

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE FILLED OUT BY ORIGINATING OFFICE:

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

This form was originated by: Jefferie Garcia 9/28/10
Name of Contact person Date

in the Regional Counsel at X2697
Office Phone number

Non-SF Jud. Order/Consent Decree. DOJ COLLECTS Administrative Order/Consent Agreement FMD COLLECTS PAYMENT

SF Jud. Order/Consent Decree. FMD COLLECTS

This is an original debt This is a modification

Name of Person and/or Company/Municipality making the payment
Colony Pool Service, INC

The Total Dollar Amount of Receivable \$30,000
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number CERCLA/PCRA-03-2010-0420

The Site-Specific Superfund Acct. Number N/A

The Designated Regional/HQ Program Office _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
Name of Contact Date

in the Financial Management Office, phone number: _____

JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:

- | | |
|--|------------------------------|
| 1. Rosemarie Pacheco
Environmental Enforcement Section
Lands Division, Room 130044
1425 New York Avenue, N.W.
Washington, D.C. 20005 | 2. Originating Office (ORC) |
| | 3. Designated Program Office |

ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:

- | | |
|---------------------------|------------------------------|
| 1. Originating Office | 2. Designated Program Office |
| 3. Regional Hearing Clerk | 3. Regional Counsel |



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

November 4, 2010

HAND DELIVERY

Lydia Guy
Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Consent Agreement and Final Order
U.S. EPA Docket No. EPCRA/CERCLA 03-2011-0008

Dear Ms. Guy:

Enclosed for filing is a fully executed Consent Agreement and Final Order. A courtesy copy of the Consent Agreement and Final Order is also enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Jefferie E. Garcia".

Jefferie E. Garcia
Assistant Regional Counsel

cc: Max B. Walton (via regular mail)



*Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474*



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION III
 1650 Arch Street
 Philadelphia, Pennsylvania 19103-2029**

In the Matter of:)	
	)	U.S. EPA Docket No.: CERCLA-03-2011-0008
Colony Pool Service of	)	U.S. EPA Docket No.: EPCRA-03-2011-0008
Delaware, Inc.)	
410 Freeport Court)	
Bethany Beach, DE 19930,)	
)	
Respondent.	)	Proceedings Pursuant to Sections
	)	103 and 109 of the Comprehensive
	)	Environmental Response,
	)	Compensation and Liability Act, as
	)	amended, 42 U.S.C. §§ 9603
	)	and 9609, and Sections 304,
	)	and 325 of the Emergency
	)	Planning and Community
	)	Right-to-Know Act, 42 U.S.C.
	)	§§ 11004 and 11045

RECEIVED
 PHILADELPHIA, PA
 9/14/11 4:26 PM

CONSENT AGREEMENT AND FINAL ORDER

STATUTORY AUTHORITY

This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended, 42 U.S.C. § 9609, and Section 325 of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C. § 11045, as well as under the authority provided by the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits" ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, ("Part 22"). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region III, who has in turn delegated them to the Director, Hazardous Site Cleanup Division, EPA Region III ("Complainant").

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (referred to collectively herein as "CA/FO") as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b), and, having consented to the entry of this CA/FO, agree to comply with the terms of this CA/FO.

PRELIMINARY STATEMENT

The implementing regulations for the emergency notification requirements in Section 304 of EPCRA, 42 U.S.C. § 11004, are codified at 40 C.F.R. Part 355. On November 3, 2008, EPA issued a final rule, 73 Fed. Reg. 65451 (Nov. 3, 2008), inter alia, to make these regulations easier to read by presenting them in a plain language format. The amendments resulted in a re-numbering of 40 C.F.R. Part 355, which became effective on December 3, 2008. This CA/FO references the newly effective numbering, but includes the pre-2008 numbering in parentheses since those regulations were in effect at the time of the violations alleged herein.

