



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR 15 2010

REPLY TO THE ATTENTION OF:

SC-6J

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

Mr. James D. Ray, Attorney  
McElroy, Deutsch, Mulvaney Carpenter, LLP  
1300 Mount Kemble Avenue  
Post Office Box 2075  
Morristown, New Jersey 07962-2075

Re: Preferred Freezer Services of Chicago, LLC, Chicago, Illinois, Consent Agreement and Final Order, Docket No. EPCRA-05-2010-0011

Dear Mr. Ray:

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the other original CAFO with the Regional Hearing Clerk on APR 15 2010.

Please pay the civil penalty in the amount of \$88,871.00 plus interest in the manner prescribed in paragraph 70 and Attachment A, and reference your check with the billing document number 2751064E015 and the docket number EPCRA-05-2010-0011.

Your first payment is due on May 1, 2010, and the rest of the due dates are listed in Attachment A.

Please feel free to contact James Entzminger at (312) 886-4062 if you have any questions regarding the enclosed documents. Please direct any legal questions to Jeffery Trevino, Associate Regional Counsel, at (312) 886-6729. Thank you for your assistance in resolving this matter.

Sincerely,

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

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**In the Matter of:** )  
)  
**Preferred Freezer Services of Chicago,** )  
**LLC,** )  
**Chicago, Illinois** )  
**Respondent.** )  
\_\_\_\_\_ )

**Docket No. EPCRA-05-2010-0011**

**Proceeding to Assess a Civil Penalty Under  
Section 325(c)(1) and (c)(2) of the Emergency  
Planning and Community Right-to-Know Act  
of 1986**

**RECEIVED**

**APR 15 2010**

**Consent Agreement and Final Order  
Preliminary Statement**

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

1. This is an administrative action commenced and concluded under Sections 325(c)(1) and (c)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. §§ 11045(c)(1) and (c)(2) and Sections 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules) as codified at 40 C.F.R. Part 22.
2. The Complainant is, by lawful delegation, the Chief of the Emergency Response Branch 1, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.
3. Respondent is Preferred Freezer Services of Chicago, LLC, a Delaware corporation doing business in the State of Illinois.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and the terms of the CAFO.

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

**Statutory and Regulatory Background**

9. Section 311 of EPCRA, 42 U.S.C. § 11021, and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the Occupational Safety and Health Act (OSHA) to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical, to submit to the state emergency response commission (SERC), community emergency coordinator for the local emergency planning committee (LEPC), and the fire department with jurisdiction over the facility an MSDS for each such hazardous chemical present at the facility at any one time in an amount equal to or greater than 10,000 pounds, and for each extremely hazardous chemical present at the facility in an amount equal to or greater than 500 pounds, or the threshold planning quantity (TPQ), whichever is lower, or to submit a list of such chemicals. The owner or operator must submit the required MSDS or list within three months after the owner or operator is first required to have the MSDS available or after the hazardous chemical requiring an MSDS first becomes present at the facility in an amount exceeding the threshold level.

10. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the OSHA

to prepare or have available an MSDS for a hazardous chemical, to submit to the SERC, community coordinator for the LEPC, and fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter, an emergency and hazardous chemical inventory form (Tier 1 or Tier II as described in 40 C.F.R. Part 370). The form must contain the information required by Section 312(d) of EPCRA, covering all hazardous chemicals present at the facility at any one time during the preceding year in amounts equal to or exceeding 10,000 pounds and all extremely hazardous chemicals present at the facility at any one time in amounts equal to or greater than 500 pounds or the threshold planning quantity designated by U.S. EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

11. Section 311 of EPCRA, 42 U.S.C. § 11021, and Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), assist the state and local committees in planning for emergencies and makes information on chemical presence and hazards available to the public. A delay in reporting could result in harm to human health and the environment.

12. Under 29 C.F.R. § 1910.1200(b)(1), all employers are required to provide information to their employees about the hazardous chemicals to which they are exposed including, but not limited to, MSDS.

13. Under 29 C.F.R. § 1910.1200(d)(3), chemicals listed in 29 C.F.R. Part 1910, Subpart Z are hazardous.

14. Section 325(c)(2) of EPCRA, 42 U.S.C. § 11045(c)(2), authorizes U.S. EPA to assess a civil penalty of up to \$10,000 for each EPCRA Section 311 violation. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$11,000 per day of violation for

EPCRA 311 violations that occur on or after January 31, 1997 through January 12, 2009 and to \$16,000 per day of violation for EPCRA 311 violations that occur after January 12, 2009.

15. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 for each EPCRA Section 312 violation. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$27,500 per day of violation that occurred from January 31, 1997 through March 15, 2004, to \$32,500 per day of violation for violations that occurred after March 15, 2004 through January 12, 2009, and to \$37,500 per day of violation for violations that occurred after January 12, 2009.

#### **Factual Allegations and Alleged Violations**

16. Respondent is a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

17. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 2500 South Damen Avenue, Chicago, Illinois 60608 (facility).

18. At all times relevant to this CAFO, Respondent was an employer at the facility.

19. Respondent’s facility consists of buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person.

20. Respondent’s facility is a “facility” as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

21. Sulfuric acid (CAS #7664-93-9) is listed as a toxic and hazardous substance under OSHA regulations at 29 C.F.R. Part 1910, Subpart Z, and 29 C.F.R. § 1910.1000, Table Z-1.

22. Sulfuric acid (CAS #7664-93-9) is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

23. Sulfuric acid (CAS #7664-93-9) is an “extremely hazardous substance” according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

24. Sulfuric acid (CAS #7664-93-9) has a minimum threshold level of 500 pounds, as provided in 40 C.F.R. Part 370.

25. Lead (CAS #7439-92-1) is listed as a toxic and hazardous substance under OSHA regulations at 29 C.F.R. Part 1910, Subpart Z, and 29 C.F.R. § 1910.1000, Table Z-1.

26. Lead (CAS #7439-92-1) is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

27. Lead (CAS #7439-92-1) has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

28. Hydrochlorofluorocarbon 22 (CAS #75-45-6) is considered a compressed gas under OSHA regulations at 29 C.F.R. Part 1910.1200.

29. Hydrochlorofluorocarbon 22 (CAS #75-45-6) is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

30. Hydrochlorofluorocarbon 22 (CAS #75-45-6) has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

31. As of December 31, 2005, sulfuric acid was present at the facility at any one time in an amount equal to or greater than the minimum threshold level.

32. As of December 31, 2005, lead was present at the facility at any one time in an amount equal to or greater than the minimum threshold level.

33. As of December 31, 2005, hydrochloroflurocarbon 22 was present at the facility at any one time in an amount equal to or greater than the minimum threshold level.

34. During at least one period of time in calendar year 2005, sulfuric acid, lead, and hydrochloroflurocarbon 22 were present at the facility in an amount equal to or greater than the minimum threshold level.

35. During at least one period of time in calendar year 2006, sulfuric acid, lead, and hydrochloroflurocarbon 22 were present at the facility in an amount equal to or greater than the minimum threshold level.

36. During at least one period of time in calendar year 2007, sulfuric acid, lead, and hydrochloroflurocarbon 22 were present at the facility in an amount equal to or greater than the minimum threshold level.

37. During at least one period of time in calendar year 2008, sulfuric acid, lead, and hydrochloroflurocarbon 22 were present at the facility in an amount equal to or greater than the minimum threshold level.

38. OSHA requires Respondent to prepare, or have available, an MSDS for sulfuric acid.

39. OSHA requires Respondent to prepare, or have available, an MSDS for lead.

40. OSHA requires Respondent to prepare, or have available, an MSDS for hydrochloroflurocarbon 22.

41. Respondent was required to submit to the SERC and LEPC on or before March 30, 2006, an MSDS for sulfuric acid, lead, and hydrochloroflurocarbon 22 or a list including sulfuric acid, lead, and hydrochloroflurocarbon 22.

42. Respondent was required to submit to the SERC and LEPC, a completed emergency and hazardous chemical inventory form including sulfuric acid, lead, and hydrochlorofluorocarbon 22, on or before March 1, 2006 for calendar year 2005.

43. Respondent was required to submit to the SERC and LEPC, a completed emergency and hazardous chemical inventory form including sulfuric acid, lead, and hydrochlorofluorocarbon 22, on or before March 1, 2007 for calendar year 2006.

44. Respondent was required to submit to the SERC and LEPC, a completed emergency and hazardous chemical inventory form including sulfuric acid, lead, and hydrochlorofluorocarbon 22, on or before March 1, 2008 for calendar year 2007.

45. Respondent was required to submit to the SERC and LEPC, a completed emergency and hazardous chemical inventory form including sulfuric acid, lead, and hydrochlorofluorocarbon 22, on or before March 1, 2009 for calendar year 2008.

46. At all times relevant to this CAFO, the Illinois Emergency Management Agency was the SERC for Illinois under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

47. At all times relevant to this CAFO, the City of Chicago Fire Department was the LEPC for the City of Chicago, Illinois under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

48. As of July 17, 2008, Respondent had not submitted to the SERC and LEPC an MSDS for sulfuric acid or a list showing sulfuric acid.

49. Each day Respondent failed to submit to the SERC an MSDS or a list for sulfuric acid by March 30, 2006, constituted a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.



