



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

SC-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Douglas Frech, Manager  
Holten Meat Incorporated  
1682 Sauget Business Blvd.  
Sauget, IL 62206

RE: Holten Meat Incorporated, Sauget, Illinois  
Expedited Settlement Agreement  
ESA Docket No. RMP-12-ESA-005  
Docket No. **CAA-05-2012-0013**

Dear Mr. Frech:

*BDH* 2751203A015

Enclosed please find a copy of the fully executed Expedited Settlement Agreement (ESA) in resolution of the above case. The ESA is binding on the United States Environmental Protection Agency and Holten Meat Incorporated. EPA will take no further action against Respondent for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact Silvia Palomo at (312)353-2172 if you have any questions regarding the enclosed document or if you have any other question about the program. Thank you for your assistance in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Hans", with a long horizontal line extending to the right.

Michael E. Hans, Chief  
Chemical Emergency  
Preparedness & Prevention Section

Enclosure



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604-3590

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MAR 08 2012

REGIONAL HEARING CLERK  
USEPA  
REGION 5

**DOCKET NO:** RMP-12-ESA-005

**This ESA is issued to:** Holten Meat Incorporated  
**at:** 1682 Sauget Business Blvd., Sauget, Illinois 62206  
**for violations of Section 112(r)(7) of the Clean Air Act.**

CAA-05-2012-0013

Docket #

BY# 2751203A015

**EXPEDITED SETTLEMENT AGREEMENT**

The United States Environmental Protection Agency, Region 5, and Holten Meat Incorporated (“Respondent”), have agreed to the settlement of this action before the filing of a Complaint. EPA and Respondent (jointly “the Parties”) have agreed that settling this action without the filing of a complaint, or the adjudication of any issue of fact or law, is in their interest and in the public interest. This action is thus simultaneously commenced and concluded by this Expedited Settlement Agreement (“ESA”) and Final Order. *See* 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).

This is an administrative action for the assessment of civil penalties instituted pursuant to EPA’s authority under Sections 113(a)(3) and (d) of the Clean Air Act (“Act”), 42 U.S.C. § 7413(a)(3) and (d). The Director of the Superfund Division, Region 5, EPA (“Complainant”) has been delegated the authority to issue an administrative complaint seeking the assessment of civil penalties for violations of Section 112(r) of the Act, 42 U.S.C. § 7412(r). The Regional Administrator for Region 5 of EPA is authorized by Sections 113(a)(3) and (d)(1) of the Act, 42 U.S.C. §§ 7413(a)(3), and (d)(1), to issue a Final Order ratifying this ESA.

**ALLEGED VIOLATIONS**

On August 11, 2010, an authorized EPA representative conducted a compliance inspection of the Holten Meat Incorporated at 1682 Sauget Business Blvd., Sauget, Illinois (“Facility”) to determine its compliance with the Risk Management Plan (“RMP”) regulations promulgated pursuant to Section 112(r) of the Act, and set forth at 40 C.F.R. Part 68. Based on the August 11, 2010 inspection and documents submitted by Respondent, EPA has determined that Respondent violated the following regulations:

1. 40 C.F.R. § 68.69(c)-Respondent failed to certify annually that the operating procedures are current and accurate.
2. 40 C.F.R. § 68.71(c)-Respondent failed to keep training records for the employees responsible for operating the refrigeration system.

3. 40 C.F.R. § 68.73(d)(1)-Respondent failed to perform inspections and tests on the process equipment.
4. 40 C.F.R. § 68.73(d)(3)-Respondent failed to schedule inspections and tests consistent with the manufacturer's recommendations and good engineering practices.

### **SETTLEMENT**

In consideration of the Respondent's size of business, its full compliance history, its good faith efforts to comply, other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to resolve any civil penalties for these alleged violations for the total penalty amount of **\$1,260.00**.

This settlement is subject to the following terms and conditions:

By signing below, Respondent consents to, and is bound by, the terms and conditions of this ESA, including the assessment of the civil penalty set forth above. Respondent admits the jurisdictional allegations in the ESA, and waives any objections that it may have regarding jurisdiction. Respondent waives its right to contest the specific factual allegations contained herein, and neither admits nor denies these specific factual allegations. Respondent acknowledges that pursuant to 40 C.F.R. § 22.15(c), and Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), it has the right to request a hearing on any material fact, or on the appropriateness of the penalty, but Respondent waives its rights to such a hearing. Respondent also waives its right to appeal this ESA and the accompanying Final Order.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations set forth in this ESA, and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$1,260.00** in payment of the full penalty amount to the following address:

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

The **Docket Number of this ESA must be included on the check.** (The Docket Number is RMP-12-ESA-005.)

