

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Denny Dart 6/27/19
Name of Case Attorney Date

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

Case Docket Number CWA-01-2019-0021

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:

Andrew Russo
Russo Bros. Inc.
Hixon Street
Bellingham, MA 02019

Total Dollar Amount of Receivable \$ 1,800 Due Date: 7/21/19

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
BOSTON, MASSACHUSETTS 02109-3912

VIA HAND DELIVERY

June 26, 2019

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square - Suite 100
Mail Code: 04-6
Boston, MA 02109-3912

RECEIVED
JUN 26 2019
EPA ORC WS
Office of Regional Hearing Clerk

Re: *In the Matter of: Russo Bros. Inc.*; CWA-01-2019-0021

Dear Ms. Santiago:

Enclosed please find the original and one copy of an Expedited Settlement Agreement (the "Agreement") settling the above-captioned case. The Agreement has been signed by the parties and approved by the Regional Judicial Officer.

Sincerely,

A handwritten signature in black ink that reads "Denny Dart".

Denny Dart, Chief
Water Technical Unit
U.S. EPA, Region 1

Enclosure

cc: Andrew Russo, Russo Bros. Inc.



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

RECEIVED

JUN 26 2019

EPA ORC WS
 Office of Regional Hearing Clerk

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-01-2019-0021

Russo Bros, Inc. ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an "Expedited Settlement Offer Deficiencies Form" ("Form"), which is incorporated by reference into this Expedited Settlement Agreement ("Agreement"). By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent failed to comply with its National Pollutant Discharge Elimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the deficiencies specified in the Form.

EPA is authorized to enter into this Agreement under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement in order to settle the civil violation(s) alleged in this Agreement for a penalty of \$1,800.00. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent has submitted a written report detailing the specific actions taken to correct the deficiencies cited herein with its signature to this Agreement.

The civil penalty will be due no later than 10 days after this Agreement becomes final and shall be made in accordance with the attached Expedited Settlement Agreement Payment Instructions.

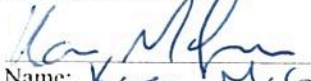
Pursuant to Section 309(g)(9) of the CWA, 33 U.S.C. § 1319(g)(9), failure by Respondent to pay in full the civil penalty amount as set forth in this Agreement shall subject Respondent to a civil action to collect the assessed penalty, plus interest and other charges from the date that this Agreement becomes final.

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. EPA

does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

This Agreement is binding on the parties signing below and becomes final thirty (30) days from the date it is signed by the Regional Judicial Officer unless a petition to set aside this Agreement is filed by a commenter pursuant to Section 309(g)(5) of the CWA, 33 U.S.C. § 1319(g)(5), following public noticing of this settlement.

APPROVED BY EPA:

 Date: 4/20/19
 Name: Karen McGuire
 Title: Director, Enforcement & Compliance Assurance Division, EPA Region 1

APPROVED BY RESPONDENT:

Name (print): Andy Russo
 Title (print): President
 Signature: Andy Russo Date: 4/23/2019

At least 10 days have elapsed since expiration of the public notice and comment period required by Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA did not receive any public comments or petitions to set aside this Agreement.

IT IS SO ORDERED:

