



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

In the Matter of:

Old Poultry, LLC  
145 East Old Cross Road  
New Market, VA 22844,

Respondent.

)  
) U.S. EPA Docket No.:  
) CERC-EPCRA-03-2013-0017  
)  
)  
) Proceedings Pursuant to Sections  
) 103 and 109 of the Comprehensive  
) Environmental Response,  
) Compensation and Liability Act, as  
) amended, 42 U.S.C. §§ 9603  
) and 9609, and Sections 304, 312,  
) and 325 of the Emergency  
) Planning and Community  
) Right-to-Know Act, 42 U.S.C.  
) §§ 11004, 11022 and 11045  
)

REGIONAL HEARING CLERK  
EPA REGION III, PHILA. PA

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CONSENT AGREEMENT AND FINAL ORDER

STATUTORY AUTHORITY

This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), as amended, 42 U.S.C. § 9609, and Section 325 of the Emergency Planning and Community Right-to-Know Act of 1986 (“EPCRA”), 42 U.S.C. § 11045, as well as under the authority provided by the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits” (“Consolidated Rules of Practice”), 40 C.F.R. Part 22, (“Part 22”). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region III, who has in turn delegated them to the Director, Hazardous Site Cleanup Division, EPA Region III (“Complainant”).

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (referred to collectively herein as “CA/FO”) as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b), and, having consented to the entry of this CA/FO, agree to comply with the terms of this CA/FO.

### **JURISDICTION**

1. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. §§ 22.1(a)(7) and 22.1(a)(8).
2. The Regional Judicial Officer has the authority to approve this settlement and conclude this proceeding pursuant to 40 C.F.R. §§ 22.4(b) and 22.18(b)(3).
3. For the purpose of this proceeding, Respondent Old Poultry, LLC (“Respondent” or “Old Poultry”) admits to the jurisdictional allegations in the Consent Agreement and agrees not to contest EPA’s jurisdiction with respect to the execution or enforcement of this Agreement.

### **FINDINGS OF FACT**

4. Respondent is a Virginia limited liability company with its principal place of business located at 145 East Old Cross Road, New Market, Virginia 22844.
5. Old Poultry, LLC was formerly known as New Market Poultry 2007, LLC until Articles of Amendment were filed with the Virginia State Corporation Commission changing its name effective May 18, 2011.
6. As a limited liability company, Old Poultry is a “person” as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), and Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and their respective regulations, 40 C.F.R. §§ 302.3 and 355.61.
7. At all times relevant to this CA/FO, Respondent was the owner or operator of a Facility located at 145 East Old Cross Road, New Market, Virginia (hereinafter the “Facility”), within the meaning of Section 304 of EPCRA, 42 U.S.C. §§ 11004, and was in charge of the Facility, within the meaning of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).
8. The Facility is a “facility” as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), and Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and their respective regulations, 40 C.F.R. §§ 302.3 and 355.61.
9. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), requires the Administrator of EPA to publish a list of substances designated as hazardous substances which, when released into the

environment, may present a substantial danger to public health or welfare or to the environment, and to promulgate regulations establishing that quantity of any hazardous substance, the release of which shall be required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304(a) of EPCRA, 42 U.S.C. § 11004(a) (“Reportable Quantity” or “RQ”). The list of hazardous substances is codified at 40 C.F.R. § 302.4.

10. Section 302(a) of EPCRA, 42 U.S.C. § 11002(a), requires the Administrator of EPA to publish a list of Extremely Hazardous Substances (“EHS”) and to promulgate regulations establishing that quantity of any EHS the release of which shall be required to be reported under Section 304(a) through (c) of EPCRA, 42 U.S.C. § 11004(a) through (c), (“Reportable Quantity” or “RQ”). The list of EHSs and their respective RQs is codified at 40 C.F.R. Part 355, Appendices A and B.

11. The State Emergency Response Commission (“SERC”) for the Facility is, and has been at all times relevant to this CA/FO, the Virginia Department of Environmental Quality (“VADEQ”), 629 East Main Street, Richmond, VA 23219.

12. The Local Emergency Planning Committee (“LEPC”) for the Facility is, and has been at all times relevant to this CA/FO, the Shenandoah County Department of Fire and Rescue, 600 N. Main Street, Suite 109, Woodstock, VA 22664.

