

FILED

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**U.S. EPA REGION 5
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:) **Docket No. CAA-05-2024-0026**
)
Fleischmann’s Vinegar Company, Inc.) **Proceeding to Assess a Civil Penalty**
Chicago, Illinois) **Under Section 113(d) of the Clean Air Act,**
) **42 U.S.C. § 7413(d)**
Respondent.)
_____)

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 Fleischmann’s Vinegar Company, Inc., a corporation 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.

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

9. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, establishes an operating permit program for major sources of air pollution.

10. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), requires each state to develop and submit a permit program meeting the requirements of Title V for approval by EPA.

11. Under 40 C.F.R. § 70.6(b), all terms and conditions contained in a permit issued under a permit program approved pursuant to Title V are federally enforceable under CAA Section 113, 42 U.S.C. § 7412, unless the term or condition is not required under the CAA.

12. On November 30, 2001, EPA approved the Illinois Clean Air Act Permit Program (CAAPP), 415 ILCS 5/39.5, pursuant to subchapter V of the Clean Air Act (CAA). 66 Fed. Reg. 62946.

13. On December 16, 2015, Illinois EPA issued a CAAPP Permit to Respondent under Application No. 96030002 (2015 CAAPP Permit).

14. On June 14, 2016, and November 2, 2018, Illinois EPA issued revisions to the 2015 CAAPP Permit under Application No. 96030002.

15. On December 28, 2020, Illinois EPA issued a renewed CAAPP Permit under Application No. 9603002 (2020 CAAPP Permit).

16. Condition 4.1.2(b)(i)(A) of the 2015 CAAPP Permit and its revisions, and the 2020 CAAPP Permit, include pounds per hour (lbs/hr) and pounds per year (lbs/yr) volatile organic material (VOM) emissions limits for individual acetators:

Table 1: VOM emission limits for acetators

| Acetator | Limit |
|----------|--------------|
| A1 | 0.71 lbs/hr |
| A1 | 3.1 tons/yr |
| A12 | 0.68 tons/yr |
| A20 | 0.98 lbs/hr |
| A21 | 0.98 lbs/hr |
| A23 | 1.23 lbs/hr |
| A23 | 5.4 tons/yr |

17. Condition 4.1.2(c)(i)(C) of the 2015 CAAPP Permit and its revisions, and the 2020 CAAPP Permit, states that the maximum volumetric gas flow rate and the minimum volumetric flow rate of scrubbant solutions (fresh water and recirculated water) must be maintained at levels at which the emissions testing demonstrated compliance with the applicable requirements.

18. Condition 4.1.2(c)(ii)(A)(1) of the 2015 CAAPP Permit and its revisions, and the 2020 CAAPP Permit, states that volumetric air flow rate from each acetator to the respective scrubber must be monitored on a monthly basis.

19. Condition 4.1.2(c)(ii)(B)(4) of the 2015 CAAPP Permit and its revisions, and the 2020 CAAPP Permit, states that performance tests must be conducted to develop volumetric gas flow (maximum) limits and scrubbant flow (minimum) limits for the following acetators and

their respective scrubbers: one unit from A1 through A11; A19 or A22; A14 and A15 (operating at the same time using one scrubber); and one unit of A12, A13, A20, and A21.

20. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA a plan that provides for the implementation, maintenance, and enforcement of primary and secondary National Ambient Air Quality Standards in the state. Upon approval by EPA, the plan becomes part of the applicable State Implementation Plan (SIP) for the state.

21. 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 into a SIP is federally enforceable under CAA Section 113, 42 U.S.C. § 7413.

22. 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. 37 Fed. Reg. 10862. Since then, EPA has approved several revisions of 35 Ill. Admin. Code Part 201 into the federally enforceable SIP.

23. On November 15, 2016, Illinois EPA issued a Construction Permit to Respondent for installation of Acetator A24 and the associated scrubber under Application No. 16100014 (2016 Construction Permit).

24. Condition 4.a.i of the 2016 Construction Permit states that maximum volumetric gas flow rate and minimum volumetric flow rate of scrubbant solutions (fresh water and recirculated water) must be set by emissions testing.

25. On April 27, 2017, Illinois EPA issued a Construction Permit to Respondent for installation of Acetator A25 and the associated scrubber under Application No. 17030032 (2017 Construction Permit).

26. Condition 4.a.i of the 2017 Construction Permit states that maximum volumetric gas flow rate and minimum volumetric flow rate of scrubbant solutions (fresh water and recirculated water) must be set by emissions testing.

27. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$55,808 per day of violation up to a total of \$446,456 for violations that occurred after November 2, 2015, where penalties are assessed on or after January 6, 2023, under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

28. 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.

29. 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

30. Respondent owns and operates a vinegar production plant at 4801 South Oakley Avenue, Chicago, Illinois (the Facility).

