis
Port Director
Port of Pensacola
700 South Barracks Street
Pensacola, Florida 32501

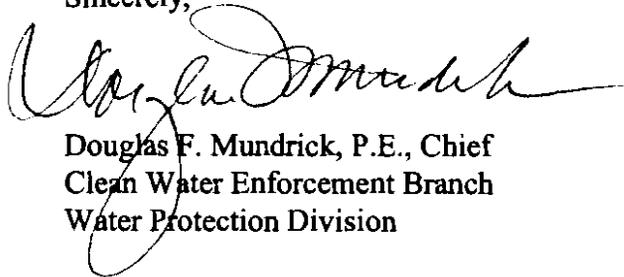
Re: Consent Agreement and Final Order
Docket No. CWA-04-2009-4504(b)

Dear Mr. Mathis:

Enclosed please find a fully executed copy of the Consent Agreement and Final Order that has been finalized by the U.S. Environmental Protection Agency and the Regional Judicial Officer. Please make note of the provisions under Section IV. Payment.

Should you have any questions or problems, please contact Ms. Susan Pope at (404) 562-9770.

Sincerely,



Douglas F. Mundrick, P.E., Chief
Clean Water Enforcement Branch
Water Protection Division

Enclosure

cc: Florida Department of Environmental
Protection

Internet Address (URL) • <http://www.epa.gov>

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
) CONSENT AGREEMENT AND
PORT OF PENSACOLA) FINAL ORDER
PENSACOLA, FLORIDA)
RESPONDENT.) DOCKET NO. CWA-04-2009-4504(b)

RECEIVED
EPA REGION IV
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RECORDS CLERK

CONSENT AGREEMENT

I. Statutory Authority

1. This is a civil penalty proceeding pursuant to Section 309(g)(2)(A) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(g)(2)(A), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits*, including Subpart I, published at 64 Fed. Reg. 40176 (July 23, 1999) and codified at 40 Code of Federal Regulations ("C.F.R.") Part 22.

2. The authority to take action under Section 309(g)(2)(A) of the CWA, 33 U.S.C. § 1319(g)(2)(A), is vested in the Administrator of the United States Environmental Protection Agency ("EPA"). The Administrator has delegated this authority to the Regional Administrator, Region 4, who in turn has delegated this authority to the Director of the Water Protection Division, who in turn has delegated this authority to the Chief of the Clean Water Enforcement Branch of EPA, Region 4 ("Complainant").

II. Allegations

3. The Port of Pensacola ("Respondent"), is a municipally-owned facility existing under the laws of the State of Florida and is a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

4. At all times relevant to this action, the Respondent owned and/or operated a storm water collection system located at 700 South Barracks Street, Pensacola, Florida, which discharged storm water into Pensacola Bay.

5. To accomplish the objective of the CWA, defined in Section 101(a) of the CWA, 33 U.S.C. § 1251(a), to restore and maintain the chemical, physical and biological integrity of the nation's waters, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person into waters of the United States except as in compliance with a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

6. Section 402 of the CWA, 33 U.S.C. § 1342, establishes an NPDES Permit

Program authorizing EPA or authorized states to administer the NPDES Permit Program, including the issuance of NPDES permits allowing for the discharge of pollutants, including storm water, into navigable waters subject to specific terms and conditions. EPA has granted the State of Florida through the Department of Environmental Protection ("FDEP") approval to issue NPDES permits pursuant to Section 402(b) of the CWA.

7. The FDEP issued the *State of Florida Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity (MSGP)* ("Permit") pursuant to Section 403.0885, Florida Statutes, and Rule 62-621.300(5), Florida Administrative Code. The Permit, developed by EPA and then adopted and renamed by FDEP in October 2000, consists of the original 1995 issuance (60 Fed. Reg. 50804 [September 29, 1995]) and subsequent modifications and corrections. Regulated facilities with an existing storm water discharge associated with industrial activity must have submitted a Notice of Intent ("NOI") requesting coverage under the Permit on or before January 2001. In addition, a Storm Water Pollution Prevention Plan ("SWPPP") must have been prepared and implemented by July 2001. The Permit divides the regulated industrial activities into thirty (30) sectors of related activity and specifies both general and sector-specific requirements for each.

