



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

**EXPEDITED SPILL SETTLEMENT AGREEMENT**

**In the matter of Norbert E. Mitchell Co., Inc.  
Docket No. CWA-01-2021-0085**

On or around April 26, 2021, Norbert E. Mitchell Co., Inc. ("Respondent"), the owner or operator of a transportation facility located at 7 Federal Road, Danbury, CT discharged oil, as defined in 40 CFR §110.1, from an oil delivery truck when the truck overturned in New Fairfield, Connecticut. Approximately 1,000 gallons of heating oil spilled to the ground. An undetermined amount of oil reached Short Woods Brook and caused a sheen upon the water. The Brook is a perennial stream and flows into Ball Pond Brook a navigable water of the United States as defined in Section 502(7) of the Act, and 40 CFR § 110.1, 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. 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. Solely for the purpose of this Expedited Settlement Agreement and not for any other claim, matter, or proceeding, Respondent admits the facts in the first paragraph of this Settlement Agreement 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 **\$4,943**. 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 engaged in ongoing efforts to clean up the spill pursuant to state and federal requirements, has taken corrective actions that will prevent future spills, and has sent a bank, cashiers, or certified check in the amount of **\$4,943**, payable to "Treasurer, United States of America" to: U.S. EPA/Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. This check shall reference the docket number of the case (CWA-01-2021-0085) and the "Oil Spill Liability Trust Fund - 311." Respondent shall send an electronic copy of the check to Diane Boudrot at [Boudrot.diane@epa.gov](mailto:Boudrot.diane@epa.gov), and to the EPA Regional 1 Hearing Clerk, at [R1\\_Hearing\\_Clerk\\_Filings@epa.gov](mailto:R1_Hearing_Clerk_Filings@epa.gov).

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, consents to EPA's approval of the Expedited Settlement without further notice, and consents to service via electronic mail.

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).

Respondent agrees to acceptance of the Complainant's: i. digital or an original signature on this Agreement; ii. service of the fully executed Agreement on the Respondent by mail or electronically by e-mail. Respondent understands that the mailing or e-mail address may be made public when the Agreement and Certificate of Service are filed and uploaded to a searchable database. Complainant agrees to acceptance of the Respondent's digital or an original signature on this Agreement.

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 mailed or emailed to the U.S. EPA Cincinnati Finance Office. A copy of the Expedited Settlement will also be emailed to the Respondent.

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: \_\_\_\_\_  
James Chow, Deputy Director for Karen McGuire, Director  
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (print): Donald D. Mitchell  
Title (print): Chairman

Donald D. Mitchell Date: 9/16/21  
Signature

IT IS SO ORDERED:

\_\_\_\_\_ Date: \_\_\_\_\_  
LeAnn Jensen, Regional Judicial Officer