13. The Local Fire Department (“Fire Department”) for the Facility is, and has been at all times relevant to this CA/FO, the New Market Fire Company, 9771 Congress St., New Market, VA 22844.

14. At all times relevant to this CA/FO, the Facility was a facility at which a hazardous substance and/or EHS was produced, used or stored.

**FINDINGS OF FACT RELATED TO THE  
VIOLATION OF SECTION 103 OF CERCLA AND 304 OF EPCRA**

15. The findings of fact contained in paragraphs 1 through 14 of this CA/FO are incorporated by reference herein as though fully set forth at length.

16. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), as implemented by 40 C.F.R. Part 302, requires, in relevant part, any person in charge of a facility, as soon as he/she has knowledge of a release (other than a federally permitted release) of a hazardous substance from such facility in a quantity equal to, or greater than, the RQ, to immediately notify the National Response Center (“NRC”) established under Section 311(d)(2)(E) of the Clean Water Act, as amended, 33 U.S.C. § 1321(d)(2)(E), of such release.

17. Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, that when there has been a release of a hazardous substance or an EHS in a quantity equal to or greater than the RQ from a facility at which hazardous chemicals are produced, used or stored, the owner or operator of that facility must immediately notify the SERC and the LEPC of the release.

18. Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, that when there has been a release of a hazardous substance or an EHS in a quantity equal to or greater than the RQ from a facility at which hazardous chemicals are produced, used, or stored, the owner or operator of that facility must provide a written follow-up report regarding the release to the SERC and the LEPC, as soon as practicable.

19. Beginning on or about July 23, 2008, an estimated three hundred twenty-eight (328) pounds of anhydrous ammonia (“ammonia”), Chemical Abstracts Service (“CAS”) Registry No. 7664-41-7 was released from the Facility.

20. Ammonia is an “extremely hazardous substance” as defined in Section 329(3) of EPCRA, 42 U.S.C. § 11049(3), and 40 C.F.R. § 370.66, and as listed in 40 C.F.R. Part 355, Appendices A and B. The RQ for ammonia is 100 pounds as listed in 40 C.F.R. Part 302, Table 302.4.

21. The release of ammonia from Respondent’s Facility (“the Release”) constitutes a release of a hazardous substance in a quantity equal to, or greater than, the RQ.

22. Respondent knew or should have known that the Release of ammonia from the Facility was in a quantity equal to or exceeding its RQ, at or about 9:24 a.m. on July 23, 2008.

23. On or about July 23, 2008, at or about 10:00 a.m., Respondent was contacted by a representative from the LEPC regarding the Release. The LEPC had been notified of the Release by the New Market Police Department.

24. On or about July 23, 2008, sometime between the hours of 12:30 p.m. and 3:19 p.m., Respondent notified the SERC of the Release.

25. On or about July 23, 2008, at or about 3:19 p.m., Respondent notified the NRC of the Release.

**CONCLUSION OF LAW RELATED TO THE  
VIOLATION OF SECTION 103 OF CERCLA AND 304 OF EPCRA**

26. The findings of fact contained in paragraphs 1 through 25 of this CA/FO are incorporated by reference herein as though fully set forth at length.

27. The July 23, 2008 Release was not a “federally permitted release” as that term is used in Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6, and defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

28. Respondent did not immediately notify the NRC of the Release as required by Section 103 of CERCLA, 42 U.S.C. § 9603 and 40 C.F.R. § 302.6, which requires immediate notification as soon as the Respondent knew or should have known of the Release.

29. Respondent did not immediately notify the SERC and the LEPC of the Release as required by Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), and 40 C.F.R. § 355.

30. Respondent did not submit a written follow-up emergency notice to the SERC and the LEPC as soon as practicable as required by Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. § 355.

31. Respondent’s failure to immediately notify the NRC as soon as the Respondent knew or should have known of the Release from the Facility in an amount equal to or in excess of its applicable RQ, is a violation of Section 103 of CERCLA, 42 U.S.C. § 9603. Therefore, Respondent is subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

32. Respondent’s failure to immediately notify the SERC and the LEPC of the Release constitutes a violation of Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b). Therefore, Respondent is subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

33. Respondent’s failure to submit a written follow-up emergency notice to the SERC and the LEPC as soon as practicable constitutes a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c). Therefore, Respondent is subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**FINDINGS OF FACT RELATED TO THE**  
**VIOLATION OF SECTION 312 OF EPCRA**

34. The findings of fact contained in paragraphs 1 through 33 of this CA/FO are incorporated by reference herein as though fully set forth at length.