8. The FDEP is responsible for the approval of coverage under the Permit, upon submission of the NOI.

9. On November 16, 2006, the Respondent submitted to FDEP an NOI requesting continuing Permit coverage. FDEP issued a notice on December 21, 2006, to the Port for coverage under the Permit, including Sector Q, with an effective date of December 17, 2006, and an expiration date of December 16, 2011, and assigned the Respondent NPDES Permit No. FLR05F402. The Respondent shares the responsibility for storm water management for the Port area with its tenants.

10. Parts I.D and III.C of the Permit requires a Permittee with co-located activities that are described in more than one sector to comply with applicable conditions of each sector.

11. Part II.B.8 of the Permit requires the identification of up to four (4) Standard Industrial Classification (SIC) codes that best represent the principal products produced or services rendered.

12. Part IV of the Permit requires the SWPPP to describe and ensure the implementation of practices to reduce pollutants in storm water discharges and assure compliance with the Permit.

13. Part IV.B.1 of the Permit requires the SWPPP to be signed by an official of the facility.

14. Part IV.B.3 of the Permit requires changes be made to the SWPPP within thirty (30) days of notification that the SWPPP does not meet the minimum requirements of the Permit.

15. Part IV.E of the Permit contains additional requirements for storm water discharges associated with industrial activity from facilities subject to EPCRA Section 313.

16. Part XI.Q.3.a(2) of the Permit requires the SWPPP to include a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges, and to identify all activities and significant materials which may potentially be significant pollutant sources.

17. Part XI.Q.3.a(2)(a) of the Permit requires the SWPPP to contain a site map indicating an outline of the portions of the drainage area of each storm water outfall; each existing structural control measure; surface water bodies; locations where significant materials are exposed to precipitation; locations where major spills or leaks have occurred; locations of fueling, engine maintenance and repair, pressure washing, painting, sanding, blasting, welding, metal fabrication, and loading/unloading areas; locations used for the treatment, storage or disposal of wastes; locations of liquid storage tanks, liquid storage areas, and material storage areas exposed to precipitation; and the outfall locations and the types of discharges contained in the drainage areas of the outfalls, including a prediction of the direction of flow and an identification of the types of pollutants which are likely to be present.

18. Part XI.Q.3.a(2)(b) of the Permit requires the SWPPP to contain an inventory of the types of materials handled at the site that potentially may be exposed to precipitation. The inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed of in a manner to allow exposure to storm water for a period of three years prior to NOI submission to present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

19. Part XI.Q.3.a(2)(d) of the Permit requires the inclusion of a summary of existing discharge sampling data into the SWPPP.

20. Part XI.Q.3.a(2)(e) of the Permit requires that the SWPPP include a narrative description of the potential pollutant sources from the following activities: loading and unloading operations and areas; outdoor storage; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and onsite waste disposal practices along with the list shall contain the pollutant or pollutant parameter of concern.

21. Part XI.Q.3.a(3)(a)(i) of the Permit requires that the SWPPP include a description of maintenance and good housekeeping practices to be used in areas where pressure washing of vessels to remove marine growth occurs. The SWPPP shall describe the measures to collect or contain the discharge from the pressure washing area, detail the method for the removal of visible solids, describe the method of disposal of the collected solids, and identify where the discharge will be released.

22. Part XI.Q.3.a(3)(a)(ii) of the Permit requires that the SWPPP include a description of procedures that will be followed to ensure that all abrasives, paint chips and overspray from blasting and painting areas will be prevented or minimized from entering the receiving water along with standard operating procedures.

23. Part XI.Q.3.a(3)(a)(iii) of the Permit requires the SWPPP to describe measures used to minimize contamination of storm water from all stored and containerized materials, to store them in a protected, secure location away from drains, and be plainly labeled. The SWPPP shall specify which materials are stored indoors and consider containment or enclosure for materials stored outdoors.

24. Part XI.Q.3.a(3)(a)(iv) of the Permit requires the SWPPP to describe measures used to prevent or minimize contamination of the storm water runoff from all areas used for engine maintenance and repair.

25. Part XI.Q.3.a(3)(a)(v) of the Permit requires the SWPPP to describe measures used to prevent or minimize contamination of the storm water runoff from materials handling operations and areas.

