

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX**



IN THE MATTER OF:)
)
)
)
)
Saputo Cheese USA Inc.)
901 E. Levin Ave.)
Tulare, CA 93274)
)
Respondent.)
_____)

Docket No.

CAA(112r)-09-2022-0046

**CONSENT AGREEMENT
AND FINAL ORDER
40 C.F.R. §§ 22.13 and 22.18**

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is a civil administrative enforcement action instituted pursuant to Section 113(a)(3)(A) and (d) of the Clean Air Act (“CAA”), as amended, 42 U.S.C. §§ 7413(a)(3)(A) and (d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (“Consolidated Rules”), 40 C.F.R. Part 22.
2. Complainant is the United States Environmental Protection Agency, Region IX (“EPA”).
3. Respondent is Saputo Cheese USA Inc. (“Respondent”).
4. The Administrator of EPA has delegated to the Regional Administrators the authority to sign consent agreements memorializing settlements of enforcement actions under the CAA. Delegation 7-6-A, dated August 4, 1994. The Regional Administrator, EPA Region IX, in turn, has re-delegated this authority to the Director of the Enforcement and Compliance Assurance Division. Regional Delegation R9-7-6-A, dated February 11, 2013. On EPA’s behalf, the Director of the Enforcement and Compliance Assurance Division is therefore delegated the authority to

settle civil administrative penalty proceedings under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

5. This Consent Agreement and Final Order (“CA/FO”), pursuant to 40 C.F.R. §§ 22.13 and 22.18, simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent violated Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and its implementing regulations.

6. EPA and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this CA/FO. Respondent agrees to comply with the terms of this CA/FO.

B. GENERAL ALLEGATIONS

7. Respondent owns and operates the Saputo Cheese USA Inc. facility located at 901 E. Levin Ave. in Tulare, California (the “Facility”). The Respondent’s manufacturing activities at the Facility principally consist of producing mozzarella cheese and whey protein concentrate.

8. On May 22, 2019, EPA performed an inspection of the Facility pursuant to Section 112(r) of the CAA, 42 U.S.C. § 7412(r); Sections 304-312 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. §§ 1104-12; and Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9603(a). Based upon the information gathered during this inspection and subsequent investigation, EPA asserts that Respondent violated certain provisions of the CAA.

9. At all times relevant to this CA/FO, Respondent has been a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

10. At all times relevant to this CA/FO, the Facility has been a “stationary source” as defined by Sections 111(a)(3) and 112(r)(2) of the CAA, 42 U.S.C. §§ 7411(a)(3) and 7412(r)(2)(C).

11. Respondent is subject to the powers vested in the EPA Administrator by Section 113 of the CAA, 42 U.S.C. § 7413.

CAA Section 112(r)

12. At all times relevant to this CA/FO, Respondent has been the “owner or operator” of the Facility as defined by Sections 111(a)(5), 42 U.S.C. § 7411(a)(5).

13. A stationary source that has a regulated substance in an amount equal to or in excess of the applicable threshold quantity (“TQ”) in a “process” as defined by 40 C.F.R. § 68.3, is subject to the Program 3 risk management plan (“RMP”) requirements. Program 3 imposes the Occupational Safety and Health Administration’s process safety management standard and requires owners or operators to develop a management system to oversee the implementation of the RMP elements.

14. Pursuant to Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and its implementing regulations, owners and operators of stationary sources at which a regulated substance is present in more than a TQ must prepare and implement a RMP to detect and prevent or minimize accidental releases of such substances from the stationary sources in order to protect human health and the environment.

15. Pursuant to Section 112(r) of the CAA, 42 U.S.C. § 7412(r), EPA established a TQ for each “regulated substance” at or above which a facility using such a substance in one or more processes shall be subject to the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r). For substances designated as “regulated toxic substances,” the TQs are specified at 40 C.F.R. § 68.130, Table 1.

16. Ammonia (anhydrous) is a “regulated toxic substance” listed under Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), with a TQ of 10,000 pounds. 42 C.F.R. § 68.130, Table 1.

