

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

IN THE MATTER OF:)	
)	U.S. EPA-REGION 3-RHC
)	FILED-26SEP2018PM12:28
Pennsylvania Grain Processing, LLC)	Docket Number CAA-03-2018-0069
250 Technology Drive)	
Clearfield, Pennsylvania 16830)	
)	
Respondent)	Proceeding Pursuant to
)	Sections 113(a) and (d) of the
)	Clean Air Act, as amended,
)	42 U.S.C. § 7413(a) and (d)
)	

CONSENT AGREEMENT

I. Preliminary Statement

1. This administrative Consent Agreement is entered into by and between the Complainant, the Director of the Air Protection Division, United States Environmental Protection Agency, Region III (“EPA” or “Complainant”), and Pennsylvania Grain Processing, LLC (“PA Grain” or “Respondent”), pursuant to Section 113(a) and (d) of the Clean Air Act (“CAA” or the “Act”), as amended, 42 U.S.C. § 7413(a) and (d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 (the “Consolidated Rules of Practice”). The Consolidated Rules of Practice, at 40 C.F.R. § 22.13, provide, in pertinent part, that when parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding simultaneously may be commenced and concluded by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).
2. This Consent Agreement and the accompanying Final Order (collectively referred to as the “CAFO”) address alleged violations by Respondent of the CAA at its place of business located at 250 Technology Drive, Clearfield, Clearfield County, Pennsylvania 16830 (the “Facility”). The alleged violations concern compliance with federally-enforceable provisions of: a) the Plan Approval issued to PA Grain by the Commonwealth of Pennsylvania Department of Environmental Protection (“PADEP”) on May 30, 2012 and identified as Plan Approval No. 17-00063C (the “Plan Approval”) and b) the Pennsylvania State Implementation Plan (“SIP”) which is federally enforceable pursuant to Sections 110 and 113 of the Act, 42 U.S.C. §§ 7410 and 7413.

II. General Provisions

3. Sections 113(a) and (d) of the Act, 42 U.S.C. §§ 7413(a) and (d), authorize the Administrator of EPA to issue an administrative order assessing a civil administrative penalty whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement, rule, plan, order, waiver, or permit promulgated, issued, or approved under Subchapters I, IV, V and VI [also referred to as Titles I, IV, V and VI] of the Act. The authority to issue the accompanying Final Order has been duly delegated to the Regional Judicial Officer, EPA Region III.
4. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO and agrees not to contest EPA's jurisdiction with respect to the issuance, execution and enforcement of this CAFO.
5. Except as provided in paragraph 4 above, Respondent neither admits nor denies the specific findings of fact and the conclusions of law set forth in this CAFO.
6. Respondent consents to the issuance of this CAFO and agrees to comply with the terms and conditions set forth therein, including the payment of the indicated civil penalty as set forth in this CAFO.
7. Respondent agrees to pay its own costs and attorneys' fees.
8. Respondent agrees that this CAFO shall apply to, and be binding upon, Respondent, its officers, directors, servants, employees, agents, successors and assigns.
9. Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), limits the Administrator's authority to matters where the first alleged violation occurred no more than 12 months prior to initiation of an administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.
10. The Administrator and the Attorney General, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of the violation alleged in this CAFO.

III. Findings of Fact and Conclusions of Law

11. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), EPA alleges the following findings of fact and conclusions of law:
12. EPA is authorized by Section 113 of the CAA, 42 U.S.C. § 7413, to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements.
13. PA Grain is a limited liability corporation doing business in the Commonwealth of Pennsylvania.