EPA'S FINDINGS OF FACT

EPA makes the following findings of fact, which except for the facts supporting the jurisdictional allegations, Respondent neither admits nor denies:

1. Respondent, Colony Pool Service of Delaware, Inc. ("Colony Pool") is a Delaware corporation with its principal place of business located at 5107 Governor Printz Boulevard, Wilmington, Delaware.
2. As a corporation, Colony Pool is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), and Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and their respective regulations, 40 C.F.R. §§ 302.3 and 355.61 (355.20).
3. At all times relevant to this CA/FO, Respondent was the owner or operator of a Facility located at 410 Freeport Court, Bethany Beach, Delaware (hereinafter the "Facility"), within the meaning of Section 304 of EPCRA, 42 U.S.C. §§ 11004, and was in charge of the Facility, within the meaning of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).
4. The Facility is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), and Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and their respective regulations, 40 C.F.R. §§ 302.3 and 355.61 (355.20).
5. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), requires the Administrator of EPA to publish a list of substances designated as hazardous substances which, when released into the environment, may present a substantial danger to public health or welfare or to the environment, and to promulgate regulations establishing that quantity of any hazardous substance, the release

of which shall be required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304(a) of EPCRA, 42 U.S.C. § 11004(a) ("Reportable Quantity" or "RQ"). The list of hazardous substances is codified at 40 C.F.R. § 302.4.

6. Section 302(a) of EPCRA, 42 U.S.C. § 11002(a), requires the Administrator of EPA to publish a list of Extremely Hazardous Substances ("EHS") and to promulgate regulations establishing that quantity of any EHS the release of which shall be required to be reported under Section 304(a) through (c) of EPCRA, 42 U.S.C. § 11004(a) through (c), ("Reportable Quantity" or "RQ"). The list of EHSs and their respective RQs is codified at 40 C.F.R. Part 355, Appendices A and B.

7. The State Emergency Response Commission ("SERC") for the Facility is, and has been at all times relevant to this CA/FO, the Department of Natural Resources and Environmental Control (DNREC), EPCRA Reporting Program, 156 South State Street, Dover, DE 19901.

8. The Local Emergency Planning Committee ("LEPC") for the Facility is, and has been at all times relevant to this CA/FO, the Sussex County Emergency Operations Center, 100 Airport Road, Georgetown, DE 19947.

9. The Local Fire Department for the Facility is, and has been at all times relevant to this CA/FO, the Bethany Beach Fire Company, 215 Hollywood Street, Bethany Beach, DE 19330.

10. At all times relevant to this CA/FO, the Facility was a facility at which a hazardous substance and/or EHS was produced, used or stored.

11. On or about May 28, 2010, EPA issued a Show Cause letter to Colony Pool indicating that the Agency was considering the assessment of penalties against Colony Pool for violations of Section 103 of CERCLA, 42 U.S.C. § 9603, and Section 304 of EPCRA, 42 U.S.C. § 11004. By letter dated June 24, 2010, Colony Pool submitted to EPA (i) a response to EPA's Show Cause letter and (ii) a Notice of Intent to Engage in Settlement Dialogue.

12. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), as implemented by 40 C.F.R. Part 302, requires, in relevant part, any person in charge of a facility, as soon as he/she has knowledge of a release (other than a federally permitted release) of a hazardous substance from such facility in a quantity equal to, or greater than, the RQ, to immediately notify the National Response Center ("NRC") established under Section 311(d)(2)(E) of the Clean Water Act, as amended, 33 U.S.C. § 1321(d)(2)(E), of such release.

13. Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), as implemented by 40 C.F.R. Part 355, Subpart C (355.40), requires, in relevant part, that when there has been a

release of a hazardous substance or an EHS in a quantity equal to or greater than the RQ from a facility at which hazardous chemicals are produced, used or stored, the owner or operator of that facility must immediately notify the SERC and the LEPC of the release.

14. Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), as implemented by 40 C.F.R. Part 355, Subpart C (355.40), requires, in relevant part, that when there has been a release of a hazardous substance or an EHS in a quantity equal to or greater than the RQ from a facility at which hazardous chemicals are produced, used, or stored, the owner or operator of that facility must provide a written follow-up report regarding the release to the SERC and the LEPC, as soon as practicable.

