

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE FILLED OUT BY ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: JIM HEWITT 12/21/10
Name of Contact person Date

in the EPA-3 ORC at 215-814-2640
Office Phone number

Non-SF Jud. Order/Consent Decree. DOJ COLLECTS Administrative Order/Consent Agreement FMD COLLECTS PAYMENT

SF Jud. Order/Consent Decree. FMD COLLECTS

This is an original debt This is a modification

Name of Person and/or Company/Municipality making the payment

Aramark Sports and Entertainment Services LLC

The Total Dollar Amount of Receivable \$6560

(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number RCRA-03-2011-0032

The Site-Specific Superfund Acct. Number _____

The Designated Regional/HQ Program Office LAND AND CHEMICALS DIV. OFFICE OF LAND ENFORCEMENT

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
Name of Contact Date

in the Financial Management Office, phone number: _____

JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:

- | | |
|--|------------------------------|
| 1. Rosemarie Pacheco
Environmental Enforcement Section
Lands Division, Room 130044
1425 New York Avenue, N.W.
Washington, D.C. 20005 | 2. Originating Office (ORC) |
| | 3. Designated Program Office |

ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:

- | | |
|---------------------------|------------------------------|
| 1. Originating Office | 2. Designated Program Office |
| 3. Regional Hearing Clerk | 3. Regional Counsel |

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

IN RE: :
 :
ARAMARK Sports and Entertainment :
Services, LLC :
 :
Respondent; :
 : **Docket No. RCRA-03-2011-0032**
Loft Mountain Wayside :
Skyline Drive, Milepost 80 :
Shenandoah National Park, Virginia :
 :
Facility. :

CONSENT AGREEMENT

Preliminary Statement

This Consent Agreement (“CA”) is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“EPA” or “Complainant”) and ARAMARK Sports and Entertainment Services, LLC (f/k/a ARAMARK Sports and Entertainment Services, Inc.) (“Aramark” or “Respondent”), pursuant to Section 9006 of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6991e, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), 40 C.F.R. Part 22, including, specifically 40 C.F.R. §§ 22.13(b) and .18(b)(2) - (3).

This CA and the accompanying Final Order (“FO”) (collectively “CAFO”) resolve violations of Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m, and the regulations of the Commonwealth of Virginia governing the management of underground storage tanks in connection with the underground storage tanks at Respondent’s Loft Mountain Wayside facility located at Skyline Drive, Milepost 80, Shenandoah National Park, Virginia.

On October 28, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the Commonwealth of Virginia was granted final authorization by EPA to administer a state underground storage tank management program *in lieu* of the Federal underground storage tank management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m. The provisions of the Commonwealth of Virginia underground storage tank management program, through this final authorization, have become requirements of Subtitle I of RCRA and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. The provisions of the Commonwealth of Virginia’s authorized underground storage

tank program are cited as Underground Storage Tanks: Technical Standards and Corrective Action Requirements (“VA UST Regulations”), 9 VAC § 25-580-10 *et seq.*

Section 9006(a)-(d) of RCRA, 42 U.S.C. § 6991e(a)-(d), authorizes EPA: (a) to take an enforcement action whenever it is determined that a person is in violation of any requirement of RCRA Subtitle I, EPA’s regulations thereunder, or any regulation of a state underground storage tank program which has been authorized by EPA; and (b) to assess a civil penalty against any person who violates any requirement of RCRA Subtitle I.

EPA provided the Commonwealth of Virginia with notice of the enforcement action resolved by the issuance of this CAFO on August 14, 2009 in accordance with Section 9006(a) of RCRA, 42 U.S.C. § 6991e(a).

General Provisions

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, above.
3. Respondent agrees not to contest EPA’s jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order, or the enforcement of the CAFO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
5. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
6. The settlement agreed to by the parties to this CAFO reflects their desire to resolve this matter without litigation.
7. Each party shall bear its own costs and attorney’s fees.
8. The provisions of this CAFO shall be binding upon EPA and Respondent.
9. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit, nor does this CAFO constitute a waiver, suspension or modification of the requirements of Subtitle I of RCRA, or any regulations promulgated thereunder.
10. Complainant shall have the right to institute further actions to recover appropriate relief if

Complainant obtains evidence that the information provided by and/or representations made by Respondent to EPA regarding matters at issue in the CAFO are materially false or in any material respect inaccurate.

