

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Jeffrey Kopf
Name of Case Attorney

8/19/11
Date

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

Case Docket Number CWA-01-2010-0057

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:

Water Pollution Control
Authority for the City of Stamford
111 Harborview Avenue
Stamford, CT 06902

Total Dollar Amount of Receivable \$ 26,900 Due Date: 9/17/11

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 I
5 Post Office Square, Suite 100
Mail Code: OES04-4
BOSTON, MASSACHUSETTS 02109-3912

RECEIVED

AUG 19 2011

EPA ORC
Office of Regional Hearing Clerk

August 19, 2011

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

BY HAND

Re: In the Matter of Water Pollution Control Authority for the City of Stamford, and Stamford, Connecticut, CWA-01-2010-0057
Consent Agreement and Final Order for Approval

Dear Ms. Santiago,

Enclosed for filing, please find a Consent Agreement and Final Order (CAFO) settling the matter referenced above.

Thank you for your attention to this matter.

Sincerely,


Jeffrey Kopf
Senior Enforcement Counsel
U.S. EPA, Region 1

Enclosure

cc: Dan McCabe, Esq.
Michael Larobina, Director of Legal Affairs, City of Stamford, CT

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding against the Respondents, pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), by filing an administrative Complaint against Respondent, the City of Stamford, CT, Docket No. CWA-01-2010-0057, on March 9, 2011, and by an Amended Complaint adding Respondent, Water Pollution Control Authority (“WPCA”) of the City of Stamford, on April 21, 2011.
2. The complete factual and jurisdictional basis for proposing the assessment of a civil penalty is set forth in the Amended Complaint and is incorporated herein by reference.
3. Pursuant to Section 309(g)(1) of the CWA, 33 U.S.C. § 1319(g)(1), and in accordance with 40 C.F.R. § 22.38(b), the State of Connecticut has been given an opportunity to consult with EPA regarding the assessment of the administrative penalty for CWA violations against Respondents.
4. Section 309(g)(4)(A) of the CWA, 33 U.S.C. 1319(g)(4)(A), provides that, prior to issuing an order assessing a penalty under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), EPA must provide public notice of, and reasonable opportunity to, comment on the proposed issuance of such order. EPA has satisfied this requirement by providing public notice of, and reasonable opportunity to comment on, the proposed penalty.

II. CONSENT AGREEMENT

5. Respondents stipulate that EPA has jurisdiction over the subject matter alleged in the Complaint.
6. Respondents waive any defenses that they might have as to jurisdiction and venue, and, without admitting or denying the facts and violations alleged in the Complaint, consent to the terms of this CAFO.

Waiver of Rights

7. Respondents hereby waives their right to request a judicial or administrative hearing on any issue of law or fact set forth in the Complaint, and consent to the issuance of the Final Order included with this Consent Agreement without further adjudication.

Penalty

8. Complainant proposes, and Respondents consents to, the assessment of a civil penalty of TWENTY-SIX THOUSAND DOLLARS (\$26,000) plus interest if due pursuant to Paragraph 12 of this CAFO for the purpose of settlement of this action.

Payment Terms

The parties have agreed to a settlement on the following terms. In agreeing to the penalty described in Paragraph 8, EPA has taken into account the statutory penalty factors at Section 309(g)(3) of the CWA, 33 U.S.C. § 1319(g)(3).

9. Respondents shall pay the civil penalty set forth in Paragraph 8 of this CAFO no later than 10 calendar days after the final date of this CAFO.

CONSENT AGREEMENT AND FINAL ORDER

In re: Stamford, Connecticut
Docket No. CWA-01-2010-0057

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US EPA, REGION 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

10. Respondents shall make payment by depositing in the United States mail a cashier's or certified check, or a check issued in the ordinary course of business conducted by Respondents, payable to the order of "Treasurer, United States of America" and referencing the title and docket number of the action ("In the Matter of Stamford, Connecticut CWA-01-2010-0057") to:

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

The date said check is deposited in the mail shall be considered the date that the payment is made.