31. Respondent produces vinegar in 22 acetators at the Facility, numbered A1 through A13, A14/15, and A19 through A25, with VOM emissions controlled by scrubbers. A14/15 are controlled by a single scrubber.

32. Respondent also previously produced vinegar in acetators X1 and X2, which were decommissioned in 2019.

33. The scrubbers at the Facility can be operated in two modes: Option A, with a mixture of fresh water and recirculated water used as scrubbant, and Option B, with only fresh water used as scrubbant.

34. EPA conducted a CAA inspection of the Facility on October 23, 2020 (2020 Inspection).

35. On November 12, 2020, EPA provided a copy of its 2020 Inspection report to the Facility.

36. EPA issued an information request to the Facility under Section 114 of the CAA, 42 U.S.C. § 7414, on December 11, 2020 (114 Information Request).

37. Respondent responded to the 114 Information Request on January 21, 2021 (114 Information Response).

Performance Tests

38. The 114 Information Request required that Respondent provide records of all emissions testing for the scrubbers from January 1, 2015, through December 28, 2020, the date of receipt of this request.

39. Based on the 114 Information Response, from March 1 to 3, 2016, Respondent conducted performance tests at the Facility for the scrubbers associated with acetators A11, A12, A14/15, and A19 to determine VOM removal efficiency under various scrubbant water flow and scrubber airflow rates.

40. Based on the 114 Information Response, on April 25, 2016, Respondent conducted a performance test at the Facility for the scrubber associated with acetator A23 to determine VOM removal efficiency under various scrubbant water flow and scrubber airflow rates.

41. Based on o the 114 Information Response, on December 5 and 6, 2017, Respondent conducted performance tests at the Facility for the scrubbers associated with acetators A24 and A25 to determine VOM removal efficiency under various scrubbant water flow and scrubber airflow rates.

42. The performance tests referenced in paragraphs 39-41 above resulted in the following scrubber removal efficiencies:

Table 2: 2016 and 2017 Stack Test Parameters

| | Recirculation? | Fresh Water Flow | Recirculated Water Flow | Airflow | Removal Efficiency |
|----------|----------------|--------------------------|--------------------------|-----------------------------|--------------------|
| Acetator | (On/Off) | Gallons per minute (gpm) | Gallons per minute (gpm) | Cubic feet per minute (cfm) | (%) |
| A11 | Off | 1.2 | 0 | 159 | 84.7 |
| A11 | On | No test | | | |
| A12 | Off | 0.6 | 0 | 94 | 86.7 |
| A12 | On | No test | | | |
| A14/15 | Off | No test | | | |
| A14/15 | On | 0.6 | 3 | 75 | 87.4 |
| A19 | On | 2.1 | 8 | 431 | 87.7 |
| A19 | Off | 2.7 | 0 | 431 | 89.3 |
| A23 | On | 1 | 4 | 294 | 85.1 |
| A23 | Off | 1.5 | 0 | 294 | 87.4 |
| A24 | Off | No test | | | |
| A24 | On | 3.6 | 9.5 | 499 | 87.4 |
| A25 | Off | No test | | | |
| A25 | On | 4.2 | 9.5 | 430 | 90.3 |

43. At the time of the 114 Information Response, Respondent failed to conduct performance tests with recirculated water, as required by the 2015 CAAPP Permit and its revisions, and the 2020 CAAPP Permit, for acetators A11 and A12, and any other acetators in the 2015 CAAPP Permit groupings listed in paragraph 19, above.

44. At the time of the 114 Information Response, Respondent failed to conduct performance tests with only fresh water, as required by the 2015 CAAPP Permit and its revisions, and the 2020 CAAPP Permit, for acetators A14/15, A24, and A25.

Scrubber Operating Parameters

45. Without providing justification as to why this method is an acceptable alternative to the performance testing required by the 2015 CAAPP Permit, Respondent provided a summary of minimum scrubbant flow rates under Options A and B, based on similarly designed units at another facility and allegedly verified by performance tests at the Facility, in the 114 Information Response. The listed minimum flows are summarized as follows:

Table 3: Minimum Scrubbant Flow Rates Provided by Respondent

| Units | Option A | | Option B |
|------------------|----------------------------------|---|----------------------------------|
| | Min. Fresh Water Flow Rate (gpm) | Min. Recirculated Water Flow Rate (gpm) | Min. Fresh Water Flow Rate (gpm) |
| A1-A11, A20, A21 | 1* | 5* | 1.5 |
| A12, A13 | 0.5* | 2.5* | 0.8 |
| A14-15 | 0.3 each | 3 | 0.5* |
| A19, A22 | 2** | 9 | 3 |
| A23 | 1 | 5 | 1.5 |
| A24 | 3.6 | 9** | 5* |
| A25 | 4.8 | 9** | 5.5* |

46. No performance tests were conducted at the Facility until September 28-30 and October 1, 2021, to verify the values denoted with an asterisk (*) in Table 3.

