

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

**FILED**

Jan 26, 2026

7:58 am

U.S. EPA REGION 5  
HEARING CLERK

In the Matter of:	)	Docket No. CAA-05-2026-0014
	)	
Hudsonville Creamery & Ice Cream, LLC	)	Proceeding to Assess a Civil Penalty
Holland, Michigan	)	Under Section 113(d) of the Clean Air Act,
	)	42 U.S.C. § 7413(d)
Respondent.	)	
_____	)	

**Consent Agreement and Final Order**

**A. Preliminary Statement**

1. This is an administrative penalty assessment proceeding commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.1(a)(2), 22.13(b) and 22.18(b).
2. Complainant is the U.S. Environmental Protection Agency (EPA). The EPA Administrator has delegated the authority to settle civil administrative penalty proceedings under Section 113(d) of the CAA to the Division Director of the Region 5 Enforcement and Compliance Assurance Division.
3. Respondent is Hudsonville Creamery & Ice Cream LLC (Hudsonville), a Domestic Limited Liability Company doing business in Michigan. Respondent is a "person," as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
4. The EPA and Respondent agree that settling this action is in the public interest and consent to the entry of this Consent Agreement and Final Order (CAFO) pursuant to 40 C.F.R. § 22.18(b)(2) and (3) without the adjudication of any issues of law or fact.

5. Respondent agrees to comply with the terms of this CAFO.

**B. Jurisdiction**

6. The alleged violations in this CAFO are pursuant to Section 113(a)(3)(A) of the CAA.

7. The EPA and the United States Department of Justice have jointly determined that this matter, although it involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.

8. On September 26, 2022, the EPA issued to Respondent a Finding of Violation (FOV) and provided a copy of the FOV to Michigan Department of Environment, Great Lakes, and Energy (Michigan EGLE). The FOV provided notice to Respondent and MI EGLE that the EPA found Respondent committed the alleged violations described in Section E of this CAFO and provided Respondent an opportunity to confer with the EPA. On November 15, 2022, representatives of Respondent and the EPA conferred regarding the September 26, 2022 FOV.

9. The Regional Judicial Officer of Region 5 is authorized to ratify the Consent Agreement memorializing the settlement between the EPA and Respondent and to issue the attached Final Order. 40 C.F.R. §§ 22.4(b) and 22.18(b).

**C. Statutory and Regulatory Background**

**Clean Air Act, Section 112(r)**

10. Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), provides that it shall be the objective of the regulations and programs authorized under this subsection to prevent the accidental release

and to minimize the consequences of any such release of any substance listed pursuant to Section 112(r)(3), or any other extremely hazardous substance.

11. Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), provides that the Administrator shall promulgate, not later than 24 months after November 15, 1990, an initial list of 100 substances which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment.

12. Section 112(r)(7)(A) of the CAA, 42 U.S.C. § 7412(r)(7)(A), provides that in order to prevent accidental releases of regulated substances, the Administrator is authorized to promulgate release prevention, detection, and correction requirements which may include monitoring, record-keeping, reporting, training, vapor recovery, secondary containment, and other design, equipment, work practice, and operational requirements.

13. Section 112(r)(7)(B)(i) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(i), provides that within 3 years after November 15, 1990, the Administrator shall promulgate reasonable regulations and appropriate guidance to provide, to the greatest extent practicable, for the prevention and detection of accidental releases of regulated substances and for response to such releases by the owners or operators of the sources of such releases.

14. Section 112(r)(7)(B)(ii) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(ii), provides that the regulations under this subparagraph shall require the owner or operator of stationary sources at which a regulated substance is present in more than a threshold quantity to prepare and implement a Risk Management Plan (RMP) to detect and prevent or minimize accidental releases of such substances from the stationary source, and to provide a prompt emergency response to any such releases in order to protect human health and the environment.

15. Pursuant to Section 112(r) of the CAA, 42 U.S.C. § 7412(r), the Administrator initially promulgated a list of regulated substances, with threshold quantities for applicability, at 59 Fed. Reg. 4478 (January 31, 1994), which is codified, as amended, at 40 C.F.R. § 68.130.

16. Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E), provides that after the effective date of any regulation or requirement promulgated pursuant to Section 112(r) of the CAA, it shall be unlawful for any person to operate any stationary source in violation of such regulation or requirement.

### **Chemical Accident Prevention Provisions**

#### **a. Applicability**

17. 40 C.F.R. § 68.10(a) provides, in part, that the owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 C.F.R. § 68.115, shall comply with the requirements of the Chemical Accident Prevention Provisions (CAPP) no later than the date on which a regulated substance is first present above a threshold quantity in a process.

