

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

IN THE MATTER OF)
)
Windstream Corporation)
4001 Rodney Parham Road)
Little Rock, Arkansas 72212-2442)
)
Respondent)
_____)

Docket No. CWA-HQ-2008-8001
Docket No. EPCRA-HQ-2008-8001

CONSENT AGREEMENT

I. Preliminary Statement

A. Complainant, the United States Environmental Protection Agency (EPA), and Windstream Corporation (Windstream or Respondent), having consented to the terms of this Consent Agreement (Agreement), and before the taking of any testimony and without the adjudication of issues of law or fact herein, agree to comply with the terms of this Agreement and attached proposed Final Order, hereby incorporated by reference.

B. On August 22, 2006, pursuant to EPA's Policy on Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations (Audit Policy), 65 Fed. Reg. 19618 (April 11, 2000), Respondent submitted an initial voluntary disclosure to EPA. As agreed upon with EPA, Respondent submitted additional disclosures on March 2, 2007, May 30, 2007, August 30, 2007, and December 20, 2007. These disclosures were later determined to relate to potential violations of:

1. Clean Water Act (CWA) Section 311(j), 33 U.S.C. § 1321(j); and
2. Emergency Planning and Community Right-to-Know Act (EPCRA) Section 312, 42 U.S.C. § 11022.

C. Respondent submitted a final audit report to EPA on December 20, 2007. Windstream's disclosures have resulted in a final list of disclosed violations found in Attachment A, hereby incorporated by reference, which are the subject of this Agreement.

D. The disclosures listed in Attachment A have been determined by EPA to satisfy all the conditions set forth in the Audit Policy. These violations thereby qualify for a 100% reduction of the civil penalty's gravity component, described further in Paragraphs III-V of this Agreement.

II. Jurisdiction

- A. The parties agree to the commencement and conclusion of this cause of action by issuance of this Agreement, as prescribed by EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22, and more specifically by 40 C.F.R. § 22.13 and § 22.18(b).
- B. Respondent agrees that Complainant has jurisdiction to bring an administrative action, based upon the facts that Respondent disclosed, for these violations and for the assessment of civil penalties pursuant to CWA Section 311, 33 U.S.C. § 1321, and EPCRA Section 325, 42 U.S.C. § 11045.
- C. Respondent hereby waives its right to request a judicial or administrative hearing on any issue of law or fact set forth in this Agreement and its right to seek judicial review of the proposed Final Order accompanying this Agreement.
- D. Respondent neither admits nor denies the conclusions of law set forth in this Agreement.

III. Statements of Fact

- A. Respondent is Windstream Corporation, a telecommunications company located at 4001 Rodney Parham Road, Little Rock, Arkansas 72212-2442, and Respondent is incorporated in the state of Delaware.
- B. Respondent hereby certifies and warrants as true the facts referenced in this Section and in Attachment A, hereby incorporated by reference.
- C. Pursuant to EPA's Audit Policy, Respondent hereby certifies, with respect to Attachment A of this Agreement, hereby incorporated by reference, as to the accuracy of the following facts upon which this Agreement is based:
1. the violations were discovered through an audit or through a compliance management system reflecting due diligence;
 2. the violations were discovered voluntarily;
 3. the violations were promptly disclosed to EPA in writing;
 4. the violations were disclosed prior to commencement of an Agency inspection or investigation, notice of a citizen suit, filing of a complaint by a third party, reporting of the violations by a "whistle blower" employee, or imminent discovery by a regulatory agency;
 5. the violations have been corrected and the Respondent is, to the best of its knowledge and belief, in full compliance with CWA Section 311(j)(1)(C), 33

U.S.C. § 1321(j)(1)(C), and EPCRA Section 312, 42 U.S.C. § 11022, and the implementing regulations with respect to the violations of such Acts, as set forth in Attachment A, hereby incorporated by reference;

