The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner

August 8, 2005

ABC Moving Holdings, Inc.
ABC Moving & Storage Co., LLC
Attn: Don Knapp
12 Bockes Road
Hudson, NH 03051

Re: Docket No. AF 05-036 Motion to Accept Settlement Agreement

Dear Mr. Knapp:

Enclosed for your records is a copy of the fully executed and accepted Motion to Accept Settlement Agreement in the above-captioned matter.

On behalf of the Department of Environmental Services, thank you for your cooperation in resolving this matter.

Sincerely,

COPY

Michael P. Sclafani,
Legal Assistant

cc: Anthony P. Giunta, P.G., Director, Waste Management Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Kerry D. Barnsley, Compliance Attorney, DES Legal Unit
DES Public Information Officer
Lynn Woodard, DES WMD
Tom Beaulieu, DES WMD
Susan Hanamoto, DES WMD

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964
DES Web site: **www.des.nh.gov**

ABC Moving Holdings, Inc.
ABC Moving & Storage Co., LLC
Attn: Don Knapp
12 Bockes Road
Hudson, NH 03051

Re: UST ID#0-113697

ADMINISTRATIVE FINE
No. AF 05-036

MOTION TO ACCEPT SETTLEMENT AGREEMENT

NOW COME the Department of Environmental Services, Waste Management Division ("the Division") and ABC Moving Holdings, Inc. parties to the above-captioned matter, and stipulate to the following:

1. The Commissioner of the Department of Environmental Services ("DES"), is authorized under RSA 146-C:10-a to impose administrative fines of up to $2,000 per offense for violations of RSA 146-C and Env-Wm 1401 relating to installation, maintenance, operation, and closure of underground storage facilities. Pursuant to RSA 146-C:10-a, the Commissioner has adopted Env-C 607 to establish the schedule of fines for such violations.

2. ABC Moving Holdings, Inc. ("ABC") is the registered facility owner of one underground storage tank ("UST") at the ABC Moving and Storage facility ("the Facility"), further identified as UST # 0-113697, located on real property at 12 Bockes Road, Hudson, NH ("the Property").

3. On May 20, 2005, the Division issued Notice of Proposed Administrative Fine No. AF 05-036 ("the Notice") to ABC seeking fines totaling $200 for violations of New Hampshire Administrative Rule Part Env-Wm 1401.

4. The Notice cited ABC for violating Env-Wm 1401.32 by failing to test the corrosion proection system for the UST within 3 years of October 31, 2000. Pursuant to Env-C 607.04(b) the Division sought a fine of $200.

5. In order to settle this matter, the Division and ABC have agreed to the terms of this Settlement Agreement ("Agreement"), as set forth herein.

6. Of the proposed fine, in the amount of $200, 20% or $40 shall be suspended due to ABC's good faith effort to return this facility to compliance. An additional 20% or $40 shall be suspended due to ABC's cooperation in returning the facility into compliance

7. The suspended portion of the proposed fine, in the amount of $80 is contingent upon ABC maintaining the subject UST facility in compliance with Env-Wm 1401 for a period of two years from the date of the execution of this Agreement. If ABC fails to maintain compliance during the two-year period, the suspended portion of the fine, in the amount of $80 shall become due and payable immediately. If ABC maintains compliance for the prescribed two-year period, the

suspended portion of the fine shall be waived.

8. ABC agrees to pay the remaining $120 upon execution of this Agreement by a duly authorized representative of ABC.

9. Payment under Paragraph # 8 and any payment that becomes due pursuant to Paragraph #7 shall be paid by certified check made payable to: "Treasurer, State of New Hampshire" and mailed to:

DES Legal Unit
Attention: Michael Sclafani, Legal Assistant
P.O. Box 95
Concord, NH 03302-0095

10. If any payment is made by check or money order that is returned due to insufficient funds, pursuant to NH RSA 6:11-a, DES may charge a fee in the amount of 5% of the face amount of the check or money order or $25.00, whichever is greater, plus all protest and bank fees, in addition to the amount of the check or money order, to cover the costs of collection.

11. By executing this Agreement, ABC waives its right to a hearing on or any appeal of the administrative fines identified in the Notice, and agrees that this Agreement may be entered into and enforced by a court of competent jurisdiction.

12. The effective date of this Agreement will be the date on which it is signed by a duly authorized representative of ABC, the Director of the Waste Management Division, and the Commissioner of DES. After that date, this Agreement may be amended only by written agreement signed by both parties and the Commissioner. Any such amendment will become effective on the date on which it has been accepted by the Commissioner.

13. No failure by DES to enforce any provision of this Agreement after any breach or default will be deemed as a waiver of its rights with regard to that breach or default, nor will such failures be construed as a waiver of the right to enforce each and all provisions of this Agreement on any further breach or default.

WHEREFORE, the parties respectfully request the Commissioner to accept the terms of this Agreement by granting this Motion.

Respectfully submitted,
ABC Moving Holdings, Inc.

July 14, 2006
Date

By:
Duly Authorized

COPY

DES Waste Management Division

COPY

8/2/05
Date

Anthony P. Giunta, P.G., Director

This Motion to Accept Settlement Agreement is granted this 5th day of August, 2005.

COPY

Michael P. Nolin, Commissioner
Department of Environmental Services