47. The performance tests listed in Table 2 resulted in higher minimum scrubbant flow values than those denoted with two asterisks (**) in Table 3.

48. The 114 Information Request required that Respondent provide records of scrubbant and air flow monitoring.

49. Without providing justifications as to why the values were different than those set by performance testing, the scrubbant monitoring log sheets, used at the Facility since April 29, 2019, until at least December 28, 2020, used the following minimum flow values as the benchmark for compliance:

Table 4: Minimum Scrubbant Values from Monitoring Log Sheets

| Units | Option A | | Option B |
|-----------------------|----------------------------------|---|----------------------------------|
| | Min. Fresh Water Flow Rate (gpm) | Min. Recirculated Water Flow Rate (gpm) | Min. Fresh Water Flow Rate (gpm) |
| A1-A11, A20, A21, A23 | 1 | 5 | 1.5 |
| A12, A13 | 0.5 | 2.5 | 0.8 |
| A14/15 | 0.3 each | 3 | 0.5 |
| A19 | 2* | 9 | 3 |
| A22 | 2.1 | 9 | 0.8* |
| A23 | 1 | 5 | 0.8* |
| A24 | 3.6 | 9* | 3* |
| A25 | 4.8 | 9* | 3* |

50. The minimum scrubbant flow rates for acetators A19, A22, A23, A24, and A25 include values that are lower than either those established by the performance tests summarized in Table 2 or those reported as the minimum values in Table 3, and are denoted with an asterisk (*) in Table 4 above.

51. In the year 2020, the scrubbant flow rates for acetators A23, A24, and A25 were below the minimum flow rate derived from the performance test, or if using an untested recirculation option, the minimum value supplied in Table 3 during the following date ranges:

Table 5: Date Ranges Scrubbant Flow Below Minimum Levels

| Unit | Date Ranges in 2020 Below Scrubbant Minimums |
|------|--|
| A23 | 1/31 - 2/14 |
| A24 | 1/4 - 4/10, 5/30 - 8/22, 9/21 - 12/28 |
| A25 | 1/4 - 4/10, 10/12 - 12/28 |

52. EPA has further identified violations of the minimum flow rate on multiple days in calendar years 2016 through 2019.

53. Based on the information provided by Respondent in the 114 Information Response, EPA determined that the following acetators exceeded airflow maximums set by performance tests during multiple months between November 2015 to December 2020, as summarized below:

Table 6: Exceedance of Airflow Maximums

| Unit | Max. Airflow Limit (cfm) | # Months in Exceedance Overall | Months in Exceedance as % of Months in Operation Overall | # Months in Exceedance in 2020 | Months in Exceedance as % of Months in Operation in 2020 |
|------|--------------------------|--------------------------------|--|--------------------------------|--|
| A1 | 159 | 34 | 47% | 6 | 50% |
| A2 | 159 | 27 | 40% | 12 | 100% |
| A3 | 159 | 31 | 44% | 11 | 100% |
| A4 | 159 | 27 | 38% | 11 | 92% |
| A5 | 159 | 21 | 30% | 10 | 91% |
| A6 | 159 | 19 | 28% | 6 | 50% |
| A7 | 159 | 8 | 11% | 3 | 25% |
| A8 | 159 | 4 | 6% | 0 | 0% |
| A9 | 159 | 2 | 3% | 0 | 0% |
| A10 | 159 | 27 | 38% | 11 | 100% |
| A11 | 159 | 27 | 38% | 12 | 100% |
| A12 | 94 | 63 | 88% | 12 | 100% |
| A13 | 94 | 52 | 95% | 6 | 100% |
| A19 | 431 | 20 | 28% | 12 | 100% |
| A20 | 159 | 45 | 98% | 1 | 100% |
| A21 | 159 | 28 | 40% | 2 | 17% |
| A22 | 431 | 12 | 21% | 12 | 100% |

| | | | | | |
|-----|-----|----|-----|---|-----|
| A23 | 294 | 18 | 39% | 0 | 0% |
| A25 | 430 | 10 | 30% | 4 | 33% |

Scrubber Parameter Monitoring

54. Based on the information provided by Respondent in the 114 Information Response, EPA determined that the Facility failed to record airflow in log sheets for operational scrubbers for more than 30 days on the following occasions.