17. An analysis completed on August 21, 2013 found that the Facility’s maximum intended inventory was 22,758 pounds of ammonia (anhydrous.) An analysis completed on May 27, 2021 found that the Facility’s maximum intended inventory was 23,398 pounds of ammonia (anhydrous).

18. At all times relevant to this CA/FO, Respondent had 10,000 pounds or more of ammonia (anhydrous) in one or more processes at its Facility, exceeding the TQ for ammonia (anhydrous) and making the Facility subject to the Program 3 RMP requirements.

19. Section 113 of the CAA, 42 U.S.C. § 7413, authorizes EPA to assess civil penalties for any violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

C. ALLEGED VIOLATIONS

COUNT I

(Failure to update required risk analysis in a timely fashion.)

20. Paragraphs 1 through 19, above, are incorporated herein by this reference as if they were set forth here in their entirety.

21. 40 C.F.R. § 68.36(a) requires owners and operators to review and update required offsite consequence analyses at least once every five years.

22. Based on EPA's inspection and information gathered during EPA's investigation, Respondent did not complete a revision of a new offsite consequence analysis until May 30, 2019, 14 days more than five years after completing its last offsite consequence analysis on May 16, 2014.

23. By failing to submit revised offsite consequence analyses within five years of a prior revision on May 16, 2014, Respondent violated 40 C.F.R. § 68.36(a).

COUNT II

(Failure to document compliance of process equipment with design codes and standards.)

24. Paragraphs 1 through 19, above, are incorporated herein by this reference as if they were set forth here in their entirety.

25. 40 C.F.R. § 68.65(a) requires owners and operators to complete a compilation of written process safety information before conducting any process hazard analysis, including information

pertaining to the technology of the process and information pertaining to the equipment in the process.

26. 40 C.F.R. § 68.65(c)(1)(iii) specifies that information pertaining to the technology of the process includes the maximum intended inventory.

27. Based on EPA's inspection and information gathered during EPA's investigation, Respondent's RMP submission in 2016 contained an inaccurate maximum intended ammonia inventory.

28. 40 C.F.R. § 68.65(d)(1)(iv) specifies that information pertaining to the equipment in the process includes the relief system design and design basis.

29. 40 C.F.R. § 68.65(d)(2) requires owners and operators to document that process equipment complies with recognized and generally accepted good engineering practices ("RAGAGEP").

30. 40 C.F.R. § 68.65(d)(3) requires owners and operators to document that any equipment that deviates from RAGAGEP because it was designed or constructed in accordance with standards that are no longer in general use, is designed, maintained, inspected, tested, and operating in a safe manner.

31. Based on EPA's inspection and information gathered during EPA's investigation, Respondent did not document that its ammonia relief system complies with RAGAGEP or, in the alternative, did not document that its ammonia relief system is designed, maintained, inspected, tested, and operating in a safe manner.

32. By reporting an inaccurate maximum intended inventory in its RMP, and by failing to document that its ammonia relief system complies with RAGAGEP or is designed, maintained, inspected, tested, and operating in a safe manner, Respondent violated 40 C.F.R. §§ 68.65(c) and 68.65(d).

COUNT III

(Failure to correct mechanical integrity deficiencies in a safe and timely manner.)

33. Paragraphs 1 through 19, above, are incorporated herein by this reference as if they were set forth here in their entirety.

34. 40 C.F.R. § 68.73(e) requires owners or operators to correct deficiencies in equipment that are outside acceptable limits, as defined by the process safety information in 40 C.F.R. § 68.65, before further use or in a safe and timely manner to assure safe operation.

35. Based on EPA's inspection and information gathered during EPA's investigation, EPA identified corrosion on ammonia piping and on structural supports for ammonia equipment that was outside of acceptable limits and that should have been addressed in a safe and timely manner to assure safe operation.

36. By failing to comply with mechanical integrity requirements for correcting deficiencies in equipment, Respondent violated 40 C.F.R. § 68.73(e).

COUNT IV

(Failure to comply with management of change requirements.)