35. Section 312 of EPCRA, 42 U.S.C. § 11022, as implemented by 40 C.F.R. Part 370, requires the owner or operator of a facility required to prepare or have available a Material Safety Data Sheet (“MSDS”) for a hazardous chemical in accordance with the Occupational Safety and Health Administration (“OSHA”) Hazard Communication Standard, 29 U.S.C. §§ 651 *et seq.*, and 29 C.F.R. § 1910.1200, and at which facility a hazardous chemical (including, but not limited to, a hazardous chemical which also qualifies as an EHS) is present at any one time during a calendar year in a quantity equal to or greater than its applicable minimum threshold for reporting (“MTL”) or threshold planning quantity (“TPQ”), to submit on or before March 1, 1988, and by March 1<sup>st</sup> of each year thereafter, a completed Emergency and Hazardous Chemical Inventory Form (“Chemical Inventory Form”) identifying the hazardous chemical and providing the information described in Section 312(d)(1) of EPCRA, 42 U.S.C. § 11022(d)(1), to the appropriate SERC, LEPC, and local fire department with jurisdiction over the facility.

36. At all times relevant to this CA/FO, Respondent was a person engaged in a business where chemicals were used, distributed, or produced for use or distribution.

37. At all times relevant to this CA/FO, Respondent was an “employer” as that term is defined at 29 C.F.R. § 1910.1200(c).

38. Aluminum chloride, CAS No. 7446-70-0, is a “hazardous chemical” as defined by Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 40 C.F.R. § 370.66.

39. Pursuant to 40 C.F.R. § 370.10, the MTL and TPQ for aluminum chloride is 10,000 pounds.

40. During the calendar years 2007, 2008, 2009, and 2010, Respondent had present at its Facility aluminum chloride in quantities greater than its MTL.

41. Respondent was required to submit to the SERC, LEPC, and local fire department by March 1<sup>st</sup> of the following year Chemical Inventory Forms reporting aluminum chloride as present at the Facility during calendar years 2007, 2008, 2009, and 2010 in quantities greater than its respective MTL, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), about this chemical.

42. Respondent failed to submit complete and accurate Chemical Inventory Forms reporting aluminum chloride as present at the Facility to the SERC, LEPC and local fire department for calendar years 2007, 2008, 2009, and 2010.

43. Ammonia, CAS No. 7664-41-7, chlorine, CAS No. 7782-50-5, and sulfur dioxide, CAS No. 7446-09-5, are “extremely hazardous substances” as defined in Section 329(3) of EPCRA, 42 U.S.C. § 11049(3), and 40 C.F.R. § 370.66, and as listed in 40 C.F.R. Part 355, Appendices A and B.

44. Pursuant to 40 C.F.R. § 370.10, the MTL and TPQ for ammonia, chlorine, and sulfur dioxide are 500 pounds, 100 pounds, and 500 pounds, respectively.

45. No. 2 Fuel Oil, CAS No. 68476-34-6, is a “hazardous chemical” as defined by Section 311(e) of EPCRA, 42 U.S.C. § 11021(e) and 40 C.F.R. § 370.66.

46. Pursuant to 40 C.F.R. § 370.10, the MTL and TPQ for No. 2 Fuel Oil is 10,000 pounds.

47. During calendar years 2007, 2008, 2009, and 2010, Respondent had present at its Facility ammonia, chlorine, sulfur dioxide, and Fuel in quantities greater than their respective MTLs.

48. By March 1<sup>st</sup> of calendar years 2008, 2009, 2010, and 2011, Respondent was required to submit to the SERC, LEPC, and local fire department Chemical Inventory Forms identifying ammonia, chlorine, sulfur dioxide, and No. 2 Fuel Oil as present at the Facility during calendar years 2007, 2008, 2009, and 2010 in quantities greater than their respective MTLs, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), about those chemicals.

49. Respondent submitted the Chemical Inventory Form for calendar year 2007 on March 13, 2008. Respondent failed to timely submit to the SERC, LEPC and local fire department by March 1, 2008, a complete and accurate Chemical Inventory Form for the Facility for calendar year 2007.

