



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

U.S. EPA-REGION 3-RHC
FILED-12SEP2018AM9:19

In the Matter of:

**J&J Snack Foods Corp.
d/b/a MIA Products Company
6000 Central Highway
Pennsauken, NJ 08109**

Respondent,

**MIA Products Company
4 Rocky Glen Rd
Moosic, PA 18507**

Facility.

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:
: **Proceeding under Sections 112(r) and**
: **113 of the Clean Air Act, 42 U.S.C. §§**
: **7412(r) and 7413**
:
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: **EPA Docket No.: CAA-03-2018-0141**
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CONSENT AGREEMENT

1. This Consent Agreement is proposed and entered into under the authority vested in the President of the United States by Section 113(d) of the Clean Air Act, as amended (the "CAA"), 42 U.S.C. § 7413(d). The President has delegated this authority to the Administrator of the U.S. Environmental Protection Agency ("EPA"), who has, in turn, delegated it to the Regional Administrator of EPA, Region III. The Regional Administrator has re-delegated these authorities to the Director of the Hazardous Site Cleanup Division, EPA Region III ("Complainant"). Further, this Consent Agreement is proposed and entered into under the authority provided by the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits" ("Consolidated Rules of Practice"), 40 C.F.R. Part 22.
2. EPA and the U.S. Department of Justice jointly determined that this matter, although it involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.
3. The parties, EPA and J&J Snack Foods Corp., d/b/a MIA Products Company ("Respondent"), 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 "CAFO") as prescribed by the Consolidated Rules of Practice, pursuant to 40 C.F.R. § 22.13(b), 22.18(b)(2) and (3), and having consented to the entry of this CAFO, agree to comply with the terms of this CAFO.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(2).

5. 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).
6. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
 - a. admits that the EPA has jurisdiction over the subject matter alleged in this Consent Agreement and agrees not to contest EPA's jurisdiction with respect to the execution or enforcement of this Consent Agreement;
 - b. except for paragraph 6.a above, neither admits nor denies the specific factual allegations or conclusions of law contained in this Consent Agreement;
 - c. consents to the assessment of a civil penalty as stated below;
 - d. agrees to the conditions specified in this Consent Agreement;
 - e. waives any right to contest the alleged violations of law set forth in this Consent Agreement; and,
 - f. waives its rights to appeal the Final Order accompanying this Consent Agreement.

STATUTORY AND REGULATORY AUTHORITY

7. On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act Amendments added Section 112(r) to the CAA, 42 U.S.C. § 7412(r).
8. Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), mandates that the Administrator promulgate a list of substances which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment. The list of regulated substances can be found in 40 C.F.R. § 68.130.
9. On June 20, 1996, EPA promulgated a final rule known as the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68, which implements Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7). Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and the corresponding regulations, require EPA to promulgate requirements for the prevention, detection, and correction of accidental releases of regulated substances. The regulations require owners and operators of stationary sources to develop and implement a risk management program that includes a hazard assessment, a prevention program, and an emergency response program. The risk management program is described in a risk management plan ("RMP") that must be submitted to EPA. The RMP must include a hazard assessment to assess the potential effects of an accidental release of any regulated substance, a program for preventing accidental releases of hazardous substances, and a response program providing for specific actions to be taken in

response to an accidental release of a regulated substance, so as to protect human health and the environment.

10. Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E), renders it unlawful for any person to operate a stationary source subject to the regulations promulgated under the authority of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), in violation of such regulations.
11. Pursuant to Section 112(r)(7)(B)(iii) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(iii), and 40 C.F.R. § 68.10(a), the owner or operator of a stationary source at which a regulated substance is present in more than a threshold quantity must comply with the requirements of Part 68 no later than the latter of June 21, 1999, three years after the date on which a regulated substance is first listed under § 68.130, or the date on which a regulated substance is first present above the threshold quantity in a process.
12. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), defines “stationary source,” as “any buildings, structures, equipment, installations, or substance emitting stationary activities (i) which belong to the same industrial group, (ii) which are located on one or more contiguous properties, (iii) which are under the control of the same person (or persons under common control), and (iv) from which an accidental release may occur.”
13. The regulations at 40 C.F.R. § 68.3 define “regulated substance” as any substance listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), in 40 C.F.R. § 68.130.
14. The regulations at 40 C.F.R. § 68.3 define “threshold quantity” as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, 42 U.S.C. § 7412(r)(5), listed in 40 C.F.R. § 68.130 and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.
15. The regulations at 40 C.F.R. § 68.3 define “process” as any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.
16. Section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B), as amended by the Debt Collection Improvement Act of 1996 and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, and as implemented by the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 83 Fed. Reg. 1190 (January 10, 2018), which is codified at, 40 C.F.R. Part 19, authorizes EPA to commence an administrative action to assess civil penalties of not more than \$46,192 per day per violation for violations of the CAA occurring after November 2, 2015 and assessed on or after January 15, 2018.

