

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Rivera for Tonia Bandrowicz
Name of Case Attorney

7/22/11
Date

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

Case Docket Number CWA-01-2011-0040

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:

Knight Oil, Inc.
126 Rabbit Road
Salisbury, MA

Total Dollar Amount of Receivable \$ 50,000 Due Date: 8/19/11

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1st \$ _____ on _____

2nd \$ _____ on _____

3rd \$ _____ on _____

4th \$ _____ on _____

5th \$ _____ on _____

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 1

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

RECEIVED

2011 JUL 20 P 3:47

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

BY HAND


Re: In the Matter of Knight Oil, Inc.
CWA-01-2011-0040

Dear Ms. Santiago:

Enclosed for filing in the above-referenced action, please find the original and one copy of a Consent Agreement and Final Order (CAFO) settling the matter referenced above pursuant to 40 C.F.R. § 22.18(b) and the certificate of service.

Thank you for your attention to this matter.

Sincerely,


Tonia Bandrowicz
Senior Enforcement Counsel

Enclosure

cc: Jeffery S. LeSage, President of Knight Oil, Inc.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

RECEIVED

2011 JUL 20 P 3:47

IN THE MATTER OF)

) Docket No. CWA-01-2011-0040)

)
)
)
)
KNIGHT OIL, INC.)
126 Rabbit Road)
Salisbury, Massachusetts)

)
)
)
)
CONSENT AGREEMENT AND
FINAL ORDER

)
)
)
)
)
)
)
)
Respondent.)
_____)

EPA ORC
OFFICE OF
REGULATORY CLERK

STATUTORY AUTHORITY

1. This Consent Agreement and Final Order 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"), 33 U.S.C. § 1321(b)(6)(B)(ii), as amended by the Oil Pollution Act of 1990, in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits, at 40 C.F.R. Part 22 ("Part 22").

STIPULATIONS AND FINDINGS

2. EPA initiated this proceeding against Knight Oil, Inc. ("Respondent") pursuant to Section 311(b)(6)(B)(ii) of the CWA, 33 U.S.C. § 1321(b)(6)(B)(ii), by filing an Administrative Complaint, Docket No. CWA-01-2011-0040 ("Complaint").

3. The Complaint alleges that Respondent's violations of Sections 311(j) of the CWA and the Oil Pollution Prevention regulations at 40 C.F.R. Part 112 had subjected Respondent to penalties up to a maximum of \$177,500 pursuant to Section 311(b)(6)(B)(ii) of

the Act, 33 U.S.C. § 1321(b)(6)(B)(ii) and 40 C.F.R. § 19.4.

4. Respondent admits the allegations in the Administrative Complaint, incorporated by reference herein, and waives its right to a hearing under Section 311(b)(6)(B)(ii) of the CWA, 33 U.S.C. § 1321(b)(6)(B)(ii), and to appeal this Consent Agreement and Final Order under Section 311(b)(6)(G)(ii) of the CWA, 33 U.S.C. § 1321(b)(6)(G)(ii).

CONSENT AGREEMENT

5. Based on the forgoing Stipulations and Findings, and taking into account the statutory penalty factors at Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8), and under the authority of Section 311(b)(6)(B)(ii), EPA hereby orders and Respondent hereby consents that:

Payment of Penalty

6. The Respondent shall pay a penalty of fifty thousand dollars (\$ 50,000) for the violations of the CWA specifically alleged in the Administrative Complaint and continuing through to the date of this Consent Agreement and Final Order.

7. Within 30 calendar days of the date of the Final Order, Respondent shall make payment of the amount specified in the preceding paragraph by a cashier's or certified check payable to "Environmental Protection Agency," and referencing the title and docket number of this action ("In the Matter of Knight Oil, Inc., CWA-01-2011-0040") and "Oil Spill Liability Trust Fund – 311." The payment shall be mailed to:

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

8. Respondent shall simultaneously submit copies of the penalty payment check to:

Regional Hearing Clerk, RCA
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

and

Tonia Bandrowicz
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (OES04-3)
Boston, MA 02109-3912

9. 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 Consent Agreement and Final Order 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 Consent Agreement and Final Order. 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 Consent Agreement and Final Order, 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.

10. 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.

General Provisions

11. The provisions of this Consent Agreement and Final Order shall be binding upon Respondent, its officers, directors, agents, and successors or assigns.

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

13. Issuance of this Consent Agreement and Final Order constitutes a settlement by EPA of all claims for judicial or administrative civil penalties pursuant to Sections 311(b)(6) or (b)(7) of the CWA, 33 U.S.C. §§ 1321(b)(6) or (b)(7), for the violations of the CWA specifically alleged in the Complaint and continuing through to the date of the Consent Agreement and Final Order.

14. This Consent Agreement and Final Order 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.

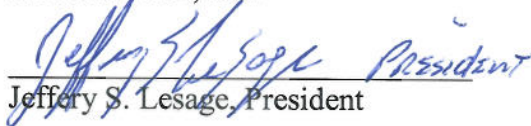
15. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*, or any regulations promulgated thereunder.

16. This Consent Agreement and Final Order constitutes a settlement by EPA of all claims for civil penalties pursuant to Sections 311(b)(6) of the CWA for the violations of the CWA specifically alleged in the Complaint. Compliance with this Consent Agreement and Final Order 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 Consent Agreement and Final Order 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 Consent Agreement and Final Order 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.


17. The undersigned representative of Respondent certifies that he or she is fully authorized by Respondent to enter into the terms and conditions of this Consent Agreement and Final Order and legally bind Respondent.

KNIGHT OIL, INC


Jeffery S. Lesage, President

7-8-11
Date

U.S. ENVIRONMENTAL PROTECTION AGENCY


Susan Studlien, Director
Office of Environmental Stewardship

07/20/11
Date


JUL - 8 2011

- 6 -

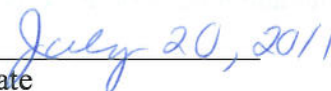
FINAL ORDER

Pursuant to Section 311(b)(6)(B)(ii) of the CWA, 33 U.S.C. § 1321(b)(6)(B)(ii) and in accordance with 40 C.F.R. Part 22, the forgoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement. This Order shall become Final 30 calendar days from the date it is signed by the Regional Judicial Officer, pursuant to Section 311(b)(6)(D) of the CWA, 33 U.S.C. § 1321(b)(6)(D).

U.S. ENVIRONMENTAL PROTECTION AGENCY



Jill Metcalf,
Acting Regional Judicial Officer
U.S. EPA, Region I



Date

In the Matter of Knight Oil, Inc.
CWA-01-2011-0040

CERTIFICATE OF SERVICE

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

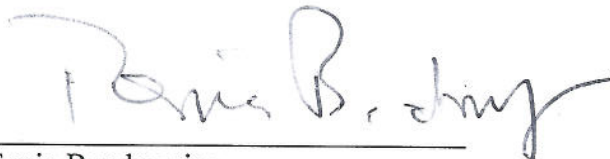
Original and one copy
hand-delivered:

Wanda Santiago,
Regional Hearing Clerk
U.S. EPA – Region I
5 Post Office Square, Suite 100
Mail Code: ORA18-1
Boston, MA 02109-3912

Copy by certified mail, return receipt
requested:

Jeffery S. LeSage, President
Knight Oil, Inc.
126 Rabbit Road
Salisbury, MA 01952

Dated: 7/20/11



Tonia Bandrowicz
Senior Enforcement Counsel
U.S. EPA – Region I
5 Post Office Square, Suite 100
Mail Code: OES04-3
Boston, MA 02109-3912

