

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Rivera for Tonia Bandrowicz  
Name of Case Attorney

4/2/09  
Date

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

Case Docket Number EPCRA-01-2009-0029

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:

Milton Academy  
170 Centre Street  
Milton, MA 02186

Total Dollar Amount of Receivable \$ 2,000 Due Date: 4/30/09

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 \_\_\_\_\_

1 Congress Street  
Suite 1100 - SEL  
Boston, MA 02114-2023

RECEIVED

2009 APR -1 P 1:07

April 1, 2009

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency - Region I  
One Congress Street  
Suite 1100, Mail Code RAA  
Boston, MA 02114-2023

EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK  
BY HAND

Re: In Re Milton Academy  
EPA Docket Number: EPCRA-01-2009-0029

Dear Ms. Santiago,

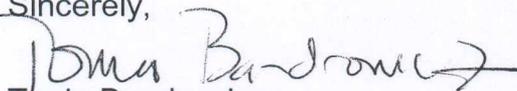
Enclosed for filing, please find a Consent Agreement and Final Order both initiating and settling the matter referenced above.

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:

Tonia Bandrowicz  
Senior Enforcement Counsel  
EPA Region 1  
1 Congress St., Suite 1100 (SEL)  
Boston, MA 02114-2023  
Tel: 617-918-1734

Thank you for your attention to this matter.

Sincerely,

  
Tonia Bandrowicz  
Senior Enforcement Counsel  
EPA Region 1

Enclosure (CAFO)

cc: Fretz Hobbs, Chairman of the Board  
Milton Academy



## MILTON ACADEMY

170 CENTRE STREET

MILTON, MA 02186

(617) 898-2411

FAX (617) 898-1702

## LETTER OF TRANSMITTAL

Date: 24-Mar-09

Docket No EPCRA -01-2009-0029

Subject: ESA

TO: Diane Boisclair

U.S. EPA, Region 1

One Congress Street

Boston, Ma 02114

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### WE ARE SENDING YOU

As requested

**Please find enclosed the appropriate documents for Milton Academy to  
accept the EPCRA - 01-2009-0029 Expedited Settlement Agreement (ESA).**

**If you have any questions or concerns, please contact Kevin Kelly, Director of Facilities,  
at 617-898-2413. Thank You.**

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
One Congress Street, Suite 1100  
Boston, MA 02114-2023

RECEIVED

2009 APR -1 P 1:07

EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK

**EXPEDITED SETTLEMENT AGREEMENT (ESA)**

**DOCKET NO:** EPCRA-01-2009-0029

**This ESA is issued to:**

Milton Academy  
170 Centre Street  
Milton, Massachusetts 02186

**for violating Section 312 of the Emergency Planning and Community Right-To-Know Act**

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 1 (EPA or Complainant), by its duly delegated official, Susan Studlien, Division Director, Office of Environmental Stewardship, and by Milton Academy (Respondent) pursuant to section 325 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11045, and by 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

**ALLEGED VIOLATIONS**

Complainant alleges that Respondent, owner and operator of a private preparatory school located at 170 Centre Street Milton, Massachusetts, failed to timely submit a completed emergency and hazardous chemical inventory form (Tier II form, as described in 40 C.F.R. § 370.25 and 40 C.F.R. Part 370, Subpart D) for the years 2004, 2005, 2006, and failing to include all covered chemicals present at the facility in 2007, as required by section 312 of the EPCRA, 42 U.S.C. § 11022, and the regulations set forth at 40 C.F.R. Part 370. Under section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. Part 370, Respondent was required to submit its Tier II form for the years 2004, 2005, 2006 and 2007 on or before March 1 of 2005, 2006, 2007 and 2008, respectively.

**SETTLEMENT**

EPA and Respondent agree that settlement of this matter for a penalty of **TWO THOUSAND DOLLARS (\$2,000)** is fair, appropriate and in the public interest. In signing this Agreement, Respondent (1) admits that Respondent is subject to the requirements of Section 312 of EPCRA; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged

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In the Matter of Milton Academy

herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives its right to a judicial or administrative hearing on any issue of law or fact set forth herein. Each party to this action agrees to bear its own costs and fees, if any.

By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) the alleged violations have been corrected, and (2) Respondent agrees to pay the penalty in accordance with the terms of this ESA. If the signed original ESA is not returned to the EPA Region 1 office at the above address in correct form by the Respondent **within 30 days**, the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

Respondent agrees to pay the penalty **within 30 days** of the date on which this ESA is filed with the Regional Hearing Clerk. EPA will forward a copy of the fully executed ESA to Respondent as soon as it is filed with the Regional Hearing Clerk. The civil penalty of **TWO THOUSAND DOLLARS (\$2,000)** should be paid by cashier's or certified check, payable to "Treasurer, United States of America" and sent to:

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

The name and docket number of the matter, "In re. Milton Academy" and "Docket No. EPCRA-01-2009-0029" **must be included on the check**. Respondent **must also send a copy of the check** to:

Diane Boisclair (SEW)  
U.S. Environmental Protection Agency, Region 1  
One Congress Street  
Boston, MA 02114-2023

Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. In the event that any partial payment of the civil penalty, plus interest thereon, is not paid when due without demand, the penalty plus accrued interest shall be payable with additional interest from the original due date to the date of payment, at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). In addition, a penalty charge of six percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. § 901.9(d).