EPA's Findings of Fact and Conclusions of Law

11. In accordance with the Consolidated Rules at §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the following findings of fact and conclusions of law:
- a. Respondent is a "person" as defined by Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 9 VAC § 25-580-10.
 - b. Respondent is, and was at all times relevant hereto, the "owner" and "operator" of "underground storage tanks" ("USTs") and "UST systems", as defined in Sections 9001(3), (4) and (10) of RCRA, 42 U.S.C. §§ 6991(3), (4) and (10), and 9 VAC § 25-580-10, located at the Loft Mountain Wayside facility located at Skyline Drive, Milepost 80, Shenandoah National Park, Virginia (hereinafter, the "Loft Mountain Facility") which include the following USTs:
 - i. a 3,000 gallon UST identified as UST #1 used to store regular unleaded gasoline;
 - ii. a 2,000 gallon UST identified as UST #2 used to store plus unleaded gasoline; and
 - iii. a 1,000 gallon UST identified as UST #3 used to store premium unleaded gasoline.
 - c. Respondent's USTs at its Loft Mountain Facility referenced above in Paragraph 11.b. are, and were at all times relevant to this CAFO, used to store "regulated substance(s)" at Respondent's Loft Mountain Facility, as defined in 9 VAC § 25-580-10 and RCRA § 9001(7), 42 U.S.C. § 6991(7).
 - d. On August 17- 19, 2004, EPA conducted a Compliance and Evaluation Inspection ("CEI") at Respondent's Shenandoah National Park UST Facilities (as such term is defined in Paragraph 11.e, below) to review compliance with RCRA Subtitle I requirements and that of the VA UST Regulations.
 - e. On August 24, 2005, EPA sent Respondent a Notice of Violation (Docket No. R3-05-NOV-UST-12) ("NOV") citing Respondent for failure to do annual testing of pressurized piping for the USTs at Respondent's Loft Mountain Facility and two of Respondent's other UST Facilities in Shenandoah National Park (the Big Meadows [Milepost 51] and Elk Wallow [Milepost 23] facilities) and failure to maintain release detection records for its Big Meadows Facility (collectively, these three UST facilities are the "Shenandoah National Park UST Facilities").

- f. At the time of EPA's August 24, 2005 NOV and continuing through the present, Respondent's Shenandoah National Park UST Facilities each contained three USTs with regulated substances that are subject to RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m and the VA UST Regulations, 9 VAC § 25-580-10 *et seq.*
- g. In response to EPA's August 24, 2005 NOV, Respondent sent EPA a letter dated September 30, 2005 in which it committed to, *inter alia*, upgrades to its UST release detection equipment at all three Shenandoah National Park UST Facilities allowing for a review of such UST release detection monitoring, especially during the December – March periods of seasonal inactivity at these facilities.
- h. On September 1-2, 2009, EPA conducted a CEI at Respondent's Loft Mountain and Big Meadow Facilities to review compliance with RCRA Subtitle I requirements and that of the VA UST Regulations.
- i. Subsequent to EPA's September 1-2, 2009 CEI of Respondent's Loft Mountain and Big Meadow Facilities, on June 15, 2010, EPA requested information from Respondent pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d concerning possible violations of RCRA Subtitle I requirements and that of the VA UST Regulations at Respondent's Shenandoah National Park UST Facilities.
- j. Respondent replied to EPA's June 15, 2010 information request letter in correspondence dated August 4, 2010 and a follow-up September 30, 2010 letter, which provided certain information concerning Respondent's Release Detection at the Shenandoah National Park UST Facilities. EPA, having evaluated the information provided by Respondent, makes the Findings of Fact and Conclusions of Law set forth in this CAFO.

COUNT I

(Failure to Provide Release Detection for UST #1)

- 12. Paragraphs 1-11 of this CAFO are incorporated by reference as though fully set forth herein.
- 13. 9 VAC § 25-580-140 requires owners and operators of petroleum UST systems to provide release detection for tanks and piping that meet the requirements described therein.
- 14. 9 VAC § 25-580-140.1 provides that, with exceptions not applicable here, that USTs must be monitored at least every thirty days for releases using one of the release detection methods listed in 9 VAC § 25-580-160.4 - .8.
- 15. From at least November 29, 2005 through May 4, 2006, and again from December 1, 2007 through April 3, 2008, Respondent did not provide an approved method of release

detection set forth in VAC § 25-580-160.4 - .8 for the Loft Mountain Facility UST #1.

