

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Rivera for

Tonia Beardkrowicz  
Name of Case Attorney

6/8/09  
Date

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

Case Docket Number CWA-01-2009-0058

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:

Big Y Foods, Inc.  
100 Mayfield Street  
Worcester, MA

Total Dollar Amount of Receivable \$ 3,000 Due Date: \_\_\_\_\_

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 1  
1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114  
EXPEDITED SPILL SETTLEMENT AGREEMENT**

RECEIVED  
2009 JUN -8 P 3:28

DOCKET NO. CWA-01-2009-0058

On or around September 12, 2008, Big Y Foods Inc., (Respondent), the owner or operator of a supermarket located at 100 Mayfield Street, Worcester, Massachusetts discharged oil, as defined in 40 CFR §110.1, to the Beaver Brook, a navigable water of the United States as defined in Section 502(7) of the Act, and 40 CFR § 110.1, or its adjoining shorelines, in violation of Section 311(b)(3) of the Clean Water Act (the "Act").

EPA alleges and 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 or adjoining shorelines. Respondent admits to being subject to the Act and that EPA has jurisdiction over Respondent. Respondent neither admits nor denies EPA's specific factual allegations, 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 **\$3,000**. 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 alleged spill, has cleaned up the spill pursuant to federal requirements, has taken corrective actions that will prevent future spills, and has sent a certified check in the amount of **\$3,000**, 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, U.S. Environmental Protection Agency, Region 1, One Congress Street, Boston, Massachusetts 02114-2023. The check should reference the above 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 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 after signature by the Regional Judicial Officer, the third signature below.

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, Ohio 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 noncompliance identified in this document.

After this Expedited Settlement becomes effective, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged and 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:

Susan Studlien Date: June 8, 2009  
Susan Studlien, Director  
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

Name (print): MICHAEL S. GOLD  
Title (print): VP-LEGAL AFFAIRS & GOVERNMENT RELATIONS  
[Signature] Date JUNE 2, 2009  
Signature

Estimated Cost of taking corrective action to clean up the spill and prevent future spills: \$ 28,505.

IT IS SO ORDERED:

[Signature] Date 6/8/09  
LeAnn Jensen,  
Acting Regional Judicial Officer

**In the Matter of Brewster Academy  
CWA-01-2009-0058**

**CERTIFICATE OF SERVICE**

I certify that the foregoing Consent Agreement and Final Order was sent to the following Persons, in the manner specified on the date below:

Original and one copy hand delivered:

Regional Hearing Clerk  
U.S. EPA, Region I  
One Congress Street  
Boston, MA 02114-2023

Copy by certified mail,

Charles L. D'Amour, President  
Big Y Foods, Inc.  
2145 Roosevelt Avenue  
Springfield, MA 01104



Diane Boisclair  
Office of Environmental Stewardship(SEW)  
U.S. Environmental Protection Agency  
One Congress Street, Suite 1100  
Boston, MA 02114-2023  
(617)918-1762

Date: 6-8-09