

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Rivera for Tonia Bandrowicz
Name of Case Attorney

2/12/08
Date

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

Case Docket Number CWA-01-2008-0014

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:

Bristol, RI

Total Dollar Amount of Receivable \$ 75,000

Due Date: 3/11/09

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1st \$ 19,750 on 3/11/08

2nd \$ 19,687 on 7/11/08

3rd \$ 19,375 on 11/11/08

4th \$ 18,750 on 3/11/09

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

2007 DEC 19 A 9:37

<hr style="border-top: 1px solid black;"/>)	Docket No. CWA 01-2008-0014
)	
Bristol, Rhode Island, Respondent)	ADMINISTRATIVE CONSENT
)	AGREEMENT & FINAL ORDER
)	To Assess a Civil Penalty Under
)	Clean Water Act Section 309(g)
)	
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STATUTORY AND REGULATORY AUTHORITY

1. The Region 1 Office of the U. S. Environmental Protection Agency (“EPA”) issues this Consent Agreement and Final Order (“CAFO”) to the Town of Bristol, Rhode Island (“Respondent” or the “Town”) based on EPA’s allegations that Respondent: a. discharged pollutants to waters of the United States, in violation of Section 301(a) of the Clean Water Act (the “Act”), 33 U.S.C. § 1311(a); and b. failed to operate and maintain its wastewater treatment and collection facilities properly in violation of Part I, Section D, and Part II, Section (e) of its National Pollutant Discharge Elimination System (“NPDES”) permit, also in violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).
2. EPA and the Town (the “Parties”) agree to resolve this action through the issuance of this CAFO as provided by 40 C.F.R. § 22.13(b) of EPA’s “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits,” 40 C.F.R. Part 22 (“Part 22 Rules”).
3. EPA takes this action under the authority of Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), for violation of Sections 301(a) of the Act, 33 U.S.C. § 1311(a). Pursuant to Section 309(g)(1) of the Act, 33 U.S.C. § 1319(g)(1), and 40 C.F.R. § 22.38(b), EPA has consulted with the Rhode Island Department of Environmental Management (“RI DEM”) about this action.

I. VIOLATIONS

General Allegations

4. Respondent is a municipality, as defined in Section 502(4) of the Act, 33 U.S.C. § 1362(4), established under the laws of the State of Rhode Island, and, as such, is a person under Section 502(5) of the Act, 33 U.S.C. § 1362(5).
5. Respondent is the owner and operator of a publicly-owned treatment works ("POTW") that includes a wastewater collection system ("Collection System") and a wastewater treatment facility ("WWTF") located in Bristol, Rhode Island, from which it discharges pollutants, as defined in Section 502(6) and (12) of the Act, 33 U.S.C. §§ 1362(6) and (12), from point sources, as defined in Section 502(14) of the Act, 33 U.S.C. § 1362(14) to Mt. Hope Bay, Bristol Harbor, and Narragansett Bay.
6. Section 402(b) of the Act, 33 U.S.C. § 1342(b), provides that the Administrator of the EPA may authorize a state to issue NPDES permits in accordance with the requirements of the Act. On September 17, 1984, the Administrator granted the State of Rhode Island, through the RI DEM, the authority to issue NPDES permits pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b).
7. On July 28, 1999, the RI DEM issued NPDES Permit No. RI0100005 (the "1999 NPDES Permit") to the Respondent.
8. Due to the Town's timely re-application for permit coverage, the Town, in accordance with 40 C.F.R. § 122.6, continued to discharge under the terms of the 1999 Permit until June 27, 2005, when the Town was re-issued NPDES Permit No. RI 0100005 by the RI DEM (the "2005 NPDES Permit")
9. Both the 1999 and 2005 NPDES Permits authorize the Respondent to discharge pollutants from WWTF Outfall 001A to Bristol Harbor subject to the effluent limitations, monitoring requirements and other conditions specified in each NPDES Permit.

Count 1 (Unauthorized Discharges)

10. Section 301(a) of the Act, 33 U.S.C. §1311(a), makes unlawful the discharge of pollutants to waters of the United States except in compliance with, among other things, the terms and conditions of a NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.

