

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103-2029**

<b>In the Matter of:</b>	:	<b>U.S. EPA Docket No. CERCLA-03-2023-0067</b>
	:	
<b>Valley Milk Products, LLC</b>	:	<b>Proceeding under Sections 103 and 109</b>
<b>412 East King Street</b>	:	<b>of the Comprehensive Environmental Response,</b>
<b>Strasburg, VA 22657</b>	:	<b>Compensation, and Liability Act,</b>
	:	<b>42 U.S.C. §§ 9603 and 9609</b>
<b>Respondent/Facility.</b>	:	
	:	
	:	

**CONSENT AGREEMENT**

**PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Valley Milk Products, LLC (“Respondent” or “Valley Milk”) (collectively “the Parties”), pursuant to Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9609, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Section 109 of CERCLA vests the President of the United States with the authority to assess penalties and undertake other actions required by this Consent Agreement, which authority has been delegated to the Administrator of the U.S. Environmental Protection Agency (“EPA”). The Administrator has delegated these authorities to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under CERCLA for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

**JURISDICTION**

3. The EPA has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(7).

### **GENERAL PROVISIONS**

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in **this Consent Agreement and Final Order** and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

11. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
12. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), requires the Administrator of the EPA to publish a list of substances designated as hazardous substances, which, when released into the environment may present substantial danger to public health or welfare or to the environment, and to promulgate regulations establishing that quantity of any hazardous substance, the release of which shall be required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a). The list of hazardous substances is codified at 40 C.F.R. § 302.4.
13. Anhydrous ammonia (“ammonia”) is a hazardous substance, as defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and 40 C.F.R. § 302.3. According to the National Institute for Occupational Safety and Health (“NIOSH”), ammonia is a colorless gas with a pungent, suffocating odor. (See the relevant NIOSH pocket guide for ammonia available online at <https://www.cdc.gov/niosh/npg/npgd0028.html>.)
14. 40 C.F.R. § 302.6(a) provides that any person in charge of a vessel or an offshore or an onshore facility shall, as soon as he or she has knowledge of any release (other than a federally permitted release or application of a pesticide) of a hazardous substance from

such vessel or facility in a quantity equal to or exceeding the reportable quantity (“RQ”) determined by 40 C.F.R. Part 302 in any 24-hour period, immediately notify the National Response Center (“NRC”).

15. Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), and 40 C.F.R. § 302.3 defines the term “facility” as (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.
16. Section 101(20) of CERCLA, 42 U.S.C. § 9601(20) defines “owner or operator” as “(i) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, (ii) in the case of an onshore facility or an offshore facility, any person owning or operating such facility, and (iii) in the case of any facility, title or control of which was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of State or local government, any person who owned, operated, or otherwise controlled activities at such facility immediately beforehand. Such term does not include a person, who, without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect his security interest in the vessel or facility.”
17. Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), and 40 C.F.R. § 302.3 defines “person” as an “individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.”
18. Respondent is incorporated in the Commonwealth of Virginia and its headquarters is located at 412 East King Street, Strasburg, Virginia 22657.
19. Respondent is the owner of a facility located at 412 East King Street, Strasburg, Virginia 22657 (the “Facility”).
20. The Facility is a “facility” as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), and 40 C.F.R. § 302.3.
21. Respondent is an “owner or operator” of the Facility as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20).
22. Respondent is a “person” as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), and 40 C.F.R. § 302.3.
23. At all times relevant to this Consent Agreement and Final Order, Respondent has been in charge of the Facility, within the meaning of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

24. 40 C.F.R. § 302.3 defines a “release” as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment. 40 C.F.R. § 302.3 defines “the environment” as (1) navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (2) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
25. Ammonia has an RQ of 100 pounds, as listed in 40 C.F.R. § 302.4.
26. At all times relevant to this Consent Agreement and Final Order, ammonia was produced, used, or stored at the Facility.
27. On July 30, 2021 at 11:55 a.m., the NRC received a notification from Valley Milk regarding a release of ammonia from the Facility on that date (“Release”).
28. On November 4, 2021, EPA sent an information request to Respondent pursuant to CERCLA Section 104(e), 42 U.S.C. § 9604(e), to determine Respondent’s compliance with Section 103 of CERCLA and Sections 302-312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. §§ 11002-11022 (“EPCRA”) in response to the July 30, 2021 Release from the Facility. On December 27, 2021, Respondent responded to EPA’s request with information relevant to Respondent’s compliance with Section 103 of CERCLA and Sections 302-312 of EPCRA.
29. According to information submitted to EPA by Respondent, at all times relevant to this matter, Respondent maintained an ammonia refrigeration system, which held approximately 8,433 pounds of ammonia, and boiler utilities that both operate 24-hours a day. Refrigerated product tanks and product coolers contain dairy products that require refrigeration for product safety and preservation. The RQ is approximately 1.2% of the total amount of ammonia Valley Milk maintained in its refrigeration systems.
30. According to information submitted to EPA by Respondent, the Release occurred at approximately 3:30 a.m. on July 30, 2021 as a result of a boiler explosion. The explosion caused the boiler to penetrate the boiler room wall and impact two adjacent jacketed, ammonia-cooled product tanks, severing the ammonia supply and return piping from two tanks. This resulted in the majority of the operating charge of the system being released to the atmosphere.
31. In response to a 911 call from a private citizen, the Shenandoah County Department of Fire and Rescue Fire Marshal (“Fire Marshal”) was dispatched and discovered the release around 4:30 a.m.