37. Paragraphs 1 through 19, above, are incorporated herein by this reference as if they were set forth here in their entirety.

38. 40 C.F.R. § 68.75(a) requires that owners and operators establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, procedures, and to stationary sources that affect a covered process ("Management of Change," or "MOC").

39. 40 C.F.R. § 68.75(b)(1) requires owners and operators to establish procedures to assure that the technical basis for the proposed change is addressed prior to any change.

40. Based on EPA's inspection and information gathered during EPA's investigation, Respondent did not clearly describe the technical basis for two proposed changes on the MOC documentation that EPA reviewed.

41. By failing to assure that it addressed the technical bases for the proposed changes in the MOCs, Respondent violated 40 C.F.R. § 68.75(b).

COUNT V

(Failure to promptly determine and document responses to compliance audit findings.)

42. Paragraphs 1 through 19, above, are incorporated herein by this reference as if they were set forth here in their entirety.

43. 40 C.F.R. § 68.79(d) specifies that owners and operators shall promptly determine and document appropriate responses to findings of compliance audits and document that deficiencies have been corrected.

44. Based on EPA's inspection and information gathered during EPA's investigation, Respondent did not promptly determine and document appropriate responses to some of the recommendations of a compliance audit conducted on October 29, 2018.

45. By failing to promptly determine and document appropriate responses to some of the recommendations, Respondent violated 40 C.F.R. § 68.79(d).

COUNT VI

(Failure to address findings in an incident investigation.)

46. Paragraphs 1 through 19, above, are incorporated herein by this reference as if they were set forth here in their entirety.

47. 40 C.F.R. § 68.81(a) requires owners and operators to investigate incidents that resulted in, or could reasonably have resulted in, a catastrophic release of a regulated substance.

48. 40 C.F.R. § 68.81(e) requires owners and operators to establish a system to promptly address and resolve incident report findings and recommendations.

49. Based on EPA's inspection and information gathered during EPA's investigation, Respondent completed an incident investigation report on July 9, 2018, regarding a 5,690-pound release of ammonia on June 22, 2018. In the report, Respondent identified recommended changes in equipment and procedures, but did not incorporate some of the report's findings into the report's recommendations for follow up or otherwise establish a system to promptly address and resolve some of the report's findings.

50. By failing to establish a system to promptly document resolution of findings in the incident investigation report, Respondent violated 40 C.F.R. § 68.81(e).

COUNT VII

(Failure to comply with emergency response requirements.)

51. Paragraphs 1 through 19, above, are incorporated herein by this reference as if they were set forth here in their entirety.

52. 40 C.F.R. § 68.95(a)(1) requires owners and operators to create an emergency response plan that describes procedures and measures for emergency response after an accidental release of a regulated substance.

53. Based on EPA's inspection and information gathered during EPA's investigation, Respondent developed an emergency response plan, dated April 16, 2019, that lacked maps showing the location of ammonia refrigeration equipment and that contained inaccurate information about the ammonia level above which emergency responders would be called.

54. 40 C.F.R. § 68.95(a)(2) requires owners and operators to develop and implement an emergency response program that includes procedures for the use of emergency response equipment and for its inspection, testing, and maintenance.

55. Based on EPA's inspection and information gathered during EPA's investigation, Respondent's emergency response plan of April 16, 2019, contained inconsistent information about the respirator models to be worn during an emergency.

56. 40 C.F.R. § 68.93(b) requires owners and operators to coordinate response needs with local emergency planning and response organizations by, among other actions, providing those organizations their emergency response plans.

57. 40 C.F.R. § 68.93(c) requires owners and operators to document coordination activities, including the provision of emergency response plans, by documenting the names of the individuals involved, their contact information, the dates of the coordination activities, and the nature of the coordination activities.

58. Based on EPA's inspection and information gathered during EPA's investigation, Respondent provided and documented provision of its emergency response plan to some but not all local emergency planning and response organizations that may respond during an accidental release.

59. 40 C.F.R. § 68.96(b)(2) requires owners and operators to conduct tabletop exercises involving the simulated accidental release of a regulated substance.