 Date: 6/21/19
 LeAnn Jensen
 Regional Judicial Officer

	B	Did not post NPDES ID (permit tracking number) assigned to NOI	1.5.a				\$60.00
	C	Did not post contact for obtaining additional information; URL for SWPPP or statement to contact EPA for SWPPP; or information on how to report discharges to EPA. (Count each omission under C as one violation.)	1.5.b-d			X	\$60.00
		SWPPP REVIEW					
7		SWPPP not prepared. (If no SWPPP, leave elements 8 - 21 blank)	7.1				\$6,000.00
8		SWPPP prepared after construction start (# of months = # of violations)	7.1			X	\$90.00
9	A	SWPPP does not list all operators for the project site and the areas of the site over which each operator has control.	7.2.1				\$600.00
	B	SWPPP does not identify stormwater team and respective responsibilities.	7.2.2				\$300.00
		SWPPP does not include:					
10	A	Description of the nature of construction activities.	7.2.3.a				\$120.00
	B	The size of the property; the total area expected to be disturbed by the construction activities; or the maximum area expected to be disturbed at any one time including onsite and offsite construction support activity areas. (Count each omission under B as one violation.)	7.2.3.b, c, e			X	\$120.00
	C	A description of any onsite/offsite construction support activities.	7.2.3.d				\$600.00
	D	A description and projected schedule for each portion of the site for the following: (i) commencement of construction activities including clearing/grubbing, mass grading, demolition activities, site preparation, final grading, and creation of soil and vegetation stockpiles requiring stabilization; (ii) temporary or permanent cessation of construction activities; (iii) temporary or final stabilization; (iv) removal of temporary stormwater controls, construction equipment, and vehicles, and cessation of construction-related pollutant-generating activities. (Count each omitted category as one violation.)	7.2.3.f			X	\$300.00
	E	A list and description of all pollutant-generating activities.	7.2.3.g				\$300.00
	F	Business days and hours for the project.	7.2.3.h				\$60.00
	G	Required information for public emergency situations (cause of the public emergency, substantiating information, description of construction necessary to reestablish affected public services)	7.2.3.i & 1.4				\$300.00
11	A	Site map not included in SWPPP.	7.2.4				\$600.00

12	<p>B Site map does not show (a) property boundaries; (b) locations of earth-disturbing activities; slopes before and after grading activities; locations of stockpiles; water of U.S. crossings; designated vehicle exits onto paved roads; locations of structures & other impervious surfaces upon completion of construction; locations of onsite/off-site construction support activities; (c) locations of all waters of U.S. and identification of any impaired or Tier 2, 2.5 or 3 waters; (d) areas of federally listed critical habitat; (e) type and extent of pre-construction cover; (f) before and after drainage patterns; (g) authorized discharge locations (storm drain inlets and directly to waters); (h) locations of potential pollutant generating activities; (i) locations of stormwater controls; or (j) locations of chemical usage and storage. (Count each omission as one violation up to \$600.)</p>		7.2.4.a-j	X	\$60.00
	SWPPP does not:				
	A Identify all authorized non-storm water discharges listed in Part 1.2.2 of the CGP that will or may occur		7.2.5		\$600.00
	B Describe the specific controls to be implemented to meet the effluent limits in CGP Parts 2.2, 2.3 and 2.4 (erosion/sediment control, pollution prevention and dewatering) where applicable.		7.2.6.a.i		\$900.00
	C Include any applicable design specifications and routine maintenance specifications for each of the specific controls implemented to meet the CGP Parts 2.2, 2.3 and 2.4 effluent limits.		7.2.6.a.ii - iii		\$300.00
	D Include the projected schedule for installation/implementation of stormwater controls		7.2.6.a.iv		\$300.00
	E Include, if applicable, required additional information for Natural Buffers and/or equivalent sediment controls (e.g., identify the compliance alternative to be implemented).		7.2.6.b.i; 2.2.1		\$600.00
	F Include, if applicable, required additional information where Perimeter Controls for a Linear Construction Project are infeasible.		7.2.6.b.ii; 2.2.3		\$600.00
	G Document specific controls for Sediment Track-out to remove sediment prior to vehicle exit.		7.2.6.b.iii; 2.2.4.b-c		\$600.00
	H Document, if applicable, any determination that use of outlet structures that withdraw water from the surface of Sediment Basins is infeasible		7.2.6.b.iv; 2.2.12		\$600.00
	I Include, if applicable, the required information for any Treatment Chemicals that will be used.		7.2.6.b.v.; 2.2.13		\$600.00

