



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

September 13, 2021

VIA E-MAIL
DELIVERY RECEIPT REQUESTED

Ian Bouche, General Manager
Americold – Green Bay
1731 Morrow Street
Green Bay, Wisconsin 54302

Email: Ian.Bouche@americold.com

Dear Mr. Bouche:

Enclosed is a file-stamped Expedited Settlement Agreement (ESA) which resolves Americold – Green Bay, docket no. CAA-05-2021-0031. As indicated by the filing stamp on its first page, we filed the ESA with the Regional Hearing Clerk on September 13, 2021.

Please direct any questions regarding this case to Sophie Grueterich, Attorney, 312-353-6481.

Sincerely,

**NATHAN
FRANK**

Digitally signed by
NATHAN FRANK
Date: 2021.09.13
12:30:32 -05'00'

Nathan Frank, Chief
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

cc: Ann Coyle, Regional Judicial Officer/via electronic mail
Coyle.Ann@epa.gov

Regional Hearing Clerk/via electronic mail
R5hearingclerk@epa.gov

Sophie Grueterich/via electronic mail
Grueterich.Sophie@epa.gov

Maria Hill/via electronic mail
Maria.Hill@wisconsin.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

**77 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604-3590**

ESA NO: EPA-5-21-CAA-ESA-08

DOCKET NO: CAA-05-2021-0031

**This ESA is issued to: Americold Logistics, Americold – Green Bay
at: 1731 Morrow Street, Green Bay, Wisconsin 54302
for violations of Section 112(r)(7) of the Clean Air Act.**

EXPEDITED SETTLEMENT AGREEMENT

The United States Environmental Protection Agency, Region 5, and Americold – Green Bay (“Respondent”), have agreed to the settlement of this action before the filing of a Complaint. EPA and Respondent (jointly “the Parties”) have agreed 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. This action is thus simultaneously commenced and concluded by this Expedited Settlement Agreement (“ESA”) and Final Order. *See* 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).

This is an administrative action for the assessment of civil penalties instituted pursuant to EPA’s authority under Sections 113(a)(3) and (d) of the Clean Air Act (“Act”), 42 U.S.C. § 7413(a)(3) and (d). The Director of the Enforcement & Compliance Assurance Division, Region 5, EPA (“Complainant”) has been delegated the authority to issue an administrative complaint seeking the assessment of civil penalties for violations of Section 112(r) of the Act, 42 U.S.C. § 7412(r). The Regional Administrator for Region 5 of EPA is authorized by Sections 113(a)(3) and (d)(1) of the Act, 42 U.S.C. §§ 7413(a)(3), and (d)(1), to issue a Final Order ratifying this ESA. The Regional Administrator has delegated the authority to issue Final Orders ratifying settlements pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(3) to the Regional Judicial Officer, Office of Regional Counsel, EPA Region 5.

ALLEGED VIOLATIONS

On May 7, 2020, EPA sent a letter to Americold Logistics, 10 Glenlake Parkway, Atlanta, GA regarding its facility at 1731 Morrow Street, Green Bay, Wisconsin (“Facility”) to determine its compliance with the Chemical Accident Prevention Provisions promulgated pursuant to Section 112(r) of the Act, and set forth at 40 C.F.R. Part 68. The letter served to notify the Facility that its updated Risk Management Plan (“RMP”) was overdue. The due date for the Facility’s updated RMP was April 8, 2020. On August 5, 2020, the Facility submitted an updated RMP. EPA has determined that Respondent violated 40 C.F.R. § 68.190(b)(1), the requirement to resubmit its RMP five years from the last submission.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good faith efforts to comply, other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to resolve any civil penalties for these alleged violations for the total penalty amount of **\$1,200**.