11. Without authorization to do so, since at least March, 2003 to the date of this Complaint, the Respondent has periodically discharged untreated sewage from various components of the Collection System to Mt. Hope Bay, Bristol Harbor, and Narragansett Bay.
12. The various components of the Collection System from which the Respondent has discharged untreated sewage to Mt. Hope Bay, Bristol Harbor, and Narragansett Bay are point sources, as defined in Section 502(14) of the Act, 33 U.S.C. § 1362(14).
13. Mt. Hope Bay, Bristol Harbor, and Narragansett Bay, to which the Respondent has discharged untreated sewage without authorization to do so, are waters of the United States as defined in 40 C.F.R. § 122.2, and, thereby, navigable waters, as defined by Section 502(7) of the Act, 33 U.S.C. § 1362(7).
14. Untreated sewage contains pollutants as defined in Sections 502(6) and (12) of the Act, 33 U.S.C. §§ 1362(6) and (12).
15. Respondent's unauthorized discharges of pollutants to Mt. Hope Bay, Bristol Harbor, and Narragansett Bay from components of the Collection System other than Outfall 001A violate Section 301(a) of the Act, 33 U.S.C. § 1311(a).
16. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), and the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461 et seq., as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq., and the regulations promulgated thereunder at 40 C.F.R. Part 19, the Respondent is subject to civil penalties of up to eleven thousand dollars (\$11,000) for each day each violation continued, up to a maximum of one hundred and fifty-seven thousand and five hundred dollars (\$157,500).

Count II (Improper Operation & Maintenance)

17. Part I, Section D, and Part II, Section (e) of Respondent's 1999 and 2005 NPDES Permits, require the Respondent to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of its NPDES Permit.
18. From at least March, 2003 through to the date of this Complaint, infiltration/inflow, blockages, mechanical, electrical and structural failures in the Collection System, among other things, caused periodic overflows of untreated sewage ("Sanitary Sewer Overflows") to the Mt. Hope Bay, Bristol Harbor, and Narragansett Bay, and to the ground surface.

19. The Sanitary Sewer Overflows referred to in the preceding paragraph were the result of Respondent's failure to properly operate and maintain its facilities and systems of treatment and control, and related appurtenances, in violation of its 1999 and 2005 Permits, and, as a result, Section 301(a) of the Act, 33 U.S.C. § 1311(a). Discharges of untreated sewage containing oxygen-depleting pollutants, particulate matter, toxic pollutants and pathogens into navigable waters and/or onto the ground surface threatens or may threaten public health and/or the environment.
20. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), and the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461 et seq., as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq., and the regulations promulgated thereunder at 40 C.F.R. Part 19, the Respondent is subject to civil penalties of up to eleven thousand dollars (\$11,000) for each day each violation continued, up to a maximum of one hundred and fifty-seven thousand and five hundred dollars (\$157,500).

II. CONSENT AGREEMENT

21. EPA and Respondent agree that the above matter constitutes a disputed claim and that settlement of the above matter is in the public interest, and that entry of this CAFO without litigation is the most appropriate means of resolving this matter. Therefore, before taking any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby ordered and adjudged as follows:

Terms of Settlement

22. The provisions of this CAFO shall apply to and be binding on EPA, the Respondent, and the officers, representatives, employees, agents, successors and assigns of Respondent, until Respondent has completed all obligations required by this CAFO.
23. The Parties agree to settle EPA's cause of action described in Section I above, by the issuance of this CAFO as provided under 40 C.F.R. § 22.13(b), and that this CAFO may not be used as evidence of proof of any alleged fact, or as proof of admission of any violation of law in any other proceeding.
24. Respondent admits the allegations of Section I, above, and waives any defenses it might have as to jurisdiction and venue, waives its right to request a judicial or administrative hearing, and consents to the terms of this CAFO. Respondent further waives any right to

contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.

25. In settlement hereof, Respondent agrees to pay the penalty and perform the supplemental environmental project specified below.

Payment of Penalty by Respondent

26. Pursuant to Sections 309(g)(1)(A) and (2)(B) of the Act, 33 U.S.C. §§ 1319(g)(1)(A) and (2)(B), violators are liable for the administrative assessment of civil penalties in an amount specified above.
27. Based on the foregoing, the Respondent shall pay the United States an administrative civil penalty of \$75,000 plus interest for the violations specifically alleged in this Complaint in the following manner:
- a. \$18,750 (interest free) shall be due within 30 days of the effective date of this CAFO;
 - b. \$19,687.50 (i.e., \$18,750 plus \$937.50 interest) shall be due within 150 days of the effective date of this CAFO;
 - c. \$19,375 (i.e., \$18,750 plus \$625 interest) shall be due within 270 days of the effective date of this CAFO; and
 - d. \$18,750 (i.e., \$18,750 plus \$312.50 interest) shall be due within 390 days of the effective date of this CAFO.
28. Acceleration Clause: If the Respondent fails to make any payment as described above, all remaining installments shall become immediately due and payable as of the missed payment date. Interest on such unpaid penalty amount shall accrue from the missed payment date.
29. Respondent shall make the penalty payments by submitting a cashier's or certified check payable to "Treasurer, United States of America," and referencing the title and docket number of the action:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Copies of the check must also be mailed to:

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region I
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

and

Tonia Bandrowicz, Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100 (SEL)
Boston, MA 02114-2023

30. The proposed administrative civil penalties have been determined in accordance with Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3). For purposes of determining the amount of any penalty to be assessed, Section 309(g)(3) requires EPA to take into account the nature, circumstances, extent and gravity of the alleged violations, the Respondent's prior compliance history, the degree of culpability, any economic benefit or savings accruing to Respondent by virtue of the alleged violations, the Respondent's ability to pay the proposed settlement penalty, and such other matters as justice may require. In developing the proposed settlement penalties in this CAFO, Complainant has taken into account the particular facts and circumstances of this case with specific reference to the factors identified at Section 309(g)(3) of the Act, including the alleged harm to the waters of the United States.
31. Failure by Respondent to pay in full the respective penalty amounts set forth in Section II. of this CAFO when due, shall subject Respondent to a civil action to collect the assessed penalty, plus interest at currently prevailing rates from the date of the Final Order. The rate of interest assessed shall be at the rate set forth in 31 C.F.R. § 901.9(d), promulgated under 31 U.S.C. § 3717. Pursuant to Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9), any person who fails to pay, on a timely basis the amount of an assessed penalty shall be required to pay in addition to such amount and interest, attorneys' fees, costs for collection proceedings, and an additional quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to twenty percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of

such quarter. In any such collection action, the validity, amount and appropriateness of the penalty and of this CAFO shall not be subject to review.

Supplemental Environmental Project

32. Respondent shall undertake the following Supplemental Environmental Project (“SEP”), at a cost of not less than \$62,800, which the Parties agree is intended to secure significant environmental or public health protection and benefits by improving water quality at the Bristol Town Beach through the removal of Total Suspended Solids (“TSS”) from storm water. The SEP is further described in Paragraphs 33 – 36.
33. On or before October 31, 2008, Respondent shall install a closed drainage system and shall incorporate Best Management Practices (BMPs) to remove TSS and control discharges from storm water runoff from Bristol’s Town Beach parking lot, located off Asylum Road, Bristol, Rhode Island (the “Bristol Town Beach Parking Lot”).
34. The SEP is proposed to mitigate impacts associated with uncontrolled storm water runoff from the approximately three-acre Bristol Town Beach Parking Lot. Storm water runoff generated from the parking lot flows overland directly to an upland coastal resource area adjacent to the beach, and ultimately to the beach. This area is a priority for the Town because of recent beach closings.
35. A hydrodynamic separator will be installed to achieve a net annual 80% TSS removal from stormwater discharged by the Bristol Beach Parking Lot.
36. In addition to TSS removal, the following Best Management Practices (BMPs) will be utilized to control runoff and enhance water quality:
 - a. Installation of a closed drainage system to collect storm water;
 - b. Using water quality hoods to traps oils and floating debris within catch basins;
 - c. Installing rip-rap at the point of discharge to reduce erosive velocities;
 - d. Additional parking lot sweeping during the year; and
 - e. Annual maintenance and inspection of the proposed drainage system.
37. Respondent certifies that it has not applied for or received, and will not in the future apply for or receive credit as a SEP or other penalty offset in any other enforcement action (whether brought by the federal government or not) for the project described in Paragraphs 32 - 36.

38. Respondent shall submit a SEP Completion Report within 60 days of completion of the SEP. The SEP Completion Report shall contain the following information:
- a. A detailed description of the SEP as implemented;
 - b. A description of any implementation problems encountered and the solutions thereto;
 - c. Itemized costs of implementing the SEP;
 - d. Certification by Respondent that the SEP was fully implemented pursuant to the provisions of this CAFO; and
 - e. A description of the environmental and public health benefits resulting from implementation of the SEP.
39. Respondent shall submit quarterly written reports outlining work completed to date and funds spent to date. The reports shall be submitted to EPA by the 30th day of the month following each quarter (January, April, July, October).
40. Respondent agrees that failure to submit the reports required by Paragraphs 38 and 39 shall be deemed a violation of this CAFO, and Respondent shall become liable for stipulated penalties pursuant to Paragraph 43 below. Respondent shall submit all notices, submissions, and reports required by this CAFO to:

