

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Jim Gaffey
Name of Case Attorney

1/4/2016
Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number CAA-01-2016-0005

Site-specific Superfund (SF) Acct. Number _____

This is an original debt _____ This is a modification

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

M. Neal Cope
Senior Corp. Counsel - Delhaize America
P.O. Box 1330-2110 Executive Drive
Salisbury, NC 28145

Total Dollar Amount of Receivable \$ 13,500.00 Due Date: 1/24/2016

SEP due? Yes _____ No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:
1st \$ _____ on _____
2nd \$ _____ on _____
3rd \$ _____ on _____
4th \$ _____ on _____
5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office

Phone Number _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

December 30, 2015

VIA HAND DELIVERY

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region I
5 Post Office Square, Suite 100 (ORA 18-1)
Boston, MA 02109

RECEIVED

JAN - 4 2016

EPA ORC
Office of Regional Hearing Clerk

Re: In the Matter of Hannaford Brothers Company, 50 Hemco Road,
South Portland, Maine, Docket Number CAA-01-2016-0005

Dear Ms. Santiago:

Enclosed for filing please find the original and one copy of an Expedited Settlement Agreement resolving the above referenced matter and a certificate of service.

Sincerely,

A handwritten signature in blue ink that reads "Ann L. Gardner".

Ann L. Gardner
Paralegal
U.S. Environmental Protection Agency
Region I
OES Legal Office

Enclosures: Expedited Settlement Agreement
Certificate of Service

cc: M. Neal Cope, Esq, Delhaize America
Jim Gaffey, EPA
Catherine Smith, EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**REGION 1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912**

RECEIVED

JAN - 4 2016

**EPA ORC
Office of Regional Hearing Clerk**

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-01-2016-0005

This ESA is issued to: Hannaford Brothers Company, 50 Hemco Road, Rumery Industrial Park, South Portland, ME 04106

for violating 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 1, by its duly delegated official, Susan Studlien, Director, Office of Environmental Stewardship, and by Respondent, Hannaford Brothers Company, pursuant to Section 113(a)(3) and (d) of the Clean Air Act (“Act”), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On October 14, 2014, 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

On September 20, 2012 and April 24 & 25, 2014, authorized representatives of the EPA conducted a compliance inspection of the Respondent’s facility located at 50 Hemco Road, South Portland, Maine to determine compliance with the Risk Management Program (“RMP”) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with the regulations as noted on the attached “Risk Management Program Inspection Findings, Alleged Violations And Proposed Penalty Form” (“Form”), which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent’s size of business, 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 the ESA in order to settle the violation, described in the attached Form, for the total penalty amount of \$13,500.

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 contained herein and in the Form, 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. Each party to this action shall bear 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 the Respondent has corrected the violations listed in the attached Form.

Respondent agrees to submit payment of the \$13,500 penalty within 20 days of receiving a fully executed copy of this Settlement Agreement. The Respondent may pay the penalty by cashier's check, certified check, or wire transfer.

If payment is made by check, make payable to "Treasurer, United States of America," include Docket Number CAA-01-2016-0005, and send to:

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

If payment is made by wire transfer, include the Docket Number CAA-01-2016-0005 in Field Tag 6000 and "D 68010727 Environmental Protection Agency" in Field Tag 4200. The wire transfer account is:

Federal Reserve Bank of New York
33 Liberty Street
New York NY 10045
ABA: 021030004
Account: 68010727
SWIFT address: FRNYUS33

Respondent must also send a copy of the check or wire transfer receipt to:

Jim Gaffey
Environmental Protection Specialist
Office of Environmental Stewardship (OES 05-1)
U.S. Environmental Protection Agency Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

and

Wanda I. Santiago
Regional Hearing Clerk (ORA 18-1)
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

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 and in the Form. 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 ESA is not returned to the EPA Region 1 office at the above address by the Respondent within 30 days of the date of receipt, the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the cited violations. If you do not sign and return the ESA and pay the penalty on time, EPA may pursue more formal enforcement measures, including seeking civil penalties of up to \$37,500 per day for each violation. This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Bruce Southwick

Date: 12-8-15

Name (print): Bruce Southwick

Title (print): General Manager

FOR COMPLAINANT:

Karen McGee for

Date: 12-23-15

Susan Studlien, Director
Office of Environmental Stewardship
U.S. EPA Region 1

I hereby ratify the ESA resolving *In the Matter of Hannaford Brothers Company*
No. CAA-01-2016-0005 and incorporate it herein by reference. It is so ORDERED.

LeAnn Jensen

Date: 12/24/15

LeAnn Jensen
Acting Regional Judicial Officer
U.S. EPA Region I

In Re: Hannaford Brothers, Co.
EPA Docket Number: CAA-01-2016-0005

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Administrative Expedited Settlement Agreement has been sent to the following persons on the date noted below:

Original and one copy,
hand-delivered:
U.S. EPA, Region I
5 Post Office Square
Suite 100 (ORA18-1)
Boston, MA 02109-3912

Wanda Santiago
Regional Hearing Clerk

On copy of Expedited Settlement
Agreement via certified mail, return
receipt requested

M. Neal Cope
Senior Corporate Counsel
Commercial Litigation
Delhaize America
P.O. Box 1330
2110 Executive Drive
Salisbury, NC 28145

Dated: December 30, 2015



Ann L. Gardner
Paralegal
U.S. EPA, Region 1
5 Post Office Square
Suite 100 (OES04-4)
Boston, MA 02109-3912

Tel: (617) 918-1895
Email: gardner.ann@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

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Environmental Protection Specialist
Office of Environmental Stewardship (OES 05-1)
U.S. Environmental Protection Agency Region 1
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Boston, MA 02109-3912

and

Wanda I. Santiago
Regional Hearing Clerk (ORA 18-1)
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

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Karen McGee

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Susan Studlien, Director
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LeAnn Jensen
Acting Regional Judicial Officer
U.S. EPA Region I

