

FILED



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

2014 SEP 30 PM 12:46

US EPA - REGION IX
HEARING CLERK

DOCKET NO: CAA (112r)-09-2014-0005

This ESA is Issued to: Hill Brothers
15017 Clark Avenue
City of Industry, CA 91745

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

At: Hill Brothers, 15017 Clark Avenue, City of Industry, CA 91745

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 Hill Brothers ("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

Failure to:

- 1) Develop and implement written process Standard Operating Procedures (SOPs) that provide instructions or steps for conducting activities associated with temporary operations as required by Section 112(r)(7) of the Act, and 40 C.F.R. §68.69(a)(1)(iii).

The Facility has written process SOPs, including startup, shutdown, and emergency operations. However, the procedures did not include instructions or steps associated with temporary operations.

- 2) Certify annually that the operating procedures are current and accurate and that procedures have been reviewed as often as necessary as required by Section 112(r)(7) of the Act, and 40 C.F.R. §68.69(c).

The Facility had not certified annually that the operating procedures were current and accurate for the year 2012.

- 3) Perform inspections and tests on process equipment as required by Section 112(r)(7) of the Act, and 40 C.F.R. §68.73(d)(1).

The Facility did not have documentation which could verify that calibration of the ammonia sensors had been conducted.

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 **\$2,340**.

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 **\$2,340** 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.

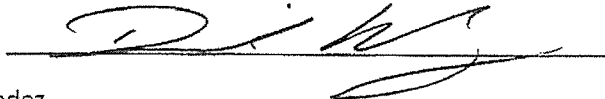
If the signed original ESA with an attached copy of the check is not returned to the EPA Region IX office at the above address in correct form by the Respondent within 30 days of the date of Respondent's receipt of the proposed ESA and EPA has not granted an extension of its offer to settle, the ESA 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 – Hill Brothers

Signature: _____

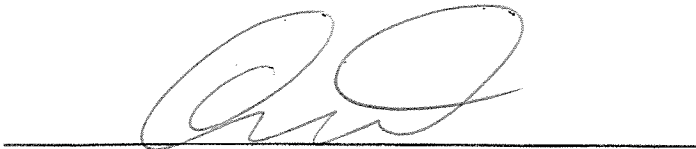


Date: 9-23-14

Dave Hernandez

Operations Manager

FOR COMPLAINANT:



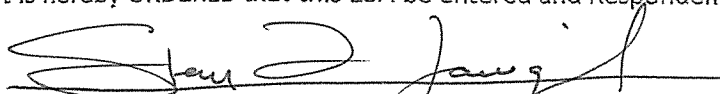
Date: 9-26-14

Enrique Manzanilla

Superfund Director

U.S. EPA Region IX

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



09/29/14

Steven L. Sawgiel
Regional Judicial Officer, Region IX

CERTIFICATE OF SERVICE

I hereby certify that the foregoing EXPEDITED SETTLEMENT AGREEMENT in the matter of Hill Brothers, CAA(112R)-09-2014-0005, signed by the Regional Judicial Officer, has been filed with the Regional Hearing Clerk, and was served on Respondent, and Counsel for EPA, as indicated below:

BY FIRST CLASS MAIL:
(Certified w/Return Receipt)

Respondent -

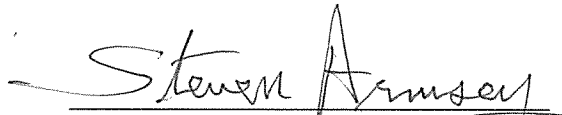
Dave Hernandez
HILL BROTHERS
1507 Clark Avenue
City of Industry, CA 91745

HAND DELIVERED:

Complainant -

Elizabeth (Thanne) Berg, Esq.
Office of Regional Counsel
Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Dated at San Francisco, CA. this day of October 2, 2014.



Steven Armsey
Interim Regional Hearing Clerk
EPA, Region 9