

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

1650 Arch Street
Philadelphia, Pennsylvania 19103 U.S. EPA-REGION 3-RHC
FILED-27AUG2019AM9:36

In the Matter of: :
: :
CARGILL MEAT SOLUTIONS : U.S. EPA Docket No. CAA-03-2019-0091
CORPORATION : :
151 NORTH MAIN STREET : :
WICHITA, KANSAS 67202, : :
Respondent. : 7413
: :
CARGILL MEAT SOLUTIONS : :
CORPORATION : :
1252 ROUTE 706 : :
WYALUSING, PENNSYLVANIA 18553, : :
Facility. : :

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Cargill Meat Solutions Corporation (“Respondent”) (collectively the “Parties”), pursuant to Section 113(d) of the Clean Air Act, as amended (the “CAA”), 42 U.S.C. § 7413(d), and 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. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated it to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “CAFO”) resolve Complainant’s civil penalty claims against Respondent under the CAA for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(2).

GENERAL PROVISIONS

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this CAFO.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this CAFO and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.
11. Pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), the Administrator and the Attorney General, each through their respective delegates, have jointly determined that this administrative penalty action is appropriate.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
13. Respondent is a Delaware corporation, organized in the State of Delaware.
14. Respondent is a "person" as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

15. Respondent owns and operates a meat processing facility located at 1252 Route 706 in Wyalusing, Pennsylvania (the "Facility").
16. At all times relevant to the violations alleged herein, Respondent was the "owner or operator" of the Facility, as defined at Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9).
17. At all times relevant to this Consent Agreement, Respondent has handled and handles approximately 170,300 pounds of anhydrous ammonia at the Facility.
18. Anhydrous ammonia, Chemical Abstracts Service ("CAS") Number 7664-41-7 (hereinafter, "ammonia"), is an irritant and is corrosive to the skin, eyes, respiratory tract and mucous membranes. Exposure to liquid ammonia or rapidly expanding gases may cause severe chemical burns and frostbite to the eyes, lungs and skin. Skin and respiratory diseases could be aggravated by exposure.
19. Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), mandates the Administrator to promulgate a list of substances which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment. The list of regulated substances can be found in 40 C.F.R. § 68.130.
20. On June 20, 1996, EPA promulgated a final rule known as the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68 (referred to as the "RMP Regulations"), which implements Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7). The RMP Regulations require owners and operators of stationary sources to develop and implement a risk management program that includes a hazard assessment, a prevention program, and an emergency response program. The risk management program is described in a risk management plan ("RMP") that must be submitted to EPA. The RMP must include a hazard assessment to assess the potential effects of an accidental release of any regulated substance, a program for preventing accidental releases of hazardous substances, and a response program providing for specific actions to be taken in response to an accidental release of a regulated substance, so as to protect human health and the environment.
21. Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E), renders it unlawful for any person to operate a stationary source subject to the regulations promulgated under the authority of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), in violation of such regulations.
22. Pursuant to Section 112(r)(7)(B)(iii) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(iii), and 40 C.F.R. § 68.10(a), the owner or operator of a stationary source at which a regulated substance is present in more than a threshold quantity must comply with the requirements of Part 68 no later than the latter of June 21, 1999, three years after the date on which a regulated substance is first listed under § 68.130, or the date on which a regulated substance is first present above the threshold quantity in a process.

23. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), defines “stationary source,” as “any buildings, structures, equipment, installations, or substance emitting stationary activities (i) which belong to the same industrial group, (ii) which are located on one or more contiguous properties, (iii) which are under the control of the same person (or persons under common control), and (iv) from which an accidental release may occur.”
24. The Facility is a building or structure from which an accidental release may occur and is therefore a “stationary source,” as defined at Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and 40 C.F.R. § 68.3.
25. Therefore, Respondent is the owner and operator of a “stationary source,” as the term is defined at 40 C.F.R. § 68.3.
26. The regulations at 40 C.F.R. § 68.3 define “regulated substance” as any substance listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), in 40 C.F.R. § 68.130.
27. The regulations at 40 C.F.R. § 68.3 define “threshold quantity” as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, 42 U.S.C. § 7412(r)(5), listed in 40 C.F.R. § 68.130 and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.
28. Anhydrous ammonia is a regulated substance pursuant to Section 112(r)(2) and (3) of the CAA, 42 U.S.C. § 7412(r)(2) and (3), because it is identified in the initial list of substances in Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), and listed under 40 C.F.R. § 68.130, with a threshold quantity of 10,000 pounds.
29. The regulations at 40 C.F.R. § 68.3 define “process” as any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.
30. At all times relevant to this Consent Agreement, anhydrous ammonia has been present in a process at the Facility in an amount exceeding its threshold quantity.
31. Respondent is subject to the requirements of Section 112(r)(7) of the CAA, 40 U.S.C. § 7412(r)(7), and 40 C.F.R. Part 68, because it is the owner and/or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process.
32. The Facility is a Program 3 Facility under the RMP Regulations, in accordance with 40 C.F.R. § 68.10(d).

