



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

DOCKET NO: CAA (112r)-09-2017-000²

This ESA is issued to: Zuckerman Heritage, Inc.
111 N. Zuckerman Rd.
Stockton, CA 95206

** FILED **
08AUG2017 - 04:22PM
U.S.EPA - Region 09

For: Violation of Section 112(r)(7) of the Clean Air Act.
At: Delta Farms Packing, Inc., 111 N. Zuckerman Rd., Stockton, CA 95206

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region IX, by its duly delegated official, the Superfund Director, and Zuckerman Heritage, Inc. ("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, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

Respondent was required to review and update its risk management plan ("RMP") for the stationary source referenced above and submit it to EPA, as required by Section 112(r)(7) of the Act and 40 C.F.R. §§ 68.190(a) and 68.195. Respondent failed to review and update its RMP and submit it to EPA on or before **11-18-2015** in violation of Section 112(r)(7) of the Act and 40 C.F.R. §§ 68.190(a) and 68.195.

Respondent did not submit a fully updated RMP to EPA until 10-21-2016.

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, economic benefit, and other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to settle the violations described above for the total penalty amount of **\$2,000.00**.

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 **\$2,000.00** 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 online payment or cashier's check should reference Respondent's name and a copy of this ESA must be included with the check/online payment going to the 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

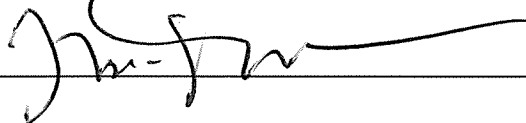
Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, 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, 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 – Trey Steinhart

Signature:  _____

Date: 7/21/17

Name (print): Trey Steinhart

Title (print): Operations Director

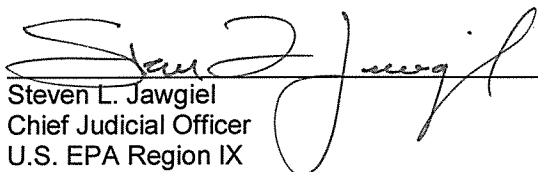
FOR COMPLAINANT:

 _____

Date: 8/3/17

Enrique Manzanilla
Superfund Director
U.S. EPA Region IX

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

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

Date: 08/07/17

RMP Late Resubmittal ESA – Penalty Calculation (From ESA Penalty Policy)

Facility Name: Delta Farms Packing, Inc.
Facility Address: 111 N. Zuckerman Rd., Stockton, CA 95206
Facility RMP ID#: 100000192409
Program Level: 3
Number of Employees: 150

Chemical /Quantity reported: Chlorine 10,000 (lbs.)
Threshold Quantity: 10,000 (lbs.)
Times TQ: 4

# of Employees	Times TQ for Chemical in process			Multiplier
	1-5	5-10	>10	
0 - 9	0.4	0.6	0.8	
10 - 100	0.6	0.8	1.0	
> 100	1.0	1.0	1.0	

Adjusted Penalty Calculation: Base/Sub-total x Multiplier

Penalty Calculation:
 Base Penalty = \$2,000
 Base x Multiplier = 2000* (0.8) \$2,000

RMP – Risk Management Program
 ESA – Expedited Settlement Agreement
 TQ – Threshold Quantity

CERTIFICATE OF SERVICE

This is to certify that a FINAL ORDER for the Expedited Settlement Agreement (ESA) in the matter of Zuckerman Heritage, Inc., [Docket Number CAA(112R)-09-2017-0002], 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 -

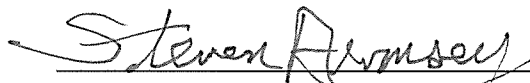
Mr. Trey Steinhart
Operations Director
Zuckerman Heritage, Inc.
PO Box 487
Stockton, CA 95201

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, Aug. 8, 2017;


Steven Armsey
Regional Hearing Clerk
EPA, Region 9