

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Steven Calder 11/30/16
Name of Case Attorney Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number CAA 01-2017-0018 & CERCLA 01-2017-0019

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Hancock Foods, Inc.
37 Wymen Road
Hancock, ME 04640

Total Dollar Amount of Receivable \$ 108,723.00 Due Date: Dec 30, 2016

SEP due? Yes _____ No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1st \$ _____ on _____

2nd \$ _____ on _____

3rd \$ _____ on _____

4th \$ _____ on _____

5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office

Phone Number _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 Post Office Square, Suite 100
BOSTON, MA 02109-3912

RECEIVED

NOV 30 2016

EPA ORC
Office of Regional Hearing Clerk

November 30, 2016

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region I
5 Post Office Square, Suite 100 (RCA)
Boston, MA 02114-2023

Re: In the Matter of the Hancock Foods, Inc.
Docket No. CAA-01-2017-0018 and CERCLA-01-2017- 0019

Dear Ms. Rivera:

Enclosed for filing please find the original and one copy of the Super Consent Agreement and Final Order ("CAFO") in accordance with 40 C.F.R. § 22.13(b), where by the proceeding is simultaneously commenced and concluded by the issuance of this CAFO. Additionally, the original Certificate of Service is enclosed.

Sincerely,

A handwritten signature in blue ink that reads "Steven J. Calder".

Steven J. Calder
Enforcement Attorney
Phone (617) 918-1744
Fax (617) 918-0744

Enclosures

cc: Phillip D. Buckley, Esq. (Attorney for the Respondent)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

IN THE MATTER OF)	
)	Docket No. CAA-01-2017-0018
Hancock Foods, Inc.)	and CERCLA 01-2017-0019
37 Wyman Road)	
Hancock, ME 04640)	CONSENT AGREEMENT
)	AND FINAL ORDER
Proceeding under Section 113(d))	
of the Clean Air Act, 42 U.S.C. § 7413(d) and)	
Section 109(b) of the Comprehensive)	
Environmental Response, Compensation, and)	
Liability Act, 42 U.S.C. § 9609(b))	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

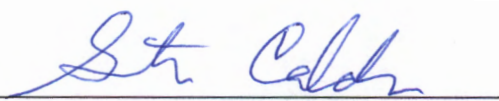
Original and one copy,
hand-delivered:

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I (ORA18-1)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Copy, by Certified Mail,
Return Receipt Requested:

Phillip D. Buckley, Esq.
Rudman Winchell
84 Harlow Street
P.O. Box 1401
Bangor, ME 04402-1401
(Counsel for Respondent)

Dated: 11/30/16



Steven Calder
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (OES 04-2)
Boston, MA 02109-3912
Tel (617) 918-1744
Fax (617) 918-0744

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF)
)
)
Hancock Foods, Inc.)
37 Wyman Road)
Hancock, ME 04640)
)
Proceeding under Section 113(d))
of the Clean Air Act, 42 U.S.C. § 7413(d) and)
Section 109(b) of the Comprehensive)
Environmental Response, Compensation, and)
Liability Act, 42 U.S.C. § 9609(b))
_____)

Docket No. CAA-01-2017-0018
and CERCLA 01-2017-0019

**CONSENT AGREEMENT
AND FINAL ORDER**



CONSENT AGREEMENT

1. The United States Environmental Protection Agency (“EPA” or “Complainant”) and Hancock Foods, Inc. (“Respondent”), consent to the entry of this Consent Agreement and Final Order (“CAFO”) pursuant to 40 C.F.R. § 22.13(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination, or Suspension of Permits, 40 C.F.R. Part 22 (“Consolidated Rules of Practice”). This CAFO resolves civil penalty claims for alleged violations of the chemical accident prevention provisions of Section 112(r)(7) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r)(7) and implementing federal regulations found at 40 C.F.R. Part 68, and Section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9603(a).

EPA and Respondent agree to settle this matter through this CAFO without the filing of an administrative complaint, as authorized under 40 C.F.R. § 22.13(b) and 22.18(b). EPA and Respondent agree that settlement of this cause of action is in the public interest and that entry of this CAFO without litigation is the most appropriate means of resolving this matter. The

Respondent neither admits nor denies specific factual allegations contained in this Consent Agreement. This Consent Agreement is a compromise for the purposes of avoiding costly litigation; payment of penalties herein is not to be considered an admission or denial of wrongdoing on the part of Respondent.

NOW, THEREFORE, before taking any testimony, without adjudication of any issue of fact or law, and upon consent and agreement of the parties, it is hereby ordered and adjudged as follows:

I. PRELIMINARY STATEMENT

1. This CAFO both initiates and resolves an administrative action for the assessment of monetary penalties, pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d) and Section 103(a) of CERCLA, 42 U.S.C. § 9603(a). As more thoroughly discussed in Sections III and IV below, the CAFO resolves the following CAA and CERCLA violations that Complainant alleges occurred in conjunction with Respondent's handling of ammonia at its Hancock, Maine cold storage warehouse:

- (a) *Failure to Comply with RMP emergency contact requirements*, in violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and at 40 C.F.R. § 68.160(b)(6);
- (b) *Failure to comply with Program 3 safety information requirements*, in violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. 68.65;
- (c) *Failure to comply with Program 3 training documentation requirements*, in violation of Section 112(r) of the CAA, § 7412(r), and 40 C.F.R. § 68.71(c);
- (d) *Failure to comply with Program 3 hot work permit requirements*, in violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. § 68.85(a);

- (e) *Failure to comply with Program 3 compliance audit requirements*, in violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. § 68.79;
- (f) *Failure to comply with Program 3 revalidation requirements for the process hazard analysis*, in violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. § 68.67; and
- (g) *Failure to failure to timely report a March 27, 2015, release of ammonia to the National Response Center*, in violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

II. APPLICABLE STATUTES AND REGULATIONS

CAA Statutory and Regulatory Authority

2. Section 112(r) of the CAA, 42 U.S.C. § 7412(r), authorizes EPA to promulgate regulations and programs in order to prevent and minimize the consequences of accidental releases of certain regulated substances. In particular, Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), mandates that EPA promulgate a list of substances that are known to cause or may reasonably be anticipated to cause death, injury or serious adverse effects to human health or the environment if accidentally released. Section 112(r)(5) of the CAA, 42 U.S.C. § 7412(r)(5), requires that EPA establish, for each listed substance, the threshold quantity over which an accidental release is known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health. Finally, Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), requires EPA to promulgate requirements for the prevention, detection, and correction of accidental releases of regulated substances, including a requirement that owners or operators of certain stationary sources prepare and implement an RMP.

