

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Jeffrey Norcross 11/30/11
Name of Case Attorney Date

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

Case Docket Number CWA-01-2011-0099

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:

Rita Garbitt, Town Administrator
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347

Total Dollar Amount of Receivable \$ 3,000.00 Due Date: 12/9/11

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

RECEIVED

2011 NOV 30 P 12: 16

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

BY HAND

November 30, 2011

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

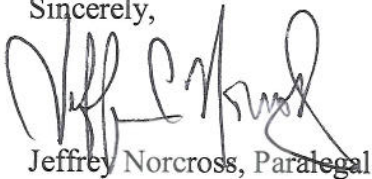
Re: In the Matter of: the Town of Lakeville, MA
Docket No. CWA-01-2011-0099

Dear Ms. Santiago:

In accordance with 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and 22.45(c)(3), enclosed please find the original and one copy of the fully executed Consent Agreement and Final Order (in the form of an Expedited Settlement Agreement) resolving the above-referenced case.

Thank you for your attention to this matter.

Sincerely,



Jeffrey Norcross, Paralegal

Enclosures

cc: Rita Garbitt, Town Administrator, Town of Lakeville
Stephen Olivier, Chair, Board of Selectmen, Town of Lakeville

In the Matter of: the Town of Lakeville, MA
EPA Docket No. CWA-01-2011-0099

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order (in the form of an 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:

Rita Garbitt, Town Administrator
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347

Dated: 11/30/11



Jeffrey C. Norcross, Paralegal
Office of Environmental Stewardship
U.S. EPA, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Phone: (617) 918-1839
Fax: (617) 918-0839



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100, Boston, Massachusetts 02109-3912

EXPEDITED SETTLEMENT AGREEMENT

Issued under Section 309(g)(2)(A) of the Clean Water Act, 33 U.S.C. § 1319(g)(2)(A) and 40 C.F.R. § 22.13(b).

RECEIVED 2011 NOV 30 P 12:16

Docket Number: CWA-01-2011-0099

The Town of Lakeville, Massachusetts ("Respondent") is a "municipality" and a "person" discharging "pollutants" from "point sources" to "navigable waters," as those terms are defined in Section 502 of the Clean Water Act ("Act"), 33 U.S.C. § 1362. Respondent is an owner and operator of a regulated small Municipal Separate Storm Sewer System ("MS4") as defined at 40 C.F.R. §§ 122.26(b)(16) and 122.32(a), which is covered by the National Pollutant Discharge Elimination System ("NPDES") General Permit for Storm Water Discharges from Small Municipal Separate Sewer Systems ("Permit") issued under Section 402 of the Act, 33 U.S.C. § 1342, dated May 1, 2003, and continued in effect pursuant to 40 C.F.R. § 122.6.

If Respondent does not sign and return this Agreement within 7 days of the date of receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified herein.

This Agreement is binding on the parties signing below and final 30 days from the date it is signed by the Regional Judicial Officer unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), and 40 C.F.R. Part 22, following public noticing of this settlement.

EPA finds, and Respondent admits, that pursuant to Part II, F.1. of the Permit, Respondent was required to submit an Annual Report on May 1, 2011 and Respondent failed to submit this Annual Report in violation of the Permit. Respondent also failed to file two other annual reports on its MS4 program, due May 1, 2009 and May 1, 2010, in a timely manner. By violating the terms and conditions of the Permit issued pursuant to Section 402 of the Act, Respondent has violated Section 301(a) of the Act, 33 U.S.C. § 1311(a).

APPROVED BY THE TOWN OF LAKEVILLE, MASSACHUSETTS:

Name(print): Stephen Olivier
Title(print): Chairman, Board of Selectmen
Signature: [Signature] Date: 9/15/11

The parties enter into this Expedited Settlement Agreement ("Agreement") in order to settle the civil violation alleged above for a penalty of \$3,000.

APPROVED BY EPA:
[Signature] Date: 10/5/11
Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship

Respondent agrees that, within 10 days of the final date of this Agreement, Respondent shall submit a check, with case name and docket number noted, for the amount specified above, payable to the "Treasurer, United States of America," via certified mail, to: U.S. EPA, Fines and Penalties, In the Matter of the Town of Lakeville, MA, Docket No. CWA-01-2011-0099, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000.