18. 40 C.F.R. § 68.3 defines “stationary source” as any buildings, structures, equipment, installations, or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under the common control), and from which an accidental release may occur.

19. 40 C.F.R. § 68.3 provides that “regulated substance” means any substance listed pursuant to Section 112(r)(3) of the CAA at 40 C.F.R. § 68.130.

20. Table 1 at 40 C.F.R. § 68.130(a) lists Ammonia (anhydrous) (CAS#7664-41-7) as a regulated toxic substance with a threshold quantity of 10,000 pounds.

21. 40 C.F.R. § 68.3 provides that “process” means any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For purposes of this definition, a single process includes any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release.

22. 40 C.F.R. § 68.3 provides that a “covered process” means a process that has a regulated substance present in more than a threshold quantity as determined under 40 C.F.R. §

68.115.

23. 40 C.F.R. § 68.12 defines three Program levels based on processes’ relative

potential for public impacts and the level of effort needed to prevent accidents. For each Program level, the rule defines requirements that reflect the level of risk and effort associated with the processes at that level. In addition to the general requirement to submit a single RMP, a source subject to Program 3 requirements must develop management systems, conduct hazard assessments, implement prevention requirements, coordinate response actions, and develop emergency response programs.

24. 40 C.F.R. § 68.10(i) provides, in part, that a covered process is subject to Program 3 requirements if the process does not meet the requirements of 40 C.F.R. § 68.10(g) and if either of the following conditions is met: the process is in NAICS code 32211, 32411, 32511, 325181, 325188, 325192, 325199, 325211, 325311, or 32532; or the process is subject to the U.S. Occupational Safety and Health Administration (OSHA) process safety management standard, 29 C.F.R. § 1910.119.

b. Process Hazard Analysis

25. 40 C.F.R. § 68.67(a) of CAPP provides, in part, that the owner or operator of a stationary source with a process subject to Program 3 shall perform a process hazard analysis appropriate to the complexity of the process and shall identify, evaluate, and control the hazards involved in the process.

26. 40 C.F.R. § 68.67(e) states that the owner or operator shall establish a system to promptly address the team's process hazard analysis 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; communicate the actions to operating, maintenance and other employees whose work assignment are in the process and who may be affected by the recommendations or actions.

c. Compliance Audits

27. 40 C.F.R. § 68.79(d) provides that 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.

d. Incident Investigation

28. 40 C.F.R. § 68.81(e) provides that the owner or operator shall establish a system to promptly address and resolve the incident report findings and recommendations. Resolutions and corrective actions shall be documented.

e. Contractors

29. 40 C.F.R. § 68.87(b)(3) provides that the owner or operator shall explain to the contract owner or operator the applicable provisions of the emergency response provisions of 40 C.F.R. Part 68, subpart E:

30. 40 C.F.R. § 68.87(b)(5) provides that the owner or operator shall periodically evaluate the performance of the contract owner or operator in fulfilling their obligations as specified in 40 C.F.R. § 68.87(c).

#### **D. Stipulated Facts**

31. Hudsonville owns and operates an ammonia refrigeration system at its ice cream manufacturing facility at 345 E. 48<sup>th</sup> Street, Holland, Michigan (Facility), which began operation in or around 2004. The ammonia refrigeration system was located in the Facility's "engine room."

32. Hudsonville's ammonia refrigeration system had an initial charge of 23,609 pounds anhydrous ammonia (CAS#7664-41-7) when operations began in 2004. Hudsonville referred to the ammonia refrigeration system as originally constructed as Old System Phase 1.

33. In or around July 2020-2021, Hudsonville upgraded the original engine room to increase manufacturing capacity and added lines #4 and #5 and installed 3 compressors, 2 vessels, and a condenser in the original engine room. Hudsonville referred to this project as Old System Phase 2.

34. In or around 2020-2021, Hudsonville initiated a new warehouse freezer project by installing several pieces of equipment in the new engine room #2. Hudsonville referred to this project as Freezer Machine Room Phase #1. Hudsonville added an additional 27,624 pounds of anhydrous ammonia (CAS#7664-41-7) in the system during Freezer Machine Room Phase #1.

35. In or around 2021-2022, Hudsonville upgraded the new engine room #2 to increase manufacturing capacity and installed a new blast freezer for line #6 and installed additional compressors and one vessel. Hudsonville referred to this project as Freezer Machine Room Phase #2.

36. Hudsonville's use, storage, and handling of the anhydrous ammonia at the Facility is a "process," as that term is defined at 40 C.F.R. § 68.3.