3. The regulations promulgated pursuant to Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), are found at 40 C.F.R. Part 68.

4. Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E), renders it unlawful for any person to operate a stationary source subject to the regulations promulgated under the authority of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), in violation of such regulations.

5. Forty C.F.R. § 68.130 lists the substances regulated under Part 68 (“RMP chemicals” or “regulated substances”) and their associated threshold quantities, in accordance with the requirements of Sections 112(r)(3) and (7) of the CAA, 42 U.S.C. §§ 7412(r)(3) and (7). This list includes anhydrous ammonia as an RMP chemical and identifies a threshold quantity of 10,000 pounds.

6. A “process” is defined by 40 C.F.R. § 68.3 as any activity involving a regulated substance, including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities.

7. Under 40 C.F.R. § 68.10, an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process must comply with the requirements of Part 68 by no later than the latest of the following dates: (a) June 21, 1999; (b) three years after the date on which a regulated substance is first listed under 40 C.F.R. § 68.130; or (c) the date on which a regulated substance is first present above a threshold quantity in a process.

8. Each process in which a regulated substance is present in more than a threshold quantity (“covered process”) is subject to one of three risk management programs. Program 1 is the least comprehensive, and Program 3 is the most comprehensive. Pursuant to 40 C.F.R.

§ 68.10(b), a covered process is subject to Program 1 if, among other things, the distance to a toxic or flammable endpoint for a worst-case release assessment is *less* than the distance to any public receptor. Under 40 C.F.R. § 68.10(d), a covered process is subject to Program 3 if the process does not meet the eligibility requirements for Program 1 and is either in a specified NAICS code or subject to the Occupational Safety and Health Administration (“OSHA”) process safety management (“PSM”) standard at 29 C.F.R. § 1910.119. Under 40 C.F.R. § 68.10(c), a covered process that meets neither Program 1 nor Program 3 eligibility requirements is subject to Program 2.

9. Anhydrous ammonia in an amount over the threshold quantity of 10,000 pounds is subject to OSHA’s PSM requirements at 29 C.F.R. § 1910.119.

10. Forty C.F.R. § 68.12 mandates that the owner or operator of a stationary source subject to the requirements of Part 68 submit an RMP to EPA, as provided in 40 C.F.R. § 68.150. The RMP documents compliance with Part 68 in a summary format. For example, the RMP for a Program 3 process documents compliance with the elements of a program 3 Risk Management Program, including 40 C.F.R. § Part 68, Subpart A (including General Requirements and a Management System to Oversee Implementation of RMP); 40 C.F.R. Part 68, Subpart B (Hazard Assessment to Determine Off-Site Consequences of a Release); 40 C.F.R. Part 68, Subpart D (Program 3 Prevention Program); and 40 C.F.R. Part 68, Subpart E (Emergency Response Program).

11. Additionally, 40 C.F.R. § 68.190(b) also requires that the owner or operator of a stationary source must revise and update the RMP submitted to EPA at least once every five

years from the date of its initial submission or most recent update. Other aspects of the prevention program must also be periodically updated.

12. Sections 113(a) and (d) of the CAA, 42 U.S.C. §§ 7413(a) and (d), as amended by EPA's 2008 Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, promulgated in accordance with the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701, provide for the assessment of civil penalties for violations of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), in amounts up to \$37,500 per day for violations occurring after January 12, 2009.

13. EPA and the U.S. Department of Justice have jointly determined that this action is an appropriate administrative penalty action under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1).

CERCLA Statutory and Regulatory Authority

14. Section 103(a) of CERCLA requires that any person in charge of an onshore facility report the non-permitted release of a hazardous substance from the facility to the National Response Center as soon as that person has knowledge of such a release in an amount equal to or greater than the reportable quantity, as determined pursuant to Section 102 of CERCLA, 42 U.S.C. § 9602.

15. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), requires the Administrator of EPA to, among other things, promulgate regulations establishing the reportable quantities of any hazardous substance.

16. EPA promulgated the federal regulations known as the CERCLA Notification Rules, 40 C.F.R. Part 302, to implement Sections 102 and 103 of CERCLA. These regulations

designate the hazardous substances subject to notification requirements, identify the reportable quantities for those substances, and set forth the notification requirements for those substances.

17. Forty C.F.R. § 302.6 requires, among other things, that any person in charge of an onshore facility report the non-permitted release of a hazardous substance from the facility to the National Response Center as soon as that person has knowledge of such a release in an amount equal to or greater than the reportable quantity.

18. Sections 109(a) and (b) of CERCLA, 42 U.S.C. §§ 9609(a) and (b), as amended by EPA's Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, promulgated in accordance with the DCIA, 31 U.S.C. § 3701, provide for the assessment of civil penalties for violations of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a) in amounts of up to \$37,500 per day for violations occurring after January 12, 2009. Section 109(b) of CERCLA, 42 U.S.C. § 9609(b) specifies higher penalties for subsequent violations.

