



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 10 2007

4WD-ROECB

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James T. Simpson, EHS Manager
Blue Bird Corporation
402 Blue Bird Boulevard
Fort Valley, GA 31030-3366

SUBJ: Consent Agreement and Final Order:
Docket No. CWA-04-2006-5024

Dear Mr. Simpson:

Enclosed is a copy of the Consent Agreement and Final Order (CAFO) for the above referenced matter. This CAFO became effective on the date of filing with the Regional Hearing Clerk as required by 40 C.F.R. §§22.6 and 22.31, and as indicated on the Certificate of Service.

The United States Environmental Protection Agency (EPA) hereby notifies you that the Expedited Settlement Agreement has been executed by both parties and is binding on EPA and you. Upon receipt of your assessed penalty of \$500.00, EPA will take no further action against you for the violations cited in the Settlement Agreement. Your copy of the executed agreement is enclosed.

You must submit your payment within seven (7) days of your receipt of this letter by either electronic funds transfer, certified or cashiers check made payable to "Environmental Protection Agency." The check and a letter accompanying the check shall reference the name of the responsible party (Oil Spill Liability Trust Fund -311, Blue Bird Corporation) and the EPA docket number CWA-04-2006-5024, and shall be sent depending upon your preferred method of payment identified in Enclosure A.

A copy of the check shall simultaneously be sent to at the time Respondent shall send separate copy of each check and a written statement that the payment is being made in accordance with this CAFO, to the persons at the following addresses:

Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960

Mel Rechtman at:
U.S. EPA - Region 4
RCRA/OPA Enforcement & Compliance Branch
RCRA Division
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

If you have any questions, please contact Mel Rechtman at (404)562-8745.

Sincerely,



Narindar Kumar, Chief
RCRA/OPA Enforcement & Compliance Branch
RCRA Division

Enclosure:
Expedited Settlement Agreement
Enclosure A - Payment Information
cc: USCG

Docket No. CWA-04-2006-5024

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the attached Consent Agreement and Final Order, in the Matter of Blue Bird Corporation, Docket No. CWA-04-2006-5024 (filed with the Regional Hearing Clerk on ~~APR 10 2007~~, 2007) was served on ~~APR 10 2007~~, 2007 in the manner specified to each of the persons set forth below:

James T. Simpson, EHS Manager
Blue Bird Corporation
402 Blue Bird Boulevard
Fort Valley, GA 31030-3366

Via Certified Mail,
Return Receipt Requested

Victor Weeks, Risk Management Plan Coordinator
EPCRA Enforcement Section
U.S. EPA, Region 4
61 Forsyth St.
Atlanta, GA 30303

Via EPA's Internal Mail

Mel Rechtman
RCRA OPA Enforcement & Compliance Branch
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, GA 30303

Via EPA's Internal Mail

Date: 4-10-07



Patricia A. Bullock, Regional Hearing Clerk
United States Environmental
Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-9511

4/27/06

4/28/06

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 4
 61 FORSYTH STREET, ATLANTA, GEORGIA 30303
EXPEDITED SPILL SETTLEMENT AGREEMENT**

DOCKET NO. CWA-04-2006-5024

On: March 27, 2006 Time: 14:45
 At: or near 402 Blue Bird Boulevard, Fort Valley, Peach County, Georgia, Blue Bird Corporation (Respondent) discharged approximately 300 gallons of oil in violation of Section 311(b)(3) of the Clean Water Act (the Act), as noted on the attached FINDINGS and ALLEGED VIOLATIONS FORM (Form), which is hereby incorporated by reference.

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.

EPA finds the Respondent's conduct is subject to the discharge prohibition of Section 311(b)(3) of the Act, as described in that statute and further described by 40 CFR § 110.3. The Respondent admits being subject to Section 311(b)(3) and that EPA has jurisdiction over the Respondent and the Respondent's conduct as described in the form. Respondent does not contest the Findings in the Form, and waives any objections it may have to EPA's jurisdiction.

After this Expedited Settlement becomes effective, EPA will take no further action against the Respondent for the violations of Section 311(b)(3) of the Act described in the Form. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by the Respondent of Section 311(b)(3) of the Act or of any other federal statute or regulation. By its first signature, EPA ratifies the Findings and Alleged Violations set forth in the Form.

EPA is authorized to enter into this Expedited Settlement under the authority vested in the Administrator of 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 civil violations described in the Form for a penalty of \$500.00. Respondent consents to the assessment of this penalty.

This Expedited Settlement is binding on the parties signing below, and effective upon EPA's filing of the document with the Regional Hearing Clerk. If the Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt and submit payment of the assessed penalty, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Form.

This Expedited Settlement is also 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, it has cleaned up the spill pursuant to federal requirements at a cost of ~~\$18,818.00~~ and it has taken corrective actions that will prevent future spills. The Respondent also by signature of this Settlement Agreement agrees to payment of the penalty assessed. Upon written execution of this Agreement Respondent shall submit payment within 7 days by certified check for \$500.00 payable to the "Oil Spill Liability Trust Fund". The check must also include EPA and the Docket of this case, CWA-04-2006-5024, and shall be mailed to "US Coast Guard, POB 100160, Atlanta, GA 30384". A copy of this check shall also be mailed to "Helen Scott, Emergency Response and Removal Branch, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street S.W. Atlanta, Georgia 30303-8960".