6. appropriate steps have been taken to prevent a recurrence of the violations;
7. the specific violations (or closely related violations), identified in Attachment A, hereby incorporated by reference, have not occurred within three years of the date of disclosure identified in Paragraphs I(B) and (C) above, at the same facilities that are the subject of this Agreement, and have not occurred within five years of the date of disclosure identified in Paragraphs I(B) and (C) above, as part of a pattern at multiple facilities owned or operated by the Respondent. For the purposes of subparagraph 7, a violation is:
 - (a) any violation of federal, state, or local environmental law identified in a judicial or administrative order, consent agreement or order, complaint, or notice of violation, conviction or plea agreement; or
 - (b) any act or omission for which the regulated entity has previously received penalty mitigation from EPA or a state or local agency; Respondent has no knowledge that violations other than those covered in this Agreement (or closely related violations), have occurred within the past three years at the same facilities; nor are the specific violations that are the subject of this Agreement part of a pattern of violations by the entity's parent organization which have occurred over the past five years;
8. the violations have not resulted in serious actual harm nor presented an imminent and substantial endangerment to human health or the environment and they did not violate the specific terms of any judicial or administrative Final Order or Agreement; and
9. Respondent has cooperated as requested by EPA.

IV. Conclusions of Law – Clean Water Act / Spill Prevention, Control, and Countermeasure Plan

A. For purposes of this Agreement, Respondent is a person within the meaning of CWA Section 311(a)(7), 33 U.S.C. § 1321(a)(7), and 40 C.F.R. § 112.2, and is, or was, the owner or operator, as defined by CWA Section 311(a)(6), 33 U.S.C. § 1321(a)(6), and 40 C.F.R. § 112.2, of its distribution centers.

B. The regulations at 40 C.F.R. §§ 112.3 through 112.7, which implement CWA Section 311(j)(1)(C), 33 U.S.C. § 1321(j)(1)(C), set forth procedures, methods, and requirements to prevent the discharge of oil from non-transportation-related facilities into or upon the navigable waters of the United States or adjoining shorelines in such quantities that by regulation have

been determined may be harmful to the public health or welfare or environment of the United States by owners or operators who are engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing or consuming oil and oil products.

C. 40 C.F.R. § 112.3(a) requires owners and operators of onshore and offshore facilities that have discharged or, due to their location, could reasonably be expected to discharge oil in harmful quantities into or upon the navigable waters of the United States or adjoining shorelines, to prepare a Spill Prevention, Control, and Countermeasure (SPCC) Plan.

D. Respondent is engaged in storing or consuming oil or oil products located at its distribution centers in quantities such that discharges may be harmful, as defined by 40 C.F.R. § 110.3.

E. Respondent's facilities are onshore facilities within the meaning of CWA Section 311(a)(10), 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2, which, due to their location, could reasonably be expected to discharge oil to a navigable water of the United States (as defined by CWA Section 502(7), 33 U.S.C. § 1362(7), and 40 C.F.R. § 110.1) or their adjoining shoreline that may either (1) violate applicable water quality standards or (2) cause a film or sheen or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

F. Based on the above, and pursuant to CWA Section 311(j)(1)(C) and its implementing regulations, Respondent is subject to the requirements of 40 C.F.R. §§ 112.3 through 112.7, at certain facilities listed in Attachment A, hereby incorporated by reference.

G. For purposes of this Agreement, Complainant hereby states and alleges that, based on the information Respondent supplied to EPA, Respondent has violated the CWA at one (1) facility identified in Attachment A, hereby incorporated by reference, by failing to prepare and implement an SPCC Plan, as required by CWA Section 311(j)(1)(C), 33 U.S.C. § 1321 (j)(1)(C), and the requirements found in 40 C.F.R. §§ 112.3 through 112.7.

H. EPA agrees, based upon the facts and information submitted by Respondent and upon Respondent's certification herein to the veracity of this information, that Respondent has satisfied all of the conditions set forth in the Audit Policy for the SPCC violation listed in Attachment A and thereby qualifies for a 100% reduction of the civil penalty's gravity component that would otherwise apply to these violations.

V. Conclusions of Law – Emergency Planning and Community Right-to-Know Act

A. For purposes of this Agreement, Respondent is a person as defined in EPCRA Section 329(7), 42 U.S.C. § 11049(7), and is, or was, the owner or operator, as defined in EPCRA Section 329(4), 42 U.S.C. § 11049(4), of the facilities listed in Attachment A, hereby incorporated by reference.

B. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and the regulations found at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required to have a material safety data sheet (MSDS) for a hazardous chemical under the Occupational Safety and Health (OSH) Act of 1979, 29 U.S.C. § 651 *et seq.*, and regulations promulgated under the OSH Act, to prepare and submit an emergency and hazardous chemical inventory form (Tier I or Tier II as described in 40 C.F.R. Part 370) containing the information required by those sections to the local emergency planning committee (LEPC), state emergency response commission (SERC), and to the fire department with jurisdiction over the facility by March 1, 1988 (or March 1 of the first year after the facility becomes subject to EPCRA Section 312), and annually thereafter.

