

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Yen Hoang 10/11/12
Name of Case Attorney Date

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

Case Docket Number CUA-01-2012-0033

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:

Ronald D. Croatti
UniFirst Corporation
125 Etna Road
Lebanon, NH 03766

Total Dollar Amount of Receivable \$ 48,000 Due Date: 11/8/12

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 Sq., Suite 100
BOSTON, MASSACHUSETTS 02109-3912

RECEIVED

OCT 11 2012

EPA ORC
Office of Regional Hearing Clerk

WS

BY HAND DELIVERY

October 11, 2012

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square, Suite 100
Mail Code: ORA18-1
Boston, MA 02109-3912

RE: In the Matter of: UniFirst Corporation
Docket No. CWA-01-2012-0033

Dear Ms. Santiago:

Please find enclosed for filing an original and one copy of the Consent Agreement and Final Order and Certificate of Service pertaining to the above-matter. The Respondent's principal place of business is located at 68 Jonspin Road, Wilmington, MA 01187. The specific UniFirst facility involved in this matter is located at 125 Etna Road, Lebanon, New Hampshire 03766.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Yen Hoang".

Yen Hoang
Office of Regional Counsel
EPA Region 1

Enclosure

cc: Ronald D. Croatti, President, UniFirst
Gregory Bibler, Esq., Counsel for UniFirst Corporation
Gretchen R. Hamel and Tracy Wood, NHDES

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

RECEIVED

OCT 11 2012

EPA ORC ^{WB}
Office of Regional Hearing Clerk

In the Matter of:)
)
UniFirst Corporation)
125 Etna Road)
Lebanon, NH 03766)
)
)
)
)
Respondent.)
_____)

Docket No. CWA-01-2012-0033
CONSENT AGREEMENT AND
FINAL ORDER

I. AUTHORITY

1. This Consent Agreement and Final Order (“CAFO”) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA” or “Complainant”) by Section 309(g) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(g), and in accordance with 40 C.F.R. § 22.18(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22.

II. PRELIMINARY STATEMENT

2. EPA initiated this proceeding against UniFirst Corporation (“Respondent”), pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g)(2)(B), by filing an administrative Complaint against Respondent, Docket Number CWA-01-2012-0033, on August 14, 2012.

3. The complete factual and jurisdictional basis for proposing the assessment of a civil penalty is set forth in the Complaint and is incorporated herein by reference.

4. Pursuant to Section 309(g)(1) of the CWA, 33 U.S.C. § 1319(g)(1), and in accordance with 40 C.F.R. § 22.38(b), the State of New Hampshire has been given an opportunity to consult with EPA regarding the assessment of the administrative penalty for CWA violations against Respondent.

5. Section 309(g)(4)(A) of the CWA, 33 U.S.C. § 1319(g)(4)(A), provides that, prior to issuing an order assessing a penalty under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), EPA must provide public notice of, and reasonable opportunity to comment on, the proposed issuance of such order. EPA has satisfied this requirement by providing public notice of, and reasonable opportunity to comment on, the proposed penalty.

III. CONSENT AGREEMENT

6. EPA and Respondent agree that the above matter constitutes a disputed claim and that settlement of the above matter is in the public interest, and that entry of this CAFO without litigation is the most appropriate means of resolving this matter. Therefore, before taking any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the parties, it is hereby ordered and adjudged as follows:

7. Respondent admits the jurisdictional allegations of the Complaint and waives any defenses that Respondent might have as to jurisdiction and venue.

8. Respondent neither admits nor denies the specific factual allegations or conclusions of law contained in the Complaint.

9. Respondent consents to the terms of this CAFO.

Waiver of Rights

10. Respondent hereby waives its right to request a judicial or administrative hearing on any issue of law or fact set forth in the Complaint. Respondent agrees not to contest EPA's jurisdiction to enforce the terms of this CAFO.

11. Respondent consents to the issuance of the Final Order included with this Consent Agreement without further adjudication.

Penalty

12. Complainant proposes, and Respondent consents to, the assessment of a civil penalty of FORTY-EIGHT THOUSAND DOLLARS (\$48,000), plus interest if due pursuant to Paragraph 17 of this CAFO, for the purpose of settlement of this action.

Payment Terms

13. The parties have agreed to a settlement on the following terms. In agreeing to the penalty described in Paragraph 12, EPA has taken into account the statutory penalty factors at Section 309(g)(3) of the CWA, 33 U.S.C. § 1319(g)(3).

14. Respondent shall pay the civil penalty set forth in Paragraph 12 of this CAFO no later than thirty (30) days from the date this CAFO is signed by the Regional Judicial Officer.

