



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
BOSTON, MA 02109-3912

By Hand

May 3, 2010

Jill Metcalf
Acting Regional Judicial Officer
U.S. EPA, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Re: In the Matter of Sack Distributors Corp.
Docket No. CWA-01-2010-0032

Dear Ms. Metcalf,

In accordance with 40 C.F.R. § 22.18(b), enclosed please find a Clean Water Act Section 311 Expedited Settlement Agreement (ESA) that has been signed by the parties and is now being submitted to you for approval. Please note that consistent with 40 C.F.R. §§ 22.13(b) and 22.18(b) this ESA both commences and concludes the matter referenced above.

The proposed penalty of \$3,000 in the matter is consistent with EPA's Civil Penalty Policy for Violations of Section 311(b)(3) and Section 311(j) of the Clean Water Act ("CWA").

Because this is a Class I CWA action, no public notice is required. Once the Final Order has been signed, the parties will file the fully executed ESA with the Regional Hearing Clerk thereby resolving this matter. If you have any questions related to this matter please call me at 617-918-1762.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diane Boisclair".

Diane Boisclair, Environmental Protection Specialist
U.S. EPA, Region 1

Enclosure (ESA)

cc: Steven Sack, Jr., Vice President, Sack Distributors Corp.
Wanda Rivera, Regional Hearing Clerk

In the Matter of Standish Boat Yard, Inc.
EPA Docket No. CWA-01-2010-0031

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited Settlement Agreement was transmitted to the following persons, in the manner specified, on the date below:

Original and one copy
hand-delivered:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Copy by certified mail,
return receipt requested:

Kenneth R. Hilton, III, Vice President
Standish Boat Yard, Inc.
1697 Main Road
Tiverton, RI 02878

Dated: 5-10-10



Diane Boisclair
Office of Environmental Stewardship
U.S. Environmental Protection Agency,
Region I (OES04-3)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Phone: (617) 918-1762
Fax: (617) 918-0762

RECEIVED



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1, 5 POST OFFICE SQUARE, BOSTON, MASSACHUSETTS 02109-3912
EXPEDITED SPCC SETTLEMENT AGREEMENT

EPA ORC
Office of Regional Hearing Clerk

DOCKET NO. CWA-01-2010-0032

On August 19, 2008, at Sack Distributors Corp., located at East Dudley Town Road, Bloomfield, Connecticut (Respondent), an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection to determine compliance with the Oil Pollution Prevention regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act (the Act), 33 U.S.C. § 1321(j), and found that Respondent had violated regulations implementing Section 311(j) of the Act by failing to comply with the Oil Pollution Prevention regulations as noted on the attached Spill Prevention Control and Countermeasure Plan (SPCC) Inspection Findings and Alleged Violations Form (Violation Form) which is hereby incorporated by reference. By its first signature below, EPA ratifies the Inspection Findings and Alleged Violations set forth in the Violation Form.

The parties enter into this Expedited Settlement in order to settle the civil violations described in the Violation Form for a penalty of \$3,000, based in part on Respondent's current financial condition and the economic impact any greater penalty would have on Respondent. The parties are authorized to enter into this Expedited Settlement under the authority of 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).

This settlement is subject to the following terms and conditions:

EPA finds the Respondent is subject to the Oil Pollution Prevention regulations, and has violated the regulations as further described in the Violation Form. Respondent admits it is subject to the Oil Pollution Prevention regulations and that EPA has jurisdiction over Respondent and Respondent's conduct as described in the Violation Form. Respondent does not contest the Inspection Findings, and waives any objections it may have to EPA's jurisdiction. Respondent consents to the assessment of the penalty stated above.

Respondent further certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) Respondent has "permanently closed" its facility as defined in 40 C.F.R. §112.2, and (2) Respondent has sent a certified check to EPA 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, Water Technical Unit, Environmental Protection Agency, Region 1, 5 Post Office Square (OES 04-3), Boston, Massachusetts 02109-3912. The check should reference the 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 upon 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, OH 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 violations identified in the Violation Form.

After this Expedited Settlement becomes effective, EPA will take no further civil penalty action against Respondent for the violations of the Oil Pollution Prevention regulations described in the Violation Form through the order date of this Expedited Agreement. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the Oil Pollution Prevention regulations or of any other federal statute or regulations.

APPROVED BY EPA:

Joanna Jerison Date: 4/27/10
Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

Name(print): Stephen Sack Jr
Title(print): U. P. - Sack Distributors
Signature: Stephen M. Sack Jr Date: 4-26-10

IT IS SO ORDERED:

Jill Metcalf Date: May 4, 2010
Jill Metcalf
Acting Regional Judicial Officer

In the Matter of Sack Distributors Corp.
EPA Docket No. CWA-01-2010-0032

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited Settlement Agreement was transmitted to the following persons, in the manner specified, on the date below:

Original and one copy
hand-delivered:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Copy by certified mail,
return receipt requested:

Steven Sack, Jr., Vice President
Sack Distributors Corp.
34 Francis Ave.
Hartford, CT 06106

Dated: 5-6-10



Diane Boisclair
Office of Environmental Stewardship
U.S. Environmental Protection Agency,
Region I (OES04-3)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Phone: (617) 918-1762
Fax: (617) 918-0762