



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

APR 23 2018

EPA ORC
Office of Regional Hearing Clerk

EXPEDITED SPILL SETTLEMENT AGREEMENT

In the matter of Fraticelli Oil Company
Docket No. CWA-01-2018-0028

On or around December 27, 2017, Fraticelli Oil Company ("Respondent"), located at 239 Litchfield Street, Leominster, Massachusetts, discharged oil, as defined in 40 CFR §110.1, to wetlands associated with Beaver Brook, a navigable water of the United States as defined in Section 502(7) of the Act, and 40 CFR § 110.1, in violation of Section 311(b)(3) of the Clean Water Act (the "Act"). The spill occurred at mile marker 80.2 on Route 495 southbound in Littleton, Massachusetts when the driver of a tanker truck operated by Fraticelli Oil Company lost control of the truck and it rolled on its side.

EPA finds that Respondent is subject to the Act and has violated the Act by discharging a harmful quantity of oil, as defined in 40 CFR § 110.3, into navigable waters of the United States or adjoining shorelines. Respondent admits to being subject to the Act and that EPA has jurisdiction over Respondent and Respondent's conduct as described in this Expedited Settlement. Respondent admits the facts in the first paragraph of this Settlement Agreement, and waives any objections Respondent may have to EPA's jurisdiction.

EPA is authorized to enter into this Expedited Settlement under the authority vested in EPA by Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 CFR § 22.13(b). The parties enter into this Expedited Settlement in order to settle the civil violations described in this Expedited Settlement for a penalty of \$2,300. Respondent consents to the assessment of this penalty.

This Expedited Settlement also is subject to the following terms and conditions: Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has investigated the cause of the spill, will have cleaned up the spill pursuant to federal requirements by no later than May 15, 2018, has taken corrective actions that will prevent future spills, and has sent a certified check in the amount of \$2,300, payable to the Environmental Protection Agency to: U.S. Environmental Protection Agency, Fines and Penalties, P.O. Box 979077, St. Louis, MO 63197-9000. This check shall reference the docket number of the case and the "Oil Spill Liability Trust Fund - 311." Respondent shall send a copy of the check to Heather Thompson, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square Suite 100, Mail Code OES04-4, Boston, Massachusetts 02109-3912, and to the Regional Hearing Clerk, Environmental Protection Agency, Region 1, 5 Post Office Square (ORC-18), Boston, Massachusetts 02109-3912.

Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to

EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signing below, and will become effective upon filing with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b).

Once the Expedited Settlement is signed by the Regional Judicial Officer, the original Expedited Settlement will be filed with the Regional Hearing Clerk and a copy will be mailed to: U.S. EPA Cincinnati Finance Office, 26 W. Martin Luther King Drive (MS-002), Cincinnati, Ohio 45268. A copy of the Expedited Settlement will also be mailed to the Respondent.

If Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the noncompliance identified in this document.

After this Expedited Settlement becomes effective, EPA will take no further civil penalty action against Respondent for the violations of the Act described in this Expedited Settlement. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the Act or of any other federal statute or regulations.

APPROVED BY EPA:

Signature: Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship
Date: 4/4/18

APPROVED BY RESPONDENT:

Name (print): THOMAS G FRATICELLI
Title (print): PRESIDENT
Signature: [Signature]
Date: 4/18/2018

IT IS SO ORDERED:

Signature: [Signature]
Date: 4/19/18
LeAnn Jensen
Acting Regional Judicial Officer

RECEIVED

APR 23 2018

EPA ORC  
Office of Regional Hearing Clerk *WS*

THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK PRINTED ON THE BACK, THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

10472Z / M 372573D

TREASURER'S CHECK

**EP Enterprise Bank**

4468034986

222 Merrimack Street, Lowell, MA 01852

04/12/2018

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49-55  
1031

PAY TO THE ENVIROMENTAL PROTECTION AGENCY

\$2,300.00

ORDER OF

\$

Two Thousand Three Hundred and 00/100\*\*\*\*\*

DOLLARS

MEMBER FDIC

*Doc# CWA-01-2018-0028*

FOR

*Oil Spill Liability Trust  
Fund - 311*

*Donna Lepore*  
AUTHORIZED SIGNATURE

MP

PAYABLE THROUGH BOKF, NA, EUFAULA, OK

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**In the Matter of Fraticelli Oil Company**  
**EPA Docket No. CWA-01-2018-0028**

**CERTIFICATE OF SERVICE**

I certify that the foregoing Expedited Settlement Agreement was transmitted to the following persons, in the manner specified, on the date below:

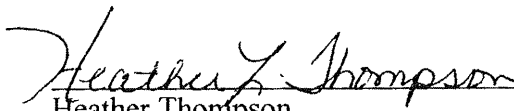
Original and one copy  
hand-delivered:

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

Copy by certified mail,  
return receipt requested:

Thomas Fraticelli, President  
Fraticelli Oil Company  
239 Litchfield Street  
Leominster, MA 01453

Dated: 4/23/18

  
Heather Thompson  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency,  
Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912  
Phone: (617) 918-1320  
Fax: (617) 918-0320