

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

One Congress Street, Suite 1100
Boston, MA 02114-2023

RECEIVED

EXPEDITED SETTLEMENT AGREEMENT (ESA)

2009 APR -1 P 1:05

DOCKET NO: EPCRA-01-2009-0016

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

This ESA is issued to:

Kents Hill School
1614 Main Street
Kents Hill, Maine 04349

for violating Section 312 of the Emergency Planning and Community Right-To-Know Act

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 1 (EPA or Complainant), by its duly delegated official, Susan Studlien, Division Director, Office of Environmental Stewardship, and by Kents Hill School (Respondent) pursuant to section 325 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11045, and by 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

ALLEGED VIOLATIONS

Complainant alleges that Respondent, owner and operator of a private preparatory school located at 1614 Main Street, Kents Hill, Maine, failed to timely submit a completed emergency and hazardous chemical inventory form (Tier II form, as described in 40 C.F.R. § 370.25 and 40 C.F.R. Part 370, Subpart D) for the years 2003, 2004, 2005, 2006, and 2007, as required by section 312 of the EPCRA, 42 U.S.C. § 11022, and the regulations set forth at 40 C.F.R. Part 370. Under section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. Part 370, Respondent was required to submit its Tier II form for the years 2003, 2004, 2005, 2006 and 2007 on or before March 1 of 2004, 2005, 2006, 2007 and 2008, respectively.

SETTLEMENT

EPA and Respondent agree that settlement of this matter for a penalty of **TWO THOUSAND DOLLARS (\$2,000)** is fair, appropriate and in the public interest. In signing this Agreement, Respondent (1) admits that Respondent is subject to the requirements of Section 312 of EPCRA; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives its right to a judicial or administrative hearing on any

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issue of law or fact set forth herein. Each party to this action agrees to bear its own costs and fees, if any.

By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) the alleged violations have been corrected, and (2) Respondent agrees to pay the penalty in accordance with the terms of this ESA. If the signed original ESA is not returned to the EPA Region 1 office at the above address in correct form by the Respondent **within 30 days**, the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

Respondent agrees to pay the penalty **within 30 days** of the date on which this ESA is filed with the Regional Hearing Clerk. EPA will forward a copy of the fully executed ESA to Respondent as soon as it is filed with the Regional Hearing Clerk. The civil penalty of **TWO THOUSAND DOLLARS (\$2,000)** should be paid by cashier's or certified check, payable to "Treasurer, United States of America" and sent to:

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

The name and docket number of the matter, "In re. Kent's Hill School" and "Docket No. EPCRA-01-2009-0016" **must be included on the check**. Respondent **must also send a copy of the check** to:

Diane Boisclair (SEW)
U.S. Environmental Protection Agency, Region 1
One Congress Street
Boston, MA 02114-2023

Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. In the event that any partial payment of the civil penalty, plus interest thereon, is not paid when due without demand, the penalty plus accrued interest shall be payable with additional interest from the original due date to the date of payment, at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). In addition, a penalty charge of six percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. § 901.9(d).

Upon Respondent's submission of the original signed ESA **and** payment of the penalty as set forth in this ESA, EPA will take no further civil action against Respondent for the alleged

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violations of EPCRA identified in this ESA. EPA does not waive any right to issue an enforcement action for any other past, present, or future violations by Respondent of EPCRA or any other federal statute or regulation.

This ESA is binding on the parties signing below.

In accordance with 40 C.F.R. § 22.31(b), this ESA is effective upon filing with the Regional Hearing Clerk.

IT IS SO AGREED.

KENTS HILL SCHOOL

By: Barry Gates Date: 3/23/09
(Signature)
Name (print): BARRY Gates
Title (print): Business Manager

APPROVED BY EPA:

Susan Studlien Date: 03/03/09
Susan Studlien
Division Director
Office of Environmental Stewardship
U.S. EPA Region 1

ORDER

I hereby ratify the foregoing Expedited ESA and incorporate it herein by reference.

IT IS SO ORDERED:

LeAnn Jensen Date: 3/31/03
LeAnn Jensen
Acting Regional Judicial Officer
U.S. EPA Region 1

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Kennebec Savings Bank
your community bank since 1870
Member FDIC

052-7442
2112

No. **13027**

Date: **March 23, 2009**
Not valid 120 days from this date

Pay to the
Order of *****Treasurer, United States of America*****

Amount \$ *******2,000.00**

Two Thousand and 00/100*****

DOLLARS

TREASURERS CHECK

EPA Fine
Memo

Samuel M. Davis
Authorized Signature

⑈013027⑈ ⑆211274421⑆ 100011810⑈

PLEASE DETACH BEFORE DEPOSITING AND RETAIN FOR YOUR RECORDS

Kennebec Savings Bank
your community bank since 1870
Member FDIC
150 State Street, P.O. Box 50, Augusta, Maine 04332

052-7442
2112

No. **13027**

Date: **March 23, 2009**
Not valid 120 days from this date

Pay to the
Order of *****Treasurer, United States of America*****

Amount \$ *******2,000.00**

Two Thousand and 00/100*****

DOLLARS

TREASURERS CHECK

EPA Fine
Memo

NON-NEGOTIABLE
Authorized Signature

CUSTOMER COPY

In the Matter of Kents Hill School
Docket No. EPCRA-01-2009-0016

CERTIFICATE OF SERVICE

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


Original and one copy
hand-delivered:

Wanda Rivera
Regional Hearing Clerk
U.S. EPA, Region 1
One Congress Street (RAA)
Boston, MA 02114-2023

Copy by certified mail:

Barry J. Gates, Business
Kents Hill School
1614 Main Street
Kents Hill, ME 04349

Dated: 4/1/09



Tonia Bandrowicz
Senior Enforcement Counsel
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100 (SEL)
Boston, MA 02114-2023
Tel: (617) 918-1734
Fax: (617) 918-0734
Email : Bandrowicz.Toni@epa.gov