



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

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2013 JUN 10 P 1:13

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

BY HAND

June 10, 2013

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

Re: In the Matter of Diesel Direct, Inc., Stoughton, Massachusetts 02072
Docket No. CWA-01-2013-0027

Dear Ms. Santiago,

Enclosed for filing, please find a Consent Agreement and Final Order (CAFO) settling the matter referenced above.

Pursuant to EPA Order Classification No.: 2551.1A dated June 7, 2006, the Regional Hearing Clerk (RHC) shall send a copy of the CAFO in any Clean Water Act (CWA) case assessing a penalty under the authority of Section 311 of the CWA to:

U.S EPA
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-002)
Cincinnati, OH 45268

In addition, 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,



Diane Boisclair
Water Technical Unit

Enclosure



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912
EXPEDITED SPILL SETTLEMENT AGREEMENT**

DOCKET NO. CWA-01-2013-0027

On or around January 17, 2013, a Diesel Direct, Inc. (Respondent) tanker truck rolled over at Defco Park Road, North Haven, Connecticut, and discharged oil, as defined in 40 CFR §110.3, to an unnamed tributary to the Quinnipiac River, a navigable water of the United States as defined in Section 502(7) of the Act, and 40 CFR § 110.1, or its adjoining shorelines, in violation of Section 311(b)(3) of the Clean Water Act (the "Act").

EPA finds that Respondent is subject to the Act and has violated the Act by discharging a harmful quantity of oil, as defined in 40 CFR § 110.3, into navigable waters of the United States or adjoining shorelines. Respondent admits to being subject to the Act and that EPA has jurisdiction over Respondent and Respondent's conduct as described in this Expedited Settlement. Respondent does not contest the findings alleged in the first paragraph, and waives any objections Respondent may have to EPA's jurisdiction.

EPA is authorized to enter into this Expedited Settlement under the authority vested in EPA by Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 CFR § 22.13(b). The parties enter into this Expedited Settlement in order to settle the civil violations described in this Expedited Settlement for a penalty of **\$3,200**. Respondent consents to the assessment of this penalty.

This Expedited Settlement also is subject to the following terms and conditions: Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has investigated the cause of the spill, has cleaned up the spill pursuant to federal requirements, has taken corrective actions that will prevent future spills, and has sent a certified check in the amount of **\$3,200**, payable to the Environmental Protection Agency. Respondent shall send the check to: U.S. Environmental Protection Agency, Fines and Penalties, P.O. Box 979077, St. Louis, MO 63197-9000. Respondent shall send a copy of the check to Diane Boisclair, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square Suite 100, Mail Code OES04-3, Boston, Massachusetts 02109-3912. The check should reference the above docket number of the case and the "Oil Spill Liability Trust Fund - 311."

Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Expedited Settlement without further notice.


This Expedited Settlement is binding on the parties signing below, and will become effective upon filing with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b).

Once the Expedited Settlement is signed by the Regional Judicial Officer, the original Expedited Settlement will be filed with the Regional Hearing Clerk and a copy will be mailed to: U.S. EPA Cincinnati Finance Office, 26 W. Martin Luther King Drive (MS-002), Cincinnati, Ohio 45268. A copy of the Expedited Settlement will also be mailed to the Respondent.

If Respondent does not sign and return this Expedited Settlement as presented within 30 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 noncompliance identified in this document.

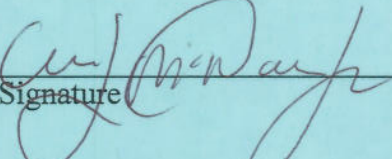
After this Expedited Settlement becomes effective, EPA will take no further civil penalty action against Respondent for the violations of the Act described in this Expedited Settlement. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations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

APPROVED BY EPA:

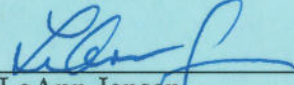
 Date: 5/8/13
Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

Name (print): W. J. McNamara
Title (print): CEO

 Date: 5/20/13
Signature

IT IS SO ORDERED:

 Date: 5/28/13
LeAnn Jensen
Acting Regional Judicial Officer



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912
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APPROVED BY EPA:

J. Jerison Date: 5/2/13
Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

Name (print): W. J. McNamara
Title (print): CEO

W. J. McNamara Date: 5/20/13
Signature

IT IS SO ORDERED:

LeAnn Jensen Date: 5/28/13
LeAnn Jensen
Acting Regional Judicial Officer

In the Matter of Diesel Direct, Inc.
EPA Docket No. CWA-01-2013-0027

CERTIFICATE OF SERVICE

I certify that the foregoing 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:

William McNamara, President
Diesel Direct, Inc.
74 Maple Street
Stoughton, MA 02072

Dated: 6-10-13



Diane Boisclair
Office of Environmental Stewardship
U.S. Environmental Protection Agency,
Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Phone: (617) 918-1762
Fax: (617) 918-0762



WebsterBank®

OFFICIAL CHECK

0001065155

145 Bank St.
Waterbury, CT 06702

00645 110893

05/14/2013

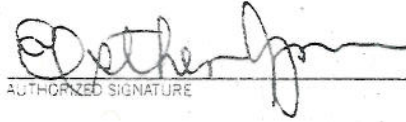
51-7010
11/11

*****\$3,200.00

PAY TO THE ORDER OF

3,200 DOLLARS AND 00 CENTS

ENVIRONMENTAL PROTECTION AGENCY


AUTHORIZED SIGNATURE

MP

CWA-01-2013-0027
REMITTER 0:1 Spill Liability Trust Fund-311

AUTHORIZED SIGNATURE (TWO SIGNATURES REQUIRED OVER \$25,000)

MP

⑈0001065155⑈ ⑆21170101⑆ 0010200104⑈

OFFICIAL CHECK