APPROVED BY RESPONDENT:

Name (print): James T. Simpson

Title (print): EHS Manager

Signature: James T. Simpson

APPROVED BY EPA:

J. I. Palmer, Jr. Date APR - 5 2007

J. I. Palmer, Jr.
Regional Administrator

IT IS SO ORDERED:

Susan B. Schub Date 4/9/07

Susan B. Schub
Regional Judicial Officer

RECEIVED
 EPA REGION 4
 APR 10 PM 12:10
 HEARING CLERK

ALLEGED CIVIL VIOLATIONS - DOCKET NO. CWA-04-2006-5024

1. Blue Bird Corporation, Respondent, is a corporation organized under the laws of Georgia with a place of business located at 402 Blue Bird Boulevard, Fort Valley, GA 31030-3366. The Respondent is a person within the meaning of Section 311(a)(7) of the Clean Water Act, 33 U.S.C. §1321(a)(7).
2. Respondent is the owner of an onshore facility within the meaning of Section 311(a)(10) of the Act, 33 U.S.C. §1321(a)(10), which is located at or near 402 Blue Bird Boulevard, Fort Valley, Peach County, Georgia ('facility').
3. Section 311(b)(3) of the Act prohibits the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States.
4. For purposes of Section 311(b)(3) and (b)(4) of the Act, 33 U.S.C. §1321(b)(3) and (b)(4), discharges of oil into or upon the navigable waters of the United States in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States are defined in 40 C.F.R. §110.3 to include discharges of oil that (1) violate applicable water quality standards or, (2) cause a film or a sheen upon or discoloration of the surface of the water or adjoining shorelines or, (3) cause a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.
5. On March 27, 2006, Respondent discharged an estimated 300 gallons of oil as defined in Section 311(a)(1) of the Act, 33 U.S.C. §1321(a)(1), and 40 C.F.R. §110.1, from its facility into or upon the ditch which discharges into Bay Creek which is a tributary of Big Indian Creek which is a tributary of the Ocmolgee River and adjoining shorelines.
6. The ditch which discharges into Bay Creek which is a tributary of Big Indian Creek which is a tributary of the Ocmolgee River is a "navigable water of the United States" subject to the jurisdiction of Section 311 of the Act as defined in Section 502(7) of the Act, 33 U.S.C. §1362(7), and 40 C.F.R. §110.1.
7. Respondent's March 27, 2006 discharge of oil from its facility caused a sheen upon or discoloration of the surface of the adjoining shoreline of the ditch which discharges into Bay Creek which is a tributary of Big Indian Creek which is a tributary of the Ocmolgee River or caused a sludge or emulsion to be deposited beneath the surface, and therefore, was in a quantity that has been determined may be harmful under 40 C.F.R. §110.3, which implements Section 311(b)(3) and (b)(4) of the Act.

8. Respondent's March 27, 2006 discharge of oil from its facility into or upon the ditch which discharges into Bay Creek which is a tributary of Big Indian Creek which is a tributary of the Ocmolgee River and adjoining shorelines in a quantity that has been determined may be harmful under 40 C.F.R. §110.3 violated Section 311(b)(3) of the Act. Pursuant to Section 311(b)(6)(B)(i) of the Act, and 40 C.F.R. 19.4, the Respondent is liable for civil penalties of up to \$11,000 per violation, up to a maximum of \$32,500.

ENCLOSURE A

PAYMENT INFORMATION

Wire Transfers

SWIFT Address MELNUS3P - (SWIFT address is only needed on international transfers)

Mellon Bank
ABA 043000261
Account 9109125
22 Morrow Drive
Pittsburgh PA 15235

Contact - Patricia McKaveney at 412-234-5805

CHECK PAYMENTS

US checks by regular US postal service mail

U.S. Environmental Protection Agency
P.O. Box 371099M
Pittsburgh, PA 15251

Contact - Patricia McKaveney at 412-234-5805

For FedEx and other non-US Postal Service express mail the correct address is:

Mellon Client Service Center
ATTN: Shift Supervisor
Lockbox 371099M Account 9109125
500 Ross Street
Pittsburgh, PA 15262-0001

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

PAYMENT DUE DATE: _____

TO BE COMPLETED BY THE ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Mel Rechtman on March 13, 2007
(Name) (Date)

in the ROECB at 404/562-8745
(Office) (Phone Number)

Non-SF Judicial Order/Consent Decree
USAO COLLECTS

Administrative Order/Consent Agreement
FMO COLLECTS PAYMENT

SF Judicial Order/Consent Decree
DOJ COLLECTS

Oversight Billing - Cost Package required:
Sent with bill

Not sent with bill

Other Receivable

Oversight Billing - Cost Package not required

This is an original debt

This is a modification

PAYEE: Blue Bird Corporation

The Total Dollar Amount of the receivable: \$500
(If installments, attach schedule of amounts and respective due dates. See other side of this form.)

The Case Docket Number: CWA-04-2006-5024

The Site Specific Superfund Account Number: _____

The Designated Regional/Headquarters Program Office: Waste

To Be Completed By Cincinnati Finance Center

The IFMS Accounts Receivable Control Number is: _____ Date: 00/00/2006

DISTRIBUTION:

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:

1. Debt Tracking Officer
Environmental Enforcement Section
Department of Justice RM 1647
P.O. Box 7611, Benjamin Franklin Station
Washington, D.C. 20044

2. Originating Office (EAD)
3. Designated Program Office

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:

1. Originating Office
2. Regional Hearing Clerk

3. Designated Program Office
4. Regional Counsel (EAD)