33. EPA conducted an inspection of the Facility on June 27, 2017 to determine Respondent's compliance with CAA Section 112(r)(7), 42 U.S.C. § 7612(r)(7) and the RMP Regulations at 40 C.F.R. Part 68 ("the Inspection").
34. On January 18, 2018, EPA issued an Administrative Settlement Agreement and Order on Consent, EPA Docket No. CAA-03-2018-0029DA ("Order") to Respondent, which states in its Paragraph 37, "[b]ased on information available to EPA, including information gathered during the Inspection performed by EPA at the Wyalusing Facility, and the Findings of Fact and Conclusions of Law set forth above, EPA has determined that Respondent violated Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. Part 68, with respect [to] its storage and handling of anhydrous ammonia in the refrigeration system at the Wyalusing Facility, as detailed above." The Order was issued in order to have Respondent address the violations of Section 112(r)(7) of the CAA, 42 U.S.C. § 7612(r)(7), at the Facility discussed in Counts I-IV below.
35. Respondent completed the work obligations required under the Order to address the violations of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. Part 68, and, accordingly, EPA issued a Notice of Termination of the Order on August 12, 2019.

Count I

Failure to Comply with Process Safety Information Requirements

36. The allegations of Paragraphs 1 through 35 of this Consent Agreement are incorporated herein by reference.
37. The RMP Regulations require an owner or operator to complete a compilation of written process safety information which shall include information pertaining to the hazards of the regulated substances used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process. 40 C.F.R. § 68.65(a).
38. The owner or operator shall include relief system design and the basis of the design as part of its compilation of information pertaining to the equipment in the process. 40 C.F.R. § 68.65(d)(1)(iv).
39. While Respondent initiated a relief system study in 2010, implementation of the relief design was never completed. At the time of the Inspection, Respondent failed to have information regarding the initial design of the relief system and basis of the design.
40. Respondent's failure to have relief system design information is a violation of the process safety requirements in the RMP Regulations, 40 C.F.R. § 68.65(d)(1)(iv), and Section 112(r)(7), 42 U.S.C. § 7612(r)(7).

41. As part of the process safety information required under the RMP Regulations, the owner or operator is obligated to document that equipment complies with recognized and generally accepted good engineering practices. 40 C.F.R. § 68.65(d)(2).
42. The term “recognized and generally accepted good engineering practices” for safeguards pertaining to anhydrous ammonia refrigeration systems means practices as set forth in standards such as the American National Standards Institute/American Society of Heating, Refrigerating and Air-Conditioning Engineers 15, *Safety Standard for Refrigeration Systems and Designation and Classification of Refrigerants* (2013) (“ANSI/ASHRAE 15 (2013)”).
43. Section 8.11.2.1 of ANSI/ASHRAE 15 (2013) requires each refrigerating machinery room to contain a detector that will actuate an alarm and mechanical ventilation in the event of leaked refrigerant: “The alarm shall annunciate visual and audible alarms inside the refrigerating machinery room and outside each entrance to the refrigerating machinery room.” An earlier IIAR standard, IIAR Bulletin 111, *Ammonia Machinery Room Ventilation* (June 2002), also stated “Alarms should annunciate visual and audible alarms inside the machinery room and outside each entrance to the machinery room.”
44. At the time of the Inspection, the Facility did not have audible alarms outside of each entrance to the refrigerating machinery room.
45. Respondent’s failure to have audible alarms outside each entrance to the refrigerating machinery room as set forth in recognized and generally accepted good engineering practices is a violation of the process safety requirements in the RMP Regulations, 40 C.F.R. § 68.65(d)(2), and Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).
46. In failing to comply with Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and the RMP Regulations, 40 C.F.R. §§ 68.65(d)(1)(iv) and 68.65(d)(2), Respondent is subject to the assessment of penalties under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

Count II
Failure to Prepare and Maintain Training Records

47. The allegations of Paragraphs 1 through 46 of this Consent Agreement are incorporated herein by reference.
48. Section 68.71(c) of the RMP Regulations requires that the owner or operator ascertain that each employee involved in operating a process has received and understood the required initial and refresher training. The owner or operator is required to prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training. 40 C.F.R. § 68.71(c).
49. At the time of the Inspection, Cargill did not have complete records for the initial training of each employee involved in operating a process.

50. Respondent's failure to have records of employees' initial training is a violation of the RMP Regulations, 40 C.F.R. § 68.65(d)(2), and Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).
51. In failing to comply with Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and the RMP Regulations, 40 C.F.R. § 68.71(c), Respondent is subject to the assessment of penalties under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

Count III

Failure to Comply with Mechanical Integrity Requirements

52. The allegations of Paragraphs 1 through 51 of this Consent Agreement are incorporated herein by reference.
53. Section 68.73(d)(2) of the RMP Regulations requires the owner or operator of a stationary source to ensure that inspections and tests are performed on process equipment, including piping and ventilation systems, and that the inspections and tests follow recognized and generally accepted good engineering practices. 40 C.F.R. § 68.73(d)(2).
54. Section 68.73(e) of the RMP Regulations requires an owner or operator of a stationary source to correct deficiencies in equipment that are outside acceptable limits before further use or in a safe and timely manner when necessary means are taken to assure safe operation. *See* 40 C.F.R. § 68.73(e).
55. At the time of the Inspection in 2017, deficiencies in equipment that had been identified as action items in the Facility's 2015 5-Year Mechanical Integrity Audit and the 2015 Compliance Audit, including but not limited to icing and corrosion on piping and ventilation adequacy, had not been corrected.
56. Respondent's failure to correct deficiencies in equipment that are outside acceptable limits before further use or in a safe and timely manner is a violation of the RMP Regulations, 40 C.F.R. § 68.73(e), and Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).
57. In failing to comply with Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and the RMP Regulations, 40 C.F.R. § 68.73(e), Respondent is subject to the assessment of penalties under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