16. From at least November 29, 2005 through May 4, 2006, and again from December 1, 2007 through April 3, 2008, Respondent violated 9 VAC § 25-580-140.1 by failing to use an approved method of release detection to monitor the Loft Mountain Facility UST #1 every thirty days.

COUNT II

(Failure to Maintain UST Release Detection Records)

17. Paragraphs 1–16 of this CAFO are incorporated by reference as though fully set forth herein.
18. 9 VAC § 25-580-180 requires UST system owners and operators to maintain records in accordance with 9 VAC § 25-580-120 demonstrating compliance with 9 VAC §§ 25-580-130 through 180.
19. 9 VAC § 25-580-120(2)(c) requires UST system owners and operators to maintain records of recent compliance with release detection requirements in accordance with 9 VAC § 25-580-180.
20. 9 VAC § 25-580-120(3) requires UST system owners and operators to maintain any required records either at the UST site or at a readily available alternative site and be provided for inspection upon request.
21. 9 VAC § 25-580-180(2) requires, with certain exceptions not relevant here, that the results of any sampling, testing, or monitoring must be maintained for at least one year.
22. Respondent failed to maintain records of UST release detection required by 9 VAC § 25-580-140.1 for the three Loft Mountain Facility USTs from November 1, 2008 through April 30, 2009. Therefore Respondent failed to maintain records of UST release detection required by 9 VAC § 25-580-140.1 for the three Loft Mountain Facility USTs for the required twelve months period required by 9 VAC § 25-580-180(2) from November 1, 2008 through April 1, 2010.
23. From November 1, 2008 through April 1, 2010, Respondent violated 9 VAC §§ 25-580-120(2) and -180(2) by failing to maintain records of UST release detection required by 9 VAC § 25-580-140.1 either at the UST site or at a readily available alternative site for the preceding twelve months for the three Loft Mountain Facility USTs.

CIVIL PENALTY

24. In settlement of EPA's claims for civil monetary penalties assessable for the violations alleged in this CA, Respondent consents to the assessment of a civil penalty in the amount of Six Thousand Five Hundred and Sixty Dollars (\$6,560.00), which Respondent

agrees to pay in accordance with the terms set forth below. Such civil penalty shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO, fully executed by the parties, signed by the Regional Administrator or the Regional Judicial Officer, and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this CAFO, Respondent must pay such civil penalty no later than thirty (30) calendar days after the date on which this CAFO is mailed or hand-delivered to Respondent.

25. The aforesaid civil penalty set forth above in Paragraph 24 is based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of the violations and good faith efforts of the Respondent to comply, which are set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). These factors were applied to the particular facts and circumstances of this case in the manner described in EPA's *Penalty Guidance for Violations of UST Regulations* (November 1990). Complainant has also considered the Adjustment of Civil Penalties for Inflation, 40 C.F.R. Part 19, and the April 6, 2010 Rosemarie A. Kelley *Revisions to Adjusted Penalty Policy Matrices Package Issued on November 16, 2009* memo, in determining the penalty amount set forth in Paragraph 24, above.
26. Respondent shall pay the civil penalty amount assessed in Paragraph 24, above, plus any interest, administrative fees, and late payment penalties owed, by cashier's check, certified check, or electronic wire transfer, in the following manner:
 - a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2011-0032;
 - b. All checks shall be made payable to "United States Treasury";
 - c. All payments made by check and sent by regular mail shall be addressed to:

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

Contact: Eric Volck 513-487-2105

- d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Bank
Government Lockbox 979077

U.S. EPA Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1028

- e. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account No. = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

- f. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:

5700 Rivertech Court
Riverdale, MD 20737
Contact: John Schmid 202-874-7026 OR REX, 1-866-234-5681

- g. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

- h. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV

Enter sfo 1.1 in the search field. Open and complete the form.

- i. A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

James Heenehan
Senior Assistant Regional Counsel
U.S. EPA Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

and

Ms. Lydia Guy
Regional Hearing Clerk
U.S. EPA Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

27. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
28. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a true and correct copy of this CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
29. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Chapter 9, *Receivables and Billings*, of EPA's *Resource Management Directives System* (No. 2540-09), EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
30. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

31. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this CAFO.

FULL AND FINAL SATISFACTION

32. Pursuant to 40 C.F.R. § 22.18(c), this CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 9006(a) of RCRA, 42 U.S.C. § 6991e(a), for the specific violations alleged in this CAFO. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violations of the federal laws and regulations administered by EPA.