C. Sulfuric acid is an extremely hazardous substance, and diesel is a hazardous chemical, as defined under EPCRA Section 312, 42 U.S.C. § 11022, and 40 C.F.R. § 370.2.

D. As set forth in 40 C.F.R. § 370.20, the reporting threshold amount for hazardous chemicals present at a facility at any one time during the preceding calendar year is 10,000 pounds. The reporting threshold, therefore, for diesel is 10,000 pounds. For extremely hazardous substances present at the facility, the reporting threshold is 500 pounds or the threshold planning quantity (TPQ) as defined in 40 C.F.R. Part 355, whichever is lower. Here, where the reporting threshold is lower than the TPQ, the reporting threshold for sulfuric acid is 500 pounds.

E. Based on the above, and pursuant to EPCRA Section 312, 42 U.S.C. § 11022, and its implementing regulations, Respondent is subject to the requirements of 40 C.F.R. Part 355 and Part 370 at certain facilities listed in Attachment A, hereby incorporated by reference.

F. The information supplied by Respondent in its self-disclosure indicated that for varying lengths of time during the calendar years 2002, 2003, 2004, 2005, and 2006, Respondent had the extremely hazardous substance sulfuric acid, and/or the hazardous chemical diesel fuel, in excess of the threshold amounts, present at the facilities listed in Attachment A, hereby incorporated by reference.

G. For purposes of this Agreement, Complainant hereby states and alleges that, based on the information Respondent supplied to EPA, Respondent has violated EPCRA Section 312(a), 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370, at 48 facilities, by failing to prepare and submit emergency and chemical inventory forms to the LEPCs, SERCs, and the fire departments with jurisdiction over these facilities, identified in Attachment A, hereby incorporated by reference.

VI. Civil Penalty

A. EPA agrees, based upon the facts and information submitted by Respondent and upon Respondent's certification herein to the veracity of this information, that Respondent has satisfied all of the conditions set forth in the Audit Policy for those violations described in Attachment A and thereby qualifies for a 100% reduction of the gravity component of the civil penalty that otherwise would apply to these violations. Complainant alleges that the gravity

component of the civil penalty for violations described in Attachment A would ordinarily be \$414,290. Of that potential penalty, \$410,000 is attributable to EPCRA violations and \$4,290 attributable to the CWA violation. EPA alleges that this gravity component is potentially assessable against Respondent for the violations described in Attachment A, hereby incorporated by reference.

B. Under the Audit Policy, EPA has discretion to assess a penalty equivalent to the economic benefit Respondent gained as a result of its noncompliance. Based on information provided by Respondent and use of the Economic Benefit (BEN) computer model, for the violations described in Attachment A, hereby incorporated by reference, EPA has determined that Respondent obtained an economic benefit of \$11,333 as a result of its noncompliance in this matter. Of this amount, \$861 is attributable to CWA/SPCC violations, and \$10,472 is attributable to EPCRA violations. Pursuant to the Audit Policy, EPA will assess a penalty equivalent to the economic benefit for violations listed in Attachment A.

C. Accordingly, the civil penalty agreed upon by the parties for settlement purposes is \$11,333.

VII. Terms of Settlement

A. Respondent agrees to pay ELEVEN THOUSAND THREE HUNDRED AND THIRTY-THREE dollars (\$11,333) in satisfaction of the civil penalty.

B. For payment of the civil penalty related to the EPCRA violations, Respondent shall send, within thirty (30) days of the issuance of the Final Order, a cashier's check or a certified check in the amount of TEN THOUSAND FOUR HUNDRED AND SEVENTY-TWO dollars (\$10,472) made payable to the "Treasurer of the United States of America," via either the method described below or one of the alternative payment methods described in Attachment B.

Via U.S. Postal Service regular mail of a certified or cashier's check, made payable to the "United States Treasury," sent to the following address:

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

All payments by the Respondent shall include the Respondent's full name and address and the EPA Docket Number of this Consent Agreement (EPCRA-HQ-2008-8001).

