

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. CAA-05-2023-0039
)	
Alto Pekin, LLC)	Proceeding to Assess a Civil Penalty
Pekin, Illinois)	Under Section 113(d) of the Clean Air Act,
)	42 U.S.C. § 7413(d)
Respondent.)	
<hr style="border: 1px solid black;"/>)	

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action 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)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is Alto Pekin, LLC¹, a limited liability company doing business in Illinois.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree 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.

¹ Formerly known as Pacific Ethanol Pekin LLC.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

Statutory and Regulatory Background

National Emission Standards for Hazardous Air Pollutants

9. Section 112 of the CAA, 42 U.S.C. § 7412, requires EPA to promulgate a list of all categories and subcategories of major sources and area sources of hazardous air pollutants (HAPs) and establish emissions standards for the categories and subcategories. These emission standards are known as the National Emission Standards for Hazardous Air Pollutants (NESHAP).

10. The NESHAPs in 40 C.F.R. Part 63 are national technology-based performance standards for HAP sources in each category that become effective on a specified date. The purpose of these standards is to ensure that all sources achieve the maximum degree of reduction in emissions of HAPs that EPA determines is achievable for each source category.

11. Section 112(a) of the CAA, 42 U.S.C. § 7412(a), defines “major source” as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year (TPY) or more of any single HAP or 25 TPY or more of any combination of HAPs.

12. Section 112(i)(3) of CAA, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. § 63.4, prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.

13. The NESHAP, at 40 C.F.R. Part 63, Subpart A, contains general provisions applicable to the owner or operator of any stationary source that contains an affected source subject to the NESHAP at Part 63. These general provisions include definitions at 40 C.F.R. § 63.2.

14. The NESHAP, at 40 C.F.R. § 63.2, defines “affected source” as the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a CAA Section 112(c) source category or subcategory for which a Section 112(d) standard or other relevant standard is established pursuant to Section 112 of CAA.

15. The NESHAP, at 40 C.F.R. § 63.2, defines “new source” as any affected source the construction or reconstruction of which is commenced after EPA first proposes a relevant emission standard under 40 C.F.R. Part 63 establishing an emission standard applicable to such source.

16. The NESHAP, at 40 C.F.R. § 63.2, defines “existing source” as any affected source that is not a new source.

NESHAP for Miscellaneous Organic Chemical Manufacturing at 40 C.F.R. Part 63, Subpart FFFF

17. On November 10, 2003, EPA promulgated the NESHAP for Miscellaneous Organic Chemical Manufacturing (Miscellaneous Organic NESHAP or MON), codified at 40 C.F.R. Part 63, Subpart FFFF. 68 Fed. Reg. 63888. The MON establishes emission standards, requirements to demonstrate initial and continuous compliance with emission limits, operating

limits, work practice standards, and recordkeeping requirements associated with miscellaneous organic chemical manufacturing. See 40 C.F.R. § 63.2430.

18. 40 C.F.R. § 63.2445(b) provides that owners and operators of existing sources subject to the MON must comply with the requirements for existing sources no later than May 10, 2008.

19. 40 C.F.R. § 63.2435(a) provides that owners and operators are subject to the MON if they operate a miscellaneous organic chemical manufacturing process unit (MCPU) that is located at, or are part of, a major source of HAP emissions as defined in Section 112(a) of the CAA.

20. 40 C.F.R. § 63.2550 defines “miscellaneous organic chemical manufacturing process” as “all equipment which collectively function to produce a product or isolated intermediate that are materials described in §63.2435(b). For the purposes of this subpart, process includes any, all or a combination of reaction, recovery, separation, purification, or other activity, operation, manufacture, or treatment which are used to produce a product or isolated intermediate.”

21. 40 C.F.R. § 63.2550 defines “isolated intermediate” as a product of a process that is stored before subsequent processing. An isolated intermediate is usually a product of a chemical synthesis, fermentation, or biological extraction process. Storage of an isolated intermediate marks the end of a process. Storage occurs at any time the intermediate is placed in equipment used solely for storage. The storage equipment is part of the MCPU that produces the isolated intermediate and is not assigned as specified in §63.2435(d).