More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA has received no comments concerning this matter.

Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the findings of violation specified in this Agreement; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

IT IS SO ORDERED:
[Signature] Date: Nov. 29, 2011
Jill Metcalf
Acting Regional Judicial Officer

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that all required Annual Reports have been submitted to EPA, or will be submitted to EPA within 10 days of the final date of this Agreement (or an alternative time frame agreed to by EPA in writing).

This Agreement settles EPA's civil penalty claims against Respondent for the violation(s) specified above. EPA does not waive its rights to take enforcement action against Respondent for any other past, present, or future violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected violation(s).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100, Boston, Massachusetts 02109-3912

EXPEDITED SETTLEMENT AGREEMENT

Issued under Section 309(g)(2)(A) of the Clean Water Act, 33 U.S.C. § 1319(g)(2)(A) and 40 C.F.R. § 22.13(b).

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This Agreement is binding on the parties signing below and final 30 days from the date it is signed by the Regional Judicial Officer unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), and 40 C.F.R. Part 22, following public noticing of this settlement.

EPA finds, and Respondent admits, that pursuant to Part II, F.1. of the Permit, Respondent was required to submit an Annual Report on May 1, 2011 and Respondent failed to submit this Annual Report in violation of the Permit. Respondent also failed to file two other annual reports on its MS4 program, due May 1, 2009 and May 1, 2010, in a timely manner. By violating the terms and conditions of the Permit issued pursuant to Section 402 of the Act, Respondent has violated Section 301(a) of the Act, 33 U.S.C. § 1311(a).

APPROVED BY THE TOWN OF LAKEVILLE, MASSACHUSETTS:

Name(print): Stephen Olivier
Title(print): Chairman, Board of Selectmen
Signature: [Signature] Date: 9/15/11

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[Signature] Date: 10/5/11
Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship

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Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the findings of violation specified in this Agreement; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

IT IS SO ORDERED:
[Signature] Date: Nov. 29, 2011
Jill Metcalf
Acting Regional Judicial Officer

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This Agreement settles EPA's civil penalty claims against Respondent for the violation(s) specified above. EPA does not waive its rights to take enforcement action against Respondent for any other past, present, or future violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected violation(s).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1 – New England
5 Post Office Square - Suite 100
Boston, Massachusetts 02109-3912

BY HAND

November 28, 2011

Jill T. Metcalf
Acting Regional Judicial Officer
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Re: In the Matter of the Town of Lakeville, Massachusetts,
Docket No. CWA-01-2011-0099

Dear Ms. Metcalf:

In accordance with 40 C.F.R. § 22.18(b), enclosed please find a Clean Water Act (“CWA”) Consent Agreement and Final Order (in the form of an Expedited Settlement Agreement) that has been signed by the parties and is now being submitted to you for approval. Consistent with 40 C.F.R. §§ 22.13(b) and 22.18(b), this Consent Agreement and Final Order both commences and concludes the matter referenced above.

The proposed penalty is consistent with the statutory penalty factors set forth in Section 309(g) of the CWA, 33 U.S.C. § 1319(g), as well as EPA’s settlement penalty policy for these types of violations.

Pursuant to 40 C.F.R. § 22.45, EPA was required to notify the public before assessing a civil penalty in any proceeding under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g). Accordingly, EPA has provided the public the opportunity to comment on this matter and received no comments on this proposed action. In accordance with § 22.45(c)(3), the Final Order is being submitted to you at least 10 days after the close of the public comment period.

Once the Final Order has been signed, EPA will file the fully executed CAFO with the Regional Hearing Clerk thereby resolving this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey C. Norcross".

Jeffrey C. Norcross
Paralegal

Enclosure

cc: Rita Garbitt, Town Administrator, Town of Lakeville
Stephen Olivier, Chair, Board of Selectmen, Town of Lakeville
Wanda Santiago, Regional Hearing Clerk (w/o enclosure)