26. Part XI.Q.3.a(3)(a)(vii) of the Permit requires that the SWPPP include a schedule for routine yard maintenance and cleanup. Scrap metal, wood, plastic, miscellaneous trash, paper, glass, industrial scrap, insulation, packaging, etc. must be routinely removed.

27. Part XI.Q.3.a(3)(b) of the Permit requires the development of a preventive maintenance program involving timely inspections and maintenance of storm water management devices; testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to waters; and ensuring appropriate maintenance of such equipment and systems.

28. Part XI.Q.3.a(3)(c) of the Permit requires the development of Spill Prevention and Response Procedures in areas where potential spills which can contribute pollutants to storm water discharges, and their accompanying drainage points. The SWPPP shall also, where appropriate, specify material handling procedures, storage requirements, and use of equipment requirements. Procedures for cleaning up spills shall be identified in the SWPPP and made available to the appropriate personnel as well as the appropriate clean up equipment.

29. Part XI.Q.3.a(3)(d) of the Permit requires monthly inspections of all equipment and areas of the facility including, but not limited to, pressure washing areas; blasting, sanding and painting areas; material storage areas; engine maintenance and repair areas; materials handling areas; dry-dock areas; and general yard areas. Tracking and follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections; and such records of the inspections shall be maintained.

30. Part XI.Q.3.a(3)(e) of the Permit requires the Permittee to establish an employee training program which includes spill response, good housekeeping, and material management

practices. At a minimum, the training must address, when applicable to a facility: used oil management, spent solvent management, proper disposal of spent abrasives, proper disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, proper painting and blasting procedures, and used battery management. Employees, independent contractors, and customers must be informed about Best Management Practices and be required to perform in accordance with these practices.

31. Part XI.Q.3.a(4) of the Permit requires that comprehensive inspections be conducted annually, at a minimum.

32. On March 11-12, 2008, representatives of EPA, Region 4 performed a Compliance Storm Water Evaluation Inspection ("CSWEI") of Respondent to evaluate the treatment and disposal of storm water in accordance with the CWA, the regulations promulgated thereunder at 40 C.F.R. § 122.26, and the FDEP Permit.

33. As a result of the CSWEI, EPA, Region 4 determined that storm water associated with industrial activity was discharged from the Respondent within the meaning of Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and its implementing regulations.

34. During the CSWEI, EPA inspectors observed the following:

A. Respondent failed to include in the NOI up to four (4) applicable SIC codes for its "co-located" activities, as required by Parts II.D, III.C and II.B.8 of the Permit. The NOI also failed to note all of the outfalls from the facility.

B. Respondent failed to include all of the following in its SWPPP:

1) The SWPPP was not signed in accordance with Part IV.B.1 of the Permit.

2) The SWPPP did not include information regarding discharges subject to EPCRA Section 313, as required by Part IV.E of the Permit.

3) The SWPPP did not identify industrial activities with a reasonable potential for containing significant pollutants.

4) The site map did not contain all portions of the drainage area of each storm water outfall; all locations where significant materials are exposed to precipitation; all locations of engine maintenance and repair, painting, sanding, loading/unloading areas; all outfall locations and types of discharges contained; or a prediction of the direction of flow, as required by Part XI.Q.3.a(2)(a) of the Permit.

- 5) A complete inventory of all types of materials handled at the site, that potentially may be exposed to precipitation, for a period of three (3) years prior to submission of the NOI, was not included, as required by Part XI.Q.3.a(2)(b) of the Permit.
- 6) A summary of existing discharge sampling data was not included as required by Part XI.Q.3.a(2)(d) of the Permit. The Discharge Monitoring Reports, quarterly visual inspection reports, and the comprehensive evaluation were contained in separate files. No summary was included with the SWPPP.
- 7) A narrative of all potential pollutant sources was not included as required by Part XI.Q.3.a(2)(e) of the Permit. The potential pollutant sources of the tenants were not included.
- 8) A description of maintenance and good housekeeping practices for the areas where vessels are cleaned was not included, as required by Part XI.Q.3.a(3)(a)(i) of the Permit. The areas where the tugboats are located, Berth 14, was not included.
- 9) A description of procedures to minimize the discharge of abrasives, paint chips or blasting was not included, as required by Part XI.Q.3.a(3)(a)(ii) of the Permit. The areas where the tugboats are located, Berth 14, was not included.
- 10) The minimization of contamination from all stored and containerized materials was not included as required by Part XI.Q.3.a(3)(a)(iii) of the Permit.
- 11) A description of procedures to minimize the contamination from areas where engines are maintained and/or repaired was not included as required by Part XI.Q.3.a(3)(a)(iv). There are many maintenance areas, fueling stations, etc., located throughout the site.
- 12) A description of measures to prevent or minimize contamination from materials handling operations and areas was not included, as required by Part Q.3.a(3)(a)(v) of the Permit. Areas occupied by the tenants should be included.
- 13) A schedule for routine yard maintenance and cleanup was not included, as required by Part XI.Q.3.a(3)(a)(vii) of the Permit.

