

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Toni Bandrawicz 9/5/12  
Name of Case Attorney Date

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

Case Docket Number CWA-01-2012-0073

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:

Frechette Oil & Backhoe Services  
20 Echo Lake Road  
North Conway, NH

Total Dollar Amount of Receivable \$ 1,500 Due Date: 10/4/12

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 POST OFFICE SQUARE SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912



**BY HAND**

September 4, 2012

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 Frechette Oil & Backhoe Service's, North Conway, NH 03860  
Docket No. CWA-01-2012-0073

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:

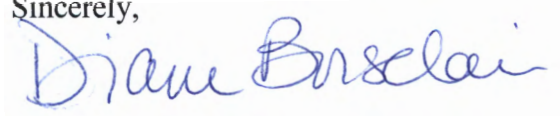
U.S EPA  
Cincinnati Finance Center  
26 W. Martin Luther King Drive (MS-002)  
Cincinnati, OH 45268

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  
5 Post Office Square Suite 100  
Boston, MA 02109-3912  
Tel: 617-918-1734

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Diane Boisclair". The signature is written in a cursive style with a light blue background behind it.

Diane Boisclair  
Water Technical Unit

Enclosure





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

**RECEIVED**

SEP 04 2012 WS

DOCKET NO. CWA-01-2012-0073

On March 28, 2012 at Frechette Oil & Backhoe Service's ("Respondent's") facility located at 20 Echo Lake Road, North Conway, NH, an authorized representative of the United States Environmental Protection Agency ("EPA") conducted an inspection 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). EPA determined that Respondent, as operator of the facility, 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 Form ("Violation Form") which is hereby incorporated by reference. By its first signature below, EPA ratifies the Inspection Findings and Alleged Violations set forth in the Violation Form.

The parties enter into this Expedited Settlement in order to settle the civil violations described in the Violation Form for a penalty of \$1,500. 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 Form. Respondent admits 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 Form. 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 Form have been corrected and the facility is now in full compliance with the Oil Pollution Prevention regulations (or that the violations will be corrected and the facility 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 \$1,500.00 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, Environmental Protection Agency, Region 1, 5 Post Office Square (OES04-3), Boston, Massachusetts 02109-3912. 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 <sup>Office of Regional Hearing</sup> 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 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, 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 Form.

After this Expedited Settlement becomes effective, EPA will take no further civil penalty action against Respondent for the violations of the Oil Pollution Prevention regulations described in the Violation Form 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:

Joanna Jerison Date: 7/16/12  
Joanna Jerison, Legal Enforcement Manager  
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

Name(print): MAURICE FRECHETTE  
Title(print): OWNER  
Signature: Maurice Frechette Date: 7/30/12

Estimated cost of correcting violations and preparing SPCC Plan (to be filled in by respondent) \$1500-

IT IS SO ORDERED:

LeAnn Jensen Date: 8/30/12  
LeAnn Jensen  
Acting Regional Judicial Officer





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

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**SEP 04 2012**

DOCKET NO. CWA-01-2012-0073

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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 Form have been corrected and the facility is now in full compliance with the Oil Pollution Prevention regulations (or that the violations will be corrected and the facility 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 \$1,500.00 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, Environmental Protection Agency, Region 1, 5 Post Office Square (OES04-3), Boston, Massachusetts 02109-3912. 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 the Regional Hearing Clerk 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 sign below, and is effective upon filing with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b).

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After this Expedited Settlement becomes effective, EPA will take no further civil penalty action against Respondent for the violations of the Oil Pollution Prevention regulations described in the Violation Form 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:

Joanna Jerison Date: 7/16/12  
 Joanna Jerison, Legal Enforcement Manager  
 Office of Environmental Stewardship

APPROVED BY RESPONDENT:

Name(print): MAURICE FRECHETTE  
 Title(print): OWNER  
 Signature: Maurice Frechette Date: 7/30/12  
 Estimated cost of correcting violations and preparing SPCC Plan (to be filled in by respondent) \$1500-

IT IS SO ORDERED:

LeAnn Jensen Date: 8/30/12  
 LeAnn Jensen  
 Acting Regional Judicial Officer



**FRECHETTE OIL & BACKHOE SERVICE**

20 ECHO LAKE ROAD, P.O. Box 371  
NORTH CONWAY, NEW HAMPSHIRE 03860  
(603) 356-5342

**CERTIFIED**  
PAYABLE ONLY AS ORIGINALLY DRAWN  
AND WHEN PROPERLY ENDORSED  
DATE 7-30-12  
**NORTHWAY BANK**  
BERLIN, NH  
*Serryl Tate*  
AUTHORIZED SIGNATURE  
**DO NOT DESTROY**

**Northway**  
BANK  
Berlin, NH 03570  
54-42-117

*July 30, 2012*

PAY  
TO THE  
ORDER OF

*EPA.*

*One thousand five hundred dollars and 00/100* \$ 1,500.<sup>00</sup>/<sub>100</sub>

DOLLARS

*docket # CWA-01-2012-0073*

MEMO *Oil Spill Liability Trust Fund - 311*

*Patricia J. Frechette*  
AUTHORIZED SIGNATURE

⑈021009⑈ ⑆011700425⑆ ⑆

**RECEIVED**

**SEP 04 2012**

EPA ORC *WS*  
Office of Regional Hearing Clerk