

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Rivera for Steven Schlang 9/26/08
Name of Case Attorney Date

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

Case Docket Number CWA-01-2008-0053

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:

R.L. Greenlaw & Son, Inc.
P.O. Box 95
Stonington, ME

Total Dollar Amount of Receivable \$ 8,000 Due Date: 2/25/10
SEP due? Yes _____ No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

- 1st \$ 1,000 on 10/25/08
- 2nd \$ 1,487.50 on 1/25/09
- 3rd \$ 1,470 on 4/25/09
- 4th \$ 1,452.50 on 7/25/09
- 5th \$ 1,435 on 10/25/09

6th 1,417.50 - 2/25/10

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

1 Congress Street
Suite 1100 - SES
Boston, MA 02114-2023

RECEIVED

2008 SEP 26 P 10: 18

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK
WSP

BY HAND

September 26, 2008

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

Re: In the Matter of G.L. Greenlaw & Son, Inc., Docket No. CWA-01-2008-0052

Dear Ms. Santiago:

Enclosed please find for filing in the above-referenced action, the original and one copy of the Consent Agreement and Final Order regarding the above docketed matter.

Thank you for your attention to this matter.

Sincerely,

Steven Schlang
Senior Enforcement Counsel

Enclosure

cc: Paul Greenlaw

**In the Matter of: R.L. Greenlaw and Son, Inc.
Docket Number CWA-01-2008-0052**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order and Memorandum to LeeAnn Jenson have been sent to the following persons on the date noted below:

Original and one copy
hand delivered:

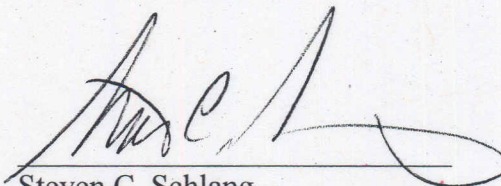
Wanda Santiago
Regional Hearing Clerk (RAA)
U.S. EPA, Region I
One Congress Street, Suite 1100
Boston, MA 02114-2023

Copy by Certified Mail-
Return Receipt Requested

Paul Greenlaw
R.L. Greenlaw and Son, Inc.
3 N. Main Street
Stoughton, ME 04681

Date:

9/26/08



Steven C. Schlang
Office of Environmental Stewardship (SEL)
U.S. Environmental Protection Agency
Region I
One Congress Street, Suite 1100
Boston, MA 02114-2023
tel: (617) 918-1773
fax: (617) 918-0773

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

2008 SEP 26 P 10:18

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK
WR

IN THE MATTER OF:)

R.L. Greenlaw and Son, Inc.)
P.O. Box 95)
Stonington, Maine)

Respondent.)
_____)

Docket No. CWA-01-2008-0052

**CONSENT AGREEMENT AND
FINAL ORDER**

This Consent Agreement and Final Order (“CAFO”) is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 311(b)(6)(B)(ii) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1321(b)(6)(B)(ii), as amended by the Oil Pollution Act of 1990, and under the authority provided by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits, set forth at 40 C.F.R. Part 22 (“Part 22”).

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding against R.L. Greenlaw and Son, Inc. (“Respondent”) pursuant to Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6) by filing an Administrative Complaint, Docket No. CWA-01-2008-0052 (“Complaint”).

2. The Complaint alleges that Respondent's violation of Sections 311(j) of the CWA had subjected Respondent to penalties up to the statutory maximum authorized under that statute.

3. The factual and jurisdictional basis for proposing the assessment of civil penalties is set forth in the Complaint and incorporated herein by reference.

II. CONSENT AGREEMENT

4. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondent.

5. Respondent neither admits nor denies the specific factual allegations contained in the Complaint. The parties hereby agree that the execution and/or performance of this Agreement does not constitute an admission by Respondent of any of the violations alleged in the Complaint.

Waiver of Rights

6. Respondent waives any defenses it might have as to jurisdiction and venue and consents to the terms of this CAFO.

7. Respondent waives its right to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint.

8. Respondent waives its right to appeal any Final Order in this matter, and consents to the issuance of a Final Order without further adjudication.

Penalty

9. Complainant proposes, and Respondent consents to, the assessment of a civil penalty of EIGHT THOUSAND DOLLARS (\$8,000), plus interest, pursuant to the following schedule:

- a. \$1,000 shall be due within 30 calendar days of the effective date of this CAFO (as described in Paragraph 21 below);
- b. \$1487.50 (i.e. \$1,400 principle, plus \$87.50 in interest) shall be due within 120 calendar days of the effective date of this CAFO;
- c. \$1,470 (i.e. \$1,400 principle, plus \$70 in interest) shall be due within 210 calendar days of the effective date of this CAFO;
- d. \$1,452.50 (i.e. \$1,400 principle, plus \$52.50 in interest) shall be due within 300 calendar days of the effective date of this CAFO;
- e. \$1,435 (i.e. \$1,400 principle, plus \$35 in interest) shall be due within 390 calendar days of the effective date of this CAFO; and
- f. \$1,417.50 (i.e. \$1,400 principle, plus \$17.50 in interest) shall be due within 480 calendar days of the effective date of this CAFO.
- g. Acceleration Clause: if 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 amounts shall accrue from the missed payment date.