50. Each day Respondent failed to submit to the LEPC an MSDS or a list for sulfuric acid by March 30, 2006, constituted a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

51. As of July 17, 2008, Respondent had not submitted to the SERC and LEPC an MSDS for lead or a list showing lead.

52. Each day Respondent failed to submit to the SERC an MSDS or a list for lead by March 30, 2006, constituted a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

53. Each day Respondent failed to submit to the LEPC an MSDS or a list for lead by March 30, 2006, constituted a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

54. As of July 17, 2008, Respondent had not submitted to the SERC and LEPC an MSDS for hydrochlorofluorocarbon 22 or a list showing hydrochlorofluorocarbon 22.

55. Each day Respondent failed to submit to the SERC an MSDS or a list for hydrochlorofluorocarbon 22 by March 30, 2006, constituted a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

56. Each day Respondent failed to submit to the LEPC an MSDS or a list for hydrochlorofluorocarbon 22 by March 30, 2006, constituted a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

57. As of July 17, 2008, Respondent had not submitted to the SERC and the LEPC, a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and hydrochlorofluorocarbon 22 for calendar year 2005.

58. Each day Respondent failed to submit to the SERC and the LEPC, a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and

hydrochlorofluorocarbon 22 by March 1, 2006, for calendar year 2005 constituted a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

59. As of July 17, 2008, Respondent had not submitted to the SERC and the LEPC, a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and hydrochlorofluorocarbon 22 for calendar year 2006.

60. Each day Respondent failed to submit to the SERC and the LEPC, a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and hydrochlorofluorocarbon 22, by March 1, 2007, for calendar year 2006 constituted a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

61. Respondent submitted to the SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and hydrochlorofluorocarbon 22, on September 8, 2008, for calendar year 2007.

62. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and hydrochlorofluorocarbon 22, by March 1, 2008, for calendar year 2007 constituted a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

63. Respondent submitted to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and hydrochlorofluorocarbon 22, on September 8, 2008, for calendar year 2007.

64. Each day Respondent failed to submit to the LEPC a completed emergency and hazardous chemical inventory form including sulfuric acid, lead, and hydrochlorofluorocarbon 22, by March 1, 2008, for calendar year 2007 constituted a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

65. Respondent submitted to the SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and hydrochlorofluorocarbon 22, on July 7, 2009, for calendar year 2008.

66. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and hydrochlorofluorocarbon 22, by March 1, 2009, for calendar year 2008 constituted a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

67. Respondent submitted to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and hydrochlorofluorocarbon 22, on July 7, 2009, for calendar year 2008.

68. Each day Respondent failed to submit to the LEPC a completed emergency and hazardous chemical inventory form including sulfuric acid, lead, and hydrochlorofluorocarbon 22, by March 1, 2009, for calendar year 2008 constituted a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

#### **Civil Penalty**

69. In consideration of Respondent's agreement to quickly resolve this matter, cooperation and return to compliance, and low risk to the community, U.S. EPA has determined that an appropriate civil penalty to settle this action is \$88,871.00.

70. Within 30 days after the effective date of this CAFO, Respondent must pay a \$14,811.85 civil penalty for the EPCRA violations. The remainder of the payments and interest are listed in Attachment A of this CAFO. Respondent must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

**for checks sent by regular U.S. postal service**

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

**for checks sent by express mail**

U.S. Bank  
Government Lockbox 979077 U.S. EPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

Each check must note the following: Preferred Freezer Services of Chicago, LLC, the docket number of this CAFO and the billing document number 2751064E015

**for electronic funds transfer**

Respondent must pay the penalty by electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire should read “D68010727  
Environmental Protection Agency”

In the comment or description field of the electronic funds transfer, state the following: Preferred Freezer Services of Chicago, LLC, the docket number of this CAFO and the billing document number 2751064E015.

**for online payments using debit or credit card**

Respondent must pay online using ACH debit or credit card. For payments online using ACH debit or credit card please visit [www.pay.gov](http://www.pay.gov). Using the Search Public Forms option on the tool

bar (left side of page), enter SFO 1.1 in the search field. Open the form and complete the information requested.

71. 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 each payment. Respondent must send a copy of each check and transmittal letter to:

Regional Hearing Clerk, (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

James Entzminger, (SC-6J)  
Chemical Emergency Preparedness  
and Prevention Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Jeffery Trevino, (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

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

73. If Respondent does not timely pay the civil penalty, 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.

74. 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.

### **General Provisions**

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

76. 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.

77. Respondent certifies that it is complying with Section 311 of EPCRA, 42 U.S.C. § 11021, and Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

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

79. This CAFO is a "final order" for purposes of U.S. EPA's Enforcement Response Policy for Sections 311 and 312 of EPCRA.