C. In payment of the civil penalty related to the CWA SPCC violation, Respondent shall, within thirty (30) days of issuance of the Final Order, forward a cashier's or certified check, in the amount of EIGHT HUNDRED SIXTY-ONE dollars (\$861) made payable to the "Oil Spill Liability Trust Fund," to:

Commander, National Pollution Funds Center
United States Coast Guard
Ballston Common Office Building Suite 1000
4200 Wilson Boulevard
Arlington, VA 22203

The check shall indicate that it is for In the Matter of Windstream Corporation, Docket No. CWA-HQ-2008-8001. Alternatively, Respondent shall pay EIGHT HUNDRED SIXTY-ONE dollars (\$861) by wire transfer with a notation of "In the Matter of Windstream Corporation, Docket No. CWA-HQ-2008-8001" by using the following instructions:

Bank's ABA Number:	021030004 Treas NYC
Coast Guard Beneficiary Number:	69025102
Type/Subtype Code:	10 00

D. Respondent shall forward copies of these checks or wire transfers to EPA, within five (5) business days of payment, to the attention of:

Beth Cavalier
Special Litigation and Projects Division (2248-A)
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Ariel Rios Building, Room 3119
Washington, DC 20460

E. Respondent's obligations under this Agreement shall end when it has paid the civil penalties as required by this Agreement and the Final Order, and complied with its obligations under Sections VII(B-D) of this Agreement.

F. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to the Final Order. Any attempt by Respondent to deduct any such payments shall constitute a violation of this Agreement.

G. 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. Interest will therefore begin to accrue on the civil penalty from the date that the Environmental Appeals Board (EAB) files the Final Order, if the penalty is not paid by the date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in

accordance with 40 C.F.R. § 13.11. A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorney fees. In addition, a penalty charge of twelve percent (12%) per year compounded annually will be assessed on any portion of the debt that remains delinquent more than 90 days after payment is due.

VIII. Severability and Public Comment

A. The parties acknowledge that the settlement portion of this Agreement which pertains to the CWA violation is, pursuant to CWA Section 311(b)(6)(C)(i), 33 U.S.C. § 1321(b)(6)(C)(i), subject to public notice and comment requirements. Furthermore, the parties acknowledge and agree that at that time, EPA will also provide notice of the EPCRA portions of this Agreement. Should EPA receive comments regarding the issuance of the Final Order assessing the civil penalty agreed to in Paragraph VI(C), EPA shall forward all such comments to Respondent within ten (10) days of the receipt of the public comments.

B. As part of this Agreement, and in satisfaction of the requirements of the Audit Policy, Respondent has certified to certain facts as delineated in Section III(C). The parties agree that should EPA receive, through public comments or in any way, information that proves or demonstrates that these facts are other than as certified by Respondent, the portion of this Agreement pertaining to the affected facility, including mitigation of the proposed penalty, may be voided or this entire Agreement may be declared null and void at EPA's election, and EPA may proceed with an enforcement action.

C. The parties agree that Respondent reserves all of its rights should this Agreement be voided in whole or in part. The parties further agree that Respondent's obligations under this Agreement will cease should this Agreement be rejected by the EAB.

IX. Reservation of Rights

A. This Agreement and the Final Order, when issued by the EAB, and upon payment by Respondent of civil penalties in accordance with Section VI, shall resolve only the federal civil claims specified in Attachment A, hereby incorporated by reference. Nothing in this Agreement and the Final Order shall be construed to limit the authority of EPA and/or the United States to undertake any action against Respondent, in response to any condition which EPA or the United States determines may present an imminent and substantial endangerment to the public health, welfare, or the environment. Furthermore, issuance of the Final Order does not constitute a waiver by EPA and/or the United States of its right to bring an enforcement action, either civil or criminal, against Respondent for any other violation of any federal or state statute, regulation or permit.

X. Other Matters

A. Each party shall bear its own costs and attorney fees in this matter.

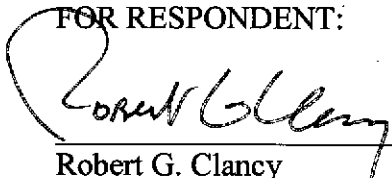
B. The provisions of this Agreement and the proposed Final Order, when issued by the EAB, shall apply to and be binding on the Complainant and the Respondent, as well as Respondent's officers, agents, successors and assigns. Any change in ownership or corporate status of the Respondent including, but not limited to, any transfer of assets or real or personal property shall not alter Respondent's responsibilities under this Agreement, including the obligation to pay the civil penalty referred to in Section VI.