David Turin
Water Technical Unit
Office of Environment Stewardship
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100 (SEW)
Boston, MA 02114-2023

41. Following receipt of the SEP Completion Report described in Paragraph 38 above, EPA will either a. accept the SEP Completion Report or b. reject the SEP Completion Report and notify Respondent, in writing, of deficiencies in the SEP Completion Report and any additional actions and/or information required to be taken or supplied by Respondent.
42. If Respondent objects to any EPA notification of deficiency or disapproval given pursuant to the previous paragraph, Respondent shall notify EPA in writing of its objection within 10 days of receipt of such notification. EPA and Respondent shall have an additional 30 days from the receipt by the EPA of the notification of objection to reach agreement. If agreement cannot be reached on any such issue within this 30-day period, EPA shall provide a written statement of its decision to Respondent, which decision shall

be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any such deficiency or failure to comply with the terms of this CAFO. In the event the SEP is not completed as contemplated hereby, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with Paragraph 43.

43. In the event that Respondent fails to comply with any of the terms or provisions of this Agreement relating to the performance of the SEP described in Paragraphs 32 - 36 above and/or to the extent that the actual expenditures for the SEP does not equal or exceed the cost of the SEP described in Paragraph 32 above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:
- a. Except as provided in subparagraph b. immediately below, if the SEP has not been completed satisfactorily pursuant to this CAFO, Respondent shall pay a stipulated penalty to the United States in the amount equal to the amount which was supposed to be expended on the SEP plus interest from the effective date.
 - b. If the SEP is not completed in accordance with Paragraphs 32 - 36, but the Complainant determines that the Respondent: i. made good faith and timely efforts to complete the project; and ii. certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not be liable for any stipulated penalty.
 - c. If the SEP is completed in accordance with Paragraphs 32 - 36, but the Respondent spent less than 90 percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to the United States in the amount equal to 100% of the difference between the amount of money which was supposed to be spent on the project, as described in Paragraph 32, and the actual amount spent on the project, plus interest from the effective date.
 - d. If the SEP is completed in accordance with Paragraphs 32 - 36, and the Respondent spent at least 90 percent of the amount of money required to be spent for the project, Respondent shall not be liable for any stipulated penalty.
 - e. For failure to submit the SEP Completion Report required by Paragraph 38 above, Respondent shall pay a stipulated penalty in the amount of \$100 for each day it is late until the report is submitted.

- f. For failure to submit a quarterly report required by Paragraph 39 above, Respondent shall pay a stipulated penalty in the amount of \$100 for each day after the report was originally due until the report is submitted.
44. The determination of whether the SEP has been satisfactorily completed and whether the Respondent has made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA.
45. Respondent shall pay stipulated penalties within 15 days of receipt of written demand by EPA for such penalties. Stipulated penalties shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity. Method of payment shall be in accordance with the provisions of Paragraph 29 above. Interest and late charges shall be paid as stated herein.
46. If any event occurs which causes or may cause delays in the completion of the SEP as required under this Consent Agreement:
- a. The Respondent shall notify Complainant in writing not more than 10 days after the delay or Respondent's knowledge of the anticipated delay, whichever is earlier. The notice shall describe in detail the anticipated length of the delay, the precise cause or causes of the delay, the measures taken and to be taken by Respondent to prevent or minimize the delay, and the timetable by which those measures will be implemented. The Respondent shall adopt all reasonable measures to avoid or minimize any such delay. Failure by Respondent to comply with the notice requirements of this paragraph shall render this paragraph void and of no effect as to the particular incident involved and constitute a waiver of the Respondent's right to request an extension of its obligation under this Consent Agreement based on such incident.
 - b. If the Parties agree that the delay or anticipated delay in compliance with this Consent Agreement has been or will be caused by circumstances beyond the control of Respondent, the time for performance hereunder may be extended for a period no longer than the delay resulting from such circumstances. In such event, the Parties shall stipulate to such extension of time.
 - c. In the event that the EPA does not agree that a delay in achieving compliance with the requirements of this Consent Agreement has been or will be caused by circumstances

beyond the control of the Respondent, EPA will notify Respondent in writing of its decision and any delays in the completion of the SEP shall not be excused.