FINDINGS OF FACT

17. Respondent was incorporated in the State of New Jersey in 1971. Respondent's headquarters is located at 6000 Central Highway Pennsauken, NJ 08109.
18. Respondent has been doing business in the Commonwealth of Pennsylvania under the name MIA Products Company since 1988 when it acquired the frozen foods facility located at 4 Rocky Glen Road, Moosic, PA 18507 ("the Facility").
19. Respondent is the owner and operator of the Facility.
20. Respondent utilizes approximately 32,000 pounds of anhydrous ammonia in its refrigeration system at the Facility.
21. Anhydrous ammonia, Chemical Abstract Service ("CAS") No. 7664-41-7, is a chemical listed under 40 C.F.R. § 68.130, with a threshold quantity of 10,000 pounds.
22. Respondent uses anhydrous ammonia in a series of interconnected pipes and vessels in a refrigeration system at the Facility (the "Process").
23. On June 26, 2017, EPA conducted an inspection of the Facility pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, in order to determine the Facility's compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and its regulations, the Chemical Accident Prevention Provisions of 40 C.F.R. Part 68, ("the Inspection"). Based upon the information gathered pursuant to the Inspection, EPA alleges the following violations of 40 C.F.R. Part 68.

**COUNT 1: FAILURE TO COMPLY WITH PROCESS SAFETY INFORMATION REQUIREMENTS
(RELIEF SYSTEM DESIGN AND DESIGN BASIS)**

24. The findings of fact contained in Paragraphs 17 through 23 of this CAFO are incorporated by reference herein as though fully set forth at length.
25. The Chemical Accident Prevention Provisions require an owner or operator to complete a compilation of written process safety information, in accordance with the schedule set forth in § 68.67, which shall include information pertaining to the hazards of the regulated substances used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process. 40 C.F.R § 68.65(a). Information pertaining to the equipment in the process shall include "relief system design and design basis." 40 C.F.R § 68.65(d)(1)(iv).

26. At the time of the Inspection, Respondent had failed to complete a compilation of written process safety information regarding the relief system design for the Facility, in accordance with the schedule set forth in § 68.67, as required by 40 C.F.R. § 68.65(d)(1)(iv).

**COUNT 2: FAILURE TO COMPLY WITH PROCESS SAFETY INFORMATION REQUIREMENTS
(GENERALLY ACCEPTED GOOD ENGINEERING PRACTICES)**

27. The findings of fact contained in Paragraphs 17 through 26 of this CAFO are incorporated by reference herein as though fully set forth at length.
28. The Chemical Accident Prevention Provisions require an owner or operator to document, as part of its written process safety information, that equipment used in the process complies with recognized and generally accepted good engineering practices, in accordance with the schedule set forth in § 68.67. 40 C.F.R § 68.65(d)(2).
29. Applicable industry standards for anhydrous ammonia refrigeration systems include the IIAR Bulletin 110 (1993), ANSI/IIAR 2 (1992), and ASME B31.5 (2001), which are recognized and generally accepted as good engineering practices for safeguards pertaining to anhydrous ammonia refrigeration systems.
30. IIAR Bulletin 110 Section D.2 specifically states: “There shall be no partition or openings that could permit passage of escaping refrigerant to other parts of the building. The points of passage of all piping and cable ducts through walls, ceilings and floors shall be tightly sealed.”
31. At the time of the Inspection, EPA observed points of passage of piping through walls which were not tightly sealed.
32. ANSI/IIAR 2 (1992) states: “Termination [of emergency discharge lines] shall be outside the building ... not less than 7 feet above the highest structure on the building.”
33. At the time of Inspection, the termination of a relief header line was observed less than 7 feet above the upper roof surface, the highest structure on the building.
34. At the time of the Inspection, Respondent did not document, as part of its written process safety information, in accordance with the schedule set forth in § 68.67, that equipment used in the process complies with recognized and generally accepted good engineering practices.

**CONCLUSIONS OF LAW RELATED TO THE
VIOLATIONS OF SECTION 112(r)(7) OF THE CLEAN AIR ACT**

35. The findings of fact contained in Paragraphs 17 through 34 of this CAFO are incorporated by reference herein as though fully set forth at length.