III. GENERAL ALLEGATIONS

19. Hancock Foods owns and operates a blueberry processing plant and controlled temperature storage warehouse at 37 Wyman Road in Hancock, Maine (the "Facility"). Hancock Foods also owns a recently constructed dry storage building and an old house on the property.

20. The Facility is located near a main road (Washington Junction Road/East Main Street) in a mixed business-residential area and approximately 1 ½ miles from the Maine Coast Memorial Hospital.

21. Allen's Blueberry Freezer Inc. is the parent company of Hancock Foods. Both corporations are organized under the laws of Maine, with its principal office located at 244 Main Street in Ellsworth, Maine. As a corporation, Respondent is a "person" within the meaning of

Section 302(e) of the Act, 42 U.S.C. § 7602(e) and Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

22. The Facility is a building or structure from which an accidental release may occur and is therefore a “stationary source,” as defined at Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C).

23. At all times relevant to the violations alleged herein, Respondent was the “owner or operator” of the Facility, as defined at Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9).

24. Hancock Foods uses anhydrous ammonia in three refrigeration “processes,” as defined by 40 C.F.R. § 68.3. At the time of EPA’s October 31, 2012 inspection, the Cold Storage System (“Main System” or “CS”) had a maximum intended capacity of 5,736 pounds of ammonia (associated with the high condenser on the northwest wall of the building by the parking lot); the Flow Freeze System (“FF”) had a maximum intended capacity of 4,854 pounds of ammonia (associated with the low condenser on the northwest wall of the building by the parking lot); and the York Tunnel System (“YT”) had a maximum intended capacity of 6,909 pounds of ammonia (associated with the low condenser on the southeast side of the building) (collectively, “Processes”). Only the CS and the FF processes are interconnected. As of July 16, 2014, the company Process Safety Manual (PSM) was changed to reflect the maximum intended capacity in the CS of 7,000 pounds, FF of 3,000 pounds, and the YT of 9,000 pounds. Only the CS operated year round; the FF and YT operate generally from the end of July to the first of September.

25. In August 2009, Respondent filed a Program 3 RMP for the Blast Freezers and reported it utilizes 19,654 pounds of anhydrous ammonia.

26. In August 2014, Respondent filed a Program 3 RMP for the Tunnel Freezers and reported it utilizes 19,000 pounds of anhydrous ammonia.

27. A Process Hazard Analysis (“PHA”) was first developed by Hancock Foods for the Facility in March 1999. The report was dated April 19, 1999. According to the August 31, 2009 RMP electronic filing by Hancock Foods, a Safety Review was performed on July 20, 2009. Additionally, an incident investigation by the company occurred on May 4, 2004. As a result of the incident investigation Hancock Foods reviewed or revised the maintenance procedures and reviewed the pre-startup procedures, which were completed on July 4, 2004. On March 27 and 28, 2012, Hancock Food performed an update and revalidation of the PHA resulting in a report dated June 13, 2012. According to the August 29, 2014 RMP electronic filing by Hancock Foods, a Process Hazard Analysis update was performed on March 28, 2012 and a Safety Review was performed on June 1, 2014. Additionally, an incident investigation occurred by the company on August 1, 2012. As a result of the incident investigation Hancock Foods reviewed and revised the maintenance procedures on June 1, 2014 and the pre-startup procedures on August 1, 2013.

28. At the time of EPA’s October 31, 2012 inspection, the interconnected and co-located Processes in the Machinery Room in the Maintenance Department (the “Machinery Room”) were a “covered process” subject to the RMP provisions of Part 68 because Respondent “uses,” “stores,” and “handles” the RMP chemical anhydrous ammonia at the Facility in an amount greater than 10,000 pounds.

29. According to the RMP, the endpoint for a worst case release of the amount of anhydrous ammonia used in the Processes is *greater* than the distance to a public receptor.

30. Additionally, at the time of EPA's October 31, 2012 inspection, the Processes were subject to OSHA's PSM requirements at 29 C.F.R. § 1910.119 because they use anhydrous ammonia in an amount over the threshold quantity of 10,000 pounds.

31. Therefore, in accordance with 40 C.F.R. § 68.10(a)-(d), Respondent's use, storage, and handling of anhydrous ammonia by the Processes at the Facility is subject to the requirements of RMP Program 3.

32. Additionally, at the time of EPA's October 31, 2012 inspection, Respondent was subject to the General Duty Clause due to the Respondent processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the CAA, such as anhydrous ammonia.

33. Ammonia presents a significant health hazard because it is corrosive to the skin, eyes, and lungs. Exposure to 300 parts per million is immediately dangerous to life and health. Ammonia is also flammable at concentrations of approximately 15% to 28% by volume in air. It can explode if released in an enclosed space with a source of ignition present, or if a vessel containing anhydrous ammonia is exposed to fire. In light of the potential hazards posed by the mishandling of anhydrous ammonia, industry trade associations have issued standards outlining the recognized and generally accepted good engineering practices in the ammonia refrigeration industry. In collaboration with the American National Standards Institute, the International Institute of Ammonia Refrigeration ("IIAR") has issued (and updates) "Standard 2: Equipment, Design, and Installation of Closed-Circuit Ammonia Mechanical Refrigerating Systems," along with other applicable standards and guidance. Also, in collaboration with the American National Standards Institute, the American Society of Heating, Refrigerating and Air-Conditioning Engineers ("ASHRAE") has issued (and updates) "Standard 15: Safety Standard for

Refrigeration Systems.” These standards are consistently relied upon by refrigeration experts and are sometimes incorporated into state building and mechanical codes.¹ IIAR also issues bulletins and guidance for the ammonia refrigeration industry, including Int’l Inst. of Ammonia Refrigeration, Bulletin No. 109: Minimum Safety Criteria for a Safe Ammonia Refrigeration System (1997) [hereinafter “IIAR Bull. 109”] and IIAR Bull. 114 (1991), among others. The industry standards, bulletins and guidance cited in this document are those that were in effect on the date of Respondent’s PHA update in 2012.