60. 40 C.F.R. § 68.96(b)(3) requires owners and operators to prepare an evaluation report within 90 days of each tabletop exercise that includes a description of the exercise scenario, the names and organizations of each participant, an evaluation of the exercise results including lessons learned, recommendations for improvement or revisions to the emergency response exercise program and emergency response program, and a schedule to promptly address and resolve recommendations.

61. Based on EPA's inspection and information gathered during EPA's investigation, Respondent conducted a tabletop exercise with the Tulare Fire Department and Certified Unified Program Agency on May 7, 2019, but failed to prepare an evaluation report within 90 days.

62. By developing an emergency response plan that contained inconsistent and inaccurate information, by failing to provide or document provision of its emergency response plan to all local emergency planning and response organizations, and by failing to prepare an evaluation report on a tabletop exercise, Respondent violated the requirements of 40 C.F.R. § 68.95(a)(1), 40 C.F.R. § 68.95(a)(2), 40 C.F.R. §§ 68.93(b) and (c), and 40 C.F.R. § 68.96(b)(3).

D. CIVIL ADMINISTRATIVE PENALTY

63. EPA proposes that Respondent be assessed, and Respondent agrees to pay **ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$170,000.00)**, as the civil administrative penalty for the violations alleged herein.

64. The proposed penalty was calculated in accordance with the "Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7), and 40 C.F.R. Part 68", dated June 2012, and was adjusted for inflation by the Federal Civil Penalties Inflation Adjustment Act, as amended, and the Civil Monetary Inflation Adjustment Rule, 40 C.F.R. Part 19.

E. ADMISSIONS AND WAIVER OF RIGHTS

65. In accordance with subparagraph (2) of 40 C.F.R. § 22.18(b) (Settlement) and for the purpose of this proceeding, Respondent: (i) admits that EPA has jurisdiction over the subject matter of this CA/FO and over Respondent; (ii) neither admits nor denies the specific factual allegations contained in the CA/FO; (iii) consents to any and all conditions specified in this CA/FO and to the assessment of the civil administrative penalty under Section D of this CA/FO; (iv) waives any right to contest the allegations contained in Section C of the CA/FO; and (v) waives the right to appeal the proposed final order contained in this CA/FO.

66. EPA and Respondent agree that settlement of this matter is in the public interest and that entry of this CA/FO without further litigation is the most appropriate means of resolving this matter.

F. PARTIES BOUND

67. This CA/FO shall apply to and be binding upon Respondent, and its successors and assigns, until such time as the civil penalty required under Section D (and any additional civil penalty required under Section I) have been paid, and any delays in performance and/or stipulated penalties have been resolved. At that time, this CA/FO shall terminate, without prejudice to the settlement of EPA's allegations herein.

68. No change in ownership or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.

69. Until all the requirements of this CA/FO are satisfied, Respondent shall give notice of this CA/FO to any successor in interest prior to transfer of ownership or operation of the Facility and shall notify EPA within seven (7) days prior to such transfer.

70. The undersigned representative hereby certifies that he or she is fully authorized by Respondent to enter into and execute this CA/FO, and to legally bind Respondent to it.

G. COMPLIANCE TASKS

71. Within eleven (11) months of the Effective Date, Respondent shall complete ongoing modifications to the ammonia relief system at the Facility to address the findings of the February 6, 2020, Ammonia Relief System Safety Relief Vent Design Analysis Report ("Design Analysis") completed by Applied Process Cooling Corp (APCCO). These modifications ("Relief System Modifications") will cause the ammonia relief system to conform with the pressure relief standards prescribed by American National Standards Institute/International Institute of Ammonia Refrigeration ("ANSI/IIAR") 2-2014: American National Standard for Safe Design of Closed-

Circuit Ammonia Refrigeration Systems, as measured by the Industrial Refrigeration Consortium's Safety Relief Vent Tool (Version 2.0).

