



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Region 9**

**75 Hawthorne Street, San Francisco, CA 94105**

**CERTIFIED MAIL NO: 7015 0640 0001 1118 1530**

**Return Receipt Requested**

Mr. Saul Lopez  
Maintenance Manager  
Foster Farms Belgravia Plant  
900 West Belgravia Ave.  
Fresno, CA 93706

**NOV 15 2018**

Dear Mr. Lopez:

This letter transmits a copy of the fully executed Expedited Settlement Agreement that resolves the alleged violations of Clean Air Act (CAA) Section 112(r)(7) at Foster Farms Livingston, 655 Davis St., Livingston, CA 95334. The violations are for failure to:


- 1) Comply with the requirements of 40 C.F.R. § 68.65(d)(2) in that the Company did not document that process equipment complies with recognized and generally accepted good engineering practices (RAGAGEP). The inspectors observed at the Facility: The exterior doors to the engine rooms did not have restricted access signs as required by ANSI/IIAR2 – Standard for Safe Design of Closed-Circuit Ammonia Refrigeration Systems 6.15.3 Restricted Access Signage. Each machinery room entrance door shall be marked with a permanent sign to indicate that only authorized personnel are permitted to enter the room.
- 2) Comply with the requirements of 40 C.F.R. § 68.65(d)(2) in that the Company did not document that process equipment complies with recognized and generally accepted good engineering practices (RAGAGEP). The inspectors observed at the facility: Inadequate labeling of the process piping and equipment throughout the system, in contradiction to the American National Standards Institute (ANSI) and American Society of Mechanical Engineers (ASME) standard no. A13.1.2007 “Standard for the Identification of Pipes” and the International Institute of Ammonia Refrigeration (“IIAR”) Bulletin 114 (2014) “Guidelines for Identification of Ammonia Refrigeration Piping and System Components”, which specify requirements for the labeling and other identification of ammonia refrigeration system piping and other equipment.
- 3) Comply with the requirements of 40 C.F.R. § 68.69(a)(3)(i) in that the Company did not include in the Operating Procedures such as SOP-2, “General and Emergency Shutdown of Ammonia System”, SOP-501B, “Operation of the High Stage Screw Compressors”, and SOP-506B, “Operation of the High Temperature Evaporator Coolers”; properties of, and hazards presented by, the chemicals used in the process.
- 4) Comply with the requirements of 40 C.F.R. § 68.69(a)(3)(ii) in that the Company did not include in the Operating Procedures such as SOP-2, “General and Emergency Shutdown of Ammonia System”, SOP-501B, “Operation of the High Stage Screw Compressors”, and SOP-506B, “Operation of the High Temperature Evaporator Coolers”; precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment.

- 5) Comply with the requirements of 40 C.F.R. § 68.69(a)(3)(iii) in that the Company did not include in the Operating Procedures such as SOP-2, "General and Emergency Shutdown of Ammonia System", SOP-501B, "Operation of the High Stage Screw Compressors", and SOP-506B, "Operation of the High Temperature Evaporator Coolers"; control measures to be taken if physical contact or airborne exposure occurs.

The base penalty for the violations is \$6,600. Following the application of the modifiers under the penalty policy, including amount of chemicals on-site and number of employees the penalty for Foster Farms Belgravia Plant is **\$6,600**.

Thank you for your prompt attention to this matter. If you have any questions or need additional information about the CAA Section 112(r)(7) requirements, please feel free to contact Angie Proboszcz, of my staff at (415) 972-3077.

Sincerely,

A handwritten signature in black ink, appearing to read 'Enrique Manzanilla', with a long horizontal line extending to the right.

Enrique Manzanilla, Director  
Superfund Division

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 9  
75 Hawthorne Street  
San Francisco, CA 94105

\*\* FILED \*\*

DOCKET NO: CAA (112r)-09-2017-0009

15NOV2018 - 12:45PM

This ESA is issued to: Foster Farms Belgravia Plant  
900 West Belgravia Avenue  
Fresno, CA 93706

U.S.EPA - Region 09

For: Violation of Section 112(r)(7) of the Clean Air Act.