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

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


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

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

In the Matter of:  
Preferred Freezer Services of Chicago, LLC, Chicago, Illinois  
Docket No. \_\_\_\_\_

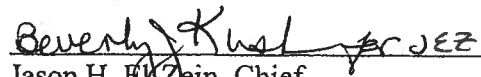
Preferred Freezer Services of Chicago, LLC, Respondent

4-6-10  
Date


  
Mark ~~Teicher~~, Manager Teicher  
Preferred Freezer Services of Chicago, LLC

U.S. Environmental Protection Agency, Complainant

04/13/10  
Date

  
Jason H. Elzein, Chief  
Emergency Response Branch 1  
Superfund Division

4-13-10  
Date

  
Richard C. Karl  
Director  
Superfund Division

**In the Matter of:**  
**Preferred Freezer Services of Chicago, LLC, Chicago, Illinois**  
**Docket No. EPCRA-05-2010-0011**

**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.

4/14/10  
Date

Walter W. Karalich  
for  
Bharat Mathur  
Acting Regional Administrator  
U.S. Environmental Protection Agency  
Region 5

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PROTECTION AGENCY



**In the Matter of:**  
**Preferred Freezer Services of Chicago, LLC, Chicago, Illinois**  
**Docket No. EPCRA-05-2010-0011**

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**Attachment A**  
**Payment Plan**

Payment	Due by	Payment	Principle	Interest
1	May 1, 2010	\$14,811.85	\$14,811.85	\$0
2	June 1, 2010	\$14,872.70	\$14,811.83	\$ 60.87
3	July 1, 2010	\$14,860.53	\$14,811.83	\$ 48.70
4	August 1, 2010	\$14,848.35	\$14,811.83	\$ 36.52
5	September 1, 2010	\$14,836.18	\$14,811.83	\$ 24.35
6	October 1, 2010	\$14,824.00	\$14,811.83	\$ 12.17
Totals		\$89,053.61	\$88,871.00	\$182.61

**In the Matter of:**  
**Preferred Freezer Services of Chicago, LLC, Chicago, Illinois**  
**Docket No. EPCRA-05-2010-0011**

**Certificate of Service**

I, James Entzminger, certify that I hand delivered the original of the Consent Agreement and Final Order, 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 Preferred Freezer of Chicago, LLC and their Counsel by placing them in the custody of the United States Postal Service addressed as follows:

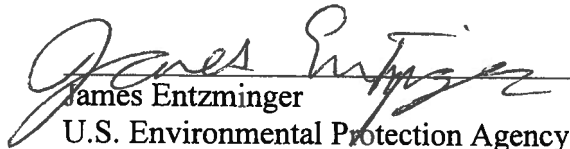
Mark Teicher, Manager  
Preferred Freezer Services of Chicago, LLC  
2500 South Damen Avenue  
Chicago, IL 60608-5207

James D. Ray, Attorney  
McElroy, Deutsch, Mulvaney Carpenter, LLP  
1300 Mount Kemble Avenue  
P.O. Box 2075  
Morristown, NJ 07962-2075

**RECEIVED**  
APR 15 2010

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

on the 15 day of April, 2010

  
James Entzminger  
U.S. Environmental Protection Agency  
Region 5

**McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP**  
ATTORNEYS AT LAW

1300 MOUNT KEMBLE AVENUE  
P.O. BOX 2075  
MORRISTOWN, NEW JERSEY 07962-2075  
(973) 993-8100  
FACSIMILE (973) 425-0161

JAMES D. RAY  
Direct Dial: (973) 425-8707  
jray@mdmc-law.com

**RECEIVED**  
APR 12 2010

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

April 8, 2010

**VIA FEDERAL EXPRESS**

U.S. Bank  
Government Lock Box 979077 USEPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, Missouri 63101

**Re: Preferred Freezer Services of Chicago, LLC, Chicago, Illinois  
Consent Agreement and Final Order**

Dear Sir/Madam:

With reference to the above matter, we hereby enclose a check made payable to "Treasurer, United States of America" in the sum of \$14,811.85, which represents the first of six total payments (five additional future payments) in connection with the settlement of this matter. A copy of the Consent Agreement and Final Order is also enclosed for your reference.

Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

*James D. Ray*  
James D. Ray

JDR/mal  
Enclosures

cc: **Regional Hearing Clerk (w/o enclosures)**  
James Entzminger (w/o enclosures)  
Jeffrey Trevino (w/o enclosures)  
Sam Hensley (w/o enclosures)  
Ed Borowski (w/o enclosures)  
Mark Teicher (w/o enclosures)