CERTIFICATION OF COMPLIANCE

33. The person signing this CA on behalf of the Respondent certifies to EPA by his or her signature herein that Respondent, as of the date of its execution of this CA, is in compliance with the provisions of RCRA, Subtitle I, 42 U.S.C. §§ 6991-6991m, and the Commonwealth of Virginia's federally authorized underground storage tank program set forth at 9 VAC § 25-580-10 *et seq.*, at the three Shenandoah National Park UST Facilities referenced herein. This certification is based on the personal knowledge of the signer or an inquiry by the signer of the person or persons responsible for the three Shenandoah National Park UST Facilities compliance with Subtitle I of RCRA.

COMPLIANCE ORDER

34. Within ten (10) days of the effective date of this CAFO, Respondent shall submit to EPA Region III the 30-day UST release detection results from February 1, 2010 through November 1, 2010 for all USTs at each of Respondent's three UST facilities located in the Shenandoah National Park (Loft Mountain, Big Meadows and Elk Wallow).
35. Respondent shall submit to EPA a copy of the UST release detection results required by 9 VAC § 25-580-140 for all USTs at each of Respondent's three Shenandoah National Park UST Facilities in the according to the following schedule:
- a. By December 20, 2010, submit all UST release detection results recorded for all USTs at the three Shenandoah National Park UST Facilities from November 10, 2010 to December 9, 2010.
 - b. By January 20, 2011, submit all UST release detection results recorded for all USTs at the three Shenandoah National Park UST Facilities from December 10, 2010 to January 9, 2011.
 - c. By February 20, 2011, submit all UST release detection results recorded for all USTs at the three Shenandoah National Park UST Facilities from January 10, 2011 to February 9, 2011.

- d. By March 20, 2011, submit all UST release detection results recorded for all USTs at the three Shenandoah National Park UST Facilities from February 10, 2011 to March 9, 2011.
 - e. By April 20, 2011, submit all UST release detection results recorded for all USTs at the three Shenandoah National Park UST Facilities from March 10, 2011 to April 9, 2011.
36. The reports to be submitted by Respondent pursuant to this provision shall be sent to:

Melissa Toffel
UST Enforcement Officer
U.S. EPA Region III
Office of Land Enforcement
1650 Arch Street (3LC70)
Philadelphia, PA 19103

RESERVATION OF RIGHTS

37. This CAFO resolves only the civil claims for the specific violations alleged in the CAFO. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk. Respondent reserves all available rights and defenses it may have to defend itself in any such action.

OTHER APPLICABLE LAWS

38. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed on it by applicable federal, state or local law and/or regulations.

AUTHORITY TO BIND THE PARTIES

39. The undersigned representative of the Respondent certifies that he or she is fully authorized by the Respondent to enter into the terms and conditions of this CAFO and to bind the Respondent to it.

ENTIRE AGREEMENT

40. This Consent Agreement and the attached Final Order constitute the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Agreement and attached Final Order.

EFFECTIVE DATE

41. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

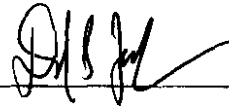
TOLLING AGREEMENT

42. The "Tolling Period" of the Tolling Agreement, dated November 23, 2010, by and between the parties concerning the allegations set forth in Count I of this CAFO, is modified to terminate as of the date that this CAFO becomes effective as set forth above in Paragraph 41.

For Respondent:

ARAMARK Sports and Entertainment
Services, LLC

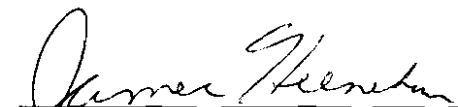
12/28/10
Date



For Complainant:

U.S. Environmental Protection Agency,
Region III


1/4/10
Date



James Heenehan
Senior Assistant Regional Counsel


Accordingly, I hereby recommend that the Regional Administrator or his designee issue the Final Order attached hereto.

1/5/11
Date

for 
Abraham Ferdas, Director
Land and Chemicals Division
U.S. EPA - Region III

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

Date: 1/6/11



Renée Sarajian
Regional Judicial Officer
U.S. EPA, Region III



FW: ARAMARK--Shenandoah
Fontaine, Peter to: James Heenehan
Cc: "Cook, Kim", "Ott, Gregory"

01/06/2011 12:37 PM

History: This message has been replied to.