14. PA Grain is a “person” within the meaning of Section 113(a) of the CAA, 42 U.S.C. § 7413(a), and as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
15. Respondent has been the owner and/or operator of the Facility since May 2012.
16. The Facility is a “stationary source” as defined in CAA § 111(a) (Definitions), 42 U.S.C. § 7411, since it is a facility which emits or may emit any air pollutant.
17. Ethanol is listed on the “List of chemicals produced by affected facilities” set forth at 40 C.F.R. § 60.489.
18. Pursuant to 40 C.F.R. § 60.481a:
 - a. “Process unit” means “the components assembled and connected by pipes or ducts to process raw materials and to produce, as intermediate or final products, one or more of the chemicals listed in §60.489. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product. For the purpose of this subpart, process unit includes any feed, intermediate and final product storage vessels (except as specified in §60.482-1a(g)), product transfer racks, and connected ducts and piping. A process unit includes all equipment as defined in this subpart.”
 - b. “Synthetic organic chemicals manufacturing industry” means the industry that produces, as intermediates or final products, one or more of the chemicals listed in §60.489.
 - c. “Equipment” means “each pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, valve, and flange or other connector in VOC service and any devices or systems required by this subpart.”
19. At least one process unit, as that term is defined at 40 C.F.R. § 60.481a, at the Facility produces ethanol as an intermediary or final product and has equipment, as that term is defined at 40 C.F.R. § 60.481a.
20. Pursuant to 40 C.F.R. § 60.480a(a) and (b):
 - “(a)(1) The provisions of (40 C.F.R. Part 60, Subpart VVa) apply to affected facilities in the synthetic organic chemicals manufacturing industry.
 - (2) The group of all equipment (defined in §60.481a) within a process unit is an affected facility.
 - (b) Any affected facility under paragraph (a) of this section that commences construction, reconstruction, or modification after November 7, 2006, shall be subject to the requirements of this subpart.”
21. The Facility is an affected facility in the synthetic organic chemicals manufacturing industry and was constructed after November 7, 2006. The Facility is subject to subpart VVa.
22. The provisions of 40 C.F.R. Part 60, Subpart VVa apply to at least one process unit at the Facility.
23. The PA SIP includes 25 Pa. Code § 127.444, which provides that “[a] person may not cause or permit the operation of a source subject to this article unless the source and air

- cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued to the source are operated and maintained in accordance with specifications in the application and conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices.”
24. The PA SIP as approved by EPA is identified at 40 C.F.R. § 52.2020.
 25. 40 C.F.R. § 52.23 provides “[f]ailure to comply with . . . any permit limitation or condition contained within an operating permit issued under an EPA-approved program that is incorporated into the State implementation plan, shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.”
 26. On April 30, 2012, Respondent submitted a Natural Minor Operating Permit Application to PADEP.
 27. On May 30, 2012, PADEP issued a Plan Approval, Plan Approval No. 17-00063C, (the “the Plan Approval”) to Respondent. This Plan Approval indicated that the revision type was “Transfer.” Prior to May 30, 2012, PA Grain purchased the Facility from Bionol, Inc.
 28. As of the date of this CAFO, PADEP has not issued Respondent a Natural Minor Operating Permit for the sources identified in the Plan Approval.
 29. As issued, the Plan Approval set forth an expiration date of October 22, 2012. As of the date of this CAFO, PADEP has extended the expiration date to September 22, 2018. PADEP extended the expiration date of the Plan Approval, which includes the following periods of time which are relevant to the violations alleged in this CAFO: October 22, 2012 – April 22, 2013, April 16, 2013 – October 17, 2013, October 15, 2013 – April 11, 2014, April 11, 2014 – October 8, 2014, October 8, 2014 – April 6, 2015 and, April 6, 2015 – October 3, 2015.
 30. Section A of the Plan Approval includes a Plan Approval Inventory List, which identifies certain sources and source identification numbers for certain sources subject to the Plan Approval, including the following sources at issue in this CAFO: Ethanol Loadout (Source ID P207) and Ventura Burner Oxidizer flare, Source ID C207A (“VBO” or “Source C207A”). Emissions from the Ethanol Loadout are controlled by the VBO.
 31. Section C of the Plan Approval includes requirements for the entire Facility, including sources which are not identified in the Plan Approval Inventory List.
 32. Section D of the Plan Approval (Source Level Plan Approval Requirements) sets forth specific requirements for each source listed in the Plan Approval Inventory and is divided into non-numerical sections by source.
 33. In addition to the sources identified in the Plan Approval Inventory List, Section C of the Plan Approval includes requirements for the following sources which are not assigned a specific source identification number in the Plan Approval: a) the Wet Distillers Grain with Solubles (WDGS) Storage Area (“WDGS Storage Area”) and b) process equipment.

34. For purposes of this CAFO, the term “process equipment” shall refer to all “process equipment” subject to any emission limitations or monitoring requirements set forth in the Plan Approval.