Table 7: Dates Respondent Failed to Record Airflow

| Unit | Time Periods |
|--------|--|
| A3 | 8/19/19 – 1/2/20, 6/30/20 – 10/11/20, 11/4/20 – 12/28/20 |
| A10 | 8/19/19 – 1/2/20, 7/22/20 – 10/11/20, 11/4/20 – 12/28/20 |
| A12 | 8/19/19 – 1/2/20, 6/30/20 – 12/28/20 |
| A13 | 8/19/19 – 1/2/20, 8/8/20 – 12/28/20 |
| A14/15 | 1/13/16 – 4/27/17, 8/19/19 – 1/2/20 |
| A20 | 3/20/17 – 5/11/17 |
| A21 | 3/27/17 – 4/27/17 |
| A22 | 9/20/19 – 1/2/20, 8/19/19 – 1/2/20 |
| A23 | 7/8/20 – 10/15/20, 11/9/20 – 12/28/20 |
| X1 | 2/3/16 – 1/12/18 |

Count I

55. Complainant incorporates paragraphs 1 through 44 of this CAFO, as though set forth in this paragraph.

56. By failing to conduct performance tests to develop minimum scrubbant flow rates with recirculating scrubbant for one unit of A1 through A11 and A12 and one unit of A12, A13, A20, and A21 until September 28-30 and October 1, 2021, Fleischman’s Vinegar violated condition 4.1.2(c)(ii)(B)(4) of the 2015 CAAPP Permit and its revisions, and the 2020 CAAPP Permit.

57. By failing to conduct performance tests to develop minimum scrubbant flow rates without recirculating scrubbant for A14/15 until September 28-30 and October 1, 2021,

Fleischman's Vinegar violated condition 4.1.2(c)(ii)(B)(4) of the 2015 CAAPP Permit and its revisions, and the 2020 CAAPP Permit.

58. By failing to conduct performance tests to develop minimum scrubbant flow rates without recirculating scrubbant for A24 until September 28-30 and October 1, 2021, Fleischman's Vinegar violated condition 4.a.i of the 2016 Construction Permit.

59. By failing to conduct performance tests to develop minimum scrubbant flow rates without recirculating scrubbant for A25 until September 28-30 and October 1, 2021, Fleischman's Vinegar violated condition 4.a.i of the 2017 Construction Permit.

Count II

60. Complainant incorporates paragraphs 1 through 37 and 45 through 53 of this CAFO, as though set forth in this paragraph.

61. By failing to meet the minimum scrubbant flow rates from the performance tests, Fleischmann's Vinegar violated condition 4.1.2(c)(i)(C) of the 2015 CAAPP and its revisions.

62. By exceeding the maximum acetator airflow rates from the performance tests, Fleischmann's Vinegar violated condition 4.1.2(c)(i)(C) of the 2015 CAAPP and its revisions.

Count III

63. Complainant incorporates paragraphs 1 through 37 and 54 of this CAFO, as though set forth in this paragraph.

64. By failing to record air flows for multiple operational scrubbers for periods exceeding one month, Fleischmann's Vinegar violated condition 4.1.2(c)(ii)(A) of the 2015 CAAPP Permit and its revisions.

Civil Penalty

65. 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 \$414,364.

66. Penalty Payment. Respondent agrees to:

- a. Pay the civil penalty of \$414,364 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 | US Treasury REX/Cashlink ACH Receiver ABA: 051036706 Account Number: 310006, Environmental Protection Agency CTX Format Transaction Code 22 – checking In the comment area of the electronic funds transfer, state Respondent’s name and the CAFO docket number. |
| Wire transfers made through Fedwire | 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 In the comment area of the electronic funds transfer, state Respondent’s name and the docket number of this CAFO. |
| Payments made through Pay.gov Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account | <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 |

| | |
|---|--|
| information to make payments. | |
| Cashier's or certified check payable to "Treasurer, United States of America." Please notate the CAFO docket number on the check | <p>For standard delivery:</p> <p>U.S. Environmental Protection Agency Fines and Penalties Cincinnati Finance Center P.O. Box 979078 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 979078 3180 Rider Trail S. Earth City, Missouri 63045</p> |

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

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
r5airenforcement@epa.gov

Sophie Grueterich
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
grueterich.sophie@epa.gov

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

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

69. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, 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). 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. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- 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 Center at wise.milton@epa.gov, within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

d. 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 Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

70. 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.

71. 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

72. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: grueterich.sophie@epa.gov (for Complainant), and steve.poplawski@bcplaw.com (for Respondent).

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

74. 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.

75. 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 72, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

76. Respondent certifies that it is complying fully with its 2020 CAAPP Permit.

77. 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).

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

79. 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.

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

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

In the Matter of: Fleischmann's Vinegar Company, Inc.

Fleischmann's Vinegar Company, Inc. Respondent

19 February, 2024

Date



Paul Hennebery
Vice President, Chief Financial Officer and
Secretary
Fleischmann's Vinegar Company, Inc.

In the Matter of: Fleischmann's Vinegar Company, Inc.

United States Environmental Protection Agency, Complainant

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: Fleischmann's Vinegar Company, Inc.
Docket No. CAA-05-2024-0026

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