	J Include for Stabilization Measures: (a) specific vegetative and/or nonvegetative practices that will be used, (b) stabilization deadline that will be met, and (c) for sites in arid, semi-arid or drought areas, the beginning and end dates of seasonally dry period and schedule for initiating and completing vegetative stabilization. (Count each omission as one violation)	7.2.6.b.vi (a)-(c); 2.2.14			X	\$300.00
	K Document for sites affected by unforeseen circumstances that delay initiation and/or completion of Vegetative Stabilization: the circumstances and the schedule for initiating and completing stabilization.	7.2.6.b.vi (d); 2.2.14				\$300.00
	L Include required procedures for Spill Prevention and Response	7.2.6.b.vii; 1.3.5; 2.3				\$300.00
	M Describe procedures for Waste Management (handling, storing and disposing of all waste generated at the site).	7.2.6.b.viii; 2.3.3				\$300.00
	N Document, if applicable, any departure from manufacturer specifications regarding Application of Fertilizers.	7.2.6.b.ix; 2.3.5				\$300.00
13	A SWPPP does not describe the procedures for inspection, Maintenance and Corrective Action.	7.2.7; 2.1.4; 4; 5			X	\$120.00
	B SWPPP includes procedures for inspection, Maintenance and Corrective Action but does not include (1) the inspection schedule, or, where applicable, (2) the location of rain gauge or weather station for rainfall data, or, (3) beginning and ending dates of seasonal and period, valid drought period or frozen conditions for reduced inspections. (Count each applicable omission as one violation.)	7.2.7 a-d				\$300.00
14	SWPPP does not include documentation that required personnel were, or will be, trained in accordance with CGP Part 6.	7.2.8; 6				\$600.00
15	Threatened and Endangered Species Act documentation is not included in SWPPP.	7.2.9.a				\$600.00
16	Historic Properties documentation is not included in SWPPP.	7.2.9.b				\$600.00
17	SWPPP does not document contacts, where applicable, with UIC regulatory authority regarding compliance with SDWA UIC Requirements for Certain Subsurface Stormwater Controls (e.g., infiltration trenches; commercially manufactured subsurface detention vaults; chambers or other such devices; drywells, seepage pits or improved sinkholes).	7.2.9.c				\$600.00
18	SWPPP not signed/dated/certified.	7.2.10			X	\$300.00
19	Copy of NOI and relevant correspondence, acknowledgement letter received from Net, or Permit (can be electronic) not included as part of SWPPP. (Count each omission as one violation.)	7.2.11 a-c				\$600.00
20	Copy of SWPPP is not retained on site or otherwise easily accessible.	7.3				\$600.00

21	SWPPP (including site map) has not been updated/modified within 7 days to reflect the following: (a) new operators became active, or changes were made to construction plans, stormwater controls, or other activities; (b) changes to site map where operation control has been transferred; (c) EPA determines SWPPP modifications are necessary; (d) EPA determines installation/implementation of additional controls are necessary; (e) revisions to applicable federal, state, tribal or local requirements that affect stormwater controls; or (f) changes in chemical treatment systems or chemically enhanced stormwater control (Count each omission as one violation.)	7.4.1		X	\$60.00
22	Records showing dates of SWPPP modifications not maintained including name of appropriate person authorizing each change; changes not authorized by appropriate person; or failure to provide notification where required to any operators who may be impacted by the change. (Count each omission as 1 violation.)	7.4.2; 7.4.3; 7.4.4		X	\$60.00
23	INSPECTIONS Number of inspections required if performed every 7 days: Number of inspections required if performed every 14 days: if known, and if applicable, number of days of rainfall of > 0.25": Number of inspections required under a reduced frequency TOTAL number of required inspections TOTAL number of inspections conducted/documentated				
23	A All required inspections were not conducted and timely documented (if no inspections were conducted and documented, then leave elements 24-28 blank)				True or False
24	B Inspections not performed and timely documented either once every 7 days, or once every 14 days and within 24 hours after a storm event of 0.25 inches or greater. Where an increase or reduction in inspection frequency applies (per Parts 4.3 or 4.4), inspections not performed/documentated in accordance with applicable frequency. (Count each failure to inspect and document as one violation.)	4.2 - 4.4; 4.7.1		X	\$300.00
25	The following areas were not inspected: A All areas that have been cleared, graded, or excavated and not yet stabilized.	4.1 4.5.1			\$60.00 \$60.00 \$60.00