C. Nothing in this Agreement shall relieve Respondent of the duty to comply with all applicable provisions of the CWA, EPCRA, or other federal, state, or local laws or regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit.

D. Except as provided in Section VIII(C), Respondent waives any rights it may have to contest the allegations contained herein and its right to appeal the Final Order accompanying this Agreement.

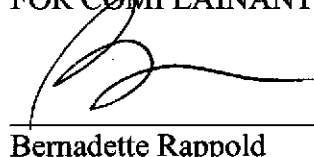
E. The undersigned representatives of each party to this Agreement certify that each is duly authorized by the party whom s/he represents to enter into these terms and bind that party to it.

FOR RESPONDENT:

 6/13/08

Robert G. Clancy Date
Senior Vice President and Treasurer
Windstream Corporation

FOR COMPLAINANT:

 6/27/08

Bernadette Rappold Date
Director
Special Litigation and Projects Division
Office of Civil Enforcement
Office of Enforcement and Compliance
Assurance
U.S. Environmental Protection Agency

Attachment A
EPCRA Violations

WINDSTREAM -- Summary of Self Disclosure - EPCRA
Docket Numbers EPCRA-HQ-2008-8001 & CWA-HQ-2008-8001

Facility	Address	City	State	Zip	Statutory Citation	CFR Citation	Description of Non Compliance	Date of Non Compliance (or equipment installation date)	Date Return to Compliance (Tier II Reports due March 1 annually)	Chemical	Quantity (lbs)	Past Years of Non-Reporting
Checotah Central Office	1st & Spaulding	Checotah	OK	74426	EPCRA § 312, 42 U.S.C. § 11022, 40 C.F.R. Part 370		underreporting sulfuric acid	3/13/1990	8/18/2006	sulfuric acid	1,342.6	5
Wagoner Central Office	812 E. Cherokee	Wagoner	OK	74467	EPCRA § 312, 42 U.S.C. § 11022, 40 C.F.R. Part 370		underreporting diesel	2/8/1990	8/18/2006	diesel	10,000.0	5
Espanola Central Office	100 Onate Street	Espanola	NM	87532	EPCRA § 312, 42 U.S.C. § 11022, 40 C.F.R. Part 370		underreporting sulfuric acid	unknown	8/28/2006	sulfuric acid	717.6	5
Brownfield Central Office	101 E. Tate Street	Brownfield	TX	79316	EPCRA § 312, 42 U.S.C. § 11022, 40 C.F.R. Part 370		underreporting sulfuric acid	9/1/2005	10/11/2006	sulfuric acid	1,987.2	2
Brownfield Central Office	101 E. Tate Street	Brownfield	TX	79316	EPCRA § 312, 42 U.S.C. § 11022, 40 C.F.R. Part 370		underreporting diesel	5/1/1983	2/21/2007	diesel	28,000.0	5
Dalhart Central Office	601 Denver	Dalhart	TX	79022	EPCRA § 312, 42 U.S.C. § 11022, 40 C.F.R. Part 370		underreporting sulfuric acid	4/28/1993	10/11/2006	sulfuric acid	595.2	5
Dimmitt Central Office	113 NE 2nd Street	Dimmitt	TX	79027	EPCRA § 312, 42 U.S.C. § 11022, 40 C.F.R. Part 370		underreporting sulfuric acid	6/4/2004	10/11/2006	sulfuric acid	504.0	2
Dumas Central Office	116 West 7th	Dumas	TX	79029	EPCRA § 312, 42 U.S.C. § 11022, 40 C.F.R. Part 370		underreporting sulfuric acid	12/1/1999	10/11/2006	sulfuric acid	1,262.4	5