72. Within one (1) year of the Effective Date, Respondent shall submit to EPA a letter prepared by a third-party professional engineer certifying, to the best of the engineer's knowledge and belief, that (i) the Relief System Modifications have been completed, and (ii) the Facility's ammonia relief system conforms to the pressure relief standards prescribed by ANSI/IIAR 2-2014, as measured by the Industrial Refrigeration Consortium's Safety Relief Vent Tool (Version 2.0). This submission shall be sent electronically to Donald Nixon of EPA Region 9 at nixon.donald@epa.gov.

H. PAYMENT OF CIVIL PENALTY

73. Respondent consents to the assessment of and agrees to pay civil administrative penalties of **ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$170,000.00)** in settlement of the civil penalty claims made in this CA/FO. This CA/FO constitutes a settlement of all claims for the violations of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), alleged in Section C above.

74. Respondent shall pay the civil penalty within sixty (60) days of the Effective Date of this CA/FO, as established in Section L of this CA/FO.

75. All payments shall indicate the EPA identification number of the Facility, the Respondent's name and address, and the appropriate EPA docket number of this action. Payment shall be made by corporate, certified, or cashier's checks payable to "Treasurer of the United States" and sent as follows:

Regular Mail:

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

Overnight Mail:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
ATTN Box 979077
St. Louis, MO 63101
Contact: Natalie Pearson (314-418-4087)

Alternatively, payment may be made by electronic transfer as provided below:

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the following information:

Federal Reserve Bank of New York
ABA: 021030004
Account: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read: "D 68010727 Environmental Protection Agency"

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact: Jesse White (301-887-6548)
ABA: 051036706
Transaction Code 22 - checking
Environmental Protection Agency
Account 31006
CTX Format

Online Payment:

This payment option can be accessed from the information below:

www.pay.gov
Enter "SFO 1.1" in the search field
Open form and complete required fields

A copy of each check, or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, shall be sent with a transmittal letter via email, indicating Respondent's name, the case title, and docket number, to both:

Regional Hearing Clerk (RC-1)
U.S. Environmental Protection Agency - Region 9
75 Hawthorne Street
San Francisco, CA 94105
r9hearingclerk@epa.gov

And

Donald Nixon
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 9
75 Hawthorne Street
San Francisco, CA 94105
Nixon.Donald@epa.gov

76. Failure to pay the penalty so that it is received by the due date will result in imposition of interest from the Effective Date of this CA/FO at the current interest rate published by the U.S. Treasury, as described at 40 C.F.R. § 13.11. In addition, a six percent (6 %) per annum penalty that will be assessed monthly will be applied on any principal amount not paid within ninety (90) days of the due date.

77. The penalties specified in this CA/FO shall represent civil administrative penalties assessed by EPA and shall not be deducted by Respondent or any other person or entity for federal, state, or local taxation purposes.

I. DELAY IN PERFORMANCE/STIPULATED PENALTIES

78. In the event that Respondent fails to meet any requirement set forth in this CA/FO, Respondent shall pay stipulated penalties as follows: FIVE HUNDRED DOLLARS (\$500) per day for the first to fifteenth day of delay, ONE THOUSAND DOLLARS (\$1,000) per day for the sixteenth to thirtieth day of delay, and FIVE THOUSAND DOLLARS (\$5,000) per day for each

day of delay thereafter. Compliance by Respondent shall include completion of any activity under this CA/FO in a manner acceptable to EPA and within the specified time schedules in and approved under this CA/FO.

79. Stipulated penalties shall begin to accrue on the day after performance is due and shall continue to accrue through the final day until performance is complete. Respondent shall pay stipulated penalties within fifteen (15) days of receipt of a written demand by EPA for such penalties. Payment of stipulated penalties shall be made in accordance with the procedure set forth for payment of penalties in Section H of the CA/FO.

80. If a stipulated penalty is not paid in full, interest shall begin to accrue on the unpaid balance at the end of the fifteen-day period at the current rate published by the United States Treasury, as described at 40 C.F.R. § 13.11. EPA reserves the right to take any additional action, including but not limited to, the imposition of civil penalties, to enforce compliance with this CA/FO or with the CAA and its implementing regulations.