34. On October 31, 2012, EPA inspectors visited the Facility to inspect and assess Respondent’s compliance with Section 112(r) of the CAA and with Sections 302–312 of the Emergency Planning and Community Right-to-Know Act (the “Inspection”). The inspection occurred after a release of ammonia from the Facility.

35. The Processes are “closed-loop” refrigeration systems. Only the CS and the FF processes are interconnected. For the two interconnected Processes, the main interconnected area is in the Machinery Room where pumps and other refrigeration equipment reside. The YT system chills the Blast Freezer in the Blueberry processing area. The condenser and receiver for the YT system are located outside the York Compressor Room by the Processing Room on the southeast side of the building. Other processing equipment is located in the York Compressor Room for the YT system. The FF tunnel system chills the Flo Freeze Tunnel system and the CS system chills Cold Storage Rooms #1 through 5. The condensers and receivers for both systems (FF and CS) are located immediately adjacent to each other along the northwest wall outside the

¹ For example, the Maine State Building Code references 2009 International Building Code (IBC). In turn the IBC states, “Refrigeration systems shall comply with the requirements of this code and, except as modified by this code, ASHRAE 15. Ammonia-refrigerating systems shall comply with this code and, except as modified by this code, ASHRAE 15 and IIAR 2.”

building. Other processing equipment for the FF and CS systems is located in the Machinery Room.

36. During the Inspection of the Facility, EPA requested and received certain documentation pertaining to the Processes, including but limited to the Facility's OSHA Compliance PHA Report dated April 19, 1999 (Section 3 of the RMP), a PSM Compliance Audit dated May 21, 1999, PSM Compliance Audit Report dated February 6, 2012, PSM Ammonia Safety Training attendance list dated June 15, 2012, the SOP of the York Tunnel Ammonia Refrigeration System dated June 2012 and PHA Audit/Revalidation Report dated June 13, 2012.

37. The Inspection and EPA's review of submitted information revealed some potentially dangerous conditions relating to the Processes and storage of ammonia, including the following:

- a. Ammonia was being stored in the basement of the old house without proper labeling and near combustibles.
- b. The RMP listed the Fire Chief for the Town of Ellsworth, Maine, as the emergency facility contact, but he did not work for Hancock Foods.
- c. On the day of EPA's inspection, the facility representative from Hancock Foods provided the inspectors with an attendance record dated June 15, 2012 for PSM Ammonia Safety Training. However, there was no record attached or available as to the content of the training or the testing to determine participants' understanding.
- d. The piping and vapor barriers (insulation) on the roof were in disrepair and ice had built up on the doorway entrance and equipment located in the penthouse of Cold Storage Room #5.

- e. Regular maintenance activities occurred in the Machinery Room, such as the use of spark generating power tools, where the Maintenance Department is located.
- f. Vehicle traffic, such as forklifts, existed in the Cold Storage Room #1 and the Processing Room where operating refrigeration equipment and piping were unprotected from the forklifts.
- g. The king valve to the YT receiver was missing its handle, not labeled, and inaccessible.
- h. No Hot Work Permit existed for the maintenance activities occurring near the YT system observed during the inspection including the use of a grinding power tool that created sparks.
- i. Pipes throughout the facility were missing labels or incorrectly labeled.
- j. No sign or audiovisual alarm existed in the York Compressor Room.
- k. No emergency shutoff switch existed outside the York Compressor Room for the YT system.
- l. A shutoff switch may have existed outside the Maintenance Department/Machinery Room for the CS and FF system. However, the switch was unlabeled, and the facility representative conveyed during the inspection that he did not understand the function of the switch.
- m. No ventilation inlet existed for the York Compressor Room or Machinery Room.
- n. The lower ventilation exhaust for the York Compressor Room was blocked by an electric panel from the inside and covered by plywood from the outside.

- o. The York Compressor Room and the Machinery Room lacked intrinsically safe electrical wiring, outlets and motors.
- p. The exit door from the York Compressor Room, which opens into the building, was not self-closing and did not form a tight fit when closed.
- q. The king valve to the CS receiver and the FF receiver were not labeled and difficult to access.
- r. Oil stored in a tank and a yellow locker used to store flammable material was located in the Machinery Room.
- s. On January 25 and 26, 2012, a Process Safety Management Compliance Audit that reviewed the RMP was performed by Greystone Risk Management along with six Hancock Food employees. The audit report, dated February 6, 2012, detailed specific regulatory requirements missing or needing to be updated in the RMP including:
 - i. Obtaining employee participation,
 - ii. Developing detailed process safety information,
 - iii. Conducting a formal process safety analysis,
 - iv. Developing written operating procedures,
 - v. Providing and document employee training,
 - vi. Developing and implement a contractor safety program,
 - vii. Performing a pre-startup safety review,
 - viii. Developing a formal mechanical integrity program,
 - ix. Developing and implementing a hot work permit system,

- x. Developing and implementing a management of change process, and
 - xi. Developing and implementing an incident investigation process.
- t. On March 27 and 28, 2012, a PHA Update/Revalidation was performed by Greystone Risk Management and seven Hancock Food employees. During the inspection the facility representative admitted to the inspectors that the PHA Update/Revalidation was the first since the initial PHA. The PHA Update/Revitalization Report dated June 13, 2012, detailed specific regulatory requirements missing or needing to be updated including:
- i. Updating ammonia sensors including installing ammonia sensors at YT and in the manifold,
 - ii. Implementing standard operating procedures (“SOPs”) with personal protection equipment requirements,
 - iii. Calibrating temperature, pressure and ammonia sensors annually,
 - iv. Developing standard operating procedures (“SOPs”) for compressor “jump out” or bypass,
 - v. Prohibiting vehicles in Processing Room, the Cold Storage Room #1 and the Machinery Room or providing proper protection,
 - vi. Conducting a daily ammonia system walk-through,
 - vii. Developing a training and qualification program for ammonia system employees,
 - viii. Repiping pressure relief valves to atmosphere that went to the compressor suction,

- ix. Evaluating access to upper hand valves on condenser, and
- x. Updating the emergency plan to address power loss.

