



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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SEP 29 2015

Ref: 8ENF-L

MEMORANDUM

SUBJECT: In the Matter of Nicholas & Company, Inc.
Docket No. EPCRA-08-2015-XXXX
Expedited Settlement Agreement

FROM: Suzanne Bohan, Assistant Regional Administrator
Office of Enforcement, Compliance and Environmental Justice

TO: Honorable Elyana R. Sutin, Regional Judicial Officer

With this memorandum, the Office of Enforcement, Compliance and Environmental Justice is transmitting an Expedited Settlement Agreement in the above-referenced matter. We request a final order approving the proposed Expedited Settlement Agreement.

The EPA has taken this action under the authority of section 325 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11045 (EPCRA). Nicholas & Company, Inc. is a food distributor with a cold storage warehouse facility located in Salt Lake City, Utah. In the Expedited Settlement Agreement, the EPA alleges that Nicholas & Company, Inc. violated the requirement to file inventory reports for hazardous chemicals in § 312 of EPCRA, 42 U.S.C. § 11022. Specifically, the EPA alleges that Nicholas & Company, Inc. failed to file inventory reports for diesel fuel and diesel exhaust fluid stored on site. The Expedited Settlement Agreement requires that Nicholas & Company, Inc. pay a civil penalty of two-thousand dollars (\$2,000) to settle this matter. The proposed settlement is consistent with § 325 of EPCRA, 42 U.S.C. § 11045, and the applicable settlement penalty policies, including the Final Policy for Expedited Settlements Addressing Violations of Section 312 of the Emergency Planning and Community Right-to-Know Act (June 6, 2008).

EPCRA does not require public notice of this settlement.

Nicholas & Company, Inc. is not represented by counsel in this matter. The EPA attorney for this matter is Jessica Portmess, Enforcement Attorney, at (303) 312-7026.

