



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA CERTIFIED MAIL

Arthur Hummel, Maintenance Manager
Vantage Foods PA LP
2700 Yetter Court
Camp Hill, PA 17011

FEB 26 2019

Re: **In the Matter of: Vantage Foods, PA LP**
Docket No. CAA-03-2019-0040

Dear Mr. Hummel:

Enclosed please find a time-stamped Consent Agreement and Final Order ("CAFO"), the original and one copy of which were filed with Regional Hearing Clerk on FEB 26 2019 2018.

To avoid interest, Vantage Foods PA LP must timely pay the agreed civil penalty within 30 days of FEB 26 2019. The case name and case docket number should be noted on the payment, and a copy of each associated check or electronic transfer instrument or receipt should be sent simultaneously to the EPA attorney and the Regional Hearing Clerk.

For your file, I am also enclosing a copy of supporting memorandum from Environmental Protection Agency management to the Regional Judicial Officer. Please do not hesitate to contact Cynthia T. Weiss, Senior Assistant Regional Counsel at 215-814-2659, or by email at weiss.cynthia@epa.gov, if you have any questions regarding this matter.

Sincerely,

Bettina L. Dann
Regional Hearing Clerk, Region III

Enclosures

cc: Cynthia T. Weiss, EPA
Mary Hunt, EPA


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MEMORANDUM

SUBJECT: In the Matter of Vantage Foods PA LP
U.S. EPA Docket No. CAA-03-2019-0040

FROM: Paul Leonard, Acting Director 
Hazardous Site Cleanup Division (3HS00)

Mary Coe *sent for - 2/13/19*
Regional Counsel (3RC00)

TO: Joseph J. Lisa 
Regional Judicial Officer (3RC00)

EPA is presenting to you for review a Consent Agreement and Final Order (“CAFO”), resolving the liability of Respondent, Vantage Foods PA LP (“Vantage Foods”), for violations of Section 112(r)(7) of the Clean Air Act, 42 U.S.C. § 7412(r)(7), and the Chemical Accident Prevention Provisions of 40 C.F.R. Part 68. Vantage Foods has operated a meat processing facility located at 2700 Yetter Court in Camp Hill, Pennsylvania (the “Facility”), since 2013. The Facility uses 30,000 pounds of anhydrous ammonia in its refrigeration system at the Facility.

EPA alleges that Vantage Foods failed to ensure that its anhydrous ammonia refrigeration equipment complied with recognized and generally accepted good engineering practices, in violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.65(d)(2), by failing to protect evaporators from the risk of impact by forklifts and by failing to provide for sufficient ventilation in its machinery room. Further, EPA determined that Respondent had failed to timely address mechanical integrity problems including equipment deficiencies in its piping outside of acceptable limits, in violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.73(e). Finally, Vantage Foods failed to annually certify operating procedures, in violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.69(c).

PROPOSED SETTLEMENT

The parties have agreed that Vantage Foods will pay a civil penalty of **\$47,392** to settle the matter. The settlement is consistent with the *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7) and 40 C.F.R. Part 68* (June 2012). The proposed settlement of the CAA violations is consistent with the penalty factors at Section 113(e) of the CAA, 42 U.S.C. § 7413(e), namely 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, payment by the violator of penalties previously assessed for the violation, the economic benefit of noncompliance, the seriousness

of the violation, and other factors as justice may require.

We recommend that this settlement be executed, as such a settlement is in the best interest of the parties.

CONTACT INFORMATION

The representatives of the parties are as follows:

For Respondent Vantage Foods PA LP

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For Complainant, EPA

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Senior Assistant Regional Counsel
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cc: Arthur.Hummel@vantagefoods.net
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