38. On May 20, 2014, EPA issued a draft Notice of Violation and Administrative Order (“NOV/AO”) to Respondent. Upon receiving Respondent’s comments, EPA issued a final NOV/AO on September 30, 2014.

39. On Friday, March 27, 2015, Hancock Foods experienced an ammonia leak from a compressor in the main compressor room due to a mechanical failure. On Saturday, March 28, 2015 and on Monday morning, March 30, 2015, the company added ammonia to the system, revealing that the system had lost more than 100 pounds during the incident. Later on Monday, March 30, 2015 at 3:01:00 pm, Hancock Foods called the National Response Center.

VIOLATIONS

I. FAILURE TO COMPLY WITH RMP EMERGENCY CONTACT REQUIREMENTS

40. The allegations in Paragraphs 1 through 39 are hereby realleged and incorporated herein by reference.

41. Pursuant to 40 C.F.R. § 68.160, the owner or operator of a Program 3 process is required, among other things, to submit a single RMP that includes the information required by §§ 68.155 through 68.185. Section 68.160(b)(6) requires the owner or operator to include in a single registration form and include in the RMP the name, title, telephone number, 24-hour telephone number and the e-mail address of the emergency contact.

42. As described in Paragraph 37(b), above, at the time of Inspection, Respondent listed the Fire Chief for the Town of Ellsworth as the Hancock Food’s emergency contact. An

emergency contact must be from the facility and “keeping emergency contact information current [is] valuable to ensuring a timely response to and an accidental release, and [is] particularly critical to emergency planning and response.” See 69 Fed. Reg. 18823 (2004).

43. Accordingly, from at least July 30, 2009 (the date of the RMP Update) until August 29, 2014, Hancock Foods violated the RMP requirements of 40 C.F.R. § 68.160 by failing to list an emergency contact from the facility.

II. FAILURE TO COMPLY WITH SAFETY INFORMATION REQUIREMENTS

44. The allegations in Paragraphs 1 through 43 are hereby realleged and incorporated herein by reference.

45. Pursuant to 40 C.F.R. § 68.65, the owner or operator of a Program 3 process is required, among other things, to compile written process safety information before completing the PHA, in order to perform an adequate PHA and to enable proper maintenance of process equipment. The owner or operator shall document that equipment complies with recognized and generally accepted good engineering practices. 40 C.F.R. § 68.65(d)(2). Additionally, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, the owner or operator shall determine and document that the equipment is designed, maintained, inspected, tested, and operating in a safe manner. 40 C.F.R. § 68.65(d)(3).

46. Respondent failed to show the equipment complies with recognized and generally accepted good engineering practices nor determined and documented that the equipment is designed, maintained, inspected, tested, and operated in a safe manner including:

a. As discussed in Paragraph 37(d), the inspectors observed that the piping and vapor barriers (insulation) on the roof were in disrepair and ice had built up on the door and equipment located in the penthouse of Cold Storage Room #5. The recommended industry practice and standard of care for piping and vapor barriers in disrepair is that insulated piping showing signs of vapor barrier failure should have the insulation removed and the pipe inspected. For example, see, Int'l Inst. of Ammonia Refrigeration, Bulletin No. 109: Minimum Safety Criteria for a Safe Ammonia Refrigeration System (1997) [hereinafter "IIAR Bull. 109"] § 4.7.5. Additionally, ice formations that could endanger refrigerant piping or other components should be removed and the condition(s) that caused the ice buildup corrected. For example, see, IIAR Bull. 109 § 4.10.7.

b. As discussed in Paragraph 37(e) the inspectors observed regular facility maintenance activities other than repairs and maintenance to the refrigeration equipment occurring in the Machinery Room with operating ammonia-containing refrigeration piping and equipment. The recommended industry practice and standard of care is to restrict access to the refrigerating machinery room to authorized personnel. Doors shall be clearly marked and permanent signs shall be posted at each entrance to indicate this restriction. For example, see American National Standards Institute/International Institute of Ammonia Refrigeration, Revision 2, 2008 (2010 ed.) [hereinafter "ANSI/IIAR 2-2008"] § 13.1.2.4.

c. As discussed in Paragraph 37(f), the inspectors observed vehicle traffic, such as forklifts, in the Cold Storage Room #1 and Processing Room near refrigeration piping. The recommended industry practice and standard of care is that no refrigerant piping

should be exposed to possible physical damage through traffic hazards such as forklifts.