22. 40 C.F.R. § 63.2435(b) provides that an MCPU includes equipment necessary to operate a miscellaneous organic chemical manufacturing process that, among other things,

processes, uses or generates any of the organic HAPs listed in Section 112(b) of the CAA. An MCPU also includes any assigned storage tanks and transfer racks; equipment in open systems that is used to convey or store water having the same concentration and flow characteristics as wastewater; and components such as pumps, compressors, agitators, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, and instrumentation systems that are used to manufacture any material or family of materials, including but not limited to, an organic chemical with a North American Industry Classification System (NAICS) code listed in 40 C.F.R. § 63.2435(b)(1)(ii).

23. 40 C.F.R. § 63.2435(b)(1)(ii) provides the relevant NAICS code for MON applicability as code 325.

24. 40 C.F.R. § 63.2450(a) states that, “You must be in compliance with the emission limits and work practice standards in tables 1 through 7 to this subpart at all times, except during periods of startup, shutdown, and malfunction (SSM), and you must meet the requirements specified in §§63.2455 through 63.2490 (or the alternative means of compliance in §63.2495, §63.2500, or §63.2505), except as specified in paragraphs (b) through (s) of this section. You must meet the notification, reporting, and recordkeeping requirements specified in §§63.2515, 63.2520, and 63.2525.”

Federal Title V Requirements

25. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), provides that it is unlawful for any person to, among other things, operate a major source subject to Title V except in compliance with a Title V permit after the effective date of any permit program approved or promulgated under Title V of the CAA.

26. Pursuant to Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), EPA promulgated regulations establishing the minimum elements of a Title V permit program to be administered by any air pollution control agency. *See* 57 Fed. Reg. 32295 (July 21, 1992). Those regulations are codified at 40 C.F.R. Part 70.

27. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), provides that each state must submit to EPA a permit program meeting the requirements of Title V.

28. On December 4, 2001, EPA granted full approval to Illinois' Title V operating permit program. *See* 66 Fed. Reg. 62946. The approved Illinois Title V program is known as the Illinois Clean Air Act Permit Program (CAAPP).

Title V Permit Requirements

29. On September 22, 2003, the Illinois EPA issued a Title V permit (2003 Title V Permit) to the manufacturing complex at 1300 South Second Street in Pekin, Illinois (“the Facility”).

30. Condition 7.5.3.d. of the 2003 Title V Permit establishes that the emissions from the fiber dryers are subject to 35 Ill. Admin. Code 215.301 and 35 Ill. Admin. Code 215.302(a).

31. Condition 7.6.5.a. of the 2003 Title V Permit states, “At all times, the Permittee shall to the extent practicable, maintain and operate affected fermentation unit, including the CO₂ scrubbers [Wet Mill CO₂ Scrubbers] in a manner consistent with good air pollution control practice for minimizing emissions.”

Illinois EPA Construction Permits

32. Under 40 C.F.R. § 52.23, any permit limitation or condition contained within a permit issued under an EPA-approved program that is incorporated in a SIP is a requirement of the SIP, and is federally enforceable under Section 113, 42 U.S.C. § 7413.

33. EPA promulgated approval of 35 Ill. Admin. Code Part 201, “Permits and General Conditions,” as part of the federally enforceable SIP for the State of Illinois on May 31, 1972. *See* 37 Fed. Reg. 10862. Since then, EPA has approved several revisions of 35 Ill. Admin. Code Part 201 into the federally enforceable SIP.

Construction Permit Requirements

34. On November 5, 2008, Illinois EPA issued a Construction Permit to Respondent for expansion of the Dry Mill (2008 Construction Permit).

35. Condition 2.2.5-1.a.i.A. of the 2008 Construction Permit states, “...the VOM emissions from the fermentation tanks and beer well shall be controlled with a control system...”

36. Conditions 2.2.6.a.i.A, B, and D of the 2008 Construction Permit document key operating parameters for the CO₂ Scrubber, including: maximum outlet gas temperature; minimum scrubbant flow rate; and minimum use of sodium bisulfate, that “shall be maintained at levels that are consistent with levels at which emission testing demonstrated compliance with applicable requirements.”

37. Condition 2.2.6.a.ii of the 2008 Construction Permit states, “If the differential pressure across the [CO₂] scrubber is outside of the normal operating range as defined by the Permittee for a period of 4 hours, the Permittee shall inspect the scrubber with 24 hours and initiate appropriate corrective action to restore the pressure drop of the scrubber to the normal range.”

38. On December 20, 2013, Illinois EPA issued a Construction Permit to Respondent for enhancement of the Yeast Plant, a part of the Wet Mill (2013 Construction Permit).

