

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

In the Matter of:

Zurich Management, LLC
Rural Route 5
Box 5202
East Stroudsburg, PA 18301,

Respondent,

Shannon Inn & Pub Hotel
Rural Route 5
Box 5202
East Stroudsburg, PA 18301,

Facility.

Docket No. CAA-03-2008-0008

**CONSENT AGREEMENT AND
FINAL ORDER**

CONSENT AGREEMENT

I. Preliminary Statement

1. Pursuant to Sections 113(a)(3) and (d) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. §§ 7413(a)(3) and (d), the Director of the Waste and Chemicals Management Division for the United States Environmental Protection Agency, Region III ("Complainant") initiated this administrative proceeding for the assessment of civil penalties against Zurich Management, LLC (hereinafter referred to as "Respondent"), by issuance of a Complaint and Notice of Opportunity for Hearing ("Complaint") filed on November 7, 2007. The Complaint, incorporated herein by reference, alleges that the United States Environmental Protection Agency ("EPA") has reason to believe that the Respondents violated Section 112 of the Act, 42 U.S.C. § 7412, and regulations promulgated thereunder at 40 C.F.R. Part 61, Subpart M, during an asbestos renovation

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project conducted at the Shannon Inn & Pub Hotel, located at Rural Route 5, East Stroudsburg, PA 18301, (the "Facility"). This Consent Agreement and the accompanying Final Order (collectively referred to herein as the "CAFO"), addresses the alleged violations by the Respondent found in the Complaint.

2. Respondent admits the jurisdictional allegations set forth in Section II, "Applicable Statutes and Regulations," and Section IV, "General Allegations," of the Complaint.
3. Except as provided in paragraph 2 of this CAFO, Respondent neither admits nor denies the factual allegations contained in Section IV, "General Allegations," of the Complaint.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing on any issue of law or fact set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
5. Pursuant to Sections 113(a)(3) and (d) of the CAA, 42 U.S.C. §§ 7413(a)(3) and (d), and the statutory factors set forth in Section 113(e) therein, EPA has determined that an appropriate civil penalty to settle the action with Respondent is twenty nine thousand four hundred dollars (\$29,400.00).
6. Respondent consents to the issuance of the attached Final Order, hereinafter recited, and consents to the payment of a civil penalty.
7. Each party to this action agrees to pay its own costs and attorney fees.

II. Compliance Provisions

8. By its signature to this Consent Agreement, Respondent certifies that it has in place

oversight policies and procedures to ensure that their employees, contractors and subcontractors comply with the requirements of 40 C.F.R. Part 61, Subpart M.

9. Respondent herein certifies to Complainant and to EPA that, upon investigation, to the best of its knowledge and belief, it presently is in compliance with the provisions of the Act and regulations promulgated thereunder that are referenced.

III. Findings of Fact

10. EPA incorporates by reference all factual statements and allegations contained in Section IV, "General Allegations," of the Complaint.

IV. Conclusions of Law

11. EPA incorporates by reference all legal conclusions contained in Section V, "Violations," of the Complaint.
12. In view of the above incorporated Findings of Fact and Conclusions of Law, EPA herein concludes that Respondent has violated Section 112 of the Act, 42 U.S.C. § 7412, and regulations promulgated thereunder at 40 C.F.R. § 61.145(c)(3). On that basis, Respondent is liable to the United States for a civil penalty pursuant to Section 113(a)(3) and (d) of the Act, 42 U.S.C. § 7413(a)(3) and (d).

V. Full Settlement Recitation

13. In full settlement of this entire proceeding, including any and all charges and allegations set forth in the Complaint, and in consideration of each provision of this Consent Agreement and the attached Final Order, the Respondent consents to the assessment and

payment of a civil penalty in the amount of twenty nine thousand four hundred dollars (\$29,400.00). This penalty amount is based upon EPA's consideration of the statutory factors set forth in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and the applicable CAA penalty policies.

14. The Respondent agrees not to deduct for federal tax purposes the civil penalty specified in this Consent Agreement and Final Order.

VI. Reservation of Rights

15. This Consent Agreement and the accompanying Final Order resolve only the civil claims for the specific violations alleged in the Complaint issued in the above-captioned action. 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 Governing the Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), set forth at 40 C.F.R. Part 22. Further, EPA reserves any rights and remedies available to it under Section 112 of the Act, 42 U.S.C. § 7412, and regulations promulgated thereunder at 40 C.F.R. Part 61, Subpart M, 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.

VII. Parties Bound

16. This Consent Agreement and the attached Final Order shall apply to and be binding upon Respondent and its officers, directors, employees, agents, successors and assigns.

VIII. Effective Date

17. The effective date of this Consent Agreement and the attached Final Order is the date on which the Final Order is filed with the Regional Hearing Clerk, pursuant to the Consolidated Rules of Practice.

The undersigned representative of Zukin Realty, Inc., certifies that he is fully authorized to execute this Consent Agreement and to legally bind Zukin Realty to this Consent Agreement.

For Zurich Management, LLC:

7-4-08
Date

Sam and/or Vijay Shah
Sam and/or Vijay Shah
Owners, Zurich Management, LLC.

For Complainant:

7/22/2008
Date

Russell S. Swan
for Russell S. Swan
Assistant Regional Counsel

The Waste and Chemicals Management Division, United States Environmental Protection Agency - Region III, recommends that the Regional Administrator of U.S. EPA Region III or his designee issue the accompanying Final Order.

Date: 7/15/08

Abraham Ferdas
Abraham Ferdas, Director
Waste and Chemicals Management Division

Payment of the aforesaid civil penalty shall be made within thirty (30) days of the effective date of this Final Order as provided in the Consent Agreement.

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

Date: _____

7/23/08



Renée Sarajian
Regional Judicial Officer

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CERTIFICATE OF SERVICE

I hereby certify that the original and true and correct copies of the foregoing Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, and delivered via overnight mail, to the following persons:

Sam and Vijay Shah
Shannon Inn & Pub Hotel
Zurich Management, LLC
Rural Route 5
East Stroudsburg, PA 18301,

July 24, 2008
Date


Russell S. Swan
Assistant Regional Counsel