



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 Post Office Square, Suite 100
Boston, MA 02109-3912**

June 21, 2010

Jill Metcalf
Acting Regional Judicial Officer
U.S. EPA, Region I
5 Post Office Square, Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912

Re: In the Matter of Town of Winthrop, Massachusetts
Administrative Penalty Action Settlement: Docket No. CWA-01-2009-0077

Dear Ms. Metcalf:

In accordance with 40 C.F.R. § 22.18(b)(2), enclosed please find a Consent Agreement and Final Order ("CAFO") settling the above-referenced action. The Consent Agreement has been signed by the parties and is now being submitted to you for approval.

The proposed penalty of \$8,000 in this matter is consistent with the "Interim Clean Water Act Settlement Penalty Policy" (March 1, 1995) and the statutory penalty factors found in Section 309(g)(3) of the Clean Water Act, 33 U.S.C. § 1319(g)(3). The Town will also implement a Supplemental Environmental Project as part of the settlement.

Public notice of this matter was provided as required by 40 C.F.R. § 22.45(b) on August 24, 2009 following complaint issuance. One resident of the Town submitted comments following public notice of the complaint. These comments were considered by EPA. The information presented in the comments did not warrant withdrawal of the complaint or a modification of the penalty proposed in the complaint. As provided by Section 309(g)(4)(C), 33 U.S.C. § 1319(g)(4)(C), and 40 C.F.R. Part 22.45(c)(4), the case team will provide the commenter a copy of the fully executed CAFO. The commenter will have 30 days from receipt of a copy of the fully executed CAFO to petition the Regional Administrator to set aside the CAFO on the basis that material evidence was not considered.