



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

NOV 28 2007

REPLY TO THE ATTENTION OF:

SC-6J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Nicholas A. Brown, Vice President  
Mickey's Linen and Towel Supply, Inc.  
4601 West Addison Avenue  
Chicago, IL 60641

Re: Mickey's Linen and Towel Supply, Inc., Chicago, Illinois  
Consent Agreement and Final Order – Docket No: EPCRA-05-2007-0015

Dear Mr. Brown:

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. EPA has filed the other original CAFO with the Regional Hearing Clerk on NOV 28 2007.

Please pay the EPCRA civil penalty in the amount of \$ 4,417 in the manner prescribed in paragraphs 8-12 and reference your check with the number BD 2750844E003 and docket number EPCRA-05-2007-0015.

Your payment is due on DEC 28 2007.

Please feel free to contact Ginger Jager at (312) 886-0767 if you have any questions regarding the enclosed documents. Please direct any legal questions to Susan Tennenbaum, Assistant Regional Counsel, at (312) 886-0273 . Thank you for your assistance in resolving this matter.

Sincerely yours,

Mark J. Horwitz, Chief  
Chemical Emergency Preparedness  
and Prevention Section

Enclosure

cc: Regional Hearing Clerk  
U.S. EPA Region 5

Susan Tennenbaum  
Office of Regional Counsel  
U.S. EPA Region 5

Jon England, IL SERC (w/enclosure)

Hon. Barbara A. Gunning (w/enclosure)  
Administrative Law Judge  
U.S. EPA, Headquarters

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of: ) Docket No. EPCRA-05-2007-0015  
)  
Mickey's Linen and Towel )  
Supply, Inc. ) Proceeding to Assess a Civil Penalty Under  
Chicago, Illinois, ) Section 325(c)(1) of the Emergency Planning  
) and Community Right-to-Know Act of 1986  
Respondent. )  
\_\_\_\_\_ )

RECEIVED  
REGIONAL HEARING CLERK  
JUN 23 PM 2:19  
US EPA REGION 5

**Consent Agreement and Final Order**

1. The Complainant is, by lawful delegation, the Chief of the Emergency Response Branch 1, United States Environmental Protection Agency (U.S. EPA), Region 5.
2. On April 18, 2007, U.S. EPA filed the Complaint in this action against Respondent, Mickey's Linen and Towel Supply, Inc. (Mickey's). The Complaint alleges that Respondent violated Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), by failing to submit to the Illinois SERC, LEPC, and the Chicago Fire Department a completed Emergency and Hazardous Chemical Inventory Form for calendar years 2003, 2004 and 2005.
3. On May 16, 2007, Respondent filed an Answer to the Complaint, *pro se*, without requesting a hearing.

**Stipulations**

4. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations in the Complaint.
5. Respondent waives any right to contest the allegations in the Complaint and its right to appeal this Consent Agreement and Final Order (CAFO).
6. The parties consent to the terms of this CAFO.

7. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

**Civil Penalty**

8. In consideration of Respondent's agreement to perform a supplemental environmental project, cooperation, and the quick settlement, Complainant has agreed to mitigate the proposed penalty of \$35,238 to \$ 4,417.

9. Within 30 days after the effective date of this CAFO, Respondent must pay a \$4,417 civil penalty for the EPCRA violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," by regular mail, to:

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

or by overnight mail to:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

The check must note the following: Mickey's Linen and Towel Supply, Inc., the docket number of this CAFO and the billing document number \_\_\_\_\_. A transmittal letter, stating Respondent's name, the case title, Respondent's complete address, the case docket number and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk, (E-13J)  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604-3511

Ginger Jager, (SC-6J)  
Chemical Emergency Preparedness and  
Prevention Section  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Susan Tennenbaum, (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

10. This civil penalty is not deductible for federal tax purposes.

11. If Respondent does not timely pay the civil penalty, or any stipulated penalties due under paragraph 24, below, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

12. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

#### **Supplemental Environmental Project**

13. Respondent must complete a supplemental environmental project (SEP) designed to protect the environment or public health by reducing the discharges of oil and grease from its facility by approximately 20% and enabling it to quickly neutralize any disruption in its pH, thereby reducing the risk to the Chicago Water Reclamation District. Additionally, because more

solids will be removed upstream of Respondent's heat exchangers, the SEP is expected to reduce Respondent's carbon dioxide emissions by 5-7%. Respondent's SEP will require the installation and continuous operation of a vibratory screen and a centrifugal pump for this purpose.

14. Respondent must complete the SEP as follows at its facility at 4501 West Addison Avenue, Chicago, Illinois 60641:

a. Within 90 days of the effective date of the CAFO, Respondent will complete installation of the vibratory screen and a centrifugal pump, and other necessary hardware, to effectuate the SEP as described in paragraph 13, above.

b. Within 21 days after installation of all equipment, described in subparagraph a, above, Respondent will submit a SEP completion report notifying U.S. EPA of the completion of the SEP. This report must contain the following information:

- a. Detailed description of the SEP as completed, including the date that the new filtration system commenced continuous operation;
- b. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders, or canceled checks that specifically identify and itemize the individual costs of the goods and services;
- c. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- d. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

15. Respondent must spend at least \$28,202 to purchase and install the equipment for the SEP.

16. Respondent must continuously use or operate the equipment installed as the SEP for at least 5 years following its installation.

