



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 29 2007

REPLY TO THE ATTENTION OF:

SC-6J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Chuck Rossmioller, Executive Director
Hospital Laundry Services
45 West Hintz Road
Wheeling, IL 60090-6073

Re: Hospital Laundry Services, Wheeling, Illinois, Consent Agreement and Final Order
Docket No: EPCRA-05-2007-0022

Dear Mr. Rossmiller:

Enclosed please find an Administrative Complaint and a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above matter. The U.S. EPA has filed both documents with the Regional Hearing Clerk on MAY 29 2007.

Please pay the civil penalty in the amount of \$41,242 in the manner prescribed in paragraph 17, and reference you check with the billing document number 2750744E019 and the docket number EPCRA-05-2007-0022.

Your payments are due on JUN 29 2007 (within 30 days of the effective date of the CAFO).

Please feel free to contact James Entzminger at (312) 886-4062 if you have any questions regarding the enclosed documents. Please direct any legal questions to Richard R. Wagner, Associate Regional Counsel, at (312) 886-7950. Thank you for your assistance in resolving this matter.

Sincerely yours,

Mark J. Horwitz, Chief
Chemical Emergency Preparedness
and Prevention Section

Enclosure (4) Administrative Complaint
Consent Agreement and Final Order
Enforcement Response Policy
Civil Administrative Rules of Practice

cc: Regional Hearing Clerk
U.S. EPA Region 5

Richard R. Wagner (w/ enclosure)
Office of Regional Counsel

Jon England, Legal Counsel (w/ enclosure)
Kathy Allen (w/ enclosure)
Illinois SERC

Marcy Toney
Regional Judicial Officer

Francis X. Lyons, Attorney (w/ enclosure)
Bell, Boyd & Lloyd, L.L.C.
70 West Madison Street, Suite 3100
Chicago, IL 60602-4207 (certified)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)
)
Hospital Laundry Services)
45 West Hintz Road)
Wheeling, Illinois)
)
Respondent.)
_____)

Docket No. EPCRA-05-2007-0022

11-01-07 10:00 AM
RECEIVED
OFFICE OF THE
HEARING CLERK

CONSENT AGREEMENT AND FINAL ORDER

CONSENT AGREEMENT

Preamble

Within ten days (10) of the execution of this Consent Agreement and Final Order (CAFO) by all parties, the United States Environmental Protection Agency (U.S. EPA) will file with the Region 5 Hearing Clerk an Administrative Complaint (Complaint) in this matter pursuant to Section 325 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, promulgated by the Administrator, and codified at 40 C.F.R. Part 22. On delegated authority from the Administrator, the Branch Chief, Emergency Response Branch 1, Superfund Division, Region 5, United States Environmental Protection Agency, will be the Complainant. The Respondent will be Hospital Laundry Services, of Wheeling, Illinois. It is the intent of the parties signing this CAFO that the CAFO, fully executed, will be filed with the Complaint.

Stipulations

Based upon earlier discussions, and desiring to settle this action, Complainant and Respondent enter into the following stipulations:

1. Respondent has been provided a copy of the Complaint to be filed.
2. Respondent admits the jurisdictional allegations of the Complaint, and agrees not to contest such jurisdiction in any proceeding to enforce the provisions of this CAFO.
3. Respondent neither admits nor denies the specific factual allegations contained in the Complaint.
4. Respondent waives any and all rights, under any provision of law, to a hearing on the allegations contained in the Complaint or to challenge the terms and conditions of this CAFO.
5. If the Respondent fails to comply with any provision contained in this CAFO, Respondent waives any rights it may possess in law or equity to challenge the authority of the U.S. EPA to bring a civil action in the appropriate United States District Court to compel compliance with the CAFO, or to seek an additional penalty for the noncompliance.
6. Respondent agrees to pay a penalty amount of \$41,242 to resolve the violations alleged in the Complaint.
7. In consideration of the Administrator's Enforcement Response Policy for EPCRA Section 312, given Respondent's cooperation throughout the compliance valuation/enforcement process, and its willingness to expeditiously resolve this enforcement action, Complainant agrees to accept the amount of \$41,242, rather than the \$63,450 penalty amount proposed in the Complaint, in full satisfaction for the violations alleged.

8. Respondent agrees not to claim, or attempt to claim, a federal income tax deduction or credit covering all or any part of the cash civil penalty paid to the U.S. Treasury.

9. Respondent shall give notice and a copy of this CAFO to any successor in interest prior to any transfer of ownership or operational control of its business. This CAFO is binding on Respondent and any successors in interest.

10. Nothing in this CAFO relieves Respondent from its obligation to comply with all applicable federal, state and local statutes and regulations, nor does it affect the ability of the U.S. EPA Administrator, or the United States, to pursue appropriate relief for any violation of those laws.

