

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

This form was originated by: Arlin Galarza Hernández 01/23/12
Name of Contact person *Date*

in the Expected Penalty Action & Consent Agreement

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 Company making payment: McLean Contracting Company

The Total Dollar Amount of Receivable: \$2225.00
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number: CWA-03-2012-0046

The Site-Specific Superfund Acct. Number: N/A

The Designated Regional/HQ Program Office SLAP/

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
3. Regional Hearing Clerk

2. Designated Program Office

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 ARCH STREET
PHILADELPHIA, PA 19103-2029

EXPEDITED PENALTY ACTION
AND CONSENT AGREEMENT
DOCKET NO. CWA-03-2012-0046

RESPONDENT
McLean Contracting Company
6700 McLean Way
Glen Burnie, Maryland 21060



FACILITY
McLean Contracting Company
2001 Benhill Avenue
Baltimore, Maryland 21226

On August 17, 2011, an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection of Respondent's facility known as McLean Contracting Company at 2001 Benhill Avenue in Baltimore, MD to determine compliance with the Oil Pollution Prevention regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, as amended, (33 U.S.C. §1321(j)), (the "Act"). The EPA representative found that Respondent had violated the regulations by failing to comply with the specific regulatory requirements noted on the attached OIL POLLUTION PREVENTION INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM (the "Form"), which is hereby incorporated by reference.

The parties enter into this Expedited Penalty Action to settle the civil violations set forth above for a penalty of **\$2,225.00**. This Expedited Penalty Action commences and concludes this action pursuant to Sections 22.13(b), and 22.18(b)(2), and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 CFR §§ 22.13(b), and 22.18(b)(2), and (3). This Expedited Penalty Action and Consent Agreement is being entered into by the United States Environmental Protection Agency, Region III ("EPA"), by its duly delegated official, the Director, Hazardous Site Cleanup Division, and by Respondent pursuant to Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. §1321(b)(6)(B)(i), and by 40 CFR § 22.13(b).

The settlement is subject to the following terms and conditions.

EPA hereby finds the Respondent is subject to the Oil Pollution Prevention regulations and has violated the regulations as further described in the Form.

The Respondent consents to the assessment of the penalty stated above. The settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the seriousness of the violations and the other factors provided in CWA Section 1321(b)(8) and EPA's Civil Penalty Policy for CWA Sections 311(b)(3) and 311(j) dated August 1998. Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the violations set forth in the Oil Pollution Prevention Inspection Findings, Alleged Violations and Proposed Penalty Form have been corrected. The Respondent agrees that it shall, within 15 calendar days of receipt of an executed copy of this Expedited Penalty Action, make payment of **\$ 2,225.00** in one of two forms: 1) electronic funds transfer ("EFT") or 2) a cashier's check or certified check payable to the "Environmental Protection Agency", with the Docket Number, located at the top right-hand corner of the Expedited Penalty Action, and "Oil Spill Liability Trust Fund - 311" referenced on the check.

Payment of the penalty amount by EFT 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"

Payment of the penalty amount by regular US Postal
Service shall be sent via certified mail to:

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

Payment of the penalty amount by overnight mail (FedEx or
other non-US Postal Service express mail) shall be sent to:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

The Respondent shall also send a copy of the EFT confirmation or check via certified mail to:

Arlin Galarza-Hernández, SPCC Coordinator
U.S. Environmental Protection Agency, Region III
Oil & Prevention Branch (3HS61)
1650 Arch Street
Philadelphia, PA 19103-2029

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

The payment made pursuant to this Expedited Penalty Action is a penalty within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. §162(f), and, therefore, Respondent shall not claim it as a tax deductible expenditure for purposes of federal, state or local law.

This Expedited Penalty Action resolves only the civil claims for the specific violations alleged in the attached Oil Pollution Prevention Inspection Findings, Alleged Violations and Proposed Penalty Form. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Expedited Penalty Action, following its filing with the Regional Hearing Clerk.