81. The payment of stipulated penalties specified in this Section shall not be deducted by Respondent or any other person or entity for federal, state, or local taxation purposes.

82. Notwithstanding any other provision of this section, EPA may, in its unreviewable discretion, waive any portion of stipulated penalties that have accrued pursuant to this CA/FO.

J. RESERVATION OF RIGHTS

83. Except as addressed in this CA/FO, EPA hereby reserves all of its statutory and regulatory powers, authorities, rights, and remedies, both legal and equitable, including the right to require that Respondent perform tasks in addition to those required by this CA/FO. EPA further reserves all of its statutory and regulatory powers, authorities, rights, and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this CA/FO, including without limitation, the assessment of penalties under the CAA or any other statutory,

regulatory, or common law enforcement authority of the United States. This CA/FO shall not be construed as a covenant not to sue, release, waiver or limitation of any rights, remedies, powers, or authorities, civil or criminal, which EPA has under the CAA, or any other statutory, regulatory, or common law enforcement authority in the United States.

84. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of its obligations to comply with the CAA, or any other applicable local, state, tribal, or federal laws and regulations. This CA/FO is not intended to be, nor shall it be construed as a permit. This CA/FO does not relieve Respondent of any obligation to obtain and comply with any local, state, tribal, or federal permits nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, tribal, state, or local permit.

85. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise preclude EPA from taking additional enforcement action should EPA determine that such actions are warranted except as it relates to those matters resolved by this CA/FO. Respondent's full compliance with this CA/FO, including compliance with the conditions stated in Section G, shall only resolve Respondent's liability for federal civil penalties for the violations and facts alleged in this CAFO.

86. EPA reserves its right to seek reimbursement from Respondent for such additional costs as may be incurred by the United States in the event of delay of performance as provided by this CA/FO.

K. MISCELLANEOUS

87. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.

88. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.

89. Each party to this action shall bear its own costs and attorneys' fees.

90. Respondent consents to entry of this CA/FO without further notice.

L. EFFECTIVE DATE

91. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CA/FO shall be effective on the date that the Final Order contained in this CA/FO, having been approved and issued by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

IT IS SO AGREED.

Respondent Saputo Cheese USA Inc.

DATE: 7/12/22

BY: 
Steven M. Douglas
SVP, Operations
Saputo Cheese USA Inc.

United States Environmental Protection Agency, Region 9

BY: **AMY MILLER-** Digitally signed by AMY MILLER-BOWEN
Date: 2022.08.08
21:22:25 -07'00'
BOWEN

Amy C. Miller-Bowen
Director, Enforcement and Compliance Assurance
Division

FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order (“CA/FO”) pursuant to 40 C.F.R. Sections 22.13 and 22.18 (Docket No. CAA (112r)-09-2022-0046) be entered and that Respondent pay a civil penalty ONE-HUNDRED-SEVENTY-THOUSAND-DOLLARS (\$170,000.00) due within sixty (60) days from the Effective Date of this CA/FO, in accordance with all terms and conditions of this CA/FO.

Steven L. Jawgiel
Regional Judicial Officer
U.S. EPA, Region IX

CERTIFICATE OF SERVICE

I hereby certify that on the date below, the original copy of the foregoing Consent Agreement and Final Order in the matter of Saputo Cheese USA Inc. (Docket No. CAA(112R)-09-2022-0046) was filed with the Regional Hearing Clerk and that a true and correct copy of the same was sent by electronic mail to the following parties.

RESPONDENT: Dustin Roomsburg, Plant Manager
Saputo Cheese USA Inc.
901 E. Levin Avenue
Tulare, CA 93274
Dustin.Roomsburg@saputo.com

James Votaw, Partner
Keller and Heckman LLP
1001 G Street NW, Suite 500 West
Washington, DC 20001
Votaw@khlaw.com

COMPLAINANT: Greg Krauss
Attorney-Advisor
Office of Regional Counsel
U.S. EPA, Region IX
Krauss.Gregory@epa.gov

Ponly J. Tu
Regional Hearing Clerk
Office of Regional Counsel
U.S. EPA, Region IX