14) A preventive maintenance program was not included, as required by Part XI.Q.3.a(3)(b) of the Permit.

C. Respondent failed to develop Spill Prevention and Response Procedures for all areas of the Port where potential spills could occur and failed to identify procedures for clean up of spills, as required by Part XI.Q.3.a(3)(c) of the Permit.

D. Respondent failed to conduct monthly inspections, as required by Part XI.Q.3.a(3)(d) of the Permit.

E. Respondent failed in its employee training to address all of the areas identified by Part XI.Q.3.a(3)(e) of the Permit.

F. Respondent failed to consistently conduct annual comprehensive inspections of all areas of the Port as required by Part XI.Q.3.a(4) of the Permit.

G. There were several areas of the site that needed to be addressed where the potential for unpermitted discharges existed:

- 1) The pipe southwest of Building Four and west of Building One should be removed or capped if it is not in use;
- 2) The number of outfalls at Building Six may be incorrect in the SWPPP;
- 3) Outfall Nine, the spoil pile, has never been sampled;
- 4) Water was being pumped from the HALCORP facility into the spoil pile. As this water may be contaminated with hydrocarbons, it could affect the discharge at Outfall Nine;
- 5) The storm water inlet outside of the Pate Stevedore Company, Inc. needed repair;
- 6) Outfall One should be capped if it is not being utilized; if it is being used, the outfall has never been sampled;
- 7) The seawall on the Martin Marietta site needs repair to eliminate possible unpermitted discharges;
- 8) The outfall ditch at the Martin Marietta site needs to be cleaned of product; and

9) Martin Marietta's product overflowed the berm into the outfall ditch and the berm into the spoil pile area.

35. Therefore, Respondent has violated Sections 301 and 402(p) of the CWA, 33 U.S.C. §§1311 and 1342(p), by failing to comply with the Permit, and also for discharges not authorized by the Permit.

III. Stipulations and Findings

36. The Respondent and its Tenants have taken sufficient action such that this matter can now be resolved.

37. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order ("CA/FO") will simultaneously commence and conclude this matter.

38. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out above and neither admits nor denies the factual allegations set out above.

39. Respondent hereby waives its right to contest the allegations set out above and its right to appeal the Final Order accompanying this Consent Agreement.

40. Respondent consents to the assessment of and agrees to pay the civil penalty as set forth in this CA/FO and consents to the other conditions set forth in this CA/FO.

41. By signing this CA/FO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each such submission, response and statement. Respondent realizes that there are significant penalties for submitting false or misleading information, including the possibility of fines and/or imprisonment for knowing submission of such information.

42. EPA reserves the right to assess and collect any and all civil penalties for any violation described herein to the extent that any information or certification provided by Respondent was materially false or inaccurate at the time such information or certification was provided to EPA.

43. Complainant and Respondent agree to settle this matter by their execution of this CA/FO. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of the CWA.

IV. Payment

44. Pursuant to Section 309(g)(2)(A) of the CWA, 33 U.S.C. § 1319(g)(2)(A), and 40 C.F.R. Part 19, and considering the nature of the violations and other relevant factors, EPA has determined that Nineteen Thousand dollars (\$19,000) is an appropriate civil penalty to settle this action.