50. Respondent submitted the Chemical Inventory Form for calendar year 2008 on April 7, 2009. Respondent failed to timely submit to the SERC, LEPC and local fire department by March 1, 2009, a complete and accurate Chemical Inventory Form for the Facility for calendar year 2008.

51. Respondent submitted the Chemical Inventory Form for calendar year 2009 on March 31, 2010. Respondent failed to timely submit to the SERC, LEPC and local fire department by

March 1, 2010, a complete and accurate Chemical Inventory Form for the Facility for calendar year 2009.

52. Respondent submitted the Chemical Inventory Form for calendar year 2010 on April 29, 2011. Respondent failed to timely submit to the SERC, LEPC and local fire department by March 1, 2011, a complete and accurate Chemical Inventory Form for the Facility for calendar year 2010.

**CONCLUSION OF LAW RELATED TO THE  
VIOLATION OF SECTION 312 OF EPCRA**

53. Respondent's failure to submit a complete and accurate Chemical Inventory Form reporting aluminum chloride as present at the Facility to the SERC, LEPC and local fire department for calendar years 2007, 2008, 2009, and 2010 constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

54. Respondent's failure to timely submit a complete and accurate Chemical Inventory Form reporting ammonia, chlorine, sulfur dioxide, and No. 2 Fuel Oil as present at the Facility to the SERC, LEPC and local fire department by March 1<sup>st</sup> of calendar years 2007, 2008, 2009, and 2010 constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**CIVIL PENALTY**

55. For the purpose of this proceeding, the Respondent consents to the assessment of a civil penalty for the violation of CERCLA Section 103(a), 42 U.S.C. § 9603(a), in the amount of \$14,507.00 and for violations of EPCRA Section 304(a), (b) and (c), 42 U.S.C. § 11004(a), (b) and (c), and EPCRA Section 312, 42 U.S.C. § 11022, in the amount of \$75,102.00, for a total assessed civil penalty of \$89,609.00, plus any applicable interest, as described below, in satisfaction of all claims for civil penalties for the violations alleged in this CA/FO. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CA/FO. Respondent agrees to pay the above civil penalty in full, plus accrued interest, in accordance with Paragraph 56, below.

**PAYMENT TERMS**

56. In order to avoid the assessment of late payment penalties in connection with the civil penalty described in this CA/FO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the effective date of the Final Order (the "final due date").

57. Payment of the civil penalty shall be made in the following manner:

a. If payment is to be made by cashier's check, separate CERCLA and EPCRA payment cashier checks shall be made as follows.

i. The CERCLA portion of the penalty shall be payable to "EPA-Hazardous Substances Superfund," in care of:

U.S. Environmental Protection Agency  
ATTN: Superfund Payments  
Cincinnati Finance Center  
P.O. Box 979076  
St. Louis, MO 63197-9000  
Contact: Richard Rice, (513) 487-2057

If the cashier's check is sent overnight mail, it should be sent to

U.S. Bank  
Government Lockbox 979077  
U.S. EPA, Fines & Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101  
Contact: 314-418-1028

The Respondent shall note on the CERCLA penalty-payment cashier's check the title and docket number of this case.

ii. The EPCRA portion of the penalty shall be payable to "United States Treasury" in care of:

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

If check is sent via overnight mail, it should be sent to:

U.S. Environmental Protection Agency  
Fines and Penalties

U.S. Bank  
1005 Convention Plaza  
Mail Station FL-MO-C2GL  
St. Louis, MO 63101

The Respondent shall note on the EPCRA penalty-payment cashier's check the title and docket number of this case.

b. Payment may be made via EFT (wire transfer) to:

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"

c. Payment may be made via Automated Clearinghouse (ACH), also known as Remittance Express (REX), to:

US Treasury REX/Cashlink - ACH Receiver  
ABA = 051036706  
Account No.: 310006, EPA  
CTX Format Transaction Code 22- Checking

Physical location of U.S. Treasury facility:  
5700 Rivertech Court  
Riverdale, MD 20737  
Contact: Jesse White (301) 887-6548 or  
REX, 1-(866) 234-5681

d. On-Line Payment Option:

[www.pay.gov/paygov](http://www.pay.gov/paygov)

Enter sfo 1.1 in the search field. Open and complete the form.

58. The Respondent shall submit copies of the checks, or verification of wire transfer or ACH, to the following persons:

Lydia Guy (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

and

Jefferie E. Garcia (3RC42)  
U.S. EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

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

60. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a copy of this CA/FO is mailed or hand-delivered to Respondent ("Interest Accrual Date"). However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

61. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). Pursuant to EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the final due date and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid.