36. Respondent is a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
37. At all times relevant to the violations alleged herein, Respondent was the “owner or operator” of the Facility, as defined at Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9).
38. The Facility is a building or structure from which an accidental release may occur and is therefore a “stationary source,” as defined at Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and 40 C.F.R. § 68.3.
39. Therefore, Respondent is the owner and operator of the “stationary source,” as the term is defined at 40 C.F.R. § 68.3.
40. Anhydrous ammonia is a regulated substance pursuant to Section 112(r)(2) and (3) of the CAA, 42 U.S.C. § 7412(r)(2) and (3), because it is identified in the initial list of substances in Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), and listed under 40 C.F.R. § 68.130, with a threshold quantity of 10,000 pounds.
41. Respondent’s ammonia refrigeration system at the Facility is a “process,” as that term is defined by 40 C.F.R. § 68.3.
42. At all times relevant to this Consent Agreement, anhydrous ammonia has been present in a process at the Facility in an amount exceeding its threshold quantity.
43. Respondent is subject to the requirements of Section 112(r)(7) of the CAA, 40 U.S.C. § 7412(r)(7), and 40 C.F.R. Part 68, because it is the owner and/or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process.
44. The Facility is a Program 3 Facility under the Chemical Accident Prevention Provisions, in accordance with 40 C.F.R. § 68.10(d).
45. At the time of the Inspection, Respondent did not comply with the requirements of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.65(d)(1)(iv), by failing to complete a compilation of written process safety information regarding the relief system design for the Facility, in accordance with the schedule set forth in 40 C.F.R. § 68.67.
46. At the time of the Inspection, Respondent did not comply with Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.65(d)(2), by failing to document that its equipment complies with recognized and generally accepted good engineering practices as follows: by terminating a relief header line less than 7 feet above the upper roof surface in contradiction to ANSI/IIAR 2 (1992); and having openings that could permit passage of escaping refrigerant to other parts of the building in contradiction to IIAR Bulletin 110.

47. Respondent has violated Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and its implementing regulations at 40 C.F.R. §§ 68.65(d)(1)(iv) and 68.65(d)(2). Respondent is, therefore, subject to the assessment of penalties under Section 113 of the CAA, 42 U.S.C. § 7413.

SETTLEMENT

48. Respondent certifies that it has corrected the violations alleged in this Consent Agreement and is currently in compliance with 40 C.F.R. Part 68 at the Facility.
49. In full and final settlement and resolution of all allegations referenced in the foregoing Findings of Fact and Conclusions of Law, and in full satisfaction of all civil penalty claims pursuant thereto, for the purpose of this proceeding, Respondent consents to the assessment of a civil penalty for the violations of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), in the amount of **\$23,226** (“EPA Civil Penalty”).
50. Respondent consents to the issuance of this Consent Agreement, and consents for purposes of settlement to the payment of the civil penalty cited in the foregoing Paragraph.

PAYMENT TERMS

51. The EPA Civil Penalty shall become due and payable immediately upon Respondent’s receipt of a true and correct copy of this CAFO. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with the civil penalty described in this CAFO, Respondent shall pay the EPA Civil Penalty of **\$23,226** no later than thirty (30) days after the effective date of this CAFO as follows:
- a. Respondents shall pay the EPA Civil Penalty using any method, or combination of methods, provided on the websites <https://www.epa.gov/financial/makepayment> and <http://www2.epa.gov/financial/additional-instructions-making-payments-epa>, and identifying payment with “Docket No.: CAA-03-2018-0141.”
 - b. Within 24 hours of payment of the EPA Civil Penalty, Respondent shall send proof of payment to:

Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street

and

Alison M. Debes (3RC50)
Senior Assistant Regional Counsel
U.S. EPA, Region III

Philadelphia, PA 19103-2029
R3_Hearing_Clerk@epa.gov

1650 Arch Street
Philadelphia, PA 19103-2029
Debes.Alison@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with “Docket No.: CAA-03-2018-0141.”

52. The EPA Civil Penalty of **\$23,226** 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 113(e) of the CAA, 42 U.S.C. § 7413(e), and is consistent with 40 C.F.R. Part 19 and the *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7) and 40 C.F.R. Part 68* (June 2012).
53. 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 owed 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 of the EPA Civil Penalty as specified in Paragraph 49 or to comply with the conditions in this CAFO shall result in the assessment of late payment charges, including interest, penalties, and/or administrative costs of handling delinquent debts.
54. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of this fully executed CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties 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).
55. 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 Appendix 2 of 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 penalties become due and payable and an additional \$15.00 for each subsequent thirty (30) day period the penalties remain unpaid.
56. A penalty charge of six (6) percent per year will be assessed monthly on any portion of the civil penalties which remain 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).
57. Failure by Respondent to make timely payment of the EPA Civil Penalty assessed by the Final Order in full may subject Respondent to a civil action to collect the assessed penalties, plus

