



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 30 2012

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. James E. Rudolph  
President  
Rudolph Foods Company, Inc.  
6575 Bellefontaine Road  
Lima, Ohio 45804

Re: Expedited Settlement Agreement  
Emergency Planning and Community Right-to-Know Act Section 312  
Payment Docket No. EPCRA-12-ESA-003  
Docket No. EPCRA-05-2012-0031

BD# 2751244E026

Dear Mr. Rudolph:

Enclosed please find a copy of the fully executed Emergency Planning and Community Right-to-Know Act (EPCRA) Section 312 Expedited Settlement Agreement and Final Order (ESA). The ESA is binding on the U.S. Environmental Protection Agency and Rudolph Foods Company, Inc. EPA will take no further action against Rudolph Foods Company, Inc. for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact James Entzminger at 312-886-4062, or [Entzminger.james@epa.gov](mailto:Entzminger.james@epa.gov), if you have any questions regarding the enclosed document or if you have any other questions about EPCRA reporting. Thank you for your assistance in resolving this matter.

Sincerely,

Michael E. Hans, Chief  
Chemical Emergency Preparedness  
and Prevention Section

Enclosure



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 5**

77 W. Jackson Boulevard  
Chicago, IL 60604-3590

BDH 2751244E026

**EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER**

**DOCKET NO:** EPCRA-05-2012-0031

**PAYMENT DOCKET NO:** EPCRA-12- ESA-003

**This Expedited Settlement Agreement is issued to:**

Rudolph Foods Company, Inc.  
6575 Bellefontaine Road  
Lima, Ohio

**RECEIVED**

**AUG 30 2012**

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

**for alleged violations of Section 312 of the Emergency Planning and Community Right-To-Know Act.**

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The United States Environmental Protection Agency, Region 5, and Rudolph Foods Company, Inc. ("Respondent") have agreed to the settlement of this action before the filing of a complaint. EPA and Respondent (jointly "the Parties") have agreed that settling this action without the filing of a complaint, or the adjudication of any issue of fact or law, is in their interest and in the public interest. This action is thus simultaneously commenced and concluded by this Expedited Settlement Agreement ("ESA") and Final Order. *See* 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).

This ESA is an administrative action for the assessment of civil penalties instituted pursuant to EPA's authority under Sections 325 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11045. The Director of the Superfund Division, Region 5, EPA has been delegated the authority to issue an Administrative Complaint seeking the assessment of civil penalties for violations of Section 312 of EPCRA, 42 U.S.C. § 11022. The Regional Administrator for Region 5 of EPA is authorized to issue a Final Order, which concludes this matter pursuant to 40 C.F.R. § 22.18.

**ALLEGED VIOLATIONS**

EPA alleges that Respondent, owner and/or operator of the facility at 6575 Bellefontaine Road, Lima, Ohio, failed to include sulfuric acid on the timely submitted emergency and hazardous chemical inventory form (Tier I or Tier II form as described in 40 C.F.R. § 370.25 and 40 C.F.R. Part 370, Subpart D) for the year 2010 as required by Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations at 40 C.F.R. Part 370. Under Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations at 40 C.F.R. Part 370, Respondent was required to submit its Tier I or Tier II form for calendar year 2010 on or before March 1, 2011. Respondent's failure to address all of the hazardous chemicals for calendar year 2010 renders the submission incomplete.

## SETTLEMENT

In consideration of factors including the nature, circumstances, extent, and gravity of the violations; Respondent's prior history of violations; and any other matters as justice may require, EPA and Respondent agree that an appropriate civil penalty to settle this action is \$2,000.00. In signing this ESA, Respondent: (1) admits that Respondent is subject to the requirements of Section 312 of EPCRA; (2) admits that EPA has jurisdiction over Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegation contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to request a hearing to contest any fact or allegation or appeal the final order contained herein. Respondent consents to, and is bound by, the terms and conditions of this ESA.

By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violation has been corrected, and (2) Respondent is submitting payment of the civil penalty as described below.

Respondent must send a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$2,000.00 in payment of the full penalty amount to the following address:

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

The payment docket number of this ESA must be included on the check. (The payment docket number is located at the top left corner of this ESA.)

This original ESA and a copy of the check must be sent by certified mail to:

James Entzminger  
U.S. EPA Region 5  
Superfund Division  
Chemical Emergency Preparedness and Prevention Section  
77 W. Jackson Boulevard, (SC-5C)  
Chicago, IL 60604

Upon the issuance of the Final Order, Respondent's correction of the alleged violation, and confirmation of receipt of Respondent's payment of the civil penalty, Respondent's liability is resolved only for any federal civil penalties due as a result of the facts and violations alleged in this ESA. This ESA, the Final Order, and Respondent's full payment of the civil penalty set forth herein, do not affect the right of EPA to pursue appropriate injunctive, other equitable relief, or criminal sanctions for any violations of law. EPA also does not waive any enforcement authority for any other violation of EPCRA or any other statute. The issuance of the Final Order does not

waive, extinguish, or otherwise affect Respondent's duty to comply with EPCRA, the regulations promulgated thereunder, or any other applicable law or requirement.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region 5 office at the above address in correct form by Respondent within 45 days of the date of Respondent's receipt of this ESA, the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified in this ESA.

This ESA is binding on the Parties signing below.

Each Party to this action shall bear its own costs and fees, if any.

Each Person signing this ESA and Final Order certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

**FOR RESPONDENT:**

Signature: Mike Merrillat Date: 7/11/12

Name (print): Mike Merrillat

Title (print): Corporate Engineering Manager

Name of facility: Rudolph Foods Company, Inc.

**FOR COMPLAINANT:**

Richard C. Karl Date: 8-27-12  
Richard C. Karl, Director  
Superfund Division

**FINAL ORDER**

This Expedited Settlement 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.**



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Susan Hedman  
Regional Administrator  
U.S. Environmental Protection Agency  
Region 5

Date: 8-29-12

**RECEIVED**  
AUG 30 2012


**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**



DATE: 11-JUL-12

VENDOR NAME: TREASUER UNITED STATES OF AMERICA

VENDOR NO. 3692

INVOICE NO.	INVOICE DATE	DESCRIPTION	DISCOUNT AMT.	NET AMOUNT
11-JUL-2012	11-JUL-12	EPCRA-12-ESA-003; SETTLMENT FOR 2010	.00	2,000.00
		EPCRA-05-2012-0031		
		BD# 2757244E026		
				
PLEASE DETACH AND RETAIN THIS STATEMENT AS YOUR RECORD OF PAYMENT			Thank You	
			.00	2,000.00



RUDOLPH FOODS COMPANY INC.  
 Box 509 LIMA, OHIO 45802-0509

HARRIS CENTRAL N.A.  
 ROSELLE, ILLINOIS  
 70-1558/719

No. 135762

CHECK DATE	CHECK NUMBER	CHECK AMOUNT
11-JUL-12	135762	\$2,000.00

PAY Two Thousand Dollars And 00 Cents\*\*\*\*\*

TO THE ORDER OF  
 TREASUER UNITED STATES OF AMERICA  
 XXXXX  
 XXXX, XX XXXXX