11. Respondents shall simultaneously submit copies of the penalty payment check to:

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Mailcode ORA18-1
Boston, MA 02109-3912

and

Jeffrey Kopf
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Mailcode OES04-4
Boston, MA 02109-3912

General Provisions

12. Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), a failure by Respondents to pay the penalty assessed by this CAFO in full by the payment due date shall subject Respondents to a civil action to collect the assessed penalty, plus interest at current prevailing rates from the date the penalty was due pursuant to Paragraph 9 of this CAFO. The rate of interest assessed shall be at the rate set forth in 31 C.F.R. § 901.9(d), promulgated under 31 U.S.C. § 3717. Any person who fails to pay on a timely basis the amount of an assessed penalty shall be required to pay in addition to such amount and interest, attorney's fees, 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 20 percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter. In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.
13. The penalty specified in Paragraph 8 above, shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal taxes.
14. The provisions of this CAFO shall be binding upon Respondents and its successors or assigns.
15. Except as described in Paragraph 12 above, each party shall bear its own costs and attorneys fees in this proceeding.

16. Issuance of this CAFO constitutes a full and complete settlement by EPA of all claims for judicial or administrative civil penalties pursuant to Sections 309(d) or (g) of the CWA, 33 U.S.C. §§ 1319(d) or (g), for all past violations of the CWA alleged in the Complaints referenced in Paragraph 1.

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, pursuant to Sections 309(a), (b), and (c) of the Act, 33 U.S.C. §§ 1319(a), (b), and (c), or Sector 504 of the Act, 33 U.S.C. § 1364.

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. The undersigned representatives of Respondents certify that they are fully authorized by Respondents to enter into the terms and conditions of this CAFO and legally bind Respondents.

STIPULATED AND AGREED:

For RESPONDENT CITY OF STAMFORD, CONNECTICUT

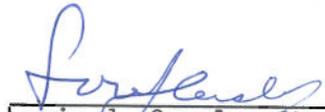


The Honorable Mayor Michael Pavia
City of Stamford

8/9/2011

Date

For RESPONDENT WPCA OF THE CITY OF STAMFORD, CONNECTICUT

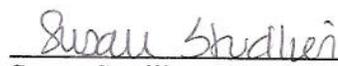


Louis J. Casale, Chairman
Executive Director, WPCA

8/10/11

Date

For U.S. ENVIRONMENTAL PROTECTION AGENCY



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

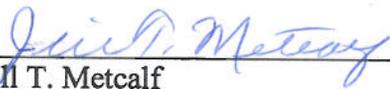
08/18/11

Date

FINAL ORDER

20. The foregoing Consent Agreement is hereby approved and incorporated by reference into this Order. The Respondents are hereby ordered to comply with the terms of the above Consent Agreement, which will become final thirty (30) days from the date it is signed by the Regional Judicial Officer.

U.S. ENVIRONMENTAL PROTECTION AGENCY



Jill T. Metcalf
Acting Regional Judicial Officer
U.S. EPA, Region 1

Date: August 18, 2011

CERTIFICATE OF SERVICE

I certify that the foregoing CONSENT AGREEMENT AND FINAL ORDER (Docket No. CWA-01-2010-0057) was sent to the following persons, in the manner specified on the date below:

Original and one copy
hand delivered:

Acting Regional Hearing Clerk
U.S. EPA, Region I
5 Post Office Sq., Suite 1100
Mail Code: ORA18-1
Boston, MA 02109-3912

Copy, via Certified Mail,
Return Receipt Requested,

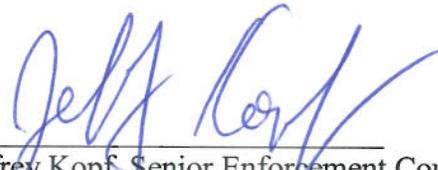
Daniel M. McCabe
McCabe & Petrucci, LLC
1200 Summer St.
Stamford, CT 06905

Copy, via Certified Mail,
Return Receipt Requested,

Michael Larobina
City of Stamford, CT
888 Washington Blvd
Stamford, CT 06904-5560

Date:

8/19/11



Jeffrey Kopf, Senior Enforcement Counsel
Office of Environmental Stewardship (SEL)
U.S. Environmental Protection Agency
Region I
5 Post Office Sq., Suite 100
Mail Code: OES04-4
Boston, MA 02109-3912
tel: (617) 918-1796
fax: (617) 918-0796
email: Kopf.jeff@epa.gov