45. Respondent shall submit payment of the penalty specified in the preceding paragraph within thirty (30) days of the effective date of this CA/FO via a cashier's or certified check, payable to the order of "Treasurer, United States of America." The check shall reference on its face the name of Respondent and the Docket Number of this CA/FO. Such payment shall be tendered to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

46. At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this CA/FO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

and

Ms. Mary Mattox
U.S. Environmental Protection Agency, Region 4
Water Management Division
Water Programs Enforcement Branch
Gulf Enforcement Section
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

47. The penalty amount specified above shall represent civil penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

48. Pursuant to 40 C.F.R. Part 13 and 31 U.S.C. § 3717 et seq., if EPA does not receive payment of the penalty assessed by this CA/FO in full by its due date, interest shall accrue on the unpaid balance from the due date through the date of payment at an annual rate

equal to the rate of the current value of funds to the United States Treasury as prescribed and published by the Secretary of the Treasury. If all or part of the payment is overdue, EPA will assess a late-payment handling charge of \$15.00, with an additional delinquent notice charge of \$15.00 for each subsequent thirty (30) day period. EPA will also assess on a monthly basis an up to three percent (3%) per annum penalty on any principal amount not paid within ninety (90) days of the due date.

49. Pursuant to Section 309(g)(9) of the CWA, 33 U.S.C. § 1319(g)(9), failure by Respondent to pay the penalty assessed by the CA/FO in full by its due date may subject Respondent to a civil action to collect the assessed penalty plus interest (at currently prevailing rates from the effective date of this CA/FO), attorney's fees, 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 such penalty and nonpayment penalty which are unpaid as of the beginning of such quarter. In any such collection action, the validity, amount and appropriateness of the penalty and of this CA/FO shall not be subject to review.

V. General Provisions

50. This CA/FO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit. Other than as expressed herein, compliance with this CA/FO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA.

51. Nothing in this CA/FO shall be construed as prohibiting, altering, or in any way limiting the ability of the United States to seek any other remedies or sanctions available by virtue of Respondent's violation of this CA/FO or of the statutes and regulations upon which this CA/FO is based, or for Respondent's violation of any federal or state statute, regulation or permit.

52. Except as otherwise set forth herein, this CA/FO constitutes a settlement by Complainant and Respondent of all claims for civil penalties pursuant to the CWA with respect to only those violations alleged in this CA/FO. Except as otherwise set forth herein, compliance with this CA/FO shall resolve the allegations of violations contained herein. Nothing in this CA/FO is intended to nor shall be construed to operate in any way to resolve any criminal liability of Respondent, or other liability resulting from violations that were not alleged in this CA/FO. Other than as expressed herein, Complainant does not waive any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.

53. Each undersigned representative of the parties to this CA/FO certifies that he or she is fully authorized to enter into the terms and conditions of this CA/FO and to execute and legally bind that party to it.

54. This CA/FO applies to and is binding upon Respondent and its officers, directors, employees, agents, successors and assigns.

55. Any change in the legal status of Respondent, including but not limited to any transfer of assets of real or personal property, shall not alter Respondent's responsibilities under this CA/FO.

56. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this CA/FO.

57. In accordance with 40 C.F.R. § 22.5, the individuals below are authorized to receive service relating to this proceeding.

For Complainant:

Wilda Cobb
Associate Regional Counsel
Office of Environmental Accountability
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9530

For Respondent:

Mr. Clyde E. Mathis
Port Director
Port of Pensacola
700 South Barracks Street
Pensacola, Florida 32501

58. The parties acknowledge and agree that this CA/FO is subject to the requirements of 40 C.F.R. § 22.45(c)(4), which provides a right to petition to set aside a consent agreement and proposed final order based on comments received during the public comment period.

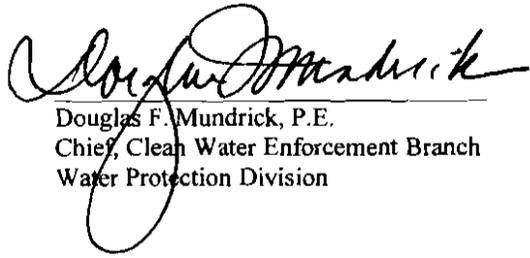
59. Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), and 40 C.F.R. § 22.38(b), Complainant represents that the State of Florida was provided a prior opportunity to consult with Complainant regarding this matter.