VIOLATIONS

Failure to Maintain Monthly VOC Emission Calculation Records For WDGS Storage Area and Process Equipment

35. Section C, Condition 010 of the Plan Approval states: “The emission of volatile organic compounds (VOCs) resulting from the process equipment shall not exceed 2.02 pounds per hour and 8.85 tons in any 12 consecutive month period.”
36. Section C, Condition 022(a) of the Plan Approval states: “The permittee shall keep records of the supporting calculations on a monthly basis for VOC emissions resulting from the process equipment to verify compliance with the VOC emission limitations of pounds per hour tons in any 12 consecutive month period.”
37. Section C, Condition 011 of the Plan Approval states: “The emission of volatile organic compounds (VOCs) from the wet distillers (sic) grain with solubles (WDGS) storage area shall not exceed 3.32 tons in any 12 consecutive month period.”
38. Section C, Condition 021(f) of the Plan Approval states: “The permittee shall keep records of the supporting calculations on a monthly basis for VOC emissions from all sources at the facility to verify compliance with the VOC emission limitation of tons in any 12 consecutive month period.”
39. Based upon information and belief, during February 2016 through May 2017, EPA alleges that PA Grain failed to keep records supporting calculations on a monthly basis of VOC emissions from the process equipment and the WDGS Area to verify compliance with the VOC emission limitation of 2.02 pounds per hour and 8.85 tons in any 12-consecutive month period for process equipment and 3.32 tons in any 12-consecutive month period for the WDGS Storage Area.
40. PA Grain’s failure to keep records supporting calculations on a monthly basis of VOC emissions from the process equipment, as necessary to verify compliance with the VOC emission limitation of 2.02 pounds per hour and 8.85 tons in any 12-consecutive month period, and from the WDGS Storage Area, as necessary to verify compliance with the VOC emission limitation of 3.32 tons in any 12-consecutive month period, during February 2016 through May 2017 is a violation of Section C, Condition 021(f) of the Plan Approval.
41. PA Grain’s failures to comply with Section C, Condition 021(f) of the Plan Approval, during February 2016 through May 2017, are violations of 40 C.F.R. § 52.23 and 25 Pa. Code § 127.444 of the PA SIP.

Failure to Properly Operate Ethanol Loadout (P207)

42. Section D, Condition VI-015 for Source ID P207 (Ethanol Loadout) states:
“(a) The permittee shall not operate Source ID P207 without the simultaneous operation of ID C207A.
(b) In order for ID C207A associated with Source ID P207 to be considered in operation, the combustion chamber of ID C207A shall achieve and maintain a temperature of at least 1500 degrees Fahrenheit.”
43. By letter dated January 19, 2016, PA Grain submitted temperature data to EPA for the combustion chamber ID C207A for the period of July 19, 2012 through November 19, 2015 (the “Combustion Chamber Temperature Data”).
44. The Combustion Chamber Temperature Data indicates that on the following dates the combustion chamber of ID C207A did not maintain a temperature of at least 1500 degrees Fahrenheit during the simultaneous operation of Source ID P207 (Ethanol Loadout): July 18, 2013, August 20, 2013, September 13, 2013, October 15, 2013, November 11, 2013, December 23, 2013, January 21, 2014, February 18, 2014, March 26, 2014, April 16, 2014, May 28, 2014, June 19, 2014, July 24, 2014, July 24, 2014, August 12, 2014, September 24, 2014, October 13, 2014, November 25, 2014, December 23, 2014, January 9, 2015, February 19, 2015, March 11, 2015, April 13, 2015, May 27, 2015, June 22, 2015, July 9, 2015, August 26, 2015, September 3, 2015, October 30, 2015 and November 11, 2015. On such days, ID C207A associated with Source ID P207 was not in operation, because the combustion chamber of ID C207A did not maintain a temperature of at least 1500 degrees Fahrenheit.
45. PA Grain’s operation of Source ID P207 without the simultaneous operation of ID C207A on the above dates are violations of Section D, Condition VI-015 for Source ID P207 (Ethanol Loadout) of the PA Plan Approval.
46. PA Grain’s failures to comply with Section D, Condition VI-015 for Source ID P207 (Ethanol Loadout) of the PA Plan Approval, on the following dates are violations of 40 C.F.R. § 52.23 and 25 Pa. Code § 127.444 of the PA SIP: July 18, 2013, August 20, 2013, September 13, 2013, October 15, 2013, November 11, 2013, December 23, 2013, January 21, 2014, February 18, 2014, March 26, 2014, April 16, 2014, May 28, 2014, June 19, 2014, July 24, 2014, July 24, 2014, August 12, 2014, September 24, 2014, October 13, 2014, November 25, 2014, December 23, 2014, January 9, 2015, February 19, 2015, March 11, 2015, April 13, 2015, May 27, 2015, June 22, 2015, July 9, 2015, August 26, 2015, September 3, 2015, October 30, 2015 and November 11, 2015.