11. Each party agrees to bear its own costs and fees, including attorneys' fees, in this action.

12. Respondent's failure to timely comply with any provision of this CAFO shall cause the full amount of penalty proposed in the Complaint to become immediately due and owing, set off by any amount of that penalty already paid by Respondent.

13. This CAFO is a "final order" as identified in U.S. EPA's Enforcement Response Policy for Section 312 of EPCRA.

14. This CAFO resolves all administrative and civil penalties relating to the alleged violations identified within the Complaint.

15. This CAFO constitutes the entire agreement between the parties.

16. This CAFO is effective on the date it is filed, fully executed, with the Region 5 Hearing Clerk.

TERMS OF SETTLEMENT

Based on the foregoing stipulations, the Parties agree to be bound by the following terms of settlement:

17. Within 30 days of this CAFO becoming effective, Respondent shall pay the amount of \$41,242 by cashier's or certified check, to the order of: "Treasurer, the United States of America." The check, and a transmittal letter, must be mailed to:

U.S. EPA -- Region 5
ATTN: Finance
P.O. Box 371531
Pittsburgh, PA 15251-7531

The name of the Respondent, the billing document number (to be provided Respondent with a file-stamped copy of the fully executed CAFO) and the docket number of this proceeding must be clearly marked on the face of the check. Copies of the check and transmittal letter must be sent to:

- the Regional Hearing Clerk (E-13J);
- Richard R. Wagner, Senior Attorney (C-14J); and
- James Entzminger, Chemical Emergency Preparedness and Prevention Section (SC-6J),

each at U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3511.

18. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue under this CAFO:

(a) **Interest.** Any unpaid portion of civil penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on any portion of the civil penalty if it is not paid by the last date

required. Interest will be assessed at the rate of the United States Treasury tax and loan rate, in accordance with 31 C.F.R. § 901.9.

(b) **Monthly Handling Charge.** Respondent must pay a late payment handling charge of \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent 30 calendar day period over which an unpaid balance remains.

(c) **Non-Payment Penalty.** On any portion of a civil penalty more than 90 calendar days past due, Respondent must pay a non-payment penalty of six percent per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

19. Nothing in this CAFO prohibits, alters, or in any way limits U.S. EPA's ability to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or of the statutes and regulations upon which this CAFO is based, or for Respondent's violation of any applicable provision of law.

20. This CAFO constitutes the entire settlement between the parties, and constitutes final disposition of the Complaint filed in this case.

SIGNATORIES

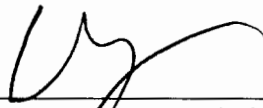
Each undersigned representative of a party to this CAFO, consisting of 7 pages, certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to legally bind such party to this document.

Respondent, Hospital Laundry Services:

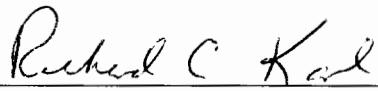
By: 
Chuck Rossmiller
Executive Director
Hospital Laundry Services
45 West Hintz Road
Wheeling, Illinois

Agreed to this 30 day of April, 2007

U.S. Environmental Protection Agency:

By: 
William J. Bolen, Branch Chief
Emergency Response Branch I
Superfund Division
Region 5

Agreed to this 18th day of MAR, 2007

By: 
Richard C. Karl, Director
Superfund Division
Region 5

Agreed to this 22 day of MAY, 2007

In the Matter of:**Hospital Laundry Services****Wheeling, Illinois****Docket No. EPCRA-05-2007-0022****Consent Agreement and Final Order****FINAL ORDER**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. IT IS SO ORDERED.

Date: 5/23/07

By: Walter W. Kovalich for
Mary A. Gade
Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

In the Matter of:
Hospital Laundry Services, Wheeling, Illinois
Consent Agreement and Final Order
Docket No.: **EPCRA-05-2007-0022**

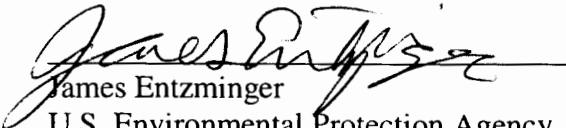
CERTIFICATE OF SERVICE

I, James Entzminger, certify that I hand delivered the original of the Consent Agreement and Final Order, docket number **EPCRA-05-2007-0022** to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, delivered via interoffice mail to the Regional Judicial Officer, and that I mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Hospital Laundry Services' Counsel by placing them in the custody of the United States Postal Service addressed as follows:

Francis X. Lyons, Attorney
Bell, Boyd & Lloyd, L.L.C.
70 West Madison Street, Suite 3100
Chicago, IL 60602-4207

Chuck Rossmiller, Executive Director
Hospital Laundry Services
45 West Hintz Road
Wheeling, IL 60090-6073

on the 29 day of May, 2007.


James Entzminger
U.S. Environmental Protection Agency
Region 5

11-03-07 10:00 AM
11-03-07 10:00 AM