This settlement is subject to the following terms and conditions:

By signing below, Respondent consents to, and is bound by, the terms and conditions of this ESA, including the assessment of the civil penalty set forth above. Respondent admits the jurisdictional allegations in the ESA, and waives any objections that it may have regarding jurisdiction. Respondent waives its right to contest the specific factual allegations contained herein, and neither admits nor denies these specific factual allegations. Respondent acknowledges that pursuant to 40 C.F.R. § 22.15(c), and Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), it has the right to request a hearing on any material fact, or on the appropriateness of the penalty, but Respondent waives its rights to such a hearing. Respondent also waives its right to appeal this ESA and the accompanying Final Order.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations set forth in this ESA, and has made payment in the amount of **\$1,200** by either of the two following methods:

Payment method 1 – Preferred (electronic): Pay online through the Department of the Treasury using WWW.PAY.GOV. In the Search Public Form field, enter "SFO 1.1", click "EPA Miscellaneous Payments - Cincinnati Finance Center" and complete the SFO Form Number 1.1. The payment shall be identified in the online system with the ESA Number listed below.

On the same day, after submitting your payment, send an email to cinwd_acctsreceivable@epa.gov and the EPA contact email address noted below. Include in the subject line: "Payment Confirmation for Americold – Green Bay ESA Number EPA-5-21-CAA-ESA-08." Attach a copy of the ESA and your payment receipt to the email.

Payment method 2 (check): Mail, via CERTIFIED MAIL, a certified check payable to the United States of America marked with "Americold – Green Bay", and the ESA Number listed below, with a copy of the ESA to:

U. S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Attn: ESA Number EPA-5-21-CAA-ESA-08

Respondent may use a Private Carrier instead of the US Postal Service, to mail a certified check

payable to the United States of America to the following address:

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

A scan of the signed original ESA and proof of payment (either electronic payment receipt or copy of check) must be sent by email to:

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

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

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Upon Respondent's submission of the signed original ESA, and the issuance of the Final Order, Respondent's liability is resolved only for any federal civil penalties due as a result of the facts and violations alleged in this ESA. This ESA, the Final Order, and Respondent's full payment of the civil penalty set forth herein, do not affect the right of EPA to pursue appropriate injunctive, other equitable relief, or criminal sanctions for any violations of law. EPA also does not waive any enforcement authority for any other violation of the Act or any other statute. The issuance of the Final Order does not waive, extinguish, or otherwise affect Respondent's duty to comply with the Act, the regulations promulgated thereunder, or any other applicable law or requirement.

If the signed original ESA with proof of payment is not returned to the EPA Region 5 office at the above emails in correct form by Respondent within 30 days of the date of Respondent's receipt of this ESA (60 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 in this ESA.

This ESA is binding on the Parties signing below.

Each Party to this action shall bear its own costs and fees, if any.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Signature:  Date: 8-23-21
Name (print): Jan Bouche
Title (print): General Manager

FOR COMPLAINANT:

Harris,  Digitally signed by Harris,
Michael
Date: 2021.09.09
07:46:09 -05'00'
Michael D. Harris, Director
Enforcement and Compliance Assurance Division

FINAL ORDER

The foregoing Expedited Settlement Agreement is hereby ratified and incorporated by reference into this Final Order. Respondent is hereby ORDERED to comply with all of the terms of the foregoing Expedited Settlement Agreement, which upon its filing with the Regional Hearing Clerk shall become immediately effective. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED.

ANN COYLE Digitally signed by ANN
COYLE
Date: 2021.09.13
08:17:31 -05'00'

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

Expedited Settlement Agreement
In the matter of: Americold – Green Bay
Docket Number: **CAA-05-2021-0031**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement**, docket number CAA-05-2021-0031, which was filed on September 13, 2021, in the following manner to the following addressees:

Copy by E-mail to Respondent: Ian Bouche
Ian.Bouche@americold.com

Copy by E-mail to
Attorney for Complainant: Sophie Grueterich
Grueterich.Sophie@epa.gov

Copy by E-mail to
Regional Judicial Officer: Ann Coyle
Coyle.Ann@epa.gov

Dated: _____
LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5