



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7 11 JAN 25 PM 2:50

901 NORTH 5<sup>TH</sup> STREET

KANSAS CITY, KANSAS 66101

REGIONAL HEARING CLERK

**EXPEDITED SETTLEMENT AGREEMENT (ESA)**

**DOCKET NO.:** CAA-07-2011-0003

**This ESA is issued to:** Iowa Quality Meats

**At:** 2075 NW 92<sup>nd</sup> Court, Clive, Iowa 50325

**for violating Section 112(r)(7) of the Clean Air Act.**

---

The United States Environmental Protection Agency, Region 7 (EPA), and Iowa Quality Meats, 2075 NW 92<sup>nd</sup> Court, Clive, Iowa 50325 (Respondent), have agreed to a settlement of this action before filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(B)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b), 22.18(b)(2).

The Complainant, by delegation of the Administrator of EPA, is the Director of the Air, and Waste Management Division. The Respondent is Iowa Quality Meats, 2075 NW 92<sup>nd</sup> Court, Clive, Iowa 50325.

This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (CAA). Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that cases which meet the criteria set forth in EPA's policy entitled "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provision, 40 C.F.R. Part 68," dated January 5, 2004, are appropriate for administrative penalty action.

**ALLEGED VIOLATIONS**

Facilities that produce, handle, process, distribute, or store certain chemicals are required to develop a Risk Management Program, prepare a Risk Management Plan (RMP), and submit the RMP to EPA in accordance with 40 C.F.R. Part 68. Facilities must fully update and resubmit the RMP, at a minimum, every five years or deregister the RMP facility within 6 months that it is no longer covered by the regulation. The EPA Risk Management Database, RMPInfo, indicates that your facility located at 2075 NW 92<sup>nd</sup> Court, Clive, Iowa, has failed to resubmit or update the Risk Management Plan by June 18, 2009. Iowa Quality Meats' failure to update and resubmit the RMP for the facility located at 2075 NW 92<sup>nd</sup> Court, Clive, Iowa, is a violation of 40 C.F.R. § 68.190.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into the ESA in order to settle the violation, described in the enclosed RMP Findings, for the total penalty amount of **\$1,200**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the RMP Findings, 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 CAA, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, 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 in the enclosed RMP Findings and has sent a cashier's check or certified check (payable to the "United States Treasury") in the amount of **\$1,200** in payment of the full penalty amount to the following address:

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

The Docket Number of the ESA must be included on the check.

This original ESA, a copy of the completed RMP Findings, and a copy of the check must be sent by certified mail to:

Deanna Smith  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101.

A copy of the check must also be sent to:

Kathy M. Robinson  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 7  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101.

Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the CAA referenced in the RMP Findings. The EPA does not waive any other enforcement action for any other violations of the CAA or any other statute.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region 7 office at the above address in correct form by the Respondent within 45 days of the date of Respondent's receipt of it (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 herein and in the RMP Findings.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:


*John W. Meyer*

Date: 12/27/10

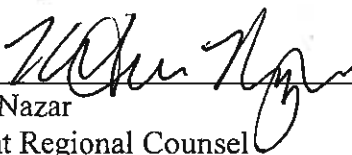
Name (print): John W. Meyer

Title (print): Director of Environmental Affairs  
Iowa Quality Meats / John Morrell & Company

FOR COMPLAINANT:

  
\_\_\_\_\_  
Becky Weber  
Director  
Air and Waste Management Division  
EPA Region 7

Date: 1/21/11

  
\_\_\_\_\_  
Kristen Nazar  
Assistant Regional Counsel  
Office of Regional Counsel  
EPA Region 7

Date: 12/30/2010

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

Karina Borroneo

Date: Jan 25, 2011

Karina Borroneo  
Regional Judicial Officer

Risk Management Program Inspection Findings  
CAA § 112(r) Violations

Iowa Quality Meats  
2075 NW 92<sup>nd</sup> Court  
Clive, Iowa 50325  
RMP ID# 1000 0017 9326  
Docket No. CAA-07-2011-0003

**COMPLETE THIS FORM AND RETURN IT WITH THE ESA.**

**VIOLATIONS**

**PENALTY AMOUNT**

Risk Management Plan \$2,000  
Required Corrections [§ 68.190]  
The owner or operator failed to revise and update the RMP at least once every 5 years of its most recent submittal or deregistered within 6 months indicating the facility is no longer covered by the RMP regulations as required at § 68.190.

*Please attach confirmation that the RMP resubmission/update has been received.*

Total Unadjusted Penalty \$2,000

**Calculation of Adjusted Penalty**

- 1<sup>st</sup> Reference the multipliers for calculating proposed penalties for violations found during RMP inspection matrix. Finding the row for number of employees >100 and column for 1-5 times the threshold quantity of 10,000 pounds of anhydrous ammonia as listed in 40 C.F.R. Part 68.130 for the amount in a process gives a multiplier factor of 0.6.  
Therefore, the multiplier for Iowa Quality Meats = 0.6
- 2<sup>nd</sup> Adjusted Penalty = \$2,000 (Unadjusted Penalty) X 0.6 (Size-Threshold Multiplier)  
Adjusted Penalty = \$1,200
- 3<sup>rd</sup> An Adjusted Penalty of \$1,200 would be assessed to Iowa Quality Meats for the violations found during the RMP submittal data review. This amount will be found in the Expedited Settlement Agreement.

**Total Adjusted Penalty \$1,200**

# RISK MANAGEMENT PROGRAM

## De-registration Form

Today's Date: December 27, 2010

EPA Facility Identifier: RMP ID # 1000 0017 9326 \_\_\_\_\_

Effective Date of De-registration: November 30, 2007

Facility Name: Iowa Quality Meats

Facility Address: 2075 NW 92<sup>nd</sup> Court

City: Clive State: IA Zip Code: 50325

### Select (Check) Reason for De-registration:

Source reduced inventory of all regulated substances below TQs

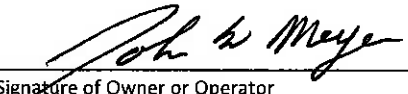
Source no longer uses any regulated substance

Source terminated operations

Other: \_\_\_\_\_

I, John W. Meyer, P.E., certify the above stationary source as of the above  
(Name of Facility Owner or Operator)

effective date is no longer covered by the Accidental Release Prevention Regulations, 40 CFR Part 68.

 12/27/10  
Signature of Owner or Operator Date

\_\_\_\_\_  
Director of Environmental Affairs  
Official Title



IN THE MATTER OF Iowa Quality Meats, Respondent  
Docket No. CAA-07-2011-0003

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Expedited Settlement Agreement (ESA) was sent this day in the following manner to the addressees:

Copy hand delivered to  
Attorney for Complainant:

Kristen Nazar  
Assistant Regional Counsel  
Region 7  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

John W. Meyer  
Director of Environmental Affairs  
Iowa Quality Meats/John Morrell & Company  
2075 NW 92<sup>nd</sup> Court  
Clive, Iowa 50325

Dated: 1/25/11



Kathy Robinson  
Hearing Clerk, Region 7