



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

FEB 07 2017

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mark Madsen  
Vice-President Manufacturing, North America  
Ingredion Incorporated  
5 Westbrook Corporate Center  
Westchester, Illinois 60154

Re: Ingredion Incorporated – Bedford Park, Illinois Facility  
Consent Agreement and Final Order – Docket No: **CWA-05-2017-0003**

Dear Mr. Madsen:

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. This document was filed with the Regional Hearing Clerk on

*February 7, 2017.*

The civil penalty in the amount of \$99,500 is to be paid in the manner prescribed in paragraphs 43 through 47. Please be certain to reference your check and transmittal letter with docket number **CWA-05-2017-0003**. Your payment is due by *March 9, 2017*. The supplemental environmental project and associated reports are to be completed in the manner prescribed in paragraphs 48 through 68.

Please feel free to contact Joseph Ulfing at (312) 353-8205 if you have any questions regarding the enclosed document. Please direct any legal questions to Andre Daugavietis, Associate Regional Counsel, at (312) 886-6663. Thank you for your assistance in resolving this matter.

Sincerely,

Jason H. El-Zein, Chief  
Emergency Response Branch 1

Enclosure



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 the terms of the 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 and legal conclusions in this CAFO.

8. Respondent waives its right to request a hearing under Section 311(b)(6)(B)(ii) of the Act, 33 U.S.C. § 1321(b)(6)(B)(ii), and 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, its right to appeal this CAFO, and consents to the issuance of this CAFO without further adjudication or proceeding.

### **Statutory and Regulatory Background**

9. Section 311(j)(1)(C) of the Act, 33 U.S.C. § 1321(j)(1)(C), provides that the President shall issue regulations “establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil...from onshore...facilities, and to contain such discharges ....”

10. Initially by Executive Order 11548 (July 20, 1970), 35 Fed. Reg. 11677 (July 22, 1970), and most recently by Section 2(b)(1) of Executive Order 12777 (October 18, 1991), 56 Fed. Reg. 54757 (October 22, 1991), the President delegated to the EPA his authority under Section 311(j)(1)(C) of the Act, 33 U.S.C. § 1321(j)(1)(C), to issue the regulations referenced in the preceding paragraph for non-transportation-related onshore facilities.

11. EPA subsequently promulgated regulations, codified at 40 C.F.R. Part 112,

Subparts A, B, C, and D, also known as the Spill Prevention, Control, and Countermeasure (SPCC) and Facility Response Plan (FRP) regulations, pursuant to its authorities under the Act, 33 U.S.C. § 1251 *et seq.*

12. The regulation at 40 C.F.R. § 112.3 requires that the owner or operator of an SPCC-regulated facility prepare and implement a written SPCC plan in accordance with 40 C.F.R. § 112.7 and any other applicable sections of 40 C.F.R. Part 112.

13. 40 C.F.R. § 112.7(a)(1) requires the owner or operator of a facility subject to 40 C.F.R. Part 112 to include in their Plan a discussion of its facility's conformance with the requirements listed in 40 C.F.R. Part 112.

14. The regulation at 40 C.F.R. § 112.8 requires that the owner or operator of an SPCC-regulated facility meet the specific discharge prevention and containment procedures listed in that section.

15. 40 C.F.R. § 112.20(a)(1) requires the owner or operator of a facility subject to 40 C.F.R. Part 112, Subpart D, that was in operation on or before February 18, 1993, to prepare and submit a facility response plan no later than February 18, 1995, that satisfies the requirements of Section 311(j)(5) of the Act, 33 U.S.C. § 1321(j)(5).

16. Specific regulatory requirements applicable to the Facility are set forth in more detail below.

17. Section 311(b)(6)(B)(ii) of the Act, 33 U.S.C. § 1321(b)(6)(B)(ii), and the regulation at 40 C.F.R. § 19.4, authorize EPA to assess a civil penalty for violations of the SPCC and FRP regulations promulgated pursuant to Section 311(j)(1)(C) of the Act, 33 U.S.C. § 1321(j)(1)(C). Up to \$16,000 in civil penalties per day may be assessed for violations that

occurred after December 6, 2013, which is in the relevant time period in this matter, up to a maximum of \$187,500.

### **Factual Allegations and Alleged Violation**

18. Respondent is a corporation with a place of business located at 6400 S. Archer Avenue, in Bedford Park, Illinois. Respondent is a person within the meaning of Sections 311(a)(7) and 502(5) of the Act, 33 U.S.C. §§ 1321(a)(7) and 1362(5), and 40 C.F.R. § 112.2.

19. Respondent is the owner and operator, within the meaning of Section 311(a)(6) of the Act, 33 U.S.C. § 1321(a)(6), and 40 C.F.R. § 112.2, of an onshore bulk oil storage facility located on the Respondent's place of business ("the Facility").