15. Respondent shall make payment by depositing in the United States mail a cashier's or certified check payable to the order of "Treasurer, United States of America" and referencing the title and docket number of the action (In the Matter of UniFirst Corporation, CWA-01-2012-0033) to:

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

The date said check is deposited in the mail shall be considered the date that the payment is made.

16. Respondent shall simultaneously submit copies of the penalty payment check to:

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Mail Code: ORA18-1
Boston, MA 02109-3912

and

Yen Hoang
Office of Regional Counsel
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Mail Code: ORA17-1
Boston, MA 02109-3912

General Provisions

17. Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), a failure by Respondent to pay the penalty assessed by this CAFO in full by the payment due date shall subject Respondent to a civil action to collect the assessed penalty, plus interest at current prevailing rates from the date the penalty was due pursuant to Paragraph 12 of this CAFO. The rate of interest assessed shall be at the rate set forth in 31 C.F.R. § 901.9(d), promulgated under 31 U.S.C. § 3717. Any person who fails to pay on a timely basis the amount of an assessed penalty shall be required to pay in addition to such amount and interest, attorney's fees, costs for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning

of such quarter. In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

18. The penalty specified in Paragraph 12 above shall represent civil penalties assessed by EPA and shall not be deductible for purposes of federal, state, or local taxes.

19. The provisions of this CAFO shall be binding upon Respondent and Respondent's officers, directors, agents, servants, employees, and successors or assigns.

20. Except as described in Paragraph 17 above, each party shall bear its own costs and attorneys fees in this proceeding.

21. Issuance of this CAFO and Respondent's full payment of the penalty specified in Paragraph 12 shall settle and finally resolve Respondent's liability for any and all Federal civil penalties for the violations and facts alleged in the Complaint.

22. This CAFO shall not limit the authority of the United States to enforce the underlying substantive legal requirements of this administrative penalty assessment, whether administratively or judicially, pursuant to Sections 309(a), (b), and (c) of the Act, 33 U.S.C. §§ 1319(a), (b), and (c), or Section 504 of the Act, 33 U.S.C. § 1364.

23. This CAFO does not constitute a waiver, suspension or modification of the requirements of the CWA, 33 U.S.C. §§ 1251 et seq., or any regulations promulgated thereunder.

24. The undersigned representative of Respondent certify that said representative is fully authorized by Respondent to enter into the terms and conditions of this CAFO and legally bind Respondent.

For UNIFIRST CORPORATION

John R. Badley

Name: John R. Badley

Title: Vice President

9/14/2012

Date

For U.S. ENVIRONMENTAL PROTECTION AGENCY

Susan Studlien

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

10/05/12

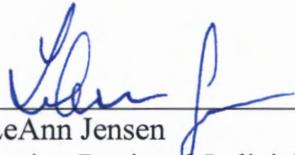
Date

FINAL ORDER

1. EPA has provided a thirty day opportunity for public notice and comment on this proposed CAFO pursuant to Sections 309(g)(4)(A) of the Act, 33 U.S.C. §§ 1319(g)(4)(A), and 40 C.F.R. § 22.45(b), and has not received any public comments.

2. The foregoing Consent Agreement is hereby approved and incorporated by reference into this Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement, which will become final thirty (30) days from the date it is signed by the Regional Judicial Officer.

U.S. ENVIRONMENTAL PROTECTION AGENCY



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

Date: 10/9/12

In the Matter of UniFirst Corporation, Docket No. CWA-01-2012-0033

CERTIFICATE OF SERVICE

I certify that the foregoing CONSENT AGREEMENT AND FINAL ORDER (Docket No. CWA-01-2012-0033) was sent to the following persons, in the manner specified on the date below:

Original and one copy
hand delivered:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA Region 1
5 Post Office Square, Suite 100
Mail Code: ORA18-1
Boston, MA 02109-3912

Copy, via Certified Mail,
Return Receipt Requested,
and a copy of 40 C.F.R. Part 22

Ronald D. Croatti, President
UniFirst Corporation
68 Jonspin Road
Wilmington, MA 01887

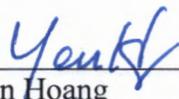
Gregory Bibler, Esq.
Goodwin Procter LLP
Exchange Place
Boston, MA 02109

Copy, via First Class Mail

Gretchen R. Hamel
Administrator of the Legal Unit
NH Department of Environmental Services
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

Tracy Wood, P.E.
NH Department of Environmental Services
Water Division
Wastewater Engineering Bureau
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

Date: 10/11/2012



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5 Post Office Square, Suite 100
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(617) 918-1171
Email: Hoang.Yen@epamail.epa.gov