

## 311/Clean Water Act Enforcement: U.S. Environmental Protection Agency and Leominster, Massachusetts Oil Company Enter into Expedited Settlement Agreement



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05/11/2018

The United States Environmental Protection Agency (“EPA”) and Fraticelli Oil Company (“FOC”) entered into an April 23rd Expedited Settlement Agreement (“ESA”) for alleged violation of Section 311(b)(3) of the Clean Water Act. See Docket No. CWA-01-2018-0028.

FOC is stated to be a company located in Leominster, Massachusetts.

The ESA states that a FOC tanker truck was responsible for a spill in Littleton, Massachusetts, when the vehicle rolled on its side. A spill of oil is stated to have constituted the discharge of oil as defined in 40 CFR § 110.1. Such discharge is stated to have been to wetlands associated with the navigable waters of the United States as defined in Section 502(7) of the Clean Water Act and 40 CFR § 110.1.

The discharge is alleged to be a violation of Section 311(b)(3) of the Clean Water Act because the discharge constituted a harmful quantity of oil as defined in 40 CFR § 110.3, into navigable waters of the United States or adjoining shorelines.

The ESA assesses a \$2,300 civil penalty.

[A copy of the ESA can be downloaded here.](#)