For example, see, IIAR Bull. 109 § 4.7.3.

d. As discussed in Paragraph 37(g & q), the inspectors observed that the king valve to the YT receiver was missing its handle, not labeled and inaccessible. Furthermore, the king valve to the CS receiver and the FF receiver were not labeled and difficult to access. The recommended industry practice and standard of care for the main shut-off valve (a.k.a. the king valve) of the ammonia system is that the king valve should be readily accessible and identified with a prominent sign having letters sufficiently large to be easily read. For example, see IIAR Bull. 109 § 4.10.3.

e. As discussed in Paragraph 37(i), the inspectors observed that piping and equipment throughout the facility were missing labels and had incorrect labels. The recommended industry practice and standard of care is to establish uniform guidelines for identifying piping in a closed circuit ammonia refrigeration system and the related refrigeration system components. For example, see IIAR Bull. 114 (1991).

f. As discussed in Paragraph 37(j), the inspectors observed that no sign or audiovisual alarm existed at the entrances to the York Compressor Room. The recommended industry practice and standard of care is to equip the detectors to activate visual and audible alarms inside the Machinery Room and at each of its entrances. See, e.g., Am. Nat'l Standards Inst./Am. Soc'y of Heating, Refrigerating and Air-Conditioning Eng'rs, Standard 15-2007: Safety Standard for Refrigeration Systems § 8.11.2.1 (2007) [hereinafter "ASHRAE 15-2007"] and ASHRAE 15-2010 (and addenda of 2012).

g. As discussed in Paragraph 37(k & l), the inspectors observed that no emergency shutoff switches existed outside York Compressor Room for the YT system and outside of the Machinery Room for the FF and CS systems. The recommended industry practice and standard of care is that a remote emergency shutdown control for refrigeration compressors, refrigerant pumps, and normally closed automatic refrigerant valves within the machinery room, shall be provided immediately outside the designated principle exterior machinery room door. Doors communicating with the building shall be approved, self-closing, tight-fitting, fire doors equipped with panic-type hardware. See, for example, ANSI/IIAR 2-2008 (2010 ed.) § 13.1.13.2.

h. As discussed in Paragraph 37(m, n & o), the inspectors observed that no ventilation inlet existed for the York Compressor Room or Machinery Room, and the ventilation exhaust from York Compressor Room was blocked by refrigeration equipment. No ventilation inlet existed for the York Compressor Room or Machinery Room. Nor was there explosion proof electrical wiring. The recommended industry practice and standard of care is to provide a well-designed emergency ventilation system in an ammonia refrigeration machinery room in case of a release to avoid explosive levels of ammonia in air. Where a mechanical ventilation system is not provided, the machinery room would be considered a room with the potential for a hazardous condition to exist that requires intrinsically safe electrical wiring (explosion proof). See ANSI/IIAR 2-2008 § 13.1.7.3. Additionally, provisions shall be made for inlet air to replace that being exhausted. Inlet air makeup shall be designed to provide negative pressure in the

machinery room. For example, see ANSI/IIAR 2-2008 § 13.3 and ANSI/ASHRAE 15-2007 § 8.11.4.

i. As discussed in Paragraph 37(p), the inspectors observed that the exit door from the York Compressor Room opens into the building. The recommended industry practice and standard of care is for each refrigerating machinery room to have a tight-fitting door or doors opening outward, self-closing if they open into the building, and adequate in number to ensure freedom for persons to escape in an emergency. For example, see ANSI/IIAR 2-2008 (2010 ed.) § 13.1.10.1.

j. As discussed in Paragraph 37(r), the inspectors observed oil being stored in a tank and a yellow locker used to store flammable material located in the Machinery Room. The recommended industry practice and standard of care is that flammable and combustible materials shall not be stored in machinery rooms. See ANSI/IIAR 2-2008 (2010 ed.) § 13.1.3.1.

47. From at least the date of EPA's inspection, October 31, 2012, to July 24, 2014, Respondent violated the requirements of 40 C.F.R. §§ 68.65(d)(2) and (3). On July 24, 2014, Respondent submitted documentation that it had corrected many, but not all, of these items.

III. FAILURE TO COMPLY WITH TRAINING DOCUMENTATION REQUIREMENTS

48. The allegations in Paragraphs 1 through 47 are hereby realleged and incorporated herein by reference.

49. Pursuant to 40 C.F.R. § 68.71(c), the owner or operator of a Program 3 process is required to ascertain that each employee involved in operating a process has received and

understood the training required by 40 C.F.R. § 68.71. The owner operator shall prepare a record which contains the identity of the employee, the date of training and the means used to verify that the employee understood the training.

50. On the day of EPA's Inspection, the facility representative from Hancock Foods provided the inspectors with an attendance record dated June 15, 2012 for PSM Ammonia Safety Training. However, there was no record attached or available as to the content of the training or the means used to determine participants' understanding as required by 40 C.F.R. § 68.71(c). See Paragraph 37(c), above.

51. Accordingly, Hancock Foods violated the training documentation requirements of 40 C.F.R. § 68.71(c) from June 15, 2012 to July 24, 2014. On July 24, 2014, Respondent submitted documentation that it had recently trained its employees.

IV. FAILURE TO COMPLY WITH HOT WORK PERMIT REQUIREMENTS

52. The allegations in Paragraphs 1 through 51 are hereby realleged and incorporated herein by reference.

53. Pursuant to 40 C.F.R. § 68.85(a), the owner or operator of a Program 3 process is required to issue a hot work permit for hot work operations conducted on or near a covered process.

54. On the day of EPA's Inspection, the inspectors asked employees near the YT system if a Hot Permit existed for the grinding activities that created sparks. The workers immediately stopped work and later admitted that no Hot Work Permit existed. See Paragraph 37(h), above.

55. Accordingly, Hancock Foods violated the Hot Work Permit requirements of 40 C.F.R. § 68.85(a) at the time of EPA's inspection on October 31, 2012. On July 24, 2014, Respondent submitted documentation that it had developed a hot work permit program.

V. FAILURE TO COMPLY WITH COMPLIANCE AUDIT REQUIREMENTS

56. The allegations in Paragraphs 1 through 55 are hereby realleged and incorporated herein by reference.

57. Pursuant to 40 C.F.R. § 68.79, owners or operators of Program 3 processes are required to, among other things, certify that they have performed a compliance audit at least every three years to verify that the RMP procedures and practices developed under this subpart are adequate and are being followed. Additionally, pursuant to 40 C.F.R. § 68.79(d) the owner or operator shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

58. On the day of EPA's Inspection, the inspectors received a copy of a Process Safety Management Compliance Audit dated February 6, 2012. The audit report detailed specific regulatory requirements missing or needing to be updated in the RMP as set out in Paragraph 33(s), above. No document was available documenting that the deficiencies were being or had been corrected.