IV. Settlement Recitation, Settlement Conditions, and Civil Penalty

47. Complainant and Respondent enter into this CAFO in order to settle and resolve the violations specifically set forth in Section III of this Consent Agreement.

48. In settlement of the allegations in Section III, Findings of Fact and Conclusions of Law, of this Consent Agreement and in consideration of each provision of this CAFO, Respondent consents to the assessment and payment of a civil penalty in the amount of Fifty-Six Thousand Six Hundred Forty Dollars (\$56,640) within the time and manner specified herein.
49. The settlement amount of Fifty-Six Thousand Six Hundred Forty Dollars (\$56,640) is based upon Complainant's consideration of and application of the statutory penalty factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e), which include the size of the business, economic impact of the penalty, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, the economic benefit of noncompliance, the payment of penalties previously assessed for same violation, the seriousness of violation and such other matters as justice may require, and the EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as indexed for inflation in keeping with 40 C.F.R. Part 19 (Adjustment to Civil Monetary Penalties for Inflation). This Consent Agreement and Final Order shall constitute satisfaction of all civil claims for penalties for the specific violations set forth in Section III.
50. Respondent shall pay the civil penalty of Fifty-Six Thousand Six Hundred Forty Dollars (\$56,640) as described in this CAFO.
51. Receipt, by Respondent or Respondent's legal counsel, of a fully executed copy of the CAFO, with a date stamp indicating the date on which the CAFO was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
52. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
53. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of this executed CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
54. The cost of EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. §13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
55. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent for more than ninety (90) calendar days. 40

C.F.R. §13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

56. Thus, in accordance with the above provisions, to avoid the assessment of interest, late payment penalties, and handling charges on the penalty set forth herein, Respondent must pay the full amount of the civil penalty, in the manner directed, within thirty (30) days of the effective date of this CAFO.
57. Payment of the penalty in Paragraph 48 shall be made by cashier's check, certified check, or electronic wire transfer, Automated Clearing House ("ACH"), or an on line, internet payment as specified below. All payments are payable to "Treasurer, United States of America" and shall reference the above case caption and docket number (CAA-03-2018-0069).
58. Instructions for submitting payment of the penalty using the methods, or combination of methods, described above are provided at the following EPA website addresses:
<http://www2.epa.gov/financial/additional-instructions-making-payments-epa>
<http://www2.epa.gov/financial/makepayment>.
59. Any payment made by any method must reference the above case caption and docket number (CAA-03-2018-0069). Within 24 hours of payment of any penalty amount, Respondent shall send copies of any corresponding check, or written notification confirming any electronic transfer through wire transfer, ACH, or internet payment, to the Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, to Kathleen J. Root, Senior Assistant Regional Counsel (3RC10), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and to Gwendolyn Supplee (3AP20), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029.
60. Respondent agrees not to deduct for federal tax purposes the civil penalty specified in, and any civil penalty amount paid pursuant to, this CAFO.
61. This CAFO shall constitute satisfaction of all civil claims for penalties for the specific violations alleged in Section III above. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of any federal laws and regulations administered by EPA.
62. Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in referral of this matter to the United States Attorney for enforcement of this CAFO in the appropriate United States District Court, in accordance with Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5).

V. Reservation of Rights

63. This CAFO resolves the civil penalty claims for the specific violations alleged in Section III of this Consent Agreement. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of

resolution and to the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, Complainant reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this CAFO following its filing with the Regional Hearing Clerk.