- d. The burden of proving that any delay is caused by circumstances entirely beyond the control of the Respondent shall rest with the Respondent. Increased costs or expenses associated with the implementation of actions called for by this Consent Agreement shall not, in any event, be a basis for changes in this Consent Agreement or extensions of time under subparagraph b. of this paragraph. Delay in achievement of one interim step shall not necessarily justify or excuse delay in achievement of subsequent steps.
 - e. If the Parties agree that compliance with any portion of the SEP described in Paragraphs 32 - 36 of this Consent Agreement cannot be completed due to circumstances beyond the control of Respondent, the SEP may be modified or another SEP project may be proposed by Respondent, subject to the approval of EPA. In such event, the Parties shall stipulate to such modification.
47. Any public statement, oral or written, including on a website, in which Respondent refers to the SEP shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of the Clean Water Act."

Public Notice

48. Pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), the Complainant is providing public notice of and a reasonable opportunity to comment on this proposed assessment of administrative penalties against the Respondent. If a hearing is held on this matter, members of the public who submitted timely comments on this penalty proposal shall have the right under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B), to be heard and to present evidence at the hearing.

Additional Provisions

49. Neither assessment nor payment of an administrative civil penalty pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319, shall affect Respondent's continuing obligation to comply with the Act, with every term and condition of its NPDES permit, and with other applicable federal, state or local laws, regulations or requirements, including any separate

compliance orders issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), concerning the violations alleged herein. Full payment of the penalty proposed in this CAFO shall not affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. Full payment of the penalty proposed in this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts alleged herein.

50. Pursuant to Section 22.5(c)(4) of the enclosed Part 22 Rules, the following individual is authorized to receive service on behalf of EPA:

Tonia Bandrowicz
Senior Enforcement Counsel
U.S. Environmental Protection Agency
1 Congress Street, Suite 1100,
Mail Code: SEL
Boston, MA 02114-2023

51. Each party shall pay its own costs and counsel fees in connection with this action, except as described in herein.
52. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of the CAFO and to execute and legally bind Respondent to it.

THE UNDERSIGNED PARTY enters into this Consent Agreement and Final Order in the Matter of Town of Bristol, Rhode Island, EPA Docket No. CWA-01-2008-0014 on behalf of EPA

12/18/07

Date

Susan Studlien

Susan Studlien, Director
Office of Environmental Stewardship
U.S. EPA

THE UNDERSIGNED PARTY enters into this Consent Agreement and Final Order in
the Matter of Town of Bristol, Rhode Island, EPA Docket No. CWA-01-2008-0014

NOV 27 2007

Date


KENNETH A. MARSHALL, CHAIRMAN
BRISTOL (RI) TOWN COUNCIL

FINAL ORDER

Pursuant to Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), the above Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ordered to comply with the terms of the above Consent Agreement. This Final Order shall become effective thirty (30) days after the date of issuance noted below unless a petition to set aside the Final 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 Part 22. If the petition is denied, this Final Order shall become effective thirty (30) days after such denial. If the evidence presented by the petitioner in support of the petition is material and was not considered in issuance of the Final Order, then the petition will be granted and the Final Order immediately set aside and a hearing in accordance with Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), will be held.

Feb. 14, 2008
Date

Jill T. Metcalf
Jill T. Metcalf
Acting Regional Judicial Officer
U.S. Environmental Protection Agency
Region 1

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons in the manner and on the date specified below.

**Original and one copy,
hand delivered:**

Wanda Santiago
Regional Hearing Clerk
U.S. EPA
One Congress Street
Boston, MA 02114

**Copy, Certified Mail,
return receipt requested:**

Michael A. Ursillo, Esq.
Ursillo, Teitz & Ritch, Ltd
2 Williams Street
Providence, RI 02903-2918

Dated: _____

2/11/08



Tonia Bandrowicz
Senior Enforcement Counsel
U.S. Environmental Protection Agency
1 Congress Street, Suite 1100,
Mail Code: SEL
Boston, MA 02114-2023



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
1 Congress Street
Suite 1100 - SEL
Boston, MA 02114-2023

BY HAND

February 11, 2008

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region I
One Congress Street
Suite 1100, Mail Code RAA
Boston, MA 02114-2023

Re: In the Matter of Bristol, RI,
Docket No. CWA-01-2008-0014

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 a fully executed Consent Agreement and Final Order resolving the above-referenced case.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Tonia Bandrowicz".

Tonia Bandrowicz,
Sr. Enforcement Counsel

Enclosure

cc: Michael A. Ursillo, Esq.