39. Condition 4.a. of the 2013 Construction Permit states, “The Permittee shall operate the scrubber for the spray dryer (Yeast Plant Scrubber) with key operating parameters within the range that is needed for compliance with applicable emissions limits, consistent with operation during performance testing that demonstrated compliance with such limits.”

40. Condition 8.b. of the 2013 Construction Permit states that the Permittee shall record scrubbant flow and gas temperature in the [Yeast Plant] scrubber at least once per operating day.

41. Condition 9.e.iii. of the 2013 Construction Permit states that the Permittee shall maintain, “records of all other data used or relied upon by the Permittee to determine the emissions of the affected operations.”

42. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$37,500 per day of violation with a maximum of \$320,000 for violations that occurred after December 6, 2013, and before November 2, 2015; and \$55,808 per day of violation up to a total of \$446,456 for violations that occurred after November 2, 2015 under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

43. Section 113(d)(1) limits the Administrator’s authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

44. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Factual Allegations and Alleged Violations

45. Respondent owns and operates a manufacturing complex at 1300 South Second Street in Pekin, Illinois that includes a corn wet milling plant (Wet Mill) and a dry mill ethanol plant (Dry Mill). Collectively the Wet Mill and Dry Mill are the Facility.

46. The Wet Mill and Dry Mill are regulated as one source by Illinois EPA.

47. EPA conducted a CAA inspection of the Facility on August 29, 2017 (2017 Inspection).

48. EPA issued a CAA Section 114 Information Request to Respondent on November 14, 2017 (Information Request).

49. At both the Wet Mill and Dry Mill, Respondent processes corn to produce fuel-grade ethanol (ethyl alcohol). Ethanol production results in the production and emission of acetaldehyde, a HAP, as a by-product.

50. The Wet Mill includes various equipment including: three Fiber Dryers; Germ Dryer Nos. 1, 3, 5, and 6; and Gluten Dryer Nos. 4 and 9.

51. Ethyl alcohol manufacturing is classified under NAICS Code 325 as 325193.

52. The Facility, formerly operating as Aventine Renewable Energy, Inc., submitted a Notice of Compliance Status Report (NOCSR) to Illinois EPA on October 7, 2008.

53. The NOCSR cover letter stated that the Facility was a major source of HAPs and was subject to the MON.

54. In response to the Information Request, Respondent provided a track changes draft of the NOCSR. Respondent stated that the final version of the NOCSR could not be located, but that Respondent believed the tracked changes draft to be representative of the final version sent to the Illinois EPA.

55. The NOCSR stated that the Facility is an existing source as defined by the MON.

56. Table 2 of the NOCSR included a MON applicability determination for those pieces of equipment and associated emission points identified as being located within the MCPU at the Wet Mill.

57. Table 2 of the NOCSR did not include MON applicability information for the fiber dryers, germ dryers, and gluten dryers located at the Wet Mill.

58. In a letter dated May 16, 2018, Respondent provided additional information regarding the boundaries of the MCPU at the Wet Mill. Respondent documented the MCPU as being limited to ethanol production, including the following operations: fermentation, distillation, dehydration, storage, and loadout.

59. Based on information provided by Respondent, tanks preceding fermentation do not store an isolated intermediate and therefore do not act as the boundary to an MCPU. The MCPU is expanded until material is stored, which is after processing by the fiber dryers, germ dryers, and gluten dryers.

60. Based on the definitions of isolated intermediate, miscellaneous organic chemical manufacturing process, and the description of what is included in an MCPU, Respondent's fiber dryers, germ dryers, and gluten dryers at the Wet Mill are within the MCPU.

61. Respondent did not demonstrate compliance with the MON as described at 40 C.F.R. § 63.2450(a) at the three Fiber Dryers.

62. In response to the Information Request, Respondent stated that the operating range used for regulatory compliance at the Wet Mill CO₂ Scrubbers is scrubbant flow greater than or equal to 120 gallons per minute (gal/min).

63. Based on parametric monitoring data submitted to EPA, Respondent maintained the Wet Mill CO₂ Scrubbers scrubbant flow at or greater than 120 gal/min for only 373 out of 34,776 operating hours from October 2013 through October 2017.

64. During the 2017 Inspection, EPA inspectors observed open pressure relief valves (PRVs) at Fermentation Tank No. 1 and Fermentation Tank No. 4.