FYI.

-----Original Message-----

From: Cook, Kim [mailto:Cook-Kim@aramark.com]
Sent: Thursday, January 06, 2011 12:36 PM
To: Fontaine, Peter
Cc: Ott, Gregory
Subject: RE: ARAMARK--Shenandoah

Name: David Zerfing
Title: Chief Financial Officer, ARAMARK Parks and Destinations,
a division of ARAMARK Sports and Entertainment
Services, LLC

Let me know if you need any additional information.

Thanks,

Kim

-----Original Message-----

From: Fontaine, Peter [mailto:PFontaine@cozen.com]
Sent: Thursday, January 06, 2011 12:34 PM
To: Cook, Kim
Cc: Ott, Gregory
Subject: FW: ARAMARK--Shenandoah
Importance: High

Dear Kim:

Can you please provide the full name and title of the ARA person who signed the CAFO? Please see below.

Best regards,

Pete

Notice: To comply with certain U.S. Treasury regulations, we inform you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this e-mail, including attachments, is not intended or written to be used, and cannot be used, by any person for the purpose of avoiding any penalties that may be imposed by the Internal Revenue Service.

Notice: This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, an employee or agent of the intended recipient who is responsible for delivering it to the intended recipient, or you believe

that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, including attachments, is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) is not a waiver of any attorney/client or other privilege.

From: Heenehan.James@epamail.epa.gov
[mailto:Heenehan.James@epamail.epa.gov]
Sent: Thursday, January 06, 2011 12:33 PM
To: Fontaine, Peter
Subject: RE: ARAMARK--Shenandoah
Importance: High

Peter - The Regional Judicial Officer is ready to sign the Consent Order (the Consent Agreement has already been signed by the applicable Division Director). However, she requested me to have you email the name and title of the Aramark person who signed the Consent Agreement as she cannot make out the signature. She will then attached that email tot he CAFO. If you can do that today (January 6) I can get this filed and out to you today or tomorrow. Otherwise it may not be until next week.

Thanks -Jim Heenehan



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Via UPS

Peter J. Fontaine, Esq.
Cozen O'Connor
457 Haddonfield Road
Suite 300
Cherry Hill, N.J. 08002

January 6, 2011

Re: Aramark: Loft Mountain Wayside CAFO

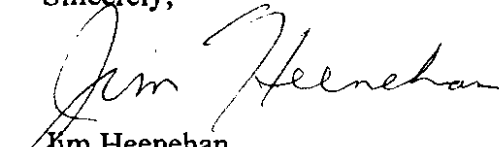
Dear Peter:

I have enclosed the a true and correct copy of the Consent Agreement and Final Order (CAFO) resolving Aramark's alleged RCRA UST violations at the Loft Mountain facility.

Please note that Aramark may be required to disclose to the Securities and Exchange Commission ("SEC") the existence of certain administrative or judicial proceedings taken against your client's company under Federal, State or local environmental laws. Please see the attached "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings" for more information about this requirement and to aid you in determining whether your client is subject to it.

I appreciate all your help in bringing this to a resolution. Feel free to contact me if you or your client has any other questions on this or any other environmental matter.

Sincerely,


Jim Heenehan
Sr. Assistant Regional Counsel

cc: M. Toffel (3LC70)

NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

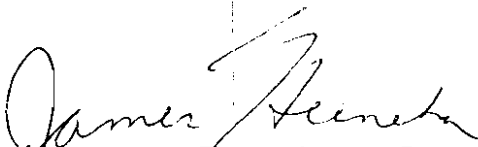
If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 551-3115.

CERTIFICATE OF SERVICE

I certify that on the date noted below, I hand-delivered the original and one true and correct copy of the Consent Agreement and Final Order for *In re ARAMARK Sports and Entertainment Services, LLC* (Docket No. RCRCA-03-2011-0032), to the Regional Hearing Clerk (3RC00), U.S. EPA Region III, 1650 Arch St., Philadelphia, PA, 19103, and that I sent a true and correct copy of same to the below Party via UPS:

Respondent: Peter J. Fontaine, Esq.
Cozen O'Connor
457 Haddonfield Road
Suite 300
Cherry Hill, N.J. 08002

1/6/10
Date



James Heenehan
Sr. Assistant Regional Counsel (3RC30)
U.S. EPA Region III