**WINDSTREAM -- Summary of Self Disclosure - EPCRA
Docket Numbers EPCRA-HQ-2008-8001 & CWA-HQ-2008-8001**

Attachment A												
EPCRA Violations												
Facility	Address	City	State	Zip	Statutory Citation	CFR Citation	Description of Non Compliance	Date of Non Compliance (or equipment installation date)	Date Return to Compliance (Tier II Reports due March 1 annually)	Chemical	Quantity (lbs)	Past Years of Non-Reporting
Hubbard Central Office	Second Street and Kreditor	Hubbard	TX	76648	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	7/9/2004	10/11/2006	sulfuric acid	600.5	2
Levelland Central Office	506 Ave I	Levelland	TX	79336	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	11/16/2003	10/5/2006	sulfuric acid	3,600.0	3
Levelland Central Office	506 Ave I	Levelland	TX	79336	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting diesel	11/11/1990	2/21/2007	diesel	14,000.0	5
Glen Rose Central Office	105 SW Vine Street	Glen Rose	TX	76043	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	unknown	2/21/2007	sulfuric acid	600.5	5
Littlefield Central Office	600 E. Fifth Street	Littlefield	TX	79339	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	1/1/1984	2/21/2007	sulfuric acid	1,305.6	5
Littlefield Central Office	600 E. Fifth Street	Littlefield	TX	79339	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting diesel	5/1/1983	2/21/2007	diesel	17,500.0	5
Crockett Central Office	111 N. 7th Street	Crockett	TX	75835	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	unknown	2/21/2007	sulfuric acid	2,923.2	5
DeKalb Central Office	South Front Street	DeKalb	TX	75559	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	unknown	2/21/2007	sulfuric acid	563.9	5
Spearman Central Office	110 North Bernice Street	Spearman	TX	79081	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	11/1/1984	2/21/2007	sulfuric acid	595.2	5

**WINDSTREAM -- Summary of Self Disclosure - EPCRA
Docket Numbers EPCRA-HQ-2008-8001 & CWA-HQ-2008-8001**

Attachment A

EPCRA Violations

Facility	Address	City	State	Zip	Statutory Citation	CFR Citation	Description of Non Compliance	Date of Non Compliance (or equipment installation date) March 1 annually)	Date Return to Compliance (Tier II Reports due)	Chemical	Quantity (lbs)	Past Years of Non-Reporting
Seymour Central Office	400 North Main	Seymour	TX	76380	EPCRA § 312, 42 U.S.C. § 11022, 370	40 C.F.R. Part 370	underreporting sulfuric acid	unknown	2/21/2007	sulfuric acid	993.6	5
Pecos Central Office	Eddy & Daggett	Pecos	TX	79772	EPCRA § 312, 42 U.S.C. § 11022, 370	40 C.F.R. Part 370	underreporting sulfuric acid	unknown	2/21/2007	sulfuric acid	1,058.4	5
Newton Central Office	101 Houston Street	Newton	TX	75966	EPCRA § 312, 42 U.S.C. § 11022, 370	40 C.F.R. Part 370	underreporting sulfuric acid	9/1/2004	2/21/2007	sulfuric acid	600.5	2
Huntwood Central Office	411 Research Blvd	Lubbock	TX	79414	EPCRA § 312, 42 U.S.C. § 11022, 370	40 C.F.R. Part 370	underreporting diesel	1/1/1990	2/21/2007	diesel	21,000.0	5
Huntwood Central Office	411 Research Blvd	Lubbock	TX	79414	EPCRA § 312, 42 U.S.C. § 11022, 370	40 C.F.R. Part 370	underreporting sulfuric acid	unknown	2/21/2007	sulfuric acid	595.2	5
Trinity Central Office	110 East Caroline Street	Trinity	TX	75862	EPCRA § 312, 42 U.S.C. § 11022, 370	40 C.F.R. Part 370	underreporting sulfuric acid	unknown, however Tier II was submitted for the 1999 Reporting year	2/21/2007	sulfuric acid	1,527.6	5
Trinity Central Office	110 East Caroline Street	Trinity	TX	75862	EPCRA § 312, 42 U.S.C. § 11022, 370	40 C.F.R. Part 370	underreporting diesel	unknown, however Tier II was submitted for the 1999 Reporting year	2/21/2007	diesel	14,000.0	5
Texarkana West Central Office	924 Elliot Road	Texarkana	TX	75501	EPCRA § 312, 42 U.S.C. § 11022, 370	40 C.F.R. Part 370	underreporting sulfuric acid	unknown, however Tier II was submitted for the 1999 Reporting year	2/21/2007	sulfuric acid	2,357.8	5

