



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAY 22 2007

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

Mr. Dan Brennan  
Safety Manager  
Hardin's Sysco Food Services, LLC  
4359 B.F. Goodrich Blvd.  
Memphis, TN 38181

SUBJ: Expedited Settlement Agreement  
Hardin's Sysco Food Services, LLC  
Docket No. CAA-04-2007-8013(b)

Dear Mr. Brennan:

Enclosed please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter (Docket No. CAA-04-2007-8013(b)) involving Hardin's Sysco Food Services, LLC. The ESA was filed with the Regional Hearing Clerk, as required by 40 C.F.R. Part 22 and became effective on today's date. Penalty payment of \$540 has been received, and the United States Environmental Protection Agency, Region 4, Emergency Planning and Community Right-to-Know Act Enforcement Section, considers this matter closed.

Also enclosed, please find a copy of the "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Security and Exchange Commission (SEC) any environmental enforcement actions taken by the EPA. If you have any questions with regards to the SEC's environmental disclosure requirements, you may refer to the contact phone number at the bottom of the SEC Notice.

If you have any questions, please call Victor Weeks at (404) 562-9189.

Sincerely,

A handwritten signature in black ink that reads "Caron B. Falconer".

Caron B. Falconer, Chief  
EPCRA Enforcement Section

Enclosures (2)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

EXPEDITED SETTLEMENT  
AGREEMENT

DOCKET NO: CAA-04-2007-8013(b)

This ESA is issued to:

Hardin's Sysco Food Services, LLC  
4359 B. F. Goodrich Boulevard  
Memphis, Tennessee 38118

RECEIVED  
EPA REGION 4  
2007 MAY 22 PM 2:34  
HEARING CLERK

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 4, the Director of the Air, Pesticides and Toxics Management Division (Complainant), and by Hardin's Sysco Food Services, LLC (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 by 40 CFR § 22.13(b).

ALLEGED VIOLATIONS

Based on a compliance monitoring inspection conducted on June 20, 2006, EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Program when:

Respondent did not provide evidence that it had certified the operating procedures (i.e., that the procedures are current and accurate) on an annual basis, for the life of the covered process, as required by 40 CFR § 68.69(c); and

Respondent did not provide evidence that it had, at least every three years, evaluated its compliance with the prevention program requirements and certified that its procedures and practices are adequate and are being followed as required by 40 CFR § 68.79(a).

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 the ESA in order to settle the violations cited above, for the total penalty amount of \$540.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, neither admits nor denies the specific factual allegations contained herein, 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 contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent has corrected the alleged violations listed in this ESA. Respondent shall pay a civil penalty of **\$540**. **Please note that payment should not be made until after Respondent receives a copy of the fully executed ESA.** Within fifteen (15) days after receiving a copy of the fully executed ESA, the Respondent shall send a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$540**, in payment of the full penalty amount to the following address:

Mellon Client Service Center  
ATTN: Shift Supervisor, Room 0690  
Lockbox 371099M  
500 Ross Street  
Pittsburgh, Pennsylvania 15262-0001

**The Respondent's name and the Docket Number of this ESA must be included on the check.** The Docket Number is located at the top left corner of the first page of this ESA.

At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this ESA to:

Saundi Wilson  
U. S. EPA Region 4  
Office of Environmental Accountability  
61 Forsyth Street  
Atlanta, Georgia 30303, and

Victor L. Weeks  
U. S. EPA Region 4  
EPCRA Enforcement Section  
61 Forsyth Street  
Atlanta, Georgia 30303

Upon Respondent's payment of the penalty, EPA will take no further civil action against Respondent for the alleged violations of the Act referenced in this ESA. EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

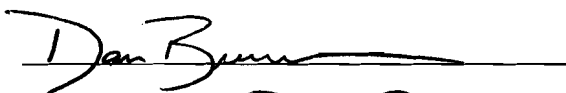
The following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Caron B. Falconer  
U. S. EPA - Region 4  
61 Forsyth St., S. W.  
Atlanta, Georgia 30303  
(404) 562-8451

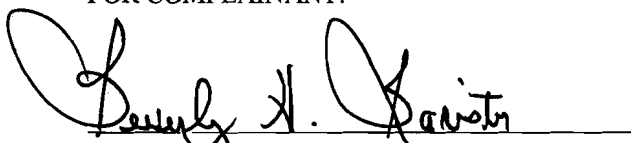
This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

 Date: 4/10/07  
Name (print): Dan Brennan  
Title (print): Safety Manager  
Hardin's Sysco Food Services, LLC

FOR COMPLAINANT:

 Date: 3/28/07  
Beverly H. Banister  
Director  
Air, Pesticides & Toxics  
Management Division  
Region 4

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

 Date: 5/22/07  
Susan B. Schub  
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Expedited Settlement Agreement, in the matter of Hardin's Sysco Food Services, LLC, CAA-04-2007-8013(b), on the parties listed below in the manner indicated:

Caron B. Falconer  
U. S. EPA - Region 4  
Air, Pesticides and Toxics  
Management Division  
61 Forsyth Street  
Atlanta, GA 30303

(Via EPA's internal mail)

Alan Dion  
U. S. EPA - Region 4  
Office of Environmental Accountability  
61 Forsyth Street  
Atlanta, GA 30303

(Via EPA's internal mail)

Mr. Dan Brennan  
Safety Manager  
Hardin's Sysco Food Services, LLC  
4359 B.F. Goodrich Blvd.  
Memphis, TN 38181

(Via Certified Mail -  
Return Receipt Requested)

Date: 5-22-07



Patricia A. Bullock, Regional Hearing Clerk  
United States Environmental Protection Agency  
Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street  
Atlanta, Georgia 30303  
404-562-9511