



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2012 SEP 27 P 3 08
REGIONAL HEARING
CLERK

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CAA-02-2012-1209

This ESA is issued to: Sysco Albany LLC

1 Liebich Lane, Halfmoon, New York 12065

for violations of Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (“ESA”) is being entered into by the United States Environmental Protection Agency (“EPA”), Region II, by its duly delegated official, the Director, Emergency & Remedial Response Division, and by Sysco Albany LLC, Halfmoon, New York (“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 40 C.F.R. § 22.13(b). The EPA and the U.S. Department of Justice have determined, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), that the EPA may pursue this type of case through administrative enforcement action.

ALLEGED VIOLATIONS

On May 13, 2011, an authorized representative of the EPA conducted a compliance inspection of Respondent’s facility located at 1 Liebich Lane in Halfmoon, New York to determine compliance with the Risk Management Plan (“RMP”) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. The EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act.

SETTLEMENT

In consideration of Respondent’s size, its full compliance history, its good faith effort to comply, 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 in the Findings section of the EPA’s inspection report for the total penalty amount of \$4,700.

This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations, 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, and consents to

the EPA's approval of the ESA without further notice. Each party to this action shall bare its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations identified in the Program 3 Penalty Checklist.

If the Respondent chooses to continue with the ESA process and agree to its' terms, please sign this ESA and return it, within 14 days, to:

Francesco Maimone
USEPA Region II
Response & Prevention Branch MS-211
2890 Woodbridge Ave.
Edison, New Jersey 08837

If the signed original ESA is not returned to the EPA Region II office at the above address in correct form by the Respondent within 14 days of the date of Respondent's receipt of it, the proposed ESA is withdrawn, without prejudice to the EPA's ability to file an enforcement action for the violations identified in the Program 3 Penalty Checklist.

Please note that upon Respondent's submission of the signed original ESA, and payment of the penalty as set forth in the next mailing, the EPA will take no further civil action against Respondent for the alleged violations of the Act referenced in the Program 3 Penalty Checklist. The EPA does not waive its right to take enforcement action for other violations of the Clean Air Act or for violations of any other statute. Additionally, please note that the penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of State or Federal taxes.

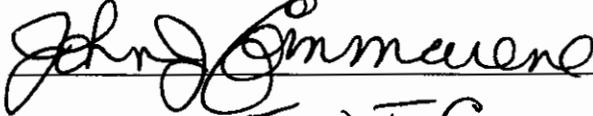
This document will be returned to you after the Regional Judicial Officer of EPA Region II has signed. *After the Regional Judicial Officer has signed, you will receive this ESA and further penalty payment information in a subsequent mailing.*

In addition, if Respondent fails to comply with the provisions of this ESA, by either failing to timely submit the above-referenced payment, or by failing to correct the violations listed in the Program 3 Penalty Checklist, Respondent agrees that upon written notice from the EPA, that this agreement shall become null and void, and that the EPA may file an administrative or civil enforcement action against Respondent for the violations addressed herein.

This ESA is binding on the parties signing below.

Docket Number: CAA-02-2012-1209
Sysco Albany LLC
1 Liebich Lane, Halfmoon, New York 12065

FOR RESPONDENT:

_____

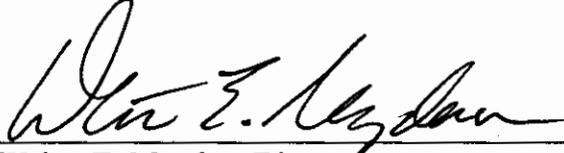
Date: 9/10/12

Name (print): John J. Cammarese

Title (print): Director of Safety

Docket Number: CAA-02-2012-1209
Sysco Albany LLC
1 Liebich Lane, Halfmoon, New York 12065

FOR COMPLAINANT:



Walter E. Mugdan, Director
Emergency and Remedial Response
Division, Region II

Date: Sept. 20, 2012

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.



Helen Ferrara
Regional Judicial Officer
U.S. EPA, Region II

Date: Sept 24, 2012

CERTIFICATE OF SERVICE

I certify that the attached Expedited Settlement Agreement (and its enclosures), signed by the Regional Judiciary Officer on 9/24/12, were sent in the following manner to the addressees listed below.

Original and One Copy Delivered by Inter-Office Mail to Regional Hearing Clerk's Office:

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

One Copy Delivered by U.S. Postal Service Standard Mail:

Craig Haas
USEPA Headquarters
Ariel Rios Building Rm# 4146A
1200 Pennsylvania Ave, N.W.
Washington, DC 20460

One Copy Delivered by Inter-Office Mail

Karl Mangels
21st Floor
DECA

One Copy Delivered by Inter-Office Mail

Jean Regna
17th Floor
ORC

Dated: September 26, 2012



Christina Ekstedt
ERRD RPB Secretary
U.S. Environmental Protection Agency
ERRD RPB, Region 2