

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Thomas T. Olivier
Name of Case Attorney

5/31/12
Date

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

Case Docket Number CAA-01-2011-0055

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:

Mediterranean Foods, Inc.
50 Foundation Hill Ave
Ward Hill, MA 01835

Total Dollar Amount of Receivable \$ 39,300 Due Date: 7/30/12

SEP due? Yes _____ No _____ Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

- 1ST \$ 19,650 on 6/30/12
- 2ND \$ 19,650 on 7/30/12
- 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 400
Boston, Massachusetts 02109-3912

RECEIVED
2012 MAY 31 P 1:50
EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

May 31, 2012

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region I
5 Post Office Square - Suite 100 (Mail Code ORA18-1)
Boston, Massachusetts 02109-3912

Re: Mediterranean Foods, Inc., Docket No. CAA-01-2011-0055

Dear Ms. Santiago:

Please file the enclosed Consent Agreement and Final Order in Docket No. CAA-01-2011-0055. I enclose an extra copy.

I certify that this day I have served copies by first class mail on:

Robin L. Main, Attorney
Hinckley, Allen & Snyder, LLP
50 Kennedy Plaza, Ste. 1500
Providence, RI 02903-2319

M. Lisa Buschmann, Administrative Law Judge
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Sincerely,


Thomas T. Olivier
Senior Enforcement Counsel

Encl.

cc: M. Lisa Buschmann, ALJ
Robin L. Main, Attorney

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION I**

RECEIVED
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In the Matter of)

Cedar's Mediterranean Foods, Inc.)

Respondent.)

Docket No: CAA-01-2011-0055

CONSENT AGREEMENT AND FINAL ORDER

The United States Environmental Protection Agency ("EPA") issued a Complaint and Notice of Opportunity for Hearing to Respondent Cedar's Mediterranean Foods, Inc. ("Respondent") on September 22, 2011. Respondent filed an Answer on or around October 21, 2011.

The EPA and Respondent agree that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order without further litigation is the most appropriate means of resolving this matter.

Therefore, before taking any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the parties, it is hereby ordered and adjudged as follows:

I. PRELIMINARY STATEMENT

A. The Complaint proposed a civil penalty of \$108,320, pursuant to Section 113(d) of the Clean Air Act, (the "Act"), 42 U.S.C. § 7413(d).

B. The Complaint alleged that Respondent violated Section 608 of the Act, and EPA's implementing regulations at 40 C.F.R. Part 82, Subpart F, through failures to comply with federal requirements for the service, maintenance, repair, and disposal of an industrial process refrigeration appliance that contains ozone-depleting substances.

C. The provisions of this Consent Agreement and Final Order shall apply to and be binding on EPA and on Respondent, its officers, directors, partners, successors and assigns.

D. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint. Respondent waives any defenses it might have as to jurisdiction and venue; and, without further admitting or denying the facts and violations alleged in the Complaint, consents to the terms of this Consent Agreement and Final Order.

E. Respondent hereby waives its right to request a judicial or administrative hearing on any issue of law or fact set forth in the Complaint, and waives its right to appeal the Final Order.

II. TERMS OF SETTLEMENT

A. Respondent represents that it is operating in compliance with 40 C.F.R. Part 82, Subpart F, and Section 608 of the Act.

B. In light of the above, and taking into account such other circumstances as justice may require, EPA has determined that it is fair and proper to assess a civil penalty for the violations alleged in the Complaint in the amount of thirty-nine thousand three hundred dollars (\$39,300).

C. Respondent shall pay the penalty of \$39,300 in two installments. The first payment, of \$19,650, shall be made such that payment is received within thirty (30) days of the date of filing of the Consent Agreement and Final Order with the Regional Hearing Clerk. The second payment, of \$19,650, shall be made such that payment is received within 60 days of the date of filing of the Consent Agreement and Final Order with the Regional Hearing Clerk.

D. Respondent shall make payments by submitting a cashier's or certified check, to the order of the "Treasurer, United States of America," in the required amount, to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Respondent shall note the case name and docket number of this action on the check and in an accompanying cover letter, and shall provide copies of the check and letter to:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square – Suite 100 (Mail Code ORA18-1)
Boston, Massachusetts 02109-3912

and to

Thomas T. Olivier, Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square – Suite 100 (Mail Code OES04-3)
Boston, Massachusetts 02109-3912

III. GENERAL PROVISIONS

A. Pursuant to Section 113(d)(5) of the Act, if Respondent fails to pay any penalty amount it will be subject to an action to compel payment, plus interest, enforcement expenses, and a nonpayment penalty. Interest will be assessed on the civil penalty if it is not paid by the due date established herein. In that event, interest will accrue from the date the Consent Agreement and Final Order was signed by the EPA Regional Judicial Officer, at the "underpayment rate" established pursuant to 26 U.S.C § 6621(a)(2). In the event that a penalty is not paid when due, an additional charge will be assessed to cover the United States' enforcement expenses, including attorneys fees and collection costs. A quarterly nonpayment penalty will be assessed for each quarter during which the failure to pay the penalty persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of Respondent's outstanding civil penalties and nonpayment penalties hereunder accrued as of the beginning of such quarter.

B. This Consent Agreement and Final Order constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 113 of the Act for the violations alleged in the Complaint. Compliance with this Consent Agreement and Final Order shall not be a defense to any other actions subsequently commenced pursuant to Federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with said laws and regulations. EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to address imminent hazards.

C. The parties shall bear their own costs and fees in this action.

D. The civil penalty paid pursuant to this Consent Agreement and Final Order is a penalty within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), and is not a tax deductible expenditure for purposes of federal law.

E. The undersigned representative of the Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and to execute and legally bind Respondent to it.

For Respondent Cedar's Mediterranean Foods, Inc.



Christopher J. Gaudette
Chief Financial Officer
Cedar's Mediterranean Foods, Inc.

5/24/12

Date

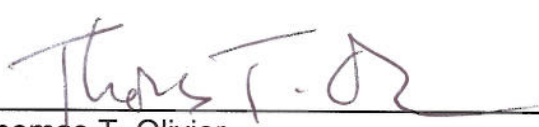
For Complainant:



Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection
Agency, Region I

5/29/12

Date



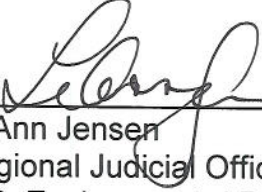
Thomas T. Olivier
Senior Enforcement Counsel
U.S. Environmental Protection
Agency, Region I

5/29/12

Date

IV. FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ordered to comply with the terms of the above Consent Agreement, effective on the date it is filed with the Regional Hearing Clerk.



LeAnn Jensen
Regional Judicial Officer
U.S. Environmental Protection
Agency, Region I

May 30, 2012

Date