Payment Terms

10. In agreeing to the penalty described in paragraph 9 above, EPA has taken into account the statutory penalty factors at Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8), particularly the economic impact of the penalty upon the Respondent. Respondent shall pay a total penalty of \$8,000 plus interest which shall be due in accordance with the payment schedule

described in paragraph 9. In accordance with 40 C.F.R. § 22.31(b), the effective date is the date on which this Consent Agreement and Final Order is filed with the Regional Hearing Clerk.

11. Respondent shall make payment by cashier's or certified check, or check issued in the normal course of business operations, payable to "Environmental Protection Agency," and referencing the title and docket number of the action ("In the Matter of R.L. Greenlaw and Son, Inc., CWA-01-2008-0052") and "Oil Spill Liability Trust Fund - 311." The payment shall be mailed to:

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

12. Respondent shall simultaneously submit a copy of the check referenced in paragraph 12 above to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100 (RCA)
Boston, Massachusetts 02114-2023

and

Steven Schlang
Senior Enforcement Counsel
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100 (SEL)
Boston, Massachusetts 02114-2023

13. Pursuant to Section 311(b)(6)(H) of the CWA, 33 U.S.C. § 1321(b)(6)(H), failure by the Respondent to pay the penalty amounts relating to the CWA violations assessed by this CAFO in full by the date required shall subject the Respondent to a civil action to collect the

assessed penalty, plus interest at the prevailing rates from the effective date of the CAFO. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Further, under Section 311(b)(6)(H) of the CWA, 33 U.S.C. § 1321(b)(6)(H), if Respondent fails to pay on a timely basis any CWA penalty payment assessed by this CAFO, Respondent shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings and a 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 (20%) of the aggregate amount of Respondent's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter. Interest will be assessed pursuant to 31 C.F.R. § 901.9(b), promulgated pursuant to 31 U.S.C. § 3717.

14. The penalty provided for herein is a penalty within the meaning of 26 U.S.C. § 162(f) and is not tax deductible for purposes of federal, state, or local law.

15. The provisions of this CAFO shall be binding upon Respondent and Respondent's officers, directors, agents, servants, employees, and successors or assigns.

16. Respondent shall bear its own costs and attorneys fees in this proceeding.

17. This CAFO shall not limit the authority of the United States to enforce the underlying substantive legal requirements of this administrative penalty assessment, whether administratively or judicially.

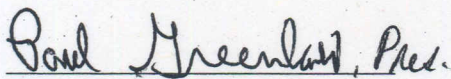
18. This CAFO does not constitute a waiver, suspension or modification of the requirements of the CWA, 33 U.S.C. §§ 1251 et seq., or any regulations promulgated thereunder.

19. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Sections 311(j) of the CWA for the violation of the CWA specifically alleged in the

Complaint. Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with such laws and regulations. Respondent understands that this CAFO constitutes a settlement of the civil matters alleged and does not have any applicability to any possible criminal liability, if any, of Respondent or its employees. Nothing in this CAFO shall be construed to limit the authority of the United States to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public.

20. The undersigned representative of Respondent certifies that he or she is fully authorized by Respondent to enter into the terms and conditions of this CAFO and legally bind Respondent.

FOR RESPONDENT R.L. GREENLAW AND SON, INC.



Paul Greenlaw, President
R.L. Greenlaw and Son, Inc.

Date: 9/10/08

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY

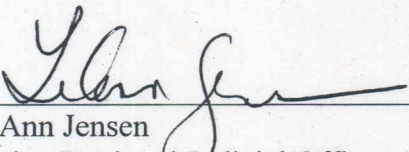
Susan Studlien
Susan Studlien, Director
Office of Environmental Stewardship
U.S. EPA, Region 1

Date: 09/19/08

III. FINAL ORDER

In accordance with 40 C.F.R. Part 22, the forgoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of the referenced Consent Agreement, which is effective when it is filed with the Regional Hearing Clerk.

U.S. ENVIRONMENTAL PROTECTION AGENCY



LeAnn Jensen
Acting Regional Judicial Officer
U.S. EPA, Region 1

Date: 9/25/08