	B All stormwater controls (including pollution prevention controls) installed at the site. Check whether they are properly installed, operational and working as intended.	4.5.2; 4.6.1			\$60.00
	C Material, waste, borrow and equipment storage and maintenance areas that are covered by this Permit.	4.5.3			\$60.00
	D Areas where stormwater typically flows within the site.	4.5.4			\$60.00
	E All points of discharge from the site.	4.5.5			\$60.00
	F All locations where stabilization measures have been implemented.	4.5.6		X	\$60.00
26	If a discharge is occurring, identify all discharge points and observe/document the visual quality of the discharge.	4.6.6		X	\$60.00
27	Site inspection report does not include: (a) date, (b) name and title of inspector, (c) summary of inspection findings in accordance with Part 4.6 and any necessary maintenance or corrective actions, (d) rainfall data (where required), (e) if unsafe to inspect a portion of the site, a description of the reason. (Count each omission as 1 violation.)	4.6; 4.7.1.a -e		X	\$60.00
28	Inspection reports not properly signed/certified. (Count each failure to sign/certify as one violation)	4.7.2			\$600.00
	Copies of inspection reports have not been retained onsite or at easily accessible location, or have not been retained for at least 3 years from date permit coverage expires or is terminated.)	4.7.3; 4.7.4			
29	BEST MANAGEMENT PRACTICES				
	General Maintenance Requirements:				
	A Routine maintenance not performed by close of next business day, or if stormwater control needs significant repair or replacement, not repaired/installed and operational within 7 calendar days (unless infeasible and in compliance with Part 5.2.3). (Count each failure to timely maintain each BMP as one violation. Do not double count if addressed under Section 30 or 31 below.)	2.1.4; 5.2.1; 5.2.2; 5.2.3		X	\$300.00
	B Failure to complete a Corrective Action report when and as required (document date identified and condition within 24 hours; document actions taken to address within 24 hours of completion, sign as required; maintain copies onsite or at easily accessible location).	5.4			\$300.00
	C Copies of Corrective Action reports have not been retained for at least 3 years from date permit coverage expires or is terminated.	5.4.5			\$600.00
30	Control measures are not properly selected, installed or maintained:				
	A Failure to provide a natural buffer (or equivalent control), when required	2.2.1			\$600.00

B	Failure to direct stormwater to vegetated areas to maximize infiltration and filtering (unless infeasible).	2.2.2				\$600.00	
C	Failure to install sediment controls along all perimeter areas of the site that will receive pollutant discharges (or, for linear construction sites where such controls are infeasible, to implement other appropriate practices) where:	2.2.3					
	Common Drainage is 10+ acres					\$1,200.00	
	Common Drainage is less than 10 acres					\$600.00	
D	Failure to remove sediment before accumulating to one-half of the above-ground height of any perimeter control	2.2.3.a	4			\$300.00	\$1,200
	Inspectors documented with photos four (4) instances where silt fences were compromised by sediment accumulated to above one half of the above ground height						
E	Failure to minimize sediment trackout by (a) restricting vehicle use to properly designated exit points, (b) installing/implementing appropriate stabilization techniques at all points that exit onto paved roads, and/or (c) implementing any other necessary track-out controls.	2.2.4.a-c				\$600.00	
F	When sediment has been tracked out, failure to remove it as required by end of the same business day (or next business day if track out occurred on a non-business day)	2.2.4.d				\$300.00	
G	Failure to properly manage stockpiles or land clearing debris piles composed of sediment and/or soil.	2.2.5.a-d				\$600.00	
H	Failure to minimize dust through appropriate application of water or other dust suppression techniques	2.2.6				\$600.00	
I	Failure to minimize disturbances of steep slopes	2.2.7				\$600.00	
J	Failure to preserve native topsoil (unless infeasible).	2.2.8				\$600.00	
K	Failure to minimize soil compaction in areas where final vegetative stabilization will occur or where infiltration practices will be installed.	2.2.9				\$600.00	
L	Failure to protect storm drain inlets (provided there is authority) including:						
	Failure to implement appropriate controls.						
	Failure to clean, remove or replace inlet controls as required, and/or failure to remove sediment accumulation adjacent to inlet controls by the end of the same business day (or, if not feasible, by the end of the following business day)	2.2.10.a				\$600.00	
		2.2.10.b				\$300.00	
M	Failure to use erosion controls and velocity dissipation devices within and along the length of any stormwater conveyance channel and at any outlet to slow down runoff to minimize erosion	2.2.11				\$600.00	

