

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Rivera for Mary Jane O'Donnell 8/14/08
Name of Case Attorney Date

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

Case Docket Number EPCRA-01-2008-0072

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:

Arctic Cold Storage Corp.
420 Currant Road
Fall River, MA 02720

Total Dollar Amount of Receivable \$ 13,065.⁰⁰ Due Date: 9/13/08

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/New England
1 Congress Street, Suite 1100
Boston, MA 02114-2023

RECEIVED
2008 AUG 14 A 9:05

August 14, 2008

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region I
1 Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

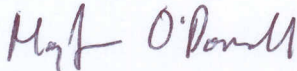
EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

Re: In the Matter of Arctic Cold Storage Corp.
Docket No. EPCRA-01-2008-0072

Dear Ms. Santiago:

Enclosed for filing please find the original and one copy of a Consent Agreement and Final Order. Additionally, the original Certificate of Service is enclosed.

Sincerely,



Mary Jane O'Donnell
Office of Site Remediation and Restoration
Phone (617) 918-1371
Fax (617) 918-0371

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
BEFORE THE ADMINISTRATOR

RECEIVED

2008 AUG 14 A 9:05

In the Matter of:)

Arctic Cold Storage Corp.)
420 Currant Road)
Fall River, MA 02720)

Respondent)

Docket No. EPCRA-01-2008-0072

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

CONSENT AGREEMENT AND FINAL ORDER

Complainant, the United States Environmental Protection Agency ("EPA"), having filed the Complaint herein against Respondent, Arctic Cold Storage Corp., the Parties herein; and

Complainant and Respondent having agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order without further litigation is the most appropriate means of resolving this matter.

NOW, THEREFORE, before the taking of any testimony, upon the pleading, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby Ordered and Adjudged as follows:

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding for the assessment of a civil penalty of twenty thousand one hundred dollars (\$20,100), pursuant to Section 325 of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C. § 11045, and the regulations promulgated thereunder, found at 40 C.F.R. Part 370.

2. The Complaint alleges that Respondent violated regulations concerning the submission of chemical inventory forms (Tier II), for the hazardous chemicals ammonia, sulfuric

acid and lead which are stored at Respondent's facility in Fall River, Massachusetts in quantities equal to or greater than the chemical-specific minimum threshold for these chemicals set forth at 40 C.F.R. §370.20 (b).

3. The provisions of this Consent Agreement and Final Order shall apply to and be binding on the Parties, their officers, directors, agents, servants, employees, successors and assigns.

4. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondent. Respondent waives any defenses it might have as to jurisdiction and venue and, without admitting or denying the specific factual allegations in the Complaint, consents to the terms of this Consent Agreement and Final Order.

5. Respondent hereby waives its right to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint and waives its right to appeal the proposed Final Order.

II. TERMS OF SETTLEMENT

6. Respondent has demonstrated to the satisfaction of EPA that it has complied with the reporting requirements that formed the basis of Counts I, II, and III of the Complaint.

7. Pursuant to Section 325(c) of EPCRA, 42 U.S.C. §11045(c), the nature of the violations, Respondent's cooperative attitude, and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of thirteen thousand sixty-five dollars (\$13,065).

8. Respondent consents to the issuance of the Consent Agreement and Final Order hereinafter recited and consents for purposes of settlement to the payment of the civil penalty cited in the foregoing paragraph.

9. Within thirty (30) days of the effective date, Respondent shall submit a cashier's or certified check, to the order of the "Treasurer, United States of America," in the amount of thirteen thousand sixty-five dollars (\$13,065) to:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

Respondent shall provide copies of the check to:

Regional Hearing Clerk (RAA)
U.S. Environmental Protection Agency
One Congress Street, Suite 1100
Boston, MA 02114-2023

and

Mary Jane O'Donnell, Esq.
Office of Site Remediation & Restoration (HBT)
U.S. Environmental Protection Agency
One Congress Street, Suite 1100
Boston, MA 02114-2023

10. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. In the event that any partial payment of the civil penalty, plus interest thereon, is not paid when due without demand, the penalty plus accrued interest shall be payable with

additional interest from the original due date to the date of payment, at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. §901.9(b)(2). In addition, a penalty charge of six percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. §901.9(d).

11. The civil penalty provided for herein is a penalty within the meaning of 26 U.S.C. §162(f) and is not tax deductible for purposes of federal, state or local law.

12. All penalties, interest, and charges payable pursuant to this Consent Agreement and Final Order shall represent civil penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

13. Respondent shall bear its own costs and attorney's fees in connection with the action resolved by this Consent Agreement and Final Order.

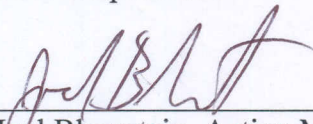
14. This Consent Agreement and Final Order constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 325 of EPCRA for the violations of EPCRA alleged in the Complaint. Compliance with this Consent Agreement and Final Order shall not be a defense to any actions subsequently commenced pursuant to Federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with such laws and regulations.

15. This Consent Agreement and Final Order in no way relieves Arctic Cold Storage Corp. or its employees of any criminal liability. Nothing in the Consent Agreement and Final Order shall be construed to limit the authority of the United States to undertake any action

against Arctic Cold Storage Corp. in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. Each undersigned representative of the parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.

16. In accordance with 40 C.F.R. §22.31(b), the effective date of the Consent Agreement and Final Order is the date on which this Consent Agreement is filed with the Regional Hearing Clerk.

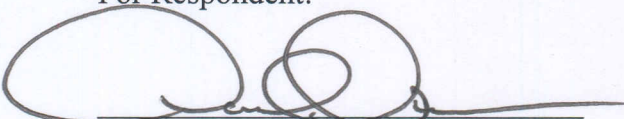
For Complainant:



Joel Blumstein, Acting Manager
Enforcement Unit
Office of Environmental Stewardship
U.S. Environmental Protection Agency,
Region I

Date: 8/13/08

For Respondent:



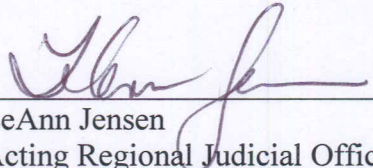
David J. DeMello, President
Arctic Cold Storage Corp.

Date: 7.30.08

III. FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement.

Date: 8 / 13 / 08



LeAnn Jensen
Acting Regional Judicial Officer
U.S. Environmental Protection Agency, Region I

In the Matter of Arctic Cold Storage Corp.
Docket No. EPCRA-01-2008-0072

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order (CAFO) was sent to the following persons, in the manner specified, on the date below:

Original and one copy
hand-delivered:

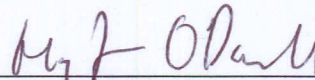
Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
One Congress Street (RAA)
Boston, MA 02114-2023

Copy of CAFO
By mail

David J. DeMello, President
Arctic Cold Storage Corp.
420 Curren Road
Fall River, MA 02720

Dated: _____

8/14/08



Mary Jane O'Donnell, Esq.
Office of Site Remediation and Restoration
U.S. Environmental Protection Agency,
Region 1
One Congress Street, Suite 1100 (HBT)
Boston, MA 02114-2023
Tel: (617) 918-1371
Fax: (617) 918-0371
Email : odonnell.maryjane@epa.gov