15. Beginning on or about July 30, 2007, at or about 11:55 a.m. (1155 hours), an estimated eight thousand five hundred (8,500) pounds of Sodium Hypochlorite, Chemical Abstracts Service ("CAS") Registry No. 7681-52-9 was released from the Facility.

16. The release of Sodium Hypochlorite from Respondent's Facility ("the Release") constitutes a release of a hazardous substance in a quantity equal to, or greater than, the RQ of 100 pounds as listed in 40 C.F.R. Part 302, Table 302.4.

17. On or about July 30, 2007, at or about 1:25 p.m. (1325 hours), Eastern Standard Time, Respondent notified the NRC of the Release.

18. On or about July 30, 2007, at or about 1:47 p.m. (1347 hours), Eastern Standard Time, Respondent notified the SERC and the LEPC of the Release.

19. Respondent did not provide a written follow-up report of the Release to either the SERC or LEPC.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 103 OF CERCLA AND 304 OF EPCRA**

20. The July 20, 2007 Release was not a "federally permitted release" as that term is used in Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6, and defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

21. Although Respondent notified the NRC, the SERC and the LEPC of the Release, Respondent did not immediately notify the NRC, the SERC, or the LEPC of the Release as required by Section 103 of CERCLA, 42 U.S.C. § 9603, Section 304(b) of EPCRA, 42 U.S.C. § 11004 and 40 C.F.R. § 302.6, which require immediate notification as soon as the Respondent knew or should have known of the Release.

22. Respondent's failure to immediately notify the NRC as soon as the Respondent knew or should have known of the Release from the Facility in an amount equal to or in excess of its applicable RQ, is a violation of Section 103 of CERCLA, 42 U.S.C. § 9603. Therefore, Respondent is subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

23. Respondent's failure to immediately notify the SERC and the LEPC of the Release constitutes a violation of Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a), and (b). Therefore, Respondent is subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

24. Respondent failed to provide a written follow up report of the Release to the SERC and the LEPC as required by Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. Part 355, Subpart C (355.40), which requires notification as soon as practicable after the Release.

25. Respondent's failure to provide a written follow up report of the Release, as soon as practicable, to the SERC and the LEPC constitutes a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c). Therefore, Respondent is subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

CIVIL PENALTY

26. For the purpose of this proceeding, the Respondent consents to the assessment of a civil penalty for the violation of CERCLA Section 103(a), 42 U.S.C. § 9603(a), in the amount of \$6000.00 and for violations of EPCRA Section 304(a) through (c), 42 U.S.C. § 11004(a) through (c), in the amount of \$24,000.00, for a total assessed civil penalty of \$30,000.00, plus any applicable interest, as described below, in satisfaction of all claims for civil penalties for the violations alleged in this CA/FO. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CA/FO. Respondent agrees to pay the above civil penalty in full, plus accrued interest, by remitting installment payments in accordance with Paragraph 32, below.

PAYMENT TERMS

27. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owned to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including additional interest, penalties, and/or administrative costs of handling delinquent debts.

28. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a copy of this CA/FO is mailed or hand-delivered to Respondent ("Interest Accrual Date"). However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a) Accordingly, interest payments on each outstanding installment of the civil penalty assessed herein are set forth in Paragraph 32 of this CA/FO.

29. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). Pursuant to EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the final due date and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid.

30. A penalty charge of six (6) percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days in accordance with 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent, in accordance with 31 C.F.R. § 901.9(d).

31. In order to avoid the assessment of administrative costs for overdue debts, as described above, Respondent must remit installment payments for the civil penalty and accrued interest in accordance with the payment schedule set forth in Paragraph 32, below. In order to avoid the assessment of late payment penalty charges, as described above, Respondent must remit all installment payments not later than 90 days after the date each such payment is due.

32. Payment of the civil penalty assessed herein, plus any accrued interest, shall be made in the manner and over the time period specified below:

<u>Schedule</u>	<u>Principal</u>		<u>Interest Amount¹</u>	<u>Payment Due</u>
1 st CERCLA payment within 30 days of the Interest Accrual Date	\$4,000.00	+	\$0.00	\$4,000.00

¹ Interest rate applied to CERCLA is 2.24%. Interest rate applied to EPCRA is 1%.