	N	Improperly designed or situated sediment basin or similar impoundment that is not located outside a water of the U.S. or natural buffers; is not designed to avoid collecting water from wetlands; does not provide storage for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained; does not utilize outlet structures that withdraw water from the surface; and/or does not use erosion controls and velocity dissipation to prevent erosion of inlets and outlets.	2.2.12.a-e			\$1,200.00
	O	Failure to remove sediment from sediment basin or traps when design capacity reduced by 50% or more.	2.2.12.f			\$600.00
	P	If using treatment chemicals, failure to comply with any of the following: direct treated stormwater to a sediment control; select appropriate chemicals; minimize risk of discharge from stored chemicals; state/local requirements; good engineering practices and chemical provider/supplier's specifications; and/or any additional measure specified by EPA.	2.2.13.a-g			\$1,200.00
	Q	Installation of stabilization measures are not initiated immediately where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days, and/or installation of stabilization measures are not completed within 14 calendar day (where five acres or less) or 7 days (where more than five acres) after stabilization has been initiated, or (where applicable) stabilization not in compliance with appropriate timeframes for exceptions below. *Exceptions: (a) Arid, semi-arid areas and drought-stricken areas (0 to 10 inches average annual rainfall) (b) Unforeseen circumstances (c) Discharges to a sediment- or nutrient-impaired water, or to a water that is Tier 2, 2.5 or 3 for antidegradation purposes. R Final Stabilization Criteria not achieved as required. S Other needed control measures not properly selected or installed. (Each omission is 1 violation.)	2.2.14.a	1	\$600.00	\$600
	31	Pollution Prevention Requirements A Failure to provide effective controls for equipment and vehicle fueling and maintenance activities. B Failure to effectively minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water and other types of wash waters.	2.2.14.b 2.1			\$1,200.00 \$600.00
			2.3.1.a-f			\$600.00
			2.3.2 a-c			\$600.00

Expedited Settlement Agreement Payment Instructions
Docket No. CWA-01-2019-0021

Payment shall be in a single payment of \$1,800, due no later than 30 calendar days from the date of the Final Order. If the due date for the payment falls on a weekend or federal holiday, then the due date is the next business day. The date the payment is made is considered to be the date processed by U.S. Bank, as described below. Payment must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.

The payment shall be made by remitting a check or making a wire transfer or on-line payment. The check or other payment shall:

- designate the name (“In the Matter of: Russo Bros. Inc.”) and docket number (“CWA-01-2019-0021”) of this case, and
- be payable to “Treasurer, United States of America.”

The payment shall be remitted as follows:

If remitted by regular U.S. mail:

U.S. EPA / Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

If remitted by any overnight commercial carrier:

U.S. Bank
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101

If remitted by wire transfer: Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read “D 68010727
Environmental Protection Agency”

If remitted through the Automated Clearing House (ACH) for receiving US currency:

U.S. Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 -- checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737

If remitted on-line with a debit card or credit card: No user name, password, or account number is necessary for this option. On-line payment can be accessed via WWW.PAY.GOV, entering 1.1 in the form search box on the left side of the screen, opening the form, and following the directions on the screen.

At the time of payment, a copy of the check (or notification of other type of payment) shall also be sent to:

Stephanie Tougas
U.S. EPA Region 1
5 Post Office Square, Suite 100
Mail Code: 4-1
Boston, MA 02109-3912

and

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square, Suite 100
Mail Code: 4-6
Boston, MA 02109-3912