At: Foster Farms Belgravia Plant; 900 West Belgravia Avenue, Fresno, CA 93706

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region 9, by its duly delegated official, Enrique Manzanilla, Superfund Director, and Foster Farms, Belgravia Plant ("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 September 20, 2017 inspection, EPA alleges Respondent's failure to:

- 1) Comply with the requirements of 40 C.F.R. § 68.65(d)(2) in that the Company did not document that process equipment complies with recognized and generally accepted good engineering practices (RAGAGEP). The inspectors observed at the Facility: The exterior doors to the engine rooms did not have restricted access signs as required by ANSI/IIAR 2 – Standard for Safe Design of Closed-Circuit Ammonia Refrigeration Systems 6.15.3 Restricted Access Signage. Each machinery room entrance door shall be marked with a permanent sign to indicate that only authorized personnel are permitted to enter the room.
- 2) Comply with the requirements of 40 C.F.R. § 68.65(d)(2) in that the Company did not document that process equipment complies with recognized and generally accepted good engineering practices (RAGAGEP). The inspectors observed at the Facility: Inadequate labeling of the process piping and equipment throughout the system, in contradiction to the American National Standards Institute (ANSI) and American Society of Mechanical Engineers (ASME) standard no. A13.1.2007 "Standard for the Identification of Pipes" and the International Institute of Ammonia Refrigeration ("IIAR") Bulletin 114 (2014) "Guidelines for Identification of Ammonia Refrigeration Piping and System Components," which specify requirements for the labeling and other identification of ammonia refrigeration system piping and other equipment.
- 3) Comply with the requirements of 40 C.F.R. § 68.69(a)(3)(i) in that the Company did not include in the Operating Procedures such as SOP-2, "General and Emergency Shutdown of Ammonia System", SOP-501B, "Operation of the High Stage Screw Compressors", and SOP-506B, "Operation of the High Temperature Evaporator Coolers"; properties of, and hazards presented by, the chemicals used in the process.
- 4) Comply with the requirements of 40 C.F.R. § 68.69(a)(3)(ii) in that the Company did not include in the Operating Procedures such as SOP-2, "General and Emergency Shutdown of Ammonia System", SOP-501B, "Operation of the High Stage Screw Compressors", and SOP-506B, "Operation of the High Temperature Evaporator Coolers"; precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment.

- 5) Comply with the requirements of 40 C.F.R. § 68.69(a)(3)(iii) in that the Company did not include in the Operating Procedures such as SOP-2, "General and Emergency Shutdown of Ammonia System", SOP-501B, "Operation of the High Stage Screw Compressors", and SOP-506B, "Operation of the High Temperature Evaporator Coolers"; control measures to be taken if physical contact or airborne exposure occurs.

## 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 **\$6,600**.

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 **\$6,600** 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 9  
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 9 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 – Foster Farms Belgravia Plant

Signature: Matthew Clawson

Date: 10-9-18

Name (print): Dario-Avila<sup>mc</sup> Matthew Clawson

Title (print): Plant Manager Matthew Clawson

FOR COMPLAINANT:

Enrique Manzanilla

Date: 7 NOV 18

Enrique Manzanilla  
Superfund Director  
U.S. EPA Region 9

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

Steven L. Jawgiel  
Steven L. Jawgiel  
Regional Judicial Officer  
U.S. EPA Region 9

Date: 11/15/18

CERTIFICATE OF SERVICE

This is to certify that a FINAL ORDER for the Consent Agreement and Final Order in the matter of Foster Farms Belgravia Plant [Docket Number CAA(112R)-09-2019-0009], 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 -

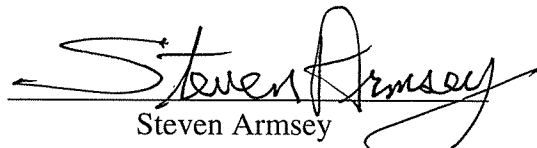
Mr. Saul Lopez  
Maintenance Manager  
Foster Farms Belgravia Plant  
900 West Belgravia Avenue  
Fresno, CA 93706

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, Nov. 15, 2018, ~~2018~~;

  
Steven Armsey  
Regional Hearing Clerk  
EPA, Region 9