1 st EPCRA payment within 30 days of the Interest Accrual Date	\$16,000.00	+	\$0.00	\$16,000.00
2 nd CERCLA payment within 60 days of the Interest Accrual Date	\$1,000.00	+	\$3.68	\$1,003.68
2 nd EPCRA payment within 60 days of the Interest Accrual Date	\$4,000.00	+	\$6.57	\$4,006.57
3 rd CERCLA payment within 90 days of the Interest Accrual Date	\$1,000.00	+	\$1.84	\$1,001.84
3 rd EPCRA payment within 90 days of the Interest Accrual Date	\$4,000.00	+	\$3.29	\$4003.29

33. Pursuant to the above schedule, Respondent will remit total payments for the civil penalty in the amount of Thirty Thousand and Fifteen Dollars and Thirty Eight cents (\$30,015.38) which includes interest payments in the amount of Fifteen Dollars and Thirty Eight cents (\$15.38).

34. If Respondent fails to make one of the installment payments in accordance with the schedule set forth in Paragraph 32, above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described in Paragraphs 27 through 30, above, in the event of any such failure or default.

35. Payment of the civil penalty shall be made in the following manner:

a. If payment is to be made by cashier's check, separate CERCLA and EPCRA payment cashier checks shall be made as follows.

i. The CERCLA portion of the penalty, payable to "EPA-Hazardous Substances Superfund," in care of:

U.S. Environmental Protection Agency
Attn: Superfund Payments
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000

Contact: Natalie Pearson ((314) 418-4087)

If the cashier's check is sent overnight mail, it should be sent to

U.S. Environmental Protection Agency
ATTENTION: Superfund Payments
U.S. Bank
1005 Convention Plaza
Mail Station FL-MO-C2GL
St. Louis, MO 63101

Contact Natalie Pearson ((314) 418-4087)

The Respondent shall note on the CERCLA penalty-payment cashier's check the title and docket number of this case.

ii. The EPCRA portion of the penalty, payable to "United States Treasury" in care of:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

If check is sent via overnight mail, it should be sent to:

U.S. Environmental Protection Agency
Fines and Penalties
U.S. Bank
1005 Convention Plaza
Mail Station FL-MO-C2GL
St. Louis, MO 63101

The Respondent shall note on the EPCRA penalty-payment cashier's check the title and docket number of this case.

b. Payment may be made via EFT (wire transfer) to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency"

c. Payment may be made via Automated Clearinghouse (ACH) to:

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact - Jesse White 301-887-6548
ABA = 051036706
Transaction Code 22 - checking
Environmental Protection Agency
Account 310006
CTX Format

d. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV
Enter sfo 1.1 in the search field. Open and complete the form.

36. The Respondent shall submit a copy of the checks, or verification of wire transfer or ACH to the following persons:

Lydia Guy (3RC00)
Regional Hearing Clerk
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

and

Jefferie E. Garcia (3RC42)
Senior Assistant Regional Counsel
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

37. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with Paragraph 32, above, Respondent may pay the entire civil penalty of Thirty Thousand Dollars (\$30,000.00) within thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent and, thereby, avoid the assessment of interest pursuant to 40 C.F.R. § 13.11(a)(1), as described in Paragraph 28, above.

38. The CERCLA civil penalty stated herein is based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section 109 of CERCLA, 42 U.S.C. § 9609, and is consistent with 40 C.F.R. Part 19 and the Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, (September 30, 1999).

39. The EPCRA civil penalty stated herein is based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section 325 of EPCRA, 42 U.S.C. § 11045, and are consistent with 40 C.F.R. Part 19 and the *Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, (September 30, 1999)*.

