



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

VIA EMAIL

Ron Koivu
493 Lancaster Street
Leominster, MA 01453
rek64@yahoo.com

RE: *In the Matter of: Harbor Classic Homes LLC*
CWA-01-2021-0044

Dear Mr. Koivu:

Please find enclosed a copy of the fully-executed Expedited Settlement Agreement (“Agreement”) settling the above-captioned case. You may access a copy of 40 C.F.R. Part 22, the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* at – <https://www.ecfr.gov/cgi-bin/text-idx?SID=bc4a611670b80465745e672c4ca6fe1a&node=pt40.1.22&rgn=div5>. Please note that the Agreement becomes final 30 days from the date it is signed by the Regional Judicial Officer. Under the conditions of the Agreement, the civil penalty will be due no later than 10 days after the Agreement becomes final [i.e. July 12, 2021] and shall be made in accordance with the attached Expedited Settlement Agreement Payment Instructions.

A copy of the payment check (or notification of other type of payment), along with a cover letter, should also be emailed to: (1) Wanda I. Santiago, U.S. EPA, Region 1, Regional Hearing Clerk, at R1_Hearing_Clerk_Filings@epa.gov; and (2) Andrew Spejewski, at Spejewski.andrew@epa.gov.

If you have any questions regarding this letter, you may contact me at 617-918-1014.

Sincerely,

**ANDREW
SPEJEWSKI**

Digitally signed by ANDREW
SPEJEWSKI
Date: 2021.06.02 09:56:55 -04'00'

Andrew Spejewski
Enforcement Officer
U.S. EPA, Region 1

Enclosure

cc: Pamela Talbot, MA DEP, Pamela.talbot@mass.gov
Judith Schmitz MA DEP, schmitz.judith@mass.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

MEMORANDUM

DATE: June 1, 2021

RE: Proposed Expedited Settlement Agreement for:
In the Matter of: Harbor Classic Homes LLC
Docket No. CWA-01-2021-0044

FROM: Andrew Spejewski, Enforcement Officer

TO: Hon. LeAnn Jensen, Regional Judicial Officer

In accordance with 40 C.F.R. § 22.13(b), enclosed please find a proposed Expedited Settlement Agreement (“Agreement”) that will simultaneously commence and settle the above-captioned action. The proposed Agreement has been signed by the parties and is now being submitted for your approval.

Public notice of this Agreement was provided as required by Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A) and 40 C.F.R. § 22.45. The proposed Agreement is being submitted more than 10 days after the close of the public comment period. The Regional Hearing Clerk has reported that she did not receive any comments concerning this proposed action during this period.

Under the terms of this proposed Agreement, Respondent will pay a civil penalty of \$4,200. This proposed Agreement complies with all the requirements of EPA’s Revised Expedited Settlement Offer Program for Stormwater (Construction). Once the proposed Agreement has been signed by you, the fully-executed Agreement will be filed with the Regional Hearing Clerk and will become final 30 days after the date of your signature.

cc via email: Ron Koivu, rek64@yahoo.com



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-01-2021-0044

The undersigned representatives of the United States Environmental Protection Agency (EPA) and Harbor Classic Homes LLC, a Massachusetts corporation (Respondent), enter into this Expedited Settlement Agreement (Agreement) to resolve Respondent's civil penalty liability for allegedly discharging stormwater without a permit at the Elm Street construction site in Lunenburg, MA.

The EPA finds that: (1) Respondent discharged stormwater from the Site without authorization by any permit issued pursuant to the Clean Water Act (Act) in violation of section 301 of the Act, 33 U.S.C. § 1311; (2) Respondent is a "person" as defined in section 502(5) of the Act, 33 U.S.C. § 1362(5); and (3) Respondent is responsible for the alleged violations specified in the attached Expedited Settlement Offer Worksheet – Findings and Alleged Violations (Deficiencies Form). The Deficiencies Form is incorporated into this Agreement by reference. The EPA also finds, and Respondent admits, that the EPA has jurisdiction over this matter pursuant to section 309(g) of the Act, 33 U.S.C. § 1319(g), and 40 C.F.R. part 22. Respondent neither admits nor denies the violations alleged in the Deficiencies Form.

Respondent agrees to pay a civil penalty of \$4,200 consistent with the attached Expedited Settlement Agreement Payment Instructions (Payment Instructions). Respondent waives the rights (1) to contest the allegations in the Deficiencies Form and (2) to appeal any final order an EPA Regional Judicial Officer may issue to ratify this Agreement (Final Order). The civil penalty will be due no later than 10 days after the issuance of the Final Order and shall be made in accordance with the attached Payment Instructions.

By signing this Agreement, Respondent certifies that: (1) the alleged violations listed in the Deficiencies Form have been corrected, and Respondent has submitted true and accurate documentation to the EPA of such correction; and (2) consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), Respondent will not deduct penalties paid under this Agreement for federal tax purposes.

This Agreement, upon incorporation into the Final Order and full satisfaction by the parties, shall be a complete and full resolution of Respondent's liability for federal civil penalties for the violations of the Permit and section 301(a) of the Clean Water Act alleged in the Deficiencies Form. This Agreement does 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 or to issue an administrative compliance order, e.g., for any uncorrected violations listed in the Deficiencies Form. Nothing in this Agreement shall relieve Respondent of the duty to comply with the Act and any regulation, order, or permit issued pursuant to the Act.

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.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, the EPA will provide public notice of this Agreement and a reasonable opportunity for the public to comment on it. The EPA will address any comments on this Agreement in accordance with section 309(g)(4) of the Act, 33 U.S.C. § 1319(g)(4), and 40 C.F.R. § 22.45.

This Agreement is binding on the parties signing below and becomes final thirty (30) days from the date it is signed by the Regional Judicial Officer unless a petition to set aside this Agreement is filed by a commenter pursuant to Section 309(g)(5) of the Act, 33 U.S.C. § 1319(g)(5), following public noticing of this Agreement.

Attachments:

1. Deficiencies Form; 2. Payment Instructions

APPROVED BY THE EPA:

**JAMES
CHOW**

Digitally signed by
JAMES CHOW
Date: 2021.04.21
09:45:54 -04'00'

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

APPROVED BY RESPONDENT:

Name (print): Ronald & Koivu


Title (print): MANAGER

Signature: 

Date: 4/15/21

FINAL ORDER: More than 40 days have elapsed since the issuance of public notice pursuant to section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and the EPA has received no comments concerning this matter.

Having determined that this Agreement is authorized by law,
IT IS SO ORDERED:

LEANN JENSEN  Digitally signed by
LEANN JENSEN
Date: 2021.06.01
16:50:26 -04'00'

Date: _____

Hon. LeAnn Jensen
Regional Judicial Officer
US EPA REGION 1 - New England

Pay.gov Payment Confirmation: EPA Miscellaneous Payments

From: notification@pay.gov

To: rek64@yahoo.com

Date: Monday, July 12, 2021, 09:05 AM EDT



An official email of the United States government



Your payment has been submitted to Pay.gov and the details are below. If you have any questions regarding this payment, please contact Craig Steffen at (513) 487-2091 or steffen.craig@epa.gov.

Application Name: EPA Miscellaneous Payments

Pay.gov Tracking ID: 26SM3P2I

Agency Tracking ID: 76124681372

Transaction Type: Sale

Transaction Date: 07/12/2021 09:05:33 AM EDT

Account Holder Name: Ronald E. Koivu

Transaction Amount: \$4,200.00

Card Type: MasterCard

Card Number: *****3729

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.



Pay.gov is a program of the U.S. Department of the Treasury, Bureau of the Fiscal Service