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Upon Respondent's submission of the original signed ESA **and** payment of the penalty as set forth in this ESA, EPA will take no further civil action against Respondent for the alleged violations of EPCRA identified in this ESA. EPA does not waive any right to issue an enforcement action for any other past, present, or future violations by Respondent of EPCRA or any other federal statute or regulation.

This ESA is binding on the parties signing below.

In accordance with 40 C.F.R. § 22.31(b), this ESA is effective upon filing with the Regional Hearing Clerk.

**IT IS SO AGREED.**

**MILTON ACADEMY**

By:  Date: 3/18/09  
(Signature)  
Name (print): NEAL LITVACK  
Title (print): CFO

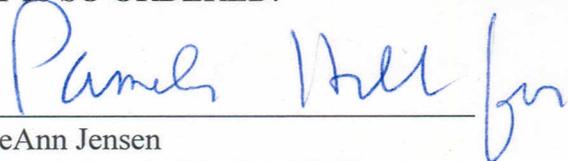
**APPROVED BY EPA:**

Susan Studlien Date: 03/03/09  
Susan Studlien  
Division Director  
Office of Environmental Stewardship  
U.S. EPA Region 1

**ORDER**

I hereby ratify the foregoing Expedited ESA and incorporate it herein by reference.

**IT IS SO ORDERED:**

 Date: March 31, 2009  
LeAnn Jensen  
Acting Regional Judicial Officer  
U.S. EPA Region 1

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**In the Matter of Milton Academy  
Docket No. EPCRA-01-2009-0029**

**CERTIFICATE OF SERVICE**

I certify that the foregoing Consent Agreement & Final Order was sent to the following persons, in the manner specified, on the date below:

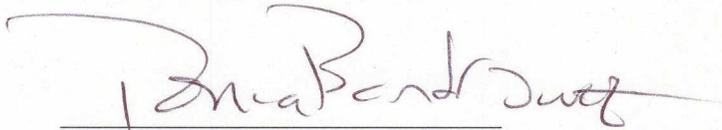
Original and one copy  
hand-delivered:

Wanda Rivera  
Regional Hearing Clerk  
U.S. EPA, Region 1  
One Congress Street (RAA)  
Boston, MA 02114-2023

Copy by certified mail:

Fretz Hobbs, Chairman of the Board  
Milton Academy  
170 Centre Street  
Milton, MA 02186

Dated: 4/1/09



Tonia Bandrowicz  
Senior Enforcement Counsel  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region 1  
One Congress Street, Suite 1100 (SEL)  
Boston, MA 02114-2023  
Tel: (617) 918-1734  
Fax: (617) 918-0734  
Email : Bandrowicz.Toni@epa.gov



# MILTON ACADEMY

170 Centre Street  
Milton, Massachusetts 02186  
Tel: 617-898-1798  
Fax: 617-898-1703  
www.milton.edu

March 23, 2009

To: Treasurer, United States of American

Enclosed please find Milton Academy's payment of \$2,000, with the following reference:

"In re Milton Academy, Docket No. EPCRA-01-2009-0029"

From: Milton Academy

**Bank of America** 

Cashier's Check

No. 1520563

Notice to Purchaser - In the event this check is lost, misplaced or stolen, a sworn statement and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

Date **MARCH 23, 2009**

30-1/1140  
NTX

Banking Center **ADAMS**

0088825 00006 001520563

**MILTON ACADEMY**  
Remitter (Purchased By)

\$ **\*\*2000.00\*\***

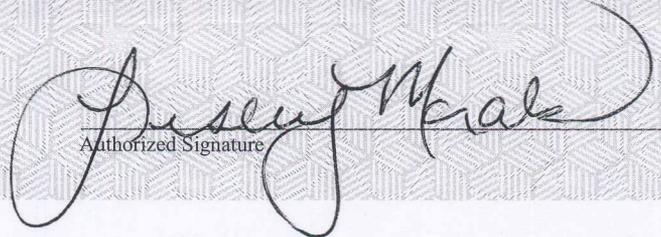
Pay **\*\*TWO THOUSAND DOLLARS AND 00 CENTS\*\***

To The Order Of **\*\*TREASURER, UNITED STATES OF AMERICA\*\***

**RE:\*\*\*\* MILTON ACADEMY  
DOCKET NO. EPCRA-01-2009-0029**

Bank of America, N.A.  
San Antonio, Texas

VOID AFTER 90 DAYS

  
Authorized Signature

21-14-3774B 06-2005

ANTI-FRAUD PROTECTION PATENTS 5,917,706; 5,945,159 US Patents 6,233,206; 6,449,824; 6,792,710

⑈ 1520563 ⑈ ⑆ 114000019 ⑆ 001641005339 ⑈

THE ORIGINAL DOCUMENT HAS REFLECTIVE WATERMARK ON THE BACK