59. Accordingly, immediately following the February 6, 2012 audit report, Hancock Foods violated the compliance audit requirements of 40 C.F.R. § 68.79(d) by failing to document that the deficiencies had been corrected.

VI. FAILURE TO COMPLY WITH REVALIDATION REQUIREMENTS FOR THE PROCESS HAZARD ANALYSIS

60. The allegations in Paragraphs 1 through 59 are hereby realleged and incorporated herein by reference.

61. Pursuant to 40 C.F.R. § 68.67, the owner or operator of a Program 3 process is required to, among other things, perform an initial process hazard analysis (PHA) on processes. These process hazard analyses shall be updated and revalidated at least every five (5) years after the completion of the initial process hazard analysis.

62. Pursuant to 40 C.F.R. § 68.67(e), the owner or operator shall establish a system to promptly address the team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; and communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions.

63. On the day of EPA's inspection, the inspectors received a copy of a PHA Update/Revalidation report dated June 13, 2012, which detailed specific regulatory requirements missing or needing to be updated as set out in Paragraph 37(t). No previous update/revalidation reports were available, although Respondent has had an RMP since 1999. Additionally, no documentation was available establishing a system to promptly address the team's findings and recommendations in the PHA Update/Revalidation report.

64. Accordingly, from 2004 to June 13, 2012, Hancock Foods violated the updating and revalidation requirements of 40 C.F.R. § 68.67 by failing to updated and revalidated the PHA at

least every five (5) years after the completion of the initial process hazard analysis and to establish a system to promptly address the team's findings and recommendations.

**VII. FAILURE TO NOTIFY THE NATIONAL RESPONSE CENTER OF A RELEASE
IN VIOLATION OF CERCLA**

65. Complainant realleges and incorporates by reference paragraphs 1 through 64.

66. Section 103(a) of CERCLA, 42 U.S.C. 9603(a), and 40 C.F.R. § 302.6(a) require a person in charge of an onshore facility to immediately notify the National Response Center as soon as he has knowledge of a release (other than a federally permitted release) of a hazardous substance from such facility in an amount equal to or greater than the reportable quantity of that substance.

67. As alleged above, the Respondent is a "person," as defined at Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), and 40 C.F.R. § 302.3.

68. The Facility is an "onshore facility," as defined at Section 101(18) of CERCLA, 42 U.S.C. § 9601(18), and 40 C.F.R. § 302.3.

69. At the time of the Release, Respondent was "in charge of" the onshore facility.

70. Ammonia is a "hazardous substance," as defined at Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and 40 C.F.R. § 302.3.

71. Pursuant to 40 C.F.R. § 302.4, the reportable quantity for an ammonia release is 100 pounds, as determined in any 24-hour period.

72. The Release on Friday, March 27, 2015 was a "release" into the environment, as defined at Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and 40 C.F.R. § 302.3.

73. The Release of approximately 300 pounds of anhydrous ammonia from the Facility during the Release exceeded the reportable quantity.

74. The Release was not a “federally-permitted release,” as defined at Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

75. Accordingly, Respondent was required to immediately notify the National Response Center as soon as Respondent knew that the amount of anhydrous ammonia released exceeded the reportable quantity.

76. Respondents knew or should have known that the Release exceeded the reportable quantity no later than Monday morning, March 30, 2015, when the System was recharged with an additional 200 pounds of anhydrous ammonia. Ammonia was also added to the System on Saturday, March 28, 2016.

77. Respondents did not notify the National Response Center of the Release until 3:01pm on Monday, March 30, 2015, after being urged to do so.

78. Accordingly, Respondents’ failure to immediately notify the National Response Center as soon as it had knowledge that the Release at the Facility exceeded the reportable quantity violated Section 103(a) of CERCLA and 40 C.F.R. § 302.6(a).

IV. TERMS OF SETTLEMENT

79. The provisions of this CAFO shall apply to and be binding on EPA and on Respondent, its officers, directors, successors, and assigns.

80. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in this CAFO and that the CAFO states a claim upon which relief can be granted against Respondent.

Respondent waives any defenses it might have as to jurisdiction and venue and, without admitting or denying the factual and legal allegations contained herein, consents to the terms of this CAFO.

81. Respondent hereby waives its right to a judicial or administrative hearing on any issue of law or fact set forth in this CAFO and waives its right to appeal the Final Order.

82. Respondent certifies that it is currently operating this Facility in compliance with Section 112(r)(7) of CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. Part 68.

83. Pursuant to Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and taking into account the relevant statutory penalty criteria, the facts alleged in this CAFO, and such other circumstances as justice may require, EPA has determined that it is fair and proper to assess a civil penalty of **\$108,723** for the violations alleged in this matter.

84. Respondent consents to the issuance of this CAFO and to the payment of the civil penalty cited in paragraph 83.

85. Within thirty (30) days of the effective date of this CAFO, Respondent shall pay the total penalty amount of \$108,724 according to the following instructions:

a. Respondent shall pay the CERCLA penalty by submitting a company, bank, cashier's, or certified check, payable to the order of the "EPA Hazardous Substance Superfund," in the amount of **\$5,110** to:

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

b. Respondent shall pay the CAA penalty by submitting a company, bank, cashier's, or certified check, payable to the order of the "Treasurer, United States of America," in the amount of **\$103,613** to:

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

c. Respondent may make payment by electronic funds transfer instead of check, provided the penalty is split up as specified above in subparagraphs (a) and (b) via:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT Address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

d. Respondent shall include the case name and docket numbers ("*In re. Hancock Foods, Inc.*, Docket Nos. CAA-01-2017-0018 and CERCLA-01-2017-0018") on the face of each check or wire transfer confirmation. In addition, at the time of payment, Respondent shall simultaneously send notice of the payment and a copy of each check or electronic wire transfer confirmation to:

Wanda I. Santiago
Regional Hearing Clerk (Mail Code ORA 18-1)
U.S. Environmental Protection Agency, Region 1

5 Post Office Square, Suite 100
Boston, MA 02109-3912

and

Steven Calder
Enforcement Counsel (Mail Code OES 04-02)
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

86. In the event that any portion of the civil penalty amount described in paragraph 85 is not paid by the required due date, the total penalty amount of **\$108,723**, plus all accrued interest shall become due immediately to the United States upon such failure. Then, interest as calculated in paragraphs 87 and 88 shall continue to accrue on any unpaid amounts until the total amount due has been received by the United States. Respondent shall be liable for such amount regardless of whether EPA has notified Respondent of its failure to pay or made a demand for payment. All payments to the United States under this paragraph shall be made by company, bank, cashier's, or certified check, or by electronic funds transfer, as described in paragraph 85.

87. Collection of Unpaid CERCLA Penalty: Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. In the event that any portion of the civil penalty amount relating to the alleged CERCLA violation is not paid when due, the penalty shall be payable, plus accrued interest, without demand. Interest shall be payable at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2) and shall accrue from the original date on which the penalty was due to the date of payment. In addition, a penalty charge of six percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Should assessment of the penalty

charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. § 901.9(d). In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

88. Collection of Unpaid CAA Civil Penalty: In the event that any portion of the civil penalty amount relating to the alleged CAA violations is not paid when due without demand, pursuant to Section 113(d)(5) of the CAA, Respondent will be subject to an action to compel payment, plus interest, enforcement expenses, and a nonpayment penalty. Interest will be assessed on the civil penalty if it is not paid when due. In that event, interest will accrue from the due date at the “underpayment rate” established pursuant to 26 U.S.C § 6621(a)(2). In the event that a penalty is not paid when due, an additional charge will be assessed to cover the United States’ enforcement expenses, including attorney’s fees and collection costs. In addition, a quarterly nonpayment penalty will be assessed for each quarter during which the failure to pay the penalty persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of Respondents’ outstanding civil penalties and nonpayment penalties hereunder accrued as of the beginning of such quarter. In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

89. All penalties, interest, and other charges shall represent penalties assessed by EPA, and shall not be deductible for purposes of federal taxes. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of Section 1.62-21 of the Internal Revenue Code, 26 U.S.C. § 162-21, and further agrees not to use these payments in any way as, or in furtherance of, a tax deduction under federal, state, or local law.

90. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law.

91. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Sections 113(a) and (d) of the CAA for the specific violations alleged in this CAFO. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with said laws and regulations.

92. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or of the statutes and regulations upon which this CAFO is based, or for Respondent's violation of any applicable provision of law.

93. Nothing in this CAFO is intended to resolve any criminal liability of the Respondent, and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to address imminent hazards.

94. Respondent's obligations under the CAFO shall end when it has paid in full the scheduled civil penalty, paid any stipulated penalties, and submitted the documentation required by the CAFO.


95. Each party shall bear its own costs and fees in this proceeding including attorney's fees, and specifically waive any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C § 504, or other applicable laws.

96. The terms, conditions, and requirements of this CAFO may not be modified without the written agreement of all parties and approval of the Regional Judicial Officer.

97. In accordance with 40 C.F.R. § 22.31(b), the effective date of this CAFO is the date on which it is filed with the Regional Hearing Clerk.

98. Each undersigned representative of the parties certifies that he is fully authorized by the party responsible to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.

For Respondent:



Roy P. Allen II, President
Hancock Foods, Inc.

11-21-2016
Date

For Complainant:

Susan Studlien

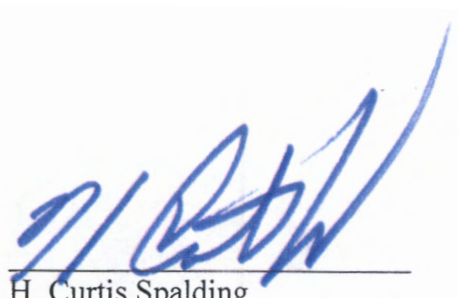
Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1 – New England

11/29/2016

Date

FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement, effective on the date it is filed with the Regional Hearing Clerk.



H. Curtis Spalding
Regional Administrator
U.S. Environmental Protection Agency, Region 1

Date: 11/29/16

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

IN THE MATTER OF)
)
Hancock Foods, Inc.) Docket No. CAA-01-2017-0018
37 Wyman Road) and CERCLA 01-2017-0019
Hancock, ME 04640)
) **CONSENT AGREEMENT**
) **AND FINAL ORDER**
)
Proceeding under Section 113(d))
of the Clean Air Act, 42 U.S.C. § 7413(d) and)
Section 109(b) of the Comprehensive)
Environmental Response, Compensation, and)
Liability Act, 42 U.S.C. § 9609(b))
_____)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

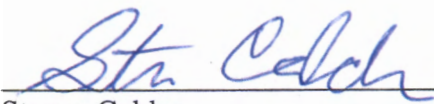
Original and one copy,
hand-delivered:

Ms. Wanda Rivera
Regional Hearing Clerk
U.S. EPA, Region I (ORA18-1)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Copy, by Certified Mail,
Return Receipt Requested:

Phillip D. Buckley, Esq.
Rudman Winchell
84 Harlow Street
P.O. Box 1401
Bangor, ME 04402-1401
(Counsel for Respondent)

Dated: 11/30/16



Steven Calder
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (OES 04-2)
Boston, MA 02109-3912
Tel (617) 918-1744
Fax (617) 918-0744