Count IV

Failure to Promptly Resolve Incident Report Findings

58. The allegations of Paragraphs 1 through 57 of this Consent Agreement are incorporated herein by reference.
59. Section 68.81(e) of the RMP Regulations requires that an owner or operator of a

stationary source establish a system to promptly address and resolve all incident report findings and recommendations, and that resolutions and corrective actions be documented. *See* 40 C.F.R. § 68.81(e).

60. At the time of the Inspection, Respondent had not established a system to promptly address and resolve recommendations from its September 16, 2016 Incident Investigation Report at the Facility.
61. Respondent's failure to establish a system to promptly address and resolve all incident report findings from its September 16, 2016 Incident Investigation Report and document corrective actions is a violation of the RMP Regulations, 40 C.F.R. § 68.81(e), and Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).
62. In failing to comply with Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and the RMP Regulations, 40 C.F.R. § 68.81(e), Respondent is subject to the assessment of penalties under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

CIVIL PENALTY

63. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of fifty-five thousand dollars (\$55,000), which Respondent shall be liable to pay in accordance with the terms set forth below.
64. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), including, the following: the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violation, and other factors as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7) and 40 C.F.R. Part 68* (June 2012) which reflects the statutory penalty criteria and factors set forth at Section 113(e) of the CAA, the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.
65. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
 - a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, CAA-03-2019-0091;

- b. All checks shall be made payable to the “United States Treasury”;
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

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

- d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- e. A copy of Respondent’s check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously to:

Lauren E. Ziegler
Assistant Regional Counsel
U.S. EPA, Region III (3RC20)
1650 Arch Street
Philadelphia, PA 19103-2029
ziegler.lauren@epa.gov

- 66. 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 of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
- 67. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed CAFO. Receipt by Respondent or Respondent’s legal counsel of such copy of the fully executed 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).
- 68. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of the fully executed and filed CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties 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).

69. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case 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.
70. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent 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).
71. If Respondent fails to make a full and complete payment of the civil penalty in accordance with this CAFO, the entire unpaid balance of the penalty shall become immediately due and owing. Failure by Respondent to pay the CAA civil penalty assessed by the Final Order in full in accordance with this CAFO may subject Respondent to a civil action to collect the assessed penalty, plus interest, pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.
72. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this CAFO.

GENERAL SETTLEMENT CONDITIONS

73. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and represents that, to the best of Respondent's knowledge and belief, this CAFO does not contain any confidential business information or personally identifiable information from Respondent.
74. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this CAFO, including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may

subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

75. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with the Administrative Order on Consent between Respondent and EPA, Docket No. CAA-03-2018-0029DA, which addresses the violations alleged herein.

OTHER APPLICABLE LAWS

76. Nothing in this CAFO shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This CAFO does not constitute a waiver, suspension or modification of the requirements of the Clean Air Act, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

77. This CAFO resolves only EPA's claims for civil penalties for the specific violation[s] alleged against Respondent in this CAFO. 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. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under the Clean Air Act, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this CAFO after its effective date.

EXECUTION /PARTIES BOUND

78. This CAFO shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this CAFO.

EFFECTIVE DATE

79. The effective date of this CAFO is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk

pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

80. This CAFO constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this CAFO.

In Re: Cargill Meat Solutions Corporation
EPA Docket No. CAA-03-2019-0091

For Respondent: Cargill Meat Solutions Corporation

Date: 8-15-2019


By: 

Scott Hartter
VP of EHS, Cargill Meat Solutions Corporation

For the Complainant:

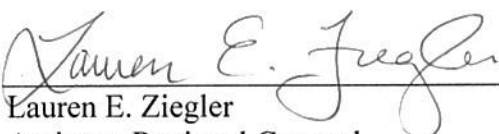
After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: AUG 23 2019

By: 
Karen Melvin
Director, Enforcement and Compliance
Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

Date: 8/15/19

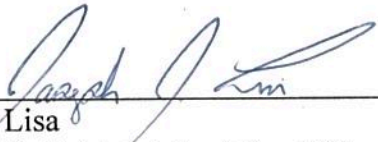
By: 
Lauren E. Ziegler
Assistant Regional Counsel
U.S. EPA – Region III

DOLLARS (\$55,000.00), in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the Clean Air Act and the regulations promulgated thereunder.

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.

Aug 27, 2019
Date



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

Dated: AUG 27 2019

Bethina L. Dunn

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III

TRACKING NUMBER(S): 7008 0500 000157528545