**WINDSTREAM -- Summary of Self Disclosure - EPCRA
Docket Numbers EPCRA-HQ-2008-8001 & CWA-HQ-2008-8001**

Attachment A

EPCRA Violations

Facility	Address	City	State	Zip	Statutory Citation	CFR Citation	Description of Non Compliance	Date of Non Compliance (or equipment installation date) March 1 annually)	Date Return to Compliance (Tier II Reports due)	Chemical	Quantity (lbs)	Past Years of Non-Reporting
Texasarkana West Central Office	924 Elliot Road	Texasarkana	TX	75501	EPCRA § 312, 42 U.S.C. § 11022 370	40 C.F.R. Part 370	underreporting diesel	unknown, however Tier II was submitted for the 1999 Reporting year	2/21/2007	diesel	28,000.0	5
New Boston Central Office	108 Tyson Street	New Boston	TX	75570	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	3/2/2004	2/21/2007	sulfuric acid	727.2	2
Memphis Central Office	721 Noel Street	Memphis	TX	79245	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting diesel	11/1/1992	2/21/2007	diesel	17,500.0	5
Memphis Central Office	721 Noel Street	Memphis	TX	79245	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	unknown, however Tier II was submitted for the 1999 Reporting year	2/21/2007	sulfuric acid	950.4	5
Fairfield Central Office	US 84 - 1 Block West of Square	Fairfield	TX	75840	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	unknown, however Tier II was submitted for the 1999 Reporting year	2/21/2007	sulfuric acid	950.4	5
Crosbyton Central Office	124 N. Crosby	Crosbyton	TX	79322	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	1/1/2003	2/21/2007	sulfuric acid	506.4	4
White Mountain Central Office	1206 A Mechem	Ruidoso	NM	88345	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	unknown	4/16/2007	sulfuric acid	628.8	5
Whites City Central Office	1602 W. National Parks Highway	White City	NM	86268	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	10/3/2003	4/16/2007	sulfuric acid	504.0	4

Attachment A												
EPCRA Violations												
Facility	Address	City	State	Zip	Statutory Citation	CFR Citation	Description of Non Compliance	Date of Non Compliance (or equipment installation date)	Date Return to Compliance (Tier II Reports due March 1 annually)	Chemical	Quantity (lbs)	Past Years of Non-Reporting
WINDSTREAM -- Summary of Self Disclosure - EPCRA Docket Numbers EPCRA-HQ-2008-8001 & CWA-HQ-2008-8001												
Hobbes North RSU	5324 N. Lovington Highway	Hobbs	NM	88240	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	11/1/2002	4/16/2007	sulfuric acid	584.0	5
Higgins DCO	110 N. Lipscomb	Higgins	TX	79046	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	7/20/2004	4/16/2007	sulfuric acid	595.2	2
Follett DCO	208 S. Main	Follett	TX	79034	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	7/1/2004	4/16/2007	sulfuric acid	595.2	2
Spearman DCO	110 N. Bernice	Spearman	TX	79081	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	7/14/2004	4/16/2007	sulfuric acid	595.2	2
Darrouzett DCO	114 S. Main	Darrouzett	TX	79024	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	7/28/2004	4/16/2007	sulfuric acid	595.2	2
Panhandle Central Office	310 Euclid	Panhandle	TX	79068	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	1997	4/16/2007	sulfuric acid	595.2	5
Lamesa Central Office	313 S. First Street	Lamesa	TX	79331	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	10/1/1990	8/20/2007	sulfuric acid	595.2	4
Claude Central Office	204 S. Trice Street	Claude	TX	79019	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	3/16/2004	8/20/2007	sulfuric acid	504.0	2
MoBeete Central Office	Wheeler between 1st & 2nd Street	MoBeete	TX	79061	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	7/24/2004	8/20/2007	sulfuric acid	644.8	2