65. Open PRVs allow emissions from the fermentation tanks to bypass air pollution control equipment.

66. During the period when EPA inspectors observed open PRVs, the differential pressure recorded across the CO₂ Scrubber exceeded 20 inches of water (in. H₂O).

67. As the PRVs are set to open when the pressure within the fermentation tank reaches a maximum allowable pressure, EPA expects PRVs at Respondent to open and allow emissions to bypass the CO₂ Scrubber whenever the differential pressure exceeds 20 in. H₂O.

68. Respondent submitted differential pressure records from the CO₂ Scrubber which identified the following one-hour periods where 20 in. H₂O was exceeded and therefore USEPA alleges that fermentation emissions routinely bypassed the CO₂ scrubber:

Year	Differential Pressure across the CO₂ Scrubber Exceeding 20 in. H₂O (hours)
2013 ¹	182
2014	1195
2015	1452
2016	2526
2017 ²	2560

Notes: 1. October 2013 through December 2013
2. January 2017 through October 2017

69. In response to the Information Request, Respondent provided the following parametric monitoring setpoints used for regulatory compliance at the CO₂ Scrubber:

Parameter	Setpoint
maximum outlet gas temperature	≤ 81.4°F
minimum scrubbant flow rate	≥ 50 gal/min
minimum use of sodium bisulfate	≥ 3.5 gallons per hour (gal/hr)
Differential pressure across the scrubber	N/A ¹

Note: 1. EPA assumes that N/A indicates “not applicable” or “not available”

70. Based on parametric monitoring data submitted to EPA, Respondent failed to maintain the CO₂ Scrubber within established operating parameters for the following one-hour periods:

Year	Scrubber Water Flow less than 50 gal/min (hours)	Sodium Bisulfate Flow less than 3.5 gal/hr (hours)	Scrubber Stack Outlet Temperature greater than 81.4°F (hours)
2013 ¹	0	2209	0
2014	15	8706	25
2015	3	8758	7
2016	44	8665	30
2017 ²	6	4783	536

Notes: 1. October 2013 through December 2013
2. January 2017 through October 2017

71. Based on Respondent’s description of a differential pressure across the CO₂ Scrubber as “N/A”, the Facility has not demonstrated that a normal operating range has been established.

72. In response to the Information Request, Respondent provided the following parametric monitoring setpoints used for regulatory compliance at the Yeast Plant Scrubber:

Parameter	Setpoint
Scrubbant flow rate	≥ 620 gal/min
Pressure drop	N/A
Gas temperature	$\leq 120^{\circ}\text{F}$

73. Respondent provided only pressure drop records for the Yeast Plant Scrubber, did not provide scrubbant flow rate or gas temperature records, and noted in the response to the Information Request that, “Please note that some of the data collection systems for the Yeast Plant Condensing Scrubber have been recently developed or remain under development. As such, the data provided is incomplete.”

Violations

74. EPA issued to Respondent a Notice of Violation and Finding of Violation (NOV/FOV) on September 28, 2018. EPA met with the Respondent on November 13, 2018.

75. Respondent failed to demonstrate compliance with the MON at the Facility’s three Fiber Dryers, in violation of 40 C.F.R. § 63.2450(a).

76. Respondent consistently failed to maintain the scrubbant flow rate at the Facility’s Wet Mill CO₂ Scrubber, in violation of Condition 7.6.5.a of the 2003 Title V Permit.

77. Respondent failed to control all emissions generated at the Facility’s fermentation tanks, in violation of Condition 2.2.5-1.a.i.A. of the 2008 Construction Permit.

78. Respondent failed to maintain maximum outlet gas temperature; minimum scrubbant flow rate; and minimum use of sodium bisulfate setpoints at the Facility's CO₂ Scrubber in violation of Conditions 2.2.6.a.i.A, B, and D of the 2008 Construction Permit.

79. Respondent failed to demonstrate compliance with Condition 2.2.6.a.ii of the 2008 Construction Permit. By failing to establish a normal operating range for differential pressure across the Facility's CO₂ Scrubber, Respondent could not take corrective action for deviations from an established operating range.

80. By failing to provide scrubbant flow rate and gas temperature in response to EPA's Information Request and by stating "... some of the data collection systems for the Yeast Plant Condensing Scrubber have been recently developed or remain under development. As such, the data provided is incomplete," Respondent failed to demonstrate compliance with applicable emission limits as required by Condition 4.a of the 2013 Construction Permit for the Yeast Plant Scrubber.