VI. Effective Date

64. The effective date of this CAFO is the date on which the CAFO, following signature by the Regional Judicial Officer or Regional Administrator of Region III, is filed with the Regional Hearing Clerk of EPA Region III.

VIII. Waiver of Hearing

65. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing pursuant to Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), with respect to any issue of law or fact set forth in this CAFO. Respondent also waives its right to appeal the accompanying Final Order.

VII. Entire Agreement

66. This CAFO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action. There are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CAFO. Nothing in this Consent Agreement or the accompanying Final Order shall be construed to affect or limit in any way the obligation of Respondent to comply with all federal, state and local laws and regulations governing any activity required by this CAFO.

VIII. Execution

67. The person signing this Consent Agreement on behalf of Respondent acknowledges and certifies by his/her signature that he/she is fully authorized to enter into this Consent Agreement and to legally bind Respondent, to the terms and conditions of this CAFO.

The foregoing Consent Agreement in the Matter of Pennsylvania Grain Processing, LLC, Docket No. CAA-03-2018-0069, is Hereby Stipulated, Agreed and Approved for Entry.

For Respondent,

Pennsylvania Grain Processing, LLC:

By: ZFS Solutions, LLC, Its Manager

9-10-18

Eric G Meeuwsen

Date

Name: Eric Meeuwsen

Title: Vice President



JMB For KJR

For Complainant, Environmental Protection Agency, Region III:

9/18/2018

Kathleen Root

Date

Kathleen J. Root, Esq.
Senior Assistant Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Accordingly, the Air Protection Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator or his designee, the Regional Judicial Officer, issue the accompanying Final Order and thereby ratify this Consent Agreement and the terms and provisions herein.

9/20/18

Cristina Fernandez

Date

Cristina Fernandez, Director
Air Protection Division
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III
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U.S. EPA-REGION 3-RHC
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IN THE MATTER OF:)
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Docket Number CAA-03-2018-0069

Proceeding Pursuant to
Sections 113(a) and (d) of the
Clean Air Act, as amended,
42 U.S.C. § 7413(a) and (d)

FINAL ORDER

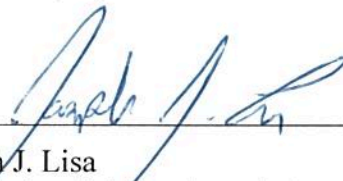
Complainant, the Director of the Air Protection Division, U.S. Environmental Protection Agency, Region III, and Respondent, Pennsylvania Grain Processing, LLC, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules 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 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as indexed for inflation in keeping with 40 C.F.R. Part 19 (Adjustment to Civil Monetary Penalties for Inflation), and the statutory factors set forth in Section 113(e) of the Clean Air Act, 42 U.S.C. § 7413(e).

NOW, THEREFORE, PURSUANT TO Section 113 of the Clean Air Act, 42 U.S.C. § 7413, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of Fifty-Six Thousand Six Hundred Forty Dollars (\$56,640), in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

9/26/2018
Date



Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

IN THE MATTER OF:)
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Pennsylvania Grain Processing, LLC) Docket Number CAA-03-2018-0069
250 Technology Drive)
Clearfield, Pennsylvania 16830)
)
Respondent) Proceeding Pursuant to
) Sections 113(a) and (d) of the
) Clean Air Act, as amended,
) 42 U.S.C. § 7413(a) and (d)
_____)

CERTIFICATE OF SERVICE

I certify that on SEP 26 2018, the original and one (1) copy of the foregoing Consent Agreement and Final Order, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I served a true and correct copy of the same to each of the following persons, in the manner specified below, at the following addresses:

Copy served via UPS Overnight Mailing to:

Kurt Kissling, Esq.
Pepper Hamilton, LLP
Suite 1800
4000 Town Center
Southfield, Michigan 48075-1505
(w) (248) 359-7313

Copy served via Hand Delivery or Inter-Office Mail to:

Kathleen J. Root, Esq.
Senior Assistant Regional Counsel
Office of Regional Counsel (3RC10)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
(Attorney for Complainant)

Dated: SEP 26 2018

Bevin Esposito
Signature
Bevin Esposito
Printed Name
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III

TRACKING NUMBER(S): 1Z A43 F7101 91712797