32. According to information from 911 call logs, the Fire Marshal called Respondent's Plant Manager at 5:12 a.m., notifying him of the explosion and a smell of ammonia in the air near the Facility.
33. According to information received from the Respondent, the Plant Manager arrived at the Facility at approximately 5:30 a.m. to 6:00 a.m. and the Plant Supervisor around 7:00 a.m.
34. According to information received from the Fire Marshal, the Quality Assurance ("QA") Manager arrived around 7:00 a.m. and was let onto the scene by the Fire Marshal.
35. According to an interview between the Fire Marshal and the QA Manager, at around 7:30 a.m. the QA Manager learned that a boiler had exploded and blew apart liquid ammonia lines.
36. According to information received from the Respondent, by 10:00 a.m. the rest of the plant management personnel were present at the Facility.
37. Two local news reports, published by DCnewsnow and WHSV Fox at 10:07 a.m. and 10:10 a.m. respectively, reported that a boiler exploded, causing an ammonia leak at the Facility. Both reports reported that because of the leak, about 20 people were evacuated from their homes.
38. According to information from the Respondent, Facility managers received a briefing with the Fire Marshal and other first responders at approximately 11:00 a.m., during which first responders provided detailed information about the explosion and the ammonia leak.
39. At 11:55 a.m., Respondent notified the NRC of a presumptive release of ammonia above the RQ.
40. The Respondent calculated that 5,847 pounds of ammonia were released from the Facility over a 24-hour period beginning at approximately 3:30 a.m. on July 30, 2021.
41. Based on the information Respondent submitted to EPA, information from local news reporters, and information from the Fire Marshal, Respondent should have been aware of the Release at approximately 10:10 a.m. on July 30, 2021.

### **Count I**

#### **Failure to Immediately Notify the National Response Center of a Release**

42. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
43. CERCLA Section 103(a), 42 U.S.C. § 9603(a), requires any person in charge of a facility, as soon as he has knowledge of a release of a hazardous substance from such facility, in a

quantity equal to or greater than the RQ for that hazardous substance, to immediately notify the NRC of the release.

44. The Release from the Facility constitutes a release of a hazardous substance in a quantity equal to or exceeding the RQ for that hazardous substance, requiring immediate notification of the NRC pursuant to Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).
45. The Release was not a “federally permitted release” as that term is defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10), and used in Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6.
46. Respondent failed to immediately notify the NRC of the Release as soon as Respondent knew or should have known that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding the applicable RQ, as required by Section 103 of CERCLA, 42 U.S.C. § 9603, and 40 C.F.R. § 302.6.
47. Respondent violated Section 103 of CERCLA, 42 U.S.C. § 9603, and 40 C.F.R. § 302.6, by failing to immediately notify the NRC of the Release as Respondent knew or should have known that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding the applicable RQ.
48. In failing to comply with Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. Part 302, Respondent is subject to the assessment of penalties under Section 109(a) of CERCLA, 42 U.S.C. § 9609(a).

### **CIVIL PENALTY**

49. In settlement of EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **TWENTY-FOUR THOUSAND AND TWENTY-FOUR dollars (\$24,024)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
50. The civil penalty is based upon EPA’s consideration of a number of factors, including the penalty criteria (“statutory factors”) set forth in Section 109(a)(3) of CERCLA, 42 U.S.C. § 9609(a)(3), including, the following: the nature, circumstances, extent and gravity of the violation or violations, and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such matters as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA’s *Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (September 30, 1999)*, which reflects the statutory penalty criteria and factors set forth at Section 109(a)(3) of CERCLA, the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.

51. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check, or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, **CERCLA-03-2023-0067**.
- b. All checks shall be made payable to the "EPA-Hazardous Substances Superfund."
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
P.O. Box 979076  
St. Louis, MO 63197-9000

- d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously by email to:

Conner Kingsley  
Assistant Regional Counsel  
[kingsley.conner@epa.gov](mailto:kingsley.conner@epa.gov)

and

U.S. EPA Region III Regional Hearing Clerk  
[R3\\_Hearing\\_Clerk@epa.gov](mailto:R3_Hearing_Clerk@epa.gov).

52. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.

53. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully

executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).

54. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date Respondent is notified of its debt to the United States as established upon the ratification and filing of the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).
55. ADMINISTRATIVE COSTS: The costs of the EPA’s administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). If payment is not received within 30 calendar days of the effective date of this Consent Agreement, EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
56. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
57. Failure by the Respondent to pay the CERCLA civil penalty assessed by the Final Order in accordance with the terms of this Consent Agreement and Final Order may subject Respondent to a civil action to collect the assessed penalties, plus interest, pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.
58. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
59. **The parties consent to service of the Final Order by e-mail at the following valid e-mail addresses: [kingsley.conner@epa.gov](mailto:kingsley.conner@epa.gov) for Complainant, and [cbishop@cbishoplw.com](mailto:cbishop@cbishoplw.com) for Respondent.**

### **GENERAL SETTLEMENT CONDITIONS**

60. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
61. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, **including information about respondent's ability to pay a penalty**, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

### **OTHER APPLICABLE LAWS**

62. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of CERCLA, or any regulations promulgated thereunder.

### **RESERVATION OF RIGHTS**

63. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under CERCLA, the regulations promulgated thereunder, and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

**EXECUTION /PARTIES BOUND**

64. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents, and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

**EFFECTIVE DATE**

65. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

**ENTIRE AGREEMENT**

66. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent:

Date: 3/15/23

By: 

Jack Koeppel  
EHS Manager  
Maryland & Virginia Milk Producers Cooperative  
Association, Inc.  
Managing Member of  
Valley Milk Products LLC

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

By: \_\_\_\_\_  
[*Digital Signature and Date*]  
Karen Melvin, Director  
Enforcement & Compliance Assurance Division  
U.S. EPA – Region III  
Complainant

Attorney for Complainant:

By: \_\_\_\_\_  
[*Digital Signature and Date*]  
Conner Kingsley  
Assistant Regional Counsel  
U.S. EPA – Region III

In the Matter of: Valley Milk Products, LLC

EPA Docket No. CERCLA-03-2023-0067

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REGION III  
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<b>Valley Milk Products, LLC 412 East King Street Strasburg, VA 22657,</b>	:	<b>Proceeding under Sections 103 and 109 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9603 and 9609</b>
<b>Respondent/Facility.</b>	:	
	:	
	:	

**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Valley Milk Products, LLC have executed a document entitled “Consent Agreement,” which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA’s *Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (September 30, 1999)*, and the statutory factors set forth in the *Comprehensive Emergency Response, Compensation and Liability Act (“CERCLA”) Section 109(a)(3), 42 U.S.C. § 9609(a)(3)*.

**NOW, THEREFORE, PURSUANT TO** Section 109 of CERCLA, 42 U.S.C. § 9609 and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **TWENTY-FOUR THOUSAND AND TWENTY-FOUR dollars (\$24,024)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive,

extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of CERCLA and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By: \_\_\_\_\_  
*[Digital Signature and Date]*  
Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region III

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REGION III  
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<b>Valley Milk Products, LLC 412 East King Street Strasburg, VA 22657,</b>	:	<b>Proceeding under Sections 103 and 109 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9603 and 9609</b>
<b>Respondent/Facility.</b>	:	

**CERTIFICATE OF SERVICE**

I certify that the foregoing *Consent Agreement and Final Order* was filed with the EPA Region III Regional Hearing Clerk on the date that has been electronically stamped on the *Consent Agreement and Final Order*. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

**Cynthia Bishop**  
**Attorney for Valley Milk**  
[cbishop@cbishoplaw.com](mailto:cbishop@cbishoplaw.com)  
P.O. Box 612994  
Dallas, TX 75261

Copies served via email to:

**Conner Kingsley**  
**Assistant Regional Counsel**  
U.S. EPA, Region III  
[kingsley.conner@epa.gov](mailto:kingsley.conner@epa.gov)

**Theresa Gallagher**  
**Environmental Engineer**  
U.S. EPA, Region III  
[gallagher.theresa@epa.gov](mailto:gallagher.theresa@epa.gov)

\_\_\_\_\_  
[Digital Signature and Date]  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region III