interest, pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

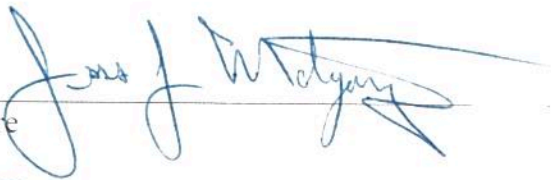
GENERAL PROVISIONS

58. For the purpose of this proceeding, Respondent expressly waives its right to a hearing and to appeal the Final Order under Section 113(d)(2) of the CAA, 42 U.S.C. § 7413(d)(2).
59. The provisions of the CAFO 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 Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.
60. This CAFO resolves only the civil penalty claims for the specific violations alleged in this Consent Agreement. Complainant reserves the right to commence action against any person, including Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. Nothing in this CAFO shall be construed to limit the United States authority to pursue criminal sanctions. In addition, this settlement is subject to all limitations on the scope of resolution and the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, Complainant reserves any rights and remedies available to it under the CAA or the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this Consent Agreement and accompanying Final Order following its filing with the Regional Hearing Clerk.
61. This Consent Agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.
62. Each party to this action shall bear its own costs and attorney's fees.

In the Matter of: J&J Snack Foods Corp.

EPA Docket No.: CAA-03-2018-0141

FOR J&J SNACK FOODS CORP.


Signature

August 10, 2018
DATE

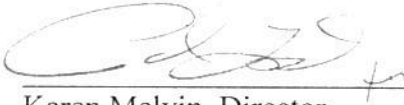
Jess J. Montgomery
Name (Print)

Vice President & General Manager, Mic Products
Title

In the Matter of: J&J Snack Foods Corp.

EPA Docket No.: CAA-03-2018-0141

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY



Karen Melvin, Director
Hazardous Site Cleanup Division

9/27/18

DATE

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

REGION III

U.S. EPA-REGION 3-RHC
FILED-12SEP2018AM9:19

In the Matter of:	:	
	:	
J&J Snack Foods Corp.	:	Proceeding under Sections 112(r) and
d/b/a MIA Products Company	:	113 of the Clean Air Act, 42 U.S.C. §§
6000 Central Highway	:	7412(r) and 7413
Pennsauken, NJ 08109	:	
	:	
Respondent,	:	
	:	
MIA Products Company	:	EPA Docket No.: CAA-03-2018-0141
4 Rocky Glen Rd	:	
Moosic, PA 18507	:	
	:	
Facility.	:	

FINAL ORDER

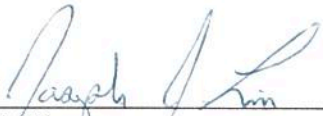
Complainant, the Director of the Hazardous Site Cleanup Division, U.S. Environmental Protection Agency, Region III, and Respondent, J&J Snack Foods Corp., d/b/a/ MIA Products Company, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based on the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7), and 40 C.F.R. Part 68* (June 2012), and the statutory factors set forth in Section 113(e) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(e).

NOW, THEREFORE, PURSUANT TO Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of **TWENTY-THREE THOUSAND TWO HUNDRED AND TWENTY SIX DOLLARS (\$23,226)**, plus any applicable interest, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Sept. 11, 2018
Date



Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III

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

In the Matter of: :
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J&J Snack Foods Corp. : Proceeding under Sections 112(r) and
d/b/a MIA Products Company : 113 of the Clean Air Act, 42 U.S.C. §§
6000 Central Highway : 7412(r) and 7413
Pennsauken, NJ 08109 :
 :
Respondent, :
 :
MIA Products Company : EPA Docket No.: CAA-03-2018-0141
4 Rocky Glen Rd :
Moosic, PA 18507 :
 :
Facility. :

CERTIFICATE OF SERVICE

I certify that on SEP 12 2018, the original and one (1) copy of foregoing ***Consent Agreement and Final Order***, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I served a true and correct copy of the same to each of the following persons, in the manner specified below, at the following addresses:

Copies served via **Certified Mail, Return Receipt Requested, Postage Prepaid**, to:

Jay Montgomery
Vice President & General Manager
Mia Products - J&J Snack Foods Corp.
6000 Central Highway
Pennsauken, NJ 08109

Copy served via **Hand Delivery or Inter-Office Mail** to:

Alison M. Debes (*Attorney for Complainant*)
Senior Assistant Regional Counsel
Office of Regional Counsel (3RC50)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Dated: **SEP 12 2018**

Berwin Esposito

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region III

TRACKING NUMBER(S): 7015 1520 0003 0896 2755