81. Respondent has stated that it replaced the packing material within the Dry Mill CO₂ Scrubber in November of 2018 to reduce or eliminate elevated pressure in fermentation tanks that would result in PRVs opening.

82. Respondent is concurrently entering into an Administrative Consent Order, which, among other things, will require it to reduce the high-end operating range at the Dry Mill CO₂ scrubber to less than 18 inches of H₂O to further reduce or eliminate elevated pressure in fermentation tanks that would result in PRVs opening.

Civil Penalty

83. 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 cooperation, Complainant has determined that an appropriate civil penalty to settle this action is \$308,374.

84. **Penalty Payment.** Respondent agrees to:

- a. pay the civil penalty of \$308,374 within 30 days after the effective date of this CAFO.
- b. Pay the civil penalty using any method provided in the table below.

Payment Method	Payment Instructions
Automated Clearinghouse (ACH) payments made through the US Treasury	<p>US Treasury REX/Cashlink ACH Receiver ABA: 051036706 Account Number: 310006, Environmental Protection Agency CTX Format Transaction Code 22 – checking</p> <p>In the comment area of the electronic funds transfer, state Respondent’s name and the CAFO docket number.</p>
Wire transfers made through Fedwire	<p>Federal Reserve Bank of New York ABA: 021030004 Account Number: 68010727 SWIFT address: FRNYUS33 33 Liberty Street New York, NY 10045 Beneficiary: US Environmental Protection Agency</p> <p>In the comment area of the electronic funds transfer, state Respondent’s name and the docket number of this CAFO.</p>
<p>Payments made through Pay.gov</p> <p>Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account information to make payments.</p>	<ul style="list-style-type: none"> • Go to Pay.gov and enter “SFO 1.1” in the form search box on the top left side of the screen. • Open the form and follow the on-screen instructions. • Select your type of payment from the "Type of Payment" drop down menu. • Based on your selection, the corresponding line will open and no longer be shaded gray. Enter the CAFO docket number into the field
<p>Cashier’s or certified check payable to “Treasurer, United States of America.”</p> <p>Please notate the CAFO docket number on the check</p>	<p>For standard delivery:</p> <p>U.S. Environmental Protection Agency Fines and Penalties Cincinnati Finance Center P.O. Box 979077 St. Louis, Missouri 63197-9000</p> <p>For signed receipt confirmation (FedEx, UPS, Certified Mail, etc):</p> <p>U.S. Environmental Protection Agency Government Lockbox 979077 U.S. EPA Fines and Penalties 1005 Convention Plaza SL-MO-C2-GL St. Louis, Missouri 63101</p>

85. Within 24 hours of the payment of the civil penalty Respondent must send a notice of payment and states Respondent's name and the docket number of this CAFO to EPA at the following addresses:

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
R5airenforcement@epa.gov

Susan Tennenbaum
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
tennenbaum.susan@epa.gov

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

86. This civil penalty is not deductible for federal tax purposes.

87. If Respondent does not pay timely the civil penalty, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

88. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorneys fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This

nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

General Provisions

89. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: tennenbaum.susan@epa.gov (for Complainant), and KDesharnais@dickinson-wright.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

90. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

91. The effect of the settlement described in paragraph 90, above, is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in paragraph 81 of this CAFO.

92. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

93. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in paragraph 90, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

94. Respondent certifies that it is complying fully with its Title V and construction permits issued by Illinois EPA.

95. This CAFO constitutes an “enforcement response” as that term is used in EPA’s Clean Air Act Stationary Civil Penalty Policy to determine Respondent’s “full compliance history” under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

96. The terms of this CAFO bind Respondent, its successors and assigns.


97. Each person signing this consent agreement 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.

98. Each party agrees to bear its own costs and attorney’s fees in this action.

99. This CAFO constitutes the entire agreement between the parties.

Alto Pekin, LLC, Respondent

8/31/2023
Date



Todd Benton, Vice President, Operations
Alto Pekin, LLC

47-4511689
Tax Identification Number

United States Environmental Protection Agency, Complainant

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2023.09.19
13:02:39 -05'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

**Consent Agreement and Final Order
In the Matter of: Alto Pekin LLC
Docket No. CAA-05-2023-0039**

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 COYLE Digitally signed by ANN
COYLE
Date: 2023.09.20
10:48:07 -05'00'

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