Attachment A

**WINDSTREAM -- Summary of Self Disclosure - EPCRA
Docket Numbers EPCRA-HQ-2008-8001 & CWA-HQ-2008-8001**

Facility	Address	City	State	Zip	Statutory Citation	CFR Citation	Description of Non Compliance	Date of Non Compliance (or equipment installation date) March 1 annually)	Date Return to Compliance (Tier II Reports due	Chemical	Quantity (lbs)	Past Years of Non-Reporting
Pajarito Peak Microwave Tower	Pajarito Peak	Cuba	NM	87013	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	unknown	10/29/2007	sulfuric acid	628.8	5
Barnsdall Central Office/Switch	120 N. 5th Street	Barnsdall	OK	74002	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	12/19/1984	10/29/2007	sulfuric acid	837.6	5
Lindsay Central Office	109 W. Choctaw	Lindsay	OK	73052	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	1/1/2001	10/29/2007	sulfuric acid	504.0	5
Burkeville Central Office	Hwy 87 and Ford	Burkeville	TX	75932	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	unknown	10/29/2007	sulfuric acid	967.2	5
Baird Central Office	100 Block of W. 3rd	Baird	TX	79504	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	1/1/1980	10/29/2007	sulfuric acid	595.2	5
Hart Central Office	5th and Broadway	Hart	TX	79043	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	3/1/2004	10/29/2007	sulfuric acid	566.4	3
Orla Switch	Hwy 285 & FM 652	Orla	TX	79770	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	12/1/1997	10/29/2007	sulfuric acid	547.2	5
Perryton Central Office	West Side Hwy 83 @ Lake	Perryton	TX	79070	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting diesel fuel	7/1/2006	10/29/2007	diesel	14,000.0	0
Albemarle Central Office	250 N. First Street	Albemarle	NC	28001	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	unknown	11/6/2007	sulfuric acid	2,160.0	5

Attachment A												
WINDSTREAM -- Summary of Self Disclosure - EPCRA Docket Numbers EPCRA-HQ-2008-8001 & CWA-HQ-2008-8001												
Facility	Address	City	State	Zip	Statutory Citation	CFR Citation	Description of Non Compliance	Date of Non Compliance (or equipment installation date)	Date Return to Compliance (Tier II Reports due March 1 annually)	Chemical	Quantity (lbs)	Past Years of Non-Reporting
New London RSU	113 East Gold Street	Albemarle	NC	28001	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	6/1/1987	11/6/2007	sulfuric acid	1,315.2	5
Charlotte Central Office	401 S. College Street	Charlotte	NC	28202	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	1/1/1997 & 9/29/2005	11/6/2007	sulfuric acid	2,265.6	5
Corporate Center	1000 Progress Place, NE	Concord	NC	28026	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting diesel fuel	10/21/2001	11/6/2007	diesel	14,800.0	5
Concord Central Office	68 Cabarrus Ave. E.	Concord	NC	28025	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting diesel fuel	7/1/2000	11/6/2007	diesel	29,600.0	5
Concord Central Office	68 Cabarrus Ave. E.	Concord	NC	28025	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	5/1/1997	11/6/2007	sulfuric acid	4,968.0	5
Harrisburg Central Office	4574 NC Highway 49S	Harrisburg	NC	28075	EPCRA § 312, 42 U.S.C. § 11022	40 C.F.R. Part 370	underreporting sulfuric acid	4/1/1985	11/6/2007	sulfuric acid	1,116.0	5
Windstream - Summary of Disclosure - CWA/SPCC												
Corporate Center	1000 Progress Place, NE	Concord	NC	28026	Clean Water Act (CWA) § 311(i), 33 U.S.C. § 1321(i)	40 C.F.R. § 112.3(a)	No SPCC plan in place for 2,000 gal/AST. Diesel fuel	10/1/2001	12/15/2007	diesel	14,800.0	Years in non-compliance 6

ATTACHMENT B

ADMINISTRATIVE PENALTY PAYMENT OPTIONS

- a. Via U.S. Postal Service regular mail of a certified or cashier's check, made payable to the "United States Treasury," sent to the following address:

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

- b. Via overnight delivery of a certified or cashier's check, made payable to the "United States Treasury," sent to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

The U.S. Bank customer service contact for both regular mail and overnight delivery is Natalie Pearson, who may be reached at 314-418-4087.

- c. Via electronic funds transfer ("EFT") to the following account:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

The Federal Reserve customer service contact may be reached at 212-720-5000.

- d. Via automatic clearinghouse ("ACH"), also known as Remittance Express ("REX"), to the following account:

PNC Bank
ABA No. 05136706
Environmental Protection Agency

Account 310006
CTX Format
Transaction Code 22 - checking
808 17th Street, NW
Washington, DC 20074

The PNC Bank customer service contact, Jesse White, may be reached at 301-887-6548.

- e. Via on-line payment (from bank account, credit card, debit card), access “www.pay.gov” and enter “sfo 1.1” in the search field. Open the form and complete the required fields.

All payments by the Respondent shall include the Respondent’s full name and address and the EPA Docket Number of this Consent Agreement (EPCRA-HQ-2008-8001).