40. Failure by the Respondent to pay the \$30,000.00 penalty, and any accrued interest in full in accordance with the Final Order by the final due date may subject Respondent to a civil action to collect the assessed penalties, plus interest, pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

GENERAL PROVISIONS

41. For the purpose of this proceeding, Respondent admits to the jurisdictional allegations set forth above.

42. For the purpose of this proceeding, Respondent agrees not to contest the EPA's jurisdiction with respect to the execution or enforcement of the CA/FO.

43. For the purpose of this proceeding, Respondent neither admits nor denies factual allegations and conclusions of law set forth in this CA/FO, but expressly waives its rights to contest said allegations in this proceeding.

44. For the purpose of this proceeding, Respondent expressly waives its right to a hearing and to appeal the Final Order under Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045.

45. The provisions of this CA/FO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this Consent Agreement on behalf of the Respondent is acknowledging that he or she is fully authorized by the Respondent represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

46. This CA/FO resolves only those civil claims that are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including the Respondent, in response to any condition that Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CA/FO shall be construed to limit the United States' authority to pursue criminal sanctions.

47. Each party to this action shall bear its own costs and attorney's fees.

48. By entering into this CA/FO, the Respondent does not admit any liability for the civil claims alleged herein.

FOR COLONY POOL SERVICE OF DELAWARE, INC.


SIGNATURE _____ DATE 10/05/10

Title: President


Print Name:

Timothy C. Kelly

In the Matter of: Colony Pool Service of Delaware, Inc.

U.S. EPA Docket Nos. CERCLA-03-2011-0008
EPCRA-03-2011-0008

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY



Ronald J. Borsellino, Director
Hazardous Site Cleanup Division

11/2/12

DATE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In the Matter of:)	
)	
Colony Pool Service of	)	U.S. EPA Docket No.: CERCLA-03-2011-0008
Delaware, Inc.	)	U.S. EPA Docket No.: EPCRA-03-2011-0008
410 Freeport Court)	
Bethany Beach, DE 19930,)	
)	
Respondent.	)	Proceedings Pursuant to Sections
	)	103 and 109 of the Comprehensive
	)	Environmental Response
	)	Compensation and Liability Act, as
	)	amended, 42 U.S.C. §§ 9603
	)	and 9609, and Sections 304
	)	and 325 of the Emergency
	)	Planning and Community
	)	Right-to-Know Act, 42 U.S.C.
	)	§§ 11004 and 11045

FINAL ORDER

Pursuant to Sections 103 and 109 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), as amended, 42 U.S.C. §§ 9603 and 9609, and Sections 304 and 325 of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C. §§ 11004 and 11045, and in accordance with 40 C.F.R. Part 22, and based on the representations in the Consent Agreement, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ordered to comply with the terms of the referenced Consent Agreement.

Effective Date

This Final Order shall become effective upon the date of its filing with the Regional Hearing Clerk.

Date: 11/4/10



Renée Sarajian
Regional Judicial Officer
EPA, Region III



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION III
 1650 Arch Street
 Philadelphia, Pennsylvania 19103-2029**


In the Matter of:)	
)	
Colony Pool Service of	)	U.S. EPA Docket No.: CERCLA-03-2011-0008
Delaware, Inc.	)	U.S. EPA Docket No.: EPCRA-03-2011-0008
410 Freeport Court)	
Bethany Beach, DE 19930,)	
)	
Respondent.	)	Proceedings Pursuant to Sections
	)	103 and 109 of the Comprehensive
	)	Environmental Response,
	)	Compensation and Liability Act, as
	)	amended, 42 U.S.C. §§ 9603
	)	and 9609, and Sections 304
	)	and 325 of the Emergency
	)	Planning and Community
	)	Right-to-Know Act, 42 U.S.C.
	)	§§ 11004 and 11045

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of the signed Consent Agreement and Final Order with the Regional Hearing Clerk, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Consent Agreement and Final Order were sent by first class mail to:

Max B. Walton
 Connolly Bove Lodge & Hutz LLP
 The Nemours Building
 1007 North Orange Street
 P.O. Box 2207
 Wilmington, DE 19899

11/4/10
 DATE


 Jefferie E. Garcia (3RC42)
 Assistant Regional Counsel
 Counsel for Complainant
 (215) 814-2697