

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

DOCKET NO: CAA (112r)-09-2018-0010

** FILED **

This ESA is issued to: Sunview Cold Storage
401 Road 192
Delano, CA 93215

14SEP2018 - 10:20AM

U.S.EPA - Region 09

For: Violation of Section 112(r)(7) of the Clean Air Act.
At: Sunview Cold Storage, 401 Road 192, Delano, CA 93215

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region IX, by its duly delegated official, Enrique Manzanilla, Superfund Director, and Sunview Cold Storage ("Respondent") pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). EPA has obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 2 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

Following its June 1, 2017 inspection, EPA alleges Respondent's failure to:

- 1) Comply with the requirements of 40 C.F.R. § 68.65(d)(2) in that process equipment did not comply with recognized and generally accepted good engineering practices. At the time of the inspection, audible and visual alarms for ammonia detection were not provided. Additionally, the machinery's rooms emergency ventilation system was not activated by the ammonia detection system. See ANSI/IIAR 2 (2014) American National Standard for Safe Design of Closed-Circuit Ammonia Refrigeration Systems.
- 2) Comply with the requirements of 40 C.F.R. § 68.65(d)(2) in that the machinery's rooms emergency ventilation system was not activated by the ammonia detection system. See ANSI/IIAR 2 (2014) American National Standard for Safe Design of Closed-Circuit Ammonia Refrigeration Systems.
- 3) Comply with the requirements of 40 C.F.R. § 68.69(a) in that operating procedures did not provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information. Operating procedure *Pressure Vessel Drop Leg Oil Draining* had an unclear sequence for opening valves to drain oil, steps were missing for closing valves, and the procedure did not include a complete list of personal protective equipment required for performing this activity.
- 4) Comply with the requirements of 40 C.F.R. § 68.95(a)(1)(i) in that the emergency response plan did not include procedures for informing the fire department and local emergency response agencies about accidental releases.
- 5) Comply with the requirements of 40 C.F.R. § 68.95(a)(1)(ii) in that the emergency response plan did not include documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures to ammonia.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history and previous penalties assessed, if any, its good faith effort to comply, the duration and seriousness of the violation, the economic impact of the penalty, and other factors as justice may require, the parties enter into this ESA in order to settle the violations described above for the total penalty amount of **\$2,400**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below admits to jurisdiction, neither admits nor denies the specific factual allegations contained above, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C §7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own attorney's fees and costs, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed above and has sent an **Online Payment through the Department of Treasury: WWW.PAY.GOV** (Enter SFO 1.1 in search field. Open form and complete required fields) **or alternatively has sent a cashier's check or certified check** (payable to the Treasurer, United States of America) in the amount of **\$2,400** in payment of the full penalty amount to the following address:

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

The check or online payment should reference Respondent's name and a copy of this ESA must be included with the check/online payment going to the EPA Cincinnati Finance Center. This *original* ESA and a copy of the check or online receipt must also be sent by certified mail to:

Angie Proboszcz (SFD-9-3)
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

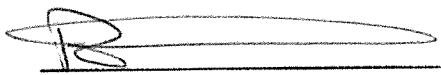
Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region IX office at the above address in correct form by the Respondent within 30 days of the date of Respondent's receipt of the proposed ESA and EPA has not granted an extension of its offer to settle, the ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT – Sunview Cold Storage

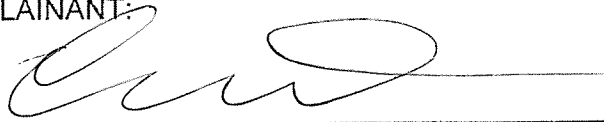
Signature:  _____

Date: 9/6/18

Name (print): Ryan Riddle

Title (print): Facilities Manager


FOR COMPLAINANT:

 _____

Date: 9/11/18

Enrique Manzanilla
Superfund Director
U.S. EPA Region IX

It is hereby ORDERED that this ESA be entered and Respondent pays the above penalty.

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

Date: 09/13/18

**Receipt****Your payment is complete**

Pay.gov Tracking ID: 26C2AA0M

Agency Tracking ID: 75567119010

Form Name: EPA Miscellaneous Payments - Cincinnati Finance Center

Application Name: EPA Miscellaneous Payments

Payment Information

Payment Type: Debit or credit card

Payment Amount: \$2,400.00

Transaction Date: 09/05/2018 05:52:31 PM EDT

Payment Date: 09/05/2018

Account Information

Cardholder Name: Sunview Cold Storage

Card Type: Visa

Card Number: *****5775

Email Confirmation Receipt

Confirmation Receipts have been emailed to:

riddle@sunviewcoldstorage.com

CERTIFICATE OF SERVICE

This is to certify that a FINAL ORDER for the Consent Agreement and Final Order in the matter of Sunview Cold Storage [Docket Number CAA(112R)-09-2018-0010], has been signed by the Regional Judicial Officer and has been filed with the Regional Hearing Clerk.

The Final Order has been served on Respondent, and Counsel for EPA, as indicated below:

BY FIRST CLASS MAIL:
(With Return Receipt)

Respondent -

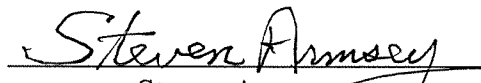
Mr. Ryan Riddle
Facilities Manager
Sunview Cold Storage
401 Road 192
Delano, CA 93215

HAND DELIVERED:

Complainant -
(By Counsel)

Andrew Helmlinger
Office of Regional Counsel
ENVIRONMENTAL PROTECTION AGENCY
75 Hawthorne Street
San Francisco, CA. 94105

Dated at San Francisco, CA, Sept. 14, 2018;


Steven Armsey
Regional Hearing Clerk
EPA, Region 9