This signed original ESA and a copy of the check must be sent by certified mail to:

Silvia Palomo  
Chemical Emergency  
Preparedness and Prevention Section (SC-5J)  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Upon Respondent's submission of the signed original ESA, and the issuance of the Final Order, Respondent's liability is resolved only for any federal civil penalties due as a result of the facts and violations alleged in this ESA. This ESA, the Final Order, and Respondent's full payment of the civil penalty set forth herein, do not affect the right of EPA to pursue appropriate injunctive, other equitable relief, or criminal sanctions for any violations of law. EPA also does not waive any enforcement authority for any other violation of the Act or any other statute. The issuance of the Final Order does not waive, extinguish, or otherwise affect Respondent's duty to comply with the Act, the regulations promulgated thereunder, or any other applicable law or requirement.

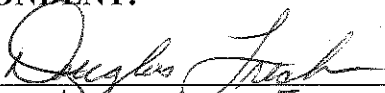
If the signed original ESA **with an attached copy of the check** is not returned to the **EPA Region 5 office** at the above address in correct form by Respondent within 45 days of the date of Respondent's receipt of this ESA (90 days if an extension is granted), the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified in this ESA.

This ESA is binding on the Parties signing below.

Each Party to this action shall bear its own costs and fees, if any.

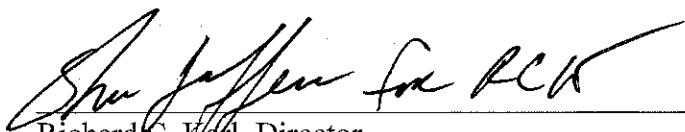
This ESA is effective upon filing with the Regional Hearing Clerk.

**FOR RESPONDENT:**

Signature:   
Name (print): DOUGLAS FRECH  
Title (print): FACILITY MANAGER

Date: 2-14-12

**FOR COMPLAINANT:**

  
Richard C. Karl, Director  
Superfund Division

Date: 3/2/12

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BD: 2751203A015<sup>02</sup>

REGIONAL HEARING CLERK  
USEPA  
REGION 5

**FINAL ORDER**

The foregoing Expedited Settlement Agreement is hereby ratified and incorporated by reference into this Final Order. Respondent is hereby ORDERED to comply with all of the terms of the foregoing Expedited Settlement Agreement, which upon its filing with the Regional Hearing Clerk shall become immediately effective. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

**IT IS SO ORDERED.**



Date: 3-4-12

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Susan Hedman  
Regional Administrator

HOLTEN MEAT, INC.

241810

Date 02/14/2012 Transaction # RMP-12-ESA-005 109232-1

Description DOCKET NO: RMP-12-ESA-005 STLMT

Gross Amount 1,260.00

Discount 0.00

Net Amount 1,260.00

Treasurer, United States of America

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MAR 08 2012

REGIONAL HEARING CLERK USEPA REGION 5

\$1,260.00 0.00 \$1,260.00

PURPOSE/REMITTER: HOLTEN MEAT, INC RMP-12-ESA-005



CASHIER'S CHECK

No. 8482503254

93-38 929

DATE: FEBRUARY 14, 2012

PAY ONE THOUSAND TWO HUNDRED SIXTY DOLLARS AND 00 CENTS

CUSTOMER COPY \$ 1,260.00

TO THE ORDER OF: TREASURER, UNITED STATES OF AMERICA

CAA-05-2012-0013

BD# 2751203A 015 2012

Location: 8482 CAHOKIA

U.S. Bank National Association Minneapolis, MN 55480

NON NEGOTIABLE

AUTHORIZED SIGNATURE

HARLAND CLARKE 20746 (03/10) 10240681

THIS DOCUMENT CONTAINS AN INK WATERMARK. HOLD TO LIGHT TO VIEW.



CASHIER'S CHECK

No. 8482503254

93-38 929

MAR 08 2012

REGIONAL HEARING CLERK

DATE: FEBRUARY 14, 2012

PAY ONE THOUSAND TWO HUNDRED SIXTY DOLLARS AND 00 CENTS

USEPA REGION 5

\$ 1,260.00

TO THE ORDER OF: TREASURER, UNITED STATES OF AMERICA

PURPOSE/REMITTER: HOLTEN MEAT, INC RMP-12-ESA-005

Location: 8482 CAHOKIA

U.S. Bank National Association Minneapolis, MN 55480



AUTHORIZED SIGNATURE

Handwritten signature

8482503254 092900383 150080235248

Details on Back Security Features Included.