20. Operations commenced at the Facility in or about 1906.

21. At the Facility, Respondent is engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using or consuming oil or oil products.

22. The Facility has an aggregate above ground oil storage capacity over 1,320 gallons in containers, each with a shell capacity of at least 55 gallons.

23. The Facility is a non-transportation-related facility within the meaning of 40 C.F.R. § 112.2 Appendix A, as incorporated by reference into 40 C.F.R. § 112.2.

24. The Facility is an onshore facility within the meaning of Section 311(a)(10) of the Act, 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2.

25. The Facility is a non-transportation-related onshore facility which, due to its location, could reasonably be expected to discharge oil to a navigable water of the United States or its adjoining shorelines in a harmful quantity, and is therefore subject to the SPCC regulations at 40 C.F.R. Part 112, Subparts A and B.

26. The Facility is a non-transportation-related onshore facility which has above-ground storage capacity greater than one million gallons and is located at a distance such that a discharge from the Facility could cause injury to fish, wildlife and sensitive environments, as defined in 40 C.F.R. § 112.2.

27. Oil from the Facility, in the event of a discharge, could reasonably be expected to flow to the Chicago Sanitary and Ship Canal (CSSC), via the Metropolitan Water Reclamation District (MWRD) sewer system connecting the Facility to the Stickney Water Reclamation Plant (WRP). Wet weather overflows from the sewer system, and treated and bypassed effluent streams from the Stickney WRP are discharged to the CSSC.

28. The CSSC is a navigable water of the United States within the meaning of 40 C.F.R. § 112.2 and Section 502(7) of the Act, 33 U.S.C. § 1362(7).

29. Downstream of the Facility, the CSSC connects with other navigable waterways such as the Cal-Sag Channel and Des Plaines River. Downstream of the Facility are forest preserves, trails, and other sensitive environments.

30. The Facility is subject to the FRP regulations at 40 C.F.R. Part 112, Subpart D.

31. The regulation at C.F.R. § 112.20 requires facilities subject to 40 C.F.R. Part 112, Subpart D, to prepare and submit a FRP.

32. The regulation at 40 C.F.R. § 112.3 requires that the owner or operator of an SPCC-regulated facility prepare and implement a written SPCC plan in accordance with 40 C.F.R. § 112.7 and any other applicable section of 40 C.F.R. Part 112.

33. On May 1, 2014, EPA inspected the Facility, and conducted an evaluation of the Facility's SPCC plan, last revised in September 2012. At that time, the Facility had not prepared,

nor submitted an FRP. On February 4, 2015, EPA issued a Notice of Violation to Respondent alleging violations of certain SPCC and FRP regulations (the NOV).

34. The regulation at 40 C.F.R. § 112.7(a)(3) requires an owner or operator of a facility subject to 40 C.F.R. Part 112 to prepare a SPCC Plan that describes the physical layout of the facility and includes a diagram that identifies the location and contents of all regulated fixed oil storage containers, storage areas where mobile or portable containers are located, transfer stations, and connecting pipes. The Facility's SPCC Plan did not completely describe the physical layout of the Facility, including the manufacturing equipment in Building 59, or include a diagram that identifies the location of transfer stations, in violation of 40 C.F.R. § 112.7(a)(3).

35. The regulation at 40 C.F.R. § 112.7(a)(3)(iv) requires that the SPCC Plan address countermeasures for discharge discovery, response and cleanup available from both the facility and its contractors. The Facility's SPCC Plan did not address its contractor's countermeasures for discharge discovery, response, and cleanup, in violation of 40 C.F.R. § 112.7(a)(3)(iv) and 40 C.F.R. § 112.7(a)(1).

36. The regulation at 40 C.F.R. § 112.7(b) provides that where experience indicates a reasonable potential for equipment failure, the SPCC Plan must include a prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each type of major equipment failure. The Facility's SPCC Plan did not include an adequate prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the Facility as a result of each type of major equipment failure, in violation of 40 C.F.R. § 112.7(b).

37. The regulation at 40 C.F.R. § 112.8(c)(4) requires that the owner or operator of an

onshore facility protect any completely buried metallic storage tank installed on or after January 10, 1974 from corrosion and regularly perform leak tests. The Facility's SPCC Plan did not address these requirements concerning its underground storage tank, in violation of 40 C.F.R. § 112.8(c)(4) and 40 C.F.R. § 112.8(a).