62. A penalty charge of six (6) percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days in accordance with 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent, in accordance with 31 C.F.R. § 901.9(d).

63. The CERCLA civil penalty stated herein is based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section 109 of CERCLA, 42 U.S.C. § 9609, and is consistent with 40 C.F.R. Part 19 and the *Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, (September 30, 1999)*.

64. The EPCRA civil penalty stated herein is based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section 325 of EPCRA, 42 U.S.C. § 11045, and are consistent with 40 C.F.R. Part 19 and the *Enforcement*

*Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, (September 30, 1999).*

65. Failure by the Respondent to pay the total \$89,609.00 penalty in accordance with the Final Order by the final due date may subject Respondent to a civil action to collect the assessed penalties, plus interest, pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

### **GENERAL PROVISIONS**

66. For the purpose of this proceeding, and with the exception of Paragraph 3, above, Respondent neither admits nor denies factual allegations and conclusions of law set forth in this CA/FO, but expressly waives its rights to contest said allegations in this proceeding.

67. For the purpose of this proceeding, Respondent expressly waives its right to a hearing and to appeal the Final Order under Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045.

68. The provisions of this CA/FO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this Consent Agreement on behalf of the Respondent is acknowledging that he or she is fully authorized by the Respondent represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

69. This settlement shall constitute full and final satisfaction of all civil claims for penalties which Complainant has under CERCLA and EPCRA for violations alleged in the CA/FO. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including the Respondent, in response to any condition that Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CA/FO shall be construed to limit the United States' authority to pursue criminal sanctions.

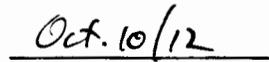
70. Each party to this action shall bear its own costs and attorney's fees.

71. By entering into this CA/FO, the Respondent does not admit any liability for the civil claims alleged herein.

**FOR OLD POULTRY, LLC**

A handwritten signature in black ink, appearing to read "B. Tarendor", written over a horizontal line.

SIGNATURE

A handwritten date "Oct. 10/12" written over a horizontal line.

DATE

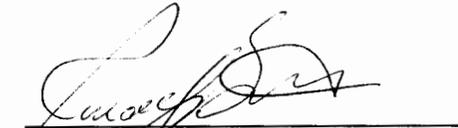
Title: *CFO*

Print Name: *Bruce Tarendor*

In the Matter of: Old Poultry, LLC

U.S. EPA Docket No. CERC-EPCRA-03-2013-0017

**FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY**



---

Ronald J. Borsellino, Director  
Hazardous Site Cleanup Division

*11/30/12*

---

DATE



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION III  
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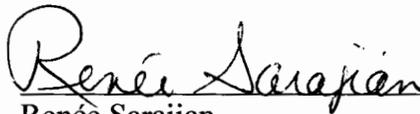
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 ) **and 9609, and Sections 304, 312,**  
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 ) **Planning and Community**  
 ) **Right-to-Know Act, 42 U.S.C.**  
 ) **§§ 11004, 11022 and 11045**

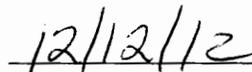
**FINAL ORDER**

Pursuant to Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9609, and Section 325 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11045, and in accordance with 40 C.F.R. Part 22, and based on the representations in the Consent Agreement, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ordered to comply with the terms of the referenced Consent Agreement.

**Effective Date**

This Final Order shall become effective upon the date of its filing with the Regional Hearing Clerk.

  
 \_\_\_\_\_  
 Renée Sarajian  
 Regional Judicial Officer  
 EPA, Region III

  
 \_\_\_\_\_  
 DATE



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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 ) **Right-to-Know Act, 42 U.S.C.**  
 ) **§§ 11004, 11022 and 11045**

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of the signed Consent Agreement and Final Order with the Regional Hearing Clerk, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Consent Agreement and Final Order were sent by first class mail to:

Daniel Fitch  
 Wharton, Aldhizer & Weaver, PLC  
 100 South Mason Street  
 P.O. Box 20028  
 Harrisonburg, Virginia 22801-7528

12/13/12  
 DATE

  
 Jefferie E. Garcia (3RC42)  
 Assistant Regional Counsel  
 Counsel for Complainant  
 (215) 814-2697