



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

RECEIVED
2008 APR -8 A 8:51

EPA ORG
OFFICE OF
REGIONAL HEARING CLERK

April 8, 2008

BY HAND

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 E.H. Perkins Construction Inc., Docket No. CWA-01-2008-0023

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

cc: W. Minot Wood P.E., Operations Mgr., E.H. Perkins Construction Inc.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1, One Congress Street, Boston, Massachusetts 02114-2023
EXPEDITED SPCC SETTLEMENT AGREEMENT



DOCKET NO. CWA-01-2008-0023

On May 15, 2007, and July 13, 2007, at E.H. Perkins Construction, Inc., (Respondent) facilities located at 194 Worcester Road, Sterling, Massachusetts, and 560 Main Street, Hudson, Massachusetts, respectively, authorized representatives of the United States Environmental Protection Agency (EPA) conducted inspections to determine compliance with the Oil Pollution Prevention regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act (the Act), 33 U.S.C. § 1321(j), and found that Respondent had violated regulations implementing Section 311(j) of the Act by failing to comply with the Oil Pollution Prevention regulations as noted on the attached Spill Prevention Control and Countermeasure Plan (SPCC) Inspection Findings and Alleged Violations Forms (Violation Forms) which are hereby incorporated by reference. By its first signature below, EPA ratifies the Inspection Findings and Alleged Violations set forth in the Violation Forms.

The parties enter into this Expedited Settlement in order to settle the civil violations described in the Violation Forms for a penalty of **\$6,000**. The parties are authorized to enter into this Expedited Settlement under the authority of Section 311(b) (6) (B) (i) of the Act, 33 U.S.C. § 1321(b) (6) (B) (i), and by 40 CFR § 22.13(b).

This settlement is subject to the following terms and conditions:

EPA finds the Respondent is subject to the Oil Pollution Prevention regulations, and has violated the regulations as further described in the Violation Forms. Respondent admits that it is subject to the Oil Pollution Prevention regulations and that EPA has jurisdiction over Respondent and Respondent's conduct as described in the Violation Forms. Respondent does not contest the Inspection Findings, and waives any objections it may have to EPA's jurisdiction. Respondent consents to the assessment of the penalty stated above.

Respondent further certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the violations identified in the Violation Forms have been corrected and the facilities are now in full compliance with the Oil Pollution Prevention regulations (or that the violations will be corrected and the facilities brought in full compliance with the Oil Pollution Prevention regulations within an alternative time frame agreed to by EPA in writing); and (2) Respondent has sent a certified check to EPA in the amount of **\$6,000**, 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, One Congress Street,

Boston, Massachusetts 02114-2023. The check should reference the 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 is effective upon signature by the Regional Judicial Officer, the third signature below.

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, OH 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 violations identified in the Violation Forms.

After this Expedited Settlement becomes effective, EPA will take no further action against Respondent for the violations of the Oil Pollution Prevention regulations described in the Violation Forms through the order date of this Expedited Agreement. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the Oil Pollution Prevention regulations or of any other federal statute or regulations.

APPROVED BY EPA:

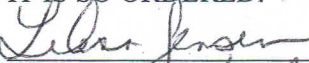

Joel Blumstein, Enforcement Manager
Office of Environmental Stewardship
Date: 2/27/08

APPROVED BY RESPONDENT:

Name(print): W. Minot Wood Date: 3/20/08
Operations Mgr.
Title(print):
Signature: 

Estimated cost of correcting violations and preparing SPCC Plan (to be filled in by respondent) \$43,704

IT IS SO ORDERED:


Jill T. Metcalf, LeAnn Jensen
Acting Regional Judicial Officer
Date: 3/27/08

In the Matter of Crocker's Boatyard, Inc.
CWA-01-2008-0023

CERTIFICATE OF SERVICE

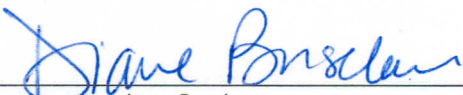
I certify that the foregoing Consent Agreement and Final Order was sent to the following Persons, in the manner specified on the date below:

Original and one copy hand delivered:

Regional Hearing Clerk
U.S. EPA, Region I
One Congress Street
Boston, MA 02114-2023

Copy by certified mail,

W. Minot Wood, Operations Manager
E.H. Perkins Construction, Inc.
P.O. Box 301
Wayland, MA 01778



Diane Boisclair
Office of Environmental Stewardship (SEW)
U.S. Environmental Protection Agency
One Congress Street, Suite 1100
Boston, MA 02114-2023
(617) 918-1762

Date: 4-8-08