EPA specifically reserves the right, without limitation, to any of the rights reserved herein, to bring any administrative, civil, or criminal action seeking imposition of further civil penalties, criminal sanctions, and/or injunctive relief.

Respondent neither admits nor denies the allegations set forth in the Form, but agrees that jurisdiction has been established for this Expedited Penalty Action. Also, upon EPA's final approval of the Expedited Penalty Action, Respondent expressly waives its right to contest the allegations, to a hearing under Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. §1321(b)(6)(B)(i), and to appeal this Order under Section 311(b)(6)(G)(i) of the Act, 33 U.S.C. §1321(b)(6)(G)(i). Moreover, in entering into this Consent Agreement, the Respondent agrees to bear its own costs and attorney's fees related to this Expedited Penalty Action.

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 violations identified in the Form.

ACCEPT THE PROPOSED PENALTY

I/we consent to the proposed penalty.

DECLINE THE PROPOSED PENALTY

I/we decline the proposed penalty. If you choose to decline this proposed penalty, you may be subject to formal enforcement action and, in that event, will have an opportunity to a hearing related to any subsequent penalty assessment.

COST OF COMPLIANCE

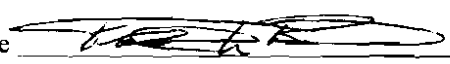
Respondent certifies that it has expended \$ 2777.60 to correct the alleged violations and to come into compliance.

EFFECTIVE DATE

This Expedited Penalty Action will be effective upon filing.


The undersigned representative of Respondent certifies that he or she is fully authorized by Respondent to execute this Expedited Penalty Action and Consent Agreement and to legally bind the party whom he or she represents thereto.

Respondent

Signature  Date 4/6/12

Name and Title (print) FREDERIC W RICH
EXECUTIVE VICE PRESIDENT

SIGNATURE BY COMPLAINANT:

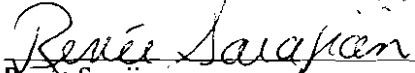
 Date 1/12/12

Ronald J. Borsellino, Director
Hazardous Site Cleanup Division

FINAL ORDER

Pursuant to Section 311(b)(6) of the CWA, 33 U.S.C. §1321(b)(6), and in accordance with the Consolidated Rules of Practice, 40 CFR Part 22, and having relied upon the representations of the parties set forth in the Consent Agreement, I have determined that the penalty assessed herein is based on a consideration of the factors set forth in CWA Section 1321(b)(8) and EPA's Civil Penalty Policy for CWA Sections 311(b)(3) and 311(j) dated August 1998.

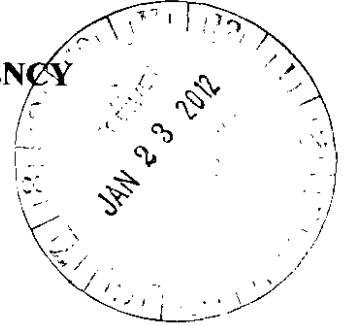
THEREFORE, the foregoing Consent Agreement is hereby approved and incorporated by reference into the Final Order. The Respondent is ORDERED, as set forth above, to pay the civil penalty.



Renee Sarajian,
Regional Judicial Officer

Date 1/19/12

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



In the Matter of:)
McLean Contracting Company)
2001 Benhill Avenue)
Baltimore, MD 21226)
Respondent,)
McLean Contracting Company)
6700 McLean Way)
Glen Burnie, MD 21060)
Facility.)

EPA Docket No.:
CWA-03-2012-0046

Proceedings under Section 311 of the
Clean Water Act, 33 U.S.C. § 1321.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of Complainant's, the United States Environmental Protection Agency's, Expedited Settlement Agreement with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Expedited Settlement Agreement, were sent to:

Via certified mail, return receipt requested

McLean Contracting Company
6700 McLean Way
Glen Burnie, MD 21060

01/23/12
Date

Arlín Galarza-Hernández
Arlín Galarza-Hernández (3HS61)