17. Respondent certifies that it is not required to perform or develop the SEP by any law,

regulation, grant, order, or agreement, or as injunctive relief as of the date it signs this CAFO.

Respondent further certifies that it has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

18. Respondent certifies that it will not deduct any costs associated with this SEP from its federal or state taxes.

19. U.S. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

20. Respondent must submit all notices and reports required by this CAFO by first class mail to Ginger Jager of the Chemical Emergency Preparedness and Prevention Section at the address specified in paragraph 9, above.

21. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, the information is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

22. Following receipt of the SEP completion report described in paragraph 14.b, above, U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 24.

23. If U.S. EPA exercises option b, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from

U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 24, below.

24. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. If Respondent has spent less than the amount set forth in paragraph 15, above, Respondent must pay a stipulated penalty equal to the difference between the amount it spent on the SEP and the amount set forth in paragraph 15.
- b. If Respondent has completed the SEP, but the SEP is not satisfactory, Respondent must pay \$5,000 in addition to any penalty required under subparagraph a, above.
- c. If Respondent halts or abandons work on the SEP, the Respondent must pay a stipulated penalty of \$10,000 in addition to the penalty required under subparagraph a, above. Such penalties will accrue as of the date for completing the SEP or the date performance ceases, whichever is earlier.
- d. If Respondent fails to comply with the schedule in paragraph 14 for implementing the SEP or fails to submit timely the SEP completion report required by paragraph 14.b, above, Respondent must pay stipulated penalties for each failure to meet any applicable milestone, as follows:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$1,000	1st through 14th day
\$2,500	15th through 30th day
\$5,000	31st day and beyond

These penalties will accrue from the date Respondent was required to meet each milestone until it achieves compliance with the milestone.

25. U.S. EPA's determination of whether Respondent satisfactorily completed the SEP will bind Respondent.



26. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraphs 9-12, above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

27. Any public statement that Respondent makes referring to the SEP must include the following language, "Mickey's Linen and Towel Supply, Inc. undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against the company for violations of Section 312(a) of EPCRA."

28. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

- a. Respondent must notify U.S. EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past and proposed actions to prevent or minimize the delay, and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify U.S. EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.
- b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.
- c. If U.S. EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, U.S. EPA will notify Respondent in writing of its decision and any delays in completing the SEP will not be excused.
- d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

29. Nothing in this CAFO is intended to nor will be construed to constitute U.S. EPA

approval of the equipment or technology installed by Respondent in connection with the SEP under the terms of this CAFO.

30. The costs of the SEP are not deductible or depreciable for federal tax purposes.

#### **General Provisions**

31. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

32. This CAFO does not affect the right of the U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

33. Respondent certifies that it is complying with Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

34. This CAFO does not affect Respondent's responsibility to comply with EPCRA and other applicable federal, state and local laws, and regulations.

35. This CAFO is a "final order" for purposes of U.S. EPA's Enforcement Response Policy for Section 312 of EPCRA.

36. The terms of this CAFO bind Respondent and its successors, and assigns.

37. Each person signing this consent agreement certifies that he or she has the authority to sign this consent agreement for the party whom he or she represents and to bind that party to its terms.

38. Each party agrees to bear its own costs and fees, including attorneys' fees, in this action.

39. This CAFO constitutes the entire agreement between the parties.

**Mickey's Linen and Towel Supply, Inc., Respondent**

November 8, 2007  
Date

Nicholas P. Brown  
Nicholas P. Brown, Vice President

**U.S. Environmental Protection Agency, Complainant**

11/16/07  
Date

Beverly J. Kusch for  
Jason El-Zein, Chief  
Emergency Response Branch 1  
Superfund Division

11/21/07  
Date

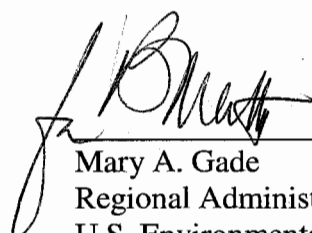
Richard C. Karl  
Richard C. Karl, Director  
Superfund Division

**In the Matter of:  
Mickey's Linen and Towel Supply, Inc.  
Docket No. EPCRA-05-2007-0015**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

11-26-07  
Date

  
\_\_\_\_\_  
Mary A. Gade  
Regional Administrator  
U.S. Environmental Protection Agency  
Region 5

**In the Matter of:**  
**Mickey's Linen and Towel Supply, Inc.**  
**Docket No. EPCRA-05-2007-0015**

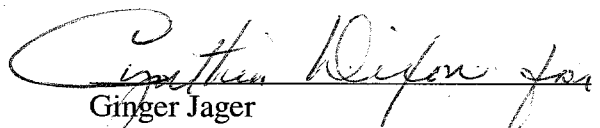
**Certificate of Service**

I, Ginger Jager, certify that I hand delivered the original of the Consent Agreement and Final Order, docket number EPCRA-05-2007-0015, to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, personally served a copy on the Regional Judicial Officer, and mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Mickey's Linen and Towel Supply, Inc., by placing them in the custody of the United States Postal Service addressed as follows:

Hon. Barbara A. Gunning  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460-2001

Nicholas A. Brown  
Vice President  
Mickey's Linen and Towel Supply, Inc.  
4601 West Addison Avenue  
Chicago, IL 60641

on the 28<sup>th</sup> day of November, 2007

  
Ginger Jager  
U.S. Environmental Protection Agency  
Region 5

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