



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

11201 RENNER BOULEVARD

LENEXA, KANSAS 66219

2 JUL 31 AM 8:57

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO: EPCRA-07-2017-0210

This ESA is issued to: Quality Food Processors, LLC

At: 710 Highway 59 South, Denison, Iowa 51442

for violating Section 312 of the Emergency Planning and Community Right-To-Know Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA) Region 7, by its duly delegated official, the Director of the Air and Waste Management Division, and by Quality Food Processors, LLC (Respondent) pursuant to Section 325 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11045, and by 40 C.F.R. § 22.13(b).

ALLEGED VIOLATIONS

The EPA alleges that Respondent Quality Food Processors, LLC, 710 Highway 59 South, Denison, Iowa (Facility), failed to timely submit a completed 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 years 2013, 2014 and 2015 as required by Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations set forth at 40 C.F.R. Part 370. Under Section 312 of EPCRA and the regulations at 40 C.F.R. Part 370, Respondent was required to submit its Tier I or Tier II form for the year 2015 on or before March 1, 2016.

SETTLEMENT

EPA and Respondent agree that settlement of this matter for a penalty of **FIVE THOUSAND DOLLARS (\$5,000)** is in the public interest. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the requirements of Section 312 of EPCRA; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to contest the allegations or appeal the final order contained herein.

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 with this Agreement. Each party shall bear its own costs and fees, if any.

The civil penalty of **FIVE THOUSAND DOLLARS (\$5,000)** should be paid by cashier's or certified check to the "Treasurer, United States of America." Attach the penalty payment to the signed Agreement and send to:

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

The Docket Number of this ESA is EPCRA-07-2017-0210, and must be included on the check.

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

Christine Hoard
Chemical & Oil Release Prevention Branch
U.S. Environmental Protection Agency - Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

Upon Respondent's submission of the original signed ESA, EPA will take no further civil action against Respondent for the alleged violations of EPCRA identified in the ESA. EPA does not waive any right to issue an enforcement action for any other past, present, or future violations by Respondent of EPCRA or any other federal statute or regulation.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region 7 office at the above address in correct form by the Respondent within 45 days of the date of Respondent's receipt (90 days if an extension is granted), the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

This ESA is binding on the parties signing below.

In accordance with 40 C.F.R. § 22.31(b), this ESA is effective upon filing with the Regional Hearing Clerk.

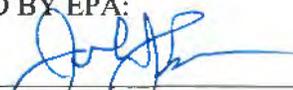
IT IS SO AGREED,

 _____ Date: 7-7-17

Name (print): Chris Burnham

Title (print): VP/General Manager
Quality Food Processors, LLC

APPROVED BY EPA:

 _____ Date: 7/28/17

 Becky Weber
Director
Air and Waste Management Division

EPA Region 7

Erin Weekley Date 7/27/17
Erin Weekley
Assistant Regional Counsel
Office of Regional Counsel
EPA Region 7

IT IS SO ORDERED:

Karina Borromeo Date July 31, 2017
Karina Borromeo
Regional Judicial Officer

IN THE MATTER Of Quality Food Processors, LLC, Respondent
Docket No. EPCRA-07-2017-0210

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

weekley.erin@epa.gov

Copy via First Class Mail to Respondent:

Chris Burnham
VP/General Manager
Quality Food Processors, LLC
710 Highway 59 South
Denison, Iowa 51442

Dated: 7/31/17



Kathy Robinson
Hearing Clerk, Region 7