

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Chris Jendras
Name of Case Attorney

8/14/12
Date

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

Case Docket Number CAA-01-2012-0077

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:

North East Refrigerated Terminals, Inc.
97 Wood Street
Middleboro, MA 02346

Total Dollar Amount of Receivable \$ 1,200 Due Date: 9/3/12

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

August 14, 2012

VIA HAND DELIVERY

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

RECEIVED
AUG 14 2012
EPA ORC WS
Office of Regional Hearing Clerk

Re: In the Matter of North East Refrigerated Terminals, Inc., 97 Wood Street,
Middleboro, Mass.
Docket Number CAA-01-2012-0077

Dear Ms. Santiago:

Enclosed for filing please find an Expedited Settlement Agreement resolving the above
referenced matter.

Sincerely,

A handwritten signature in blue ink that reads "Chris Jendras".

Chris Jendras
Environmental Protection Specialist
U.S. Environmental Protection Agency
Region I
EPCRA, RCRA and Federal Facility Programs Unit

cc: Robert L. Weeks
North East Refrigerated Terminals, Inc.

Attachment: Expedited Settlement Agreement



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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

RECEIVED

AUG 14 2012

EPA ORC
WS
Office of Regional Hearing Clerk

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-01-2012-0077

This ESA is issued to: North East Refrigerated Terminals, Inc., 97 Wood Street,
Middleboro, MA 02346

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, North East Refrigerated Terminals, Inc., pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On July 3, 2012, 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 January 19, 2012, authorized representatives of the EPA conducted a compliance inspection of the subject facility (“Respondent”) 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 Plan Inspection Findings, Alleged Violations And Proposed Penalty Sheet” (“Form”), which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent’s size of business, its compliance history in the last five years, 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 \$1,200.

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 in 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 violation listed in the attached Form and has sent a cashier’s check, certified check or wire transfer in the amount of \$1,200 in

payment of the full penalty amount. Respondent agrees to submit payment of the penalty within 20 days of receiving a fully executed copy of this Settlement Agreement.

If payment is made by check, make payable to "Treasurer, United States of America," include Docket Number CAA-01-2012-0077, 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-01-2012-0077 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 by certified mail to:

Chris Jendras
Environmental Protection Specialist
Office of Environmental Stewardship (OES05-1)
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 violation of the Act alleged above. 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:

Robert Weeks

Date: 8/6/12

Name (print): Robert Weeks

Title (print): President

FOR COMPLAINANT:

Susan Studlien

Date: 08/09/12

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

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

LeAnn Jensen

Date: 8/13/12

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