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U.S. EPA REGION IX
REGIONAL HEARING CLERK



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

DOCKET NO: [REDACTED] CAA(112r)-09-2011-0013
This ESA is issued to: Supervalu Holdings, Inc. dba Supervalu Logistics, 6104 W. Washington Street,
Phoenix, AZ 85043
For: Violation of Section 112(r)(7) of the Clean Air Act.
At: Supervalu Logistics, 6104 W. Washington Street, Phoenix, AZ 85043

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region IX, by its duly delegated official, Jane Diamond, Superfund Director, and Supervalu Holdings Inc. dba Supervalu Logistics (Respondent) pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On June 21, 2011, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

I. Respondent failed to document that deficiencies identified during the required three-year compliance audit had been corrected, as required under 40 C.F.R. § 68.79(d).

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history and previous penalties assessed, if any, its good faith effort to comply, the duration and seriousness of the violation, the economic impact of the penalty, economic benefit, and other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to settle the violations described above for the total penalty amount of **\$300.00**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below admits to jurisdiction, neither admits nor denies the specific factual allegations contained above, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C §7413(d)(2)(A), and to appeal this ESA. Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) Respondent has corrected the violations listed above, and (2) Respondent has submitted payment of the civil penalty pursuant to this Agreement. Each party shall bear its own costs and fees, if any.

The civil penalty of **THREE HUNDRED DOLLARS (\$300)** should be paid by cashier's or certified check or online payment through the Department of Treasury at WWW.PAY.GOV to the "Treasurer, United States of America." The penalty payment should be sent, with a copy of the ESA, to the following address:

US Environmental Protection Agency
Fines and Penalties

Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

The check or online payment should reference Respondent's name and the check or online payment receipt and a copy of this ESA must be sent by certified mail to the above address.

This original ESA and a copy of the check or Online Payment receipt must be sent by certified mail to:

Mary Wesling (SFD-9-3)
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region IX office at the above address in correct form by the Respondent within 30 days of the date of Respondent's receipt of the proposed ESA, the ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT – Supervalu Logistics

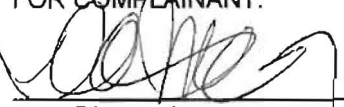
Signature:  _____

Date: 8-1-11

Name (print): Tom M. Groebner

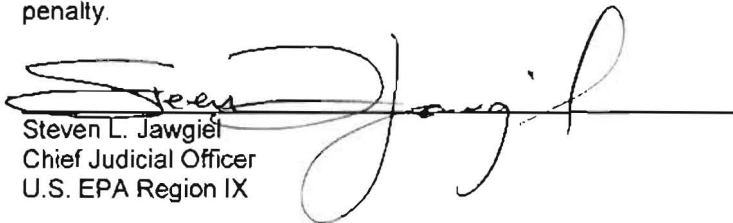
Title (print): ^{GENERAL}
~~Warehouse~~ Manager

FOR COMPLAINANT:


for _____
Jane Diamond
Superfund Director
U.S. EPA Region IX

Date: 8-9-11

It is hereby ORDERED that this ESA for Supervalu Logistics be entered and Respondent pay the above penalty.


Steven L. Jawgiel
Chief Judicial Officer
U.S. EPA Region IX

Date: 08/11/11

CERTIFICATE OF SERVICE

I certify that the originals of the fully executed Expedited Settlement Agreements against **Supervalu Holdings, Inc. (Docket #: CAA(112r)-09-2011-0013)** was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

A copy was mailed via CERTIFIED MAIL to:

Tom M. Groebner
Supervalu Holdings, Inc.
6104 W. Washington Street
Phoenix, AZ 85043

CERTIFIED MAIL NUMBER: 7000-1670-0009-3120-5375

An additional copy was hand-delivered to the following U.S. EPA case attorney:

Thanne Cox, Esq
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105



Bryan K. Goodwin
Regional Hearing Clerk
U.S. EPA, Region IX

8/22/11
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

CERTIFIED MAIL NO.: 7000 1670 0009 3120 5375
RETURN RECEIPT REQUESTED

In Reply Refer to:
Supervalu Holdings, Inc. dba Supervalu Logistics

AUG 22 2011

Mr. Tom M. Groebner
Supervalu Holdings, Inc.
6104 W. Washington Street
Phoenix, AZ 85043

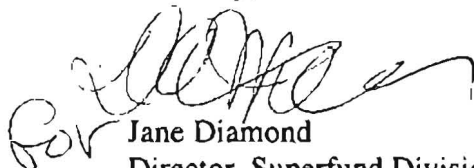
Re: Supervalu Holdings, Inc. dba Supervalu Logistics
RMP Facility ID#: 1000 0018 8968

Dear Mr. Groebner:

This letter transmits copies of the fully executed Expedited Settlement Agreements that resolve the alleged violations of Clean Air Act Section 112(r)(7) by Supervalu Holdings, Inc. facility doing business as Supervalu Logistics located at 6104 West Washington Street, Phoenix, AZ. The violations involve Supervalu Logistic's failures to fully implement the facility's Risk Management Plan as required by 40 CFR Part 68.

Thank you for your prompt attention to this matter. If you have any questions or need additional information about the Clean Air Act Section 112(r)(7) requirements, please feel free to contact Mary Wesling of my staff at (415) 972-3080.

Sincerely,


for Jane Diamond
Director, Superfund Division

Enclosures

cc (w/ enclosures):

M. Wesling, EPA Region IX
T. Cox, EPA Region IX