

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Christine Foot 9/24/18
Name of Case Attorney Date

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

Case Docket Number EPCRA-01-2018-0053

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:

H. Larue Renfro, President
New England Sports Management Corp.
121 Donald Lynch Blvd.
Mareborough, MA 01752

Total Dollar Amount of Receivable \$ 14,956.00 Due Date: 10/24/18

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 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

September 24, 2018

RECEIVED

SEP 24 2018

EPA ORC
Office of Regional Hearing Clerk

BY HAND

Wanda I. Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency-Region 1
5 Post Office Square, Suite 100
Mail Code OES04-2
Boston, MA 02109-3912

Re: New England Sports Management Corp. (Marlborough, MA); Docket No. EPCRA-01-2018-0053

Dear Ms. Santiago:

Enclosed for filing, please find the original and one copy of an Emergency Planning and Community Right-to-Know Act Consent Agreement and Final Order resolving the matter referenced above.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Christine M. Foot".

Christine M. Foot
Enforcement Counsel
EPA Region 1

Enclosures

cc: H. Larue Renfroe, President, New England Sports Management Corp.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

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

RECEIVED

SEP 24 2 18

EPA ORC
Office of Regional Hearing Clerk

**EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT
EXPEDITED SETTLEMENT AGREEMENT**

In the matter of New England Sports Management Corporation
DOCKET NO: EPCRA-01-2018-0053

This Expedited Settlement Agreement ("EPCRA 312 ESA") is entered into by the United States Environmental Protection Agency ("EPA"), by its duly delegated official, and by New England Sports Management Corporation ("Respondent"), pursuant to Section 325(c) of the Emergency Planning and Community Right-to-Know Act ("EPCRA") and 40 C.F.R. § 22.13(b), and in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits* at 40 C.F.R. Part 22, to resolve alleged violations of Section 312 of EPCRA, 42 U.S.C. § 11022, at Respondent's ice skating rink located at 121 Donald Lynch Blvd., Marlborough, Massachusetts ("NE Sports Center").

ALLEGED VIOLATION

Respondent is a "person," as defined by Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and owner or operator of a "facility," as defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 370.66. Due to the presence of ammonia at the NE Sports Center, Respondent was required to have a Safety Data Sheet ("SDS") on site pursuant to the Occupational Safety and Health Administration's Hazard Communication Standard at 29 C.F.R. § 1910.1200(g) and 40 C.F.R. § 370.10(a).

Facilities that are required to have an SDS and that have hazardous chemicals present on site in amounts greater than the thresholds specified in 40 C.F.R. § 370.10, are subject to the chemical inventory reporting requirements of 40 C.F.R. Part 370, specifically the requirement to submit an emergency and hazardous chemical inventory form ("Tier 2" form) each calendar year, on or before March 1 of the subsequent year, to the local emergency planning committee, the state emergency response commission, and the local fire department. Ammonia is an extremely hazardous substance subject to the annual chemical inventory reporting requirements of 40 C.F.R. Part 370 when present at a facility in quantities greater or equal to 500 pounds.

For at least the reporting years of 2013 through 2017, ammonia was present at the New England Sports Center in amounts greater than 500 pounds, but Respondent failed to submit completed Tier 2 forms, in violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. Part 370. EPA finds that Respondent is subject to, and in violation of, Section 312 of EPCRA and

its implementing regulations for failing to submit the required Tier 2 form for ammonia for reporting years 2013 through 2017.

For purposes of this action, Respondent: (1) admits that it is subject to the requirements of Section 312 of EPCRA and EPA has jurisdiction over Respondent and the subject matter alleged in this EPCRA 312 ESA; (2) neither admits nor denies the factual allegations in this EPCRA 312 ESA; (3) consents to the assessment of the civil penalty stated herein and to the conditions specified in this EPCRA 312 ESA; and (4) waives any right to contest the allegations in this EPCRA 312 ESA and its right to appeal the accompanying proposed Final Order.

The parties agree that settlement of this matter for \$14,956 penalty is fair, appropriate, and in the public interest, and EPA finds such penalty consistent with statutory penalty factors and applicable EPA penalty policies.

TERMS OF SETTLEMENT

Within 30 days of receipt of this proposed EPCRA 312 ESA, Respondent shall send a copy of the signed ESA along with a copy of the penalty payment check to:

Mary Jane O'Donnell,
Environmental Protection Agency, Region 1,
Five Post Office Square (OES04-4),
Boston, Massachusetts 02109-3912

By entering this agreement and signing this EPCRA 312 ESA, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has:

- (1) corrected the violations identified in this EPCRA 312 ESA and achieved full compliance with EPCRA and the regulations promulgated thereunder at the NE Sports Center;
- (2) put in place administrative procedures to ensure that the NE Sports Center complies with EPCRA in the future; and
- (3) sent a check in the amount of \$14,956 payable to the "Treasurer, United States of America," to:

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

The check shall include the docket number (EPCRA -01-2018-0053) on the face of the check.

The company must include the following statement along with the submission of the penalty payment check to the EPA Cincinnati Finance Center:

In settlement of EPA's administrative penalty action against New England Sports Management Corporation for violations of EPCRA (Docket No. EPCRA-01-2018-0053), the corporation submits the enclosed penalty payment check. This is a deposit, which should be held until the Expedited Settlement Agreement in this case is signed and submitted to the EPA Cincinnati Finance Center, at which time the check may be cashed; and

Upon receipt of the EPCRA 312 ESA signed by the Respondent, the EPCRA 312 ESA will be presented to the EPA Regional Judicial Officer for issuance of the proposed Final Order below. Once the Final Order is signed by the Regional Judicial Officer, the original of the fully executed EPCRA 312 ESA and Final Order will be filed with the EPA Regional Hearing Clerk and copies sent to both the EPA Cincinnati Finance Center and the Respondent. EPA will take no further civil action against Respondent for the alleged violations of EPCRA identified in this EPCRA 312 ESA once the fully executed EPCRA 312 ESA is filed with the Regional Hearing Clerk.

EPA does not waive any right to issue an enforcement action for any other past, present, or future violations by Respondent of EPCRA or any other federal statute or regulation. This EPCRA 312 ESA shall not be construed as a covenant not to sue, release waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal, that EPA has under EPCRA or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

Each party to this action agrees to bear its own costs and fees, if any.

If the signed original EPCRA 312 ESA is not returned within 30 days of Respondent's receipt of the proposed EPCRA 312 ESA, the proposed settlement offer may be withdrawn without prejudice to EPA's ability to file a formal enforcement action for the violation identified herein.

This EPCRA 312 ESA is binding on the parties signing below.

FOR COMPLAINANT EPA:

By: Tim Conway
Tim Conway, Acting Director
Office of Environmental Stewardship
U.S. EPA Region 1

Date: 9/18/18

FOR RESPONDENT:

By: H. Larue Rensford

Date: 9/12/18

Name (print): H. LARUE RENSFORD

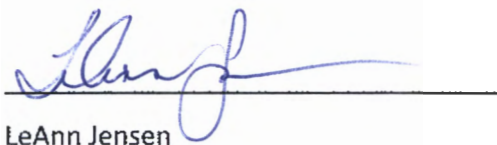
Title (print): PRESIDENT

FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b) and (c) of EPA's *Consolidated Rules of Practice*, the attached Expedited Settlement Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

In accordance with 40 C.F.R. 22.31(b), this Final Order is effective on the date it is filed with the Regional Hearing Clerk.

IT IS SO ORDERED:



Date: 9/21/18

LeAnn Jensen
Regional Judicial Officer
U.S. EPA Region 1