VI. Effective Date

60. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

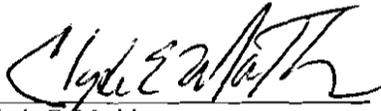
For COMPLAINANT, U.S. ENVIRONMENTAL PROTECTION AGENCY:



Douglas F. Mundrick, P.E.
Chief, Clean Water Enforcement Branch
Water Protection Division

Date: 11/15/09

For RESPONDENT:



Clyde E. Mathis
Port Director

Date: 12/29/08

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
) CONSENT AGREEMENT AND
PORT OF PENSACOLA) FINAL ORDER
PENSACOLA, FLORIDA)
)
RESPONDENT.) DOCKET NO. CWA-04-2009-4504(b)
_____)

FINAL ORDER

In accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits*, including Subpart I, 40 C.F.R. Part 22, and authorities delegated to me, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Pursuant to Section 309(g)(2)(A) of the CWA, 33 U.S.C. § 1319(g)(2)(A), Respondent is hereby ordered to comply with the terms of the foregoing Consent Agreement.

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: March 18, 2009



Susan B. Schub
Regional Judicial Officer

The undersigned certifies that a true and correct copy of the attached **CONSENT AGREEMENT AND FINAL ORDER** in the matter of The Port of Pensacola, **Docket No. CWA-04-2009-4504(b)** (filed with the Regional Hearing Clerk on MAR 19 2009, 2009, was served on MAR 19 2009, 2009, in the manner specified to each of the persons listed below.

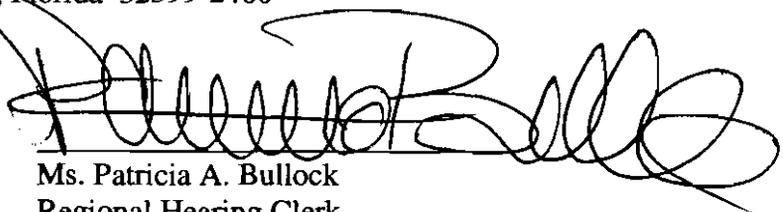
By hand-delivery:

Wilda Cobb
Associate Regional Counsel
Office of Environmental Accountability
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

By certified mail,
return receipt requested:

Clyde E. Mathis
Port Director
Port of Pensacola
700 South Barracks Street
Pensacola, Florida 32501

Janet Llewellyn
Director, Division of Water Resource Management
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400



Ms. Patricia A. Bullock
Regional Hearing Clerk
Sam Nunn Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9511

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE COMPLETED BY THE ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Mary Mattox on 1/8/09
(Name) (Date)

in the WPD/CWEB/West NPDES Enforcement Section at (404) 562- 9733
(Office) (Telephone Number)

- | | |
|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Non-SF Judicial Order/Consent Decree
USAO COLLECTS | <input checked="" type="checkbox"/> Administrative Order/Consent Agreement
FMO COLLECTS PAYMENT |
| <input type="checkbox"/> SF Judicial Order/Consent Decree
DOJ COLLECTS | <input type="checkbox"/> Oversight Billing - Cost Package required:
Sent with bill |
| <input type="checkbox"/> Other Receivable | <input type="checkbox"/> Not sent with bill |
| <input type="checkbox"/> This is an original debt | <input type="checkbox"/> Oversight Billing - Cost Package not required |
| | <input type="checkbox"/> This is a modification |

PAYEE: Part of Pensacola, FL
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 19,000
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: CWA-04-2009-4504(b)

The Site Specific Superfund Account Number: _____

The Designated Regional/Headquarters Program Office: Water Protection Division

TO BE COMPLETED BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number is: _____ Date: _____

DISTRIBUTION:

- A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the FINAL JUDICIAL ORDER should be mailed to:
- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 1. Debt Tracking Officer
Environmental Enforcement Section
Department of Justice RM 1647
P.O. Box 7611, Benjamin Franklin Station
Washington, D.C. 20044 | 2. Originating Office (EAD) |
| | 3. Designated Program Office |
- B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:
- | | |
|---------------------------|------------------------------|
| 1. Originating Office | 3. Designated Program Office |
| 2. Regional Hearing Clerk | 4. Regional Counsel (EAD) |