37. Hudsonville is a “person,” as that term is defined at Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

38. The Facility is a “stationary source,” as that term is defined at 40 C.F.R. § 68.3.

39. The Facility’s ammonia process contains greater than the threshold quantity of 10,000 pounds of anhydrous ammonia, listed at 40 C.F.R. § 68.130, and therefore is subject to the requirements of the CAPP, in accordance with 40 C.F.R. § 68.10(a), and the requirements of Program 3, in accordance with 40 C.F.R. § 68.10(i).

40. On May 25 and 26, 2022, an authorized representative of EPA conducted an announced compliance inspection at the Facility to determine compliance with the Risk Management Program regulations.

41. Hudsonville provided documents prior to and during the May 25-26, 2022, inspection. These documents were related to various aspects of its RMP including management system, emergency response plan, process hazard analysis, operating procedures, training, mechanical integrity, management of change, hot work, compliance audits, pre-startup review, and contractors.

42. From May 25, 2021, to May 27, 2025, Respondent completed the following actions:

- a. Hudsonville assigned a qualified professional to oversee the Risk Management Program at the Facility.
- b. Hudsonville reviewed the existing Standard Operating Procedures (SOPs) and verified with the process safety information and updated all SOPs.
- c. Hudsonville procured software to manage all elements of the RMP and perform tracking.
- d. Hudsonville transferred all hardcopy documents into the RMP software with all detailed equipment information including Mechanical Integrity inspection and testing frequency.
- e. Hudsonville initiated annual certification of all SOPs electronically.



- f. Hudsonville developed work plans for all contractors' activities and audit programs to ensure contractors' performance in accordance with the safe work plan.
- g. Hudsonville enhanced the training program to train all employees in the covered process area on a regular frequency.

#### **E. Allegations**

##### **a. Process Hazard Analysis**

43. Hudsonville conducted a process hazard analysis in December 2019 (2019 PHA). The 2019 PHA included multiple findings and recommendations. According to the "Whatif/Checklist Recommendation Summary" in the 2019 PHA, Hudsonville completed three recommended actions in 2022. Hudsonville completed "perform annual/periodic nondestructive testing [for external corrosion]" on April, 28, 2022. Hudsonville completed "establish & implement proper PSM documentation review" on June 1, 2022. Lastly, Hudsonville completed "implement annual [standard operating] procedure review" on April 28, 2022.

44. By completing recommended actions from the 2019 PHA in 2022, Hudsonville failed to resolve recommendations in a timely manner and complete actions as soon as possible, in violation of 40 C.F.R. § 68.67(e).

##### **b. Compliance Audits**

45. In a compliance audit on February 17 and 18, 2021, Hudsonville identified missing design codes and standards for the original ammonia system. According to "Compliance Audit Findings," the recommended action to correct the deficiency was to review a document with the design codes and standards, make edits, and store the document in the process safety information.

Hudsonville completed this action on May 11, 2022, almost 15 months later.

46. Hudsonville failed to promptly determine and document an appropriate response to each of the findings of the February 2021 compliance audit and to document that the deficiencies had been corrected, specifically lack of design codes and standards for the original system, in violation of 40 C.F.R. § 68.79(d).

c. Incident Investigation

47. On December 1, 2021, an ammonia leak occurred in the mechanical room. Hudsonville's contractor's investigation report described the incident and provided recommendations of corrective actions, including checking isolation valves and implementing three additional secondary processes. However, there is no documentation that Hudsonville has a system to promptly address and resolve incident report findings and recommendations. Hudsonville also did not document completion of the corrective actions following the December incident.

48. Hudsonville failed to establish a system to promptly address and resolve the incident report findings and recommendations for the December 1, 2021 ammonia leakage and also failed to document corrective actions, in violation of 40 C.F.R. § 68.81(e).

d. Contractors

49. At the time of the 2022 inspection, Hudsonville did not have a plan to evaluate the performance of contractors.

50. Hudsonville failed to evaluate the performance of contractors in fulfilling their obligations under section 68.87(c) in violation of 40 C.F.R. § 68.87(b)(5).

**F. Terms of Consent Agreement**

51. For the purposes of this proceeding, as required by 40 C.F.R. § 22.18(b)(2),

Respondent:

- a. admits to the jurisdictional allegations in this CAFO;
- b. neither admits nor denies the allegations stated in Section E of this CAFO;
- c. consents to the assessment of a civil penalty as stated below;
- d. consents to any conditions specified in this CAFO;
- e. waives any right to contest the allegations set forth in Section E of this CAFO; and
- f. waives its right to appeal this CAFO.

52. For the purposes of this proceeding, Respondent:

- a. agrees this CAFO states a claim upon which relief may be granted against Respondent.
- b. acknowledges this proceeding constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions.
- c. waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1);
- d. waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c);
- e. waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement; and
- f. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for noncompliance, and agrees that federal law shall govern in any such civil action.

53. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case, and Respondent's cooperation, the EPA has determined that an appropriate civil penalty to settle this action is \$100,000.

54. Respondent agrees to pay a civil penalty in the amount of \$100,000 (“Assessed Penalty”) within thirty (30) days after the date the Final Order ratifying this Consent Agreement is filed with the Regional Hearing Clerk (“Filing Date”).

55. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

56. When making a payment, Respondent shall:

- a. Identify every payment with Respondent’s name and the docket number of this CAFO, CAA-05-2026-0014,
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Regional Hearing Clerk (E-19J)  
U.S. Environmental Protection Agency, Region 5 [r5hearingclerk@epa.gov](mailto:r5hearingclerk@epa.gov)

Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
[R5airenforcement@epa.gov](mailto:R5airenforcement@epa.gov)

Tasia Kastanek  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
[Kastanek.Tasia@epa.gov](mailto:Kastanek.Tasia@epa.gov)

U.S. Environmental Protection Agency  
Cincinnati Finance Center Via  
electronic mail to:  
[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov)

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that

payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

57. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this CAFO, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately owing, and the EPA is authorized to recover the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7413(d)(5), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is, the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.
- b. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of handing collection.
- c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

58. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this CAFO, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.

- d. Request that the Attorney General bring a civil action in the appropriate district court to enforce the Final Order and recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, per 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty and Final Order shall not be subject to review.

59. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

60. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

61. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to annually send to the Internal Revenue Service ("IRS") a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements) that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Respondent's failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable:

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>.
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN.
- c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Division at [wise.milton@epa.gov](mailto:wise.milton@epa.gov) within 30 days after the Final Order ratifying this Consent Agreement is filed, or within 7 days after the Final Order ratifying this Consent Agreement is filed should that happen between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence.

62. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

63. By signing this CAFO, Respondent consents to the release of any information in this CAFO to the public and agrees this CAFO does not contain business information that is entitled to confidential treatment under 40 C.F.R. Part 2.

64. By signing this CAFO, the undersigned representative of the EPA and the undersigned representative of Respondent each certify that they are fully authorized to execute and enter into the terms and conditions of this CAFO and have the legal authority to bind the party they represent to this CAFO.

65. By signing this CAFO, Respondent certifies the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there may be significant penalties for knowingly submitting false information, including the possibility of fines and/or imprisonment under 18 U.S.C. §§ 1001 and 1519.

66. Each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding, except in the case of a civil action brought by the Attorney General of the United

States to recover unpaid penalties as described above.

**G. Effect of Consent Agreement and Final Order**

67. The parties consent to service of this CAFO by e-mail at the following e-mail addresses: Kastanek.tasia@epa.gov (for the EPA), and [mbeugster@varnumlaw.com](mailto:mbeugster@varnumlaw.com) (for Respondent).

68. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations specifically alleged in this CAFO.

69. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to this matter.

70. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties and approval of the Regional Judicial Officer.

71. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, authorized representatives, successors, and assigns.



72. Any violation of this CAFO may result in a civil judicial action for an injunction or civil penalties of up to \$124,426 per day per violation, or both, as provided in Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and 40 C.F.R. § 19.4, as well as criminal sanctions as provided in Section 113(c) of the CAA, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

73. Nothing in this CAFO relieves Respondent of the duty to comply with all applicable provisions of the CAA and other federal, state, or local laws or statutes, nor does it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor is it a ruling on, or determination of, any issue related to any federal, state, or local permit.

74. Nothing in this CAFO limits the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

75. The EPA reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA, and to assess and collect any civil penalties permitted by statute for any violation described herein. The EPA will give Respondent written notice of its intent to revoke this CAFO, which will not be effective until received by Respondent.

**H. Effective Date**

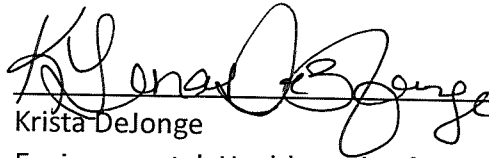
76. This CAFO will be effective on the date of filing with the Regional Hearing Clerk.

Upon filing, the EPA will transmit a copy of the filed CAFO to Respondent.

**Hudsonville Creamery & Ice Cream LLC, Respondent**

12/22/25

Date



Krista DeJonge

Environmental, Health, and Safety Manager

**For United States Environmental Protection Agency, Complainant**

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Carolyn Persoon  
Division Director  
Enforcement and Compliance Assurance Division  
U. S. Environmental Protection Agency, Region 5

**Consent Agreement and Final Order**

**In the Matter of:** Hudsonville Creamery & Ice Cream LLC

**Docket No.** CAA-05-2026-0014

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ann L. Coyle  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region 5