38. The regulation at 40 C.F.R. § 112.8(c)(6) requires, among other things, that the owner or operator of an onshore facility test each aboveground container for integrity on a regular schedule, and whenever material repairs are made. The SPCC Plan must include: the appropriate qualifications for personnel performing tests and inspections; the frequency and type of testing and inspections, which take into account container size, configuration, and design; as well as the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. The Facility's SPCC Plan did not address all of the required information related to integrity testing, in violation of 40 C.F.R. §§ 112.8(c)(6) and 112.8(a).

39. The regulation at 40 C.F.R. § 112.20(a)(1) requires the owner or operators of facilities subject to 40 C.F.R. Part 112, Subpart D, that were in operation on or before February 18, 1993 prepare and submit a facility response plan no later than February 18, 1995 that satisfies the requirements of 33 U.S.C. § 1321(j)(5). During the May 2014 inspection, Respondent's representatives stated that the Facility had been in operation since about 1906, but that no FRP was prepared for the Facility, or in possession of the Facility's operators at that time, in violation of 40 C.F.R. § 112.20(a)(1).

40. The regulation at 40 C.F.R. § 112.21(a) requires the owner or operators of facilities required to prepare a facility response plan under 40 C.F.R. § 112.20 to develop and implement a facility response training program and a drill/exercise program, and describe these



programs in the response plan. During the May 2014 inspection, Respondent's representatives stated that no FRP was prepared for the Facility, which includes failing to develop and implement the required facility response training program and drill/exercise program, in violation of 40 C.F.R. § 112.21(a).

41. Appendix C to Part 112, Section 3.0 – Certification For Facilities That Do Not Pose Substantial Harm requires facilities that do not meet the substantial harm criteria listed in Attachment C-I, the owner or operator shall complete and maintain at the facility the certification form contained in Attachment C-II. At the time of the inspection, the Facility maintained a C-II form that did not properly indicate that the Facility is located at a distance such that a discharge could cause injury to fish and wildlife and sensitive environments, in violation of Section 3.0 of Appendix C to 40 C.F.R. Part 112.

42. As alleged in the preceding paragraphs, and pursuant to Section 311(b)(6)(B)(ii) of the Act, 33 U.S.C. § 1321(b)(6)(B)(ii), and 40 C.F.R. § 19.4, for violations occurring after December 6, 2013, Respondent is liable for civil penalties of up to \$16,000 per day, up to a maximum of \$187,500.

#### **Civil Penalty**

43. Based on an analysis of the factors set forth in Section 311(b)(8) of the Act, 33 U.S.C. § 1321(b)(8), and in the Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act, taking into account the facts of this case and information submitted by Respondent, including Respondent's prompt achievement of compliance and Respondent's agreement to undertake the supplemental environmental project, described below, costing at least

\$62,590, Complainant has determined that an appropriate civil penalty to settle this action is \$99,500. Respondent agrees to pay this amount as a civil penalty.

44. Within 30 days after the effective date of this CAFO, Respondent shall pay the \$99,500 by cashier's or certified check, or by electronic funds transfer (EFT). If paying by check, Respondent shall submit a cashier's or certified check, payable to "Environmental Protection Agency," and bearing the notation "OSLTF – 311" and the docket number of this case. If the Respondent sends payment by check, the payment shall be addressed to:

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

If paying by EFT Respondent shall transfer \$99,500 to:

Federal Reserve Bank of NY  
ABA 021030004  
Account 68010727  
33 Liberty Street  
New York, NY 10045

Field Tag 4200 of the EFT message shall read "D 68010727 Environmental Protection Agency."

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

46. The Respondent shall submit copies of the check (or, in the case of an EFT transfer, copies of the EFT confirmation) to the following persons:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Joseph Ulfing, P.E. (SC-5J)  
Chemical Emergency Preparedness  
and Prevention Section  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Andre Daugavietis  
Associate Regional Counsel (C-14J)  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

47. Failure by Respondent to timely pay this civil penalty may subject Respondent to a civil action to collect the assessed penalty, plus interest, attorney's fees, costs and an additional quarterly nonpayment penalty pursuant to Section 311(b)(6)(H) of the Act, 33 U.S.C. §1321(b)(6)(H). In any such collection action, the validity, amount and appropriateness of the penalty agreed to herein shall not be subject to review.

**Supplemental Environmental Project**

48. Respondent agrees to and must complete a supplemental environmental project (SEP) designed to protect human health and the environment by reducing the Facility's potential for an oil spill.

49. Respondent must install the following equipment at the Facility:

- a. The two drains from the loading/unloading containment area will be disconnected from the current sewer discharge and be redirected via an underground pipe to the existing catch basin located due west of the manual isolation valves for the two drains.
- b. Oil stop valve(s), and a storm water collection vault sufficiently sized to house the oil stop valve(s), will be installed in the Facility's existing storm water drain serving the south side of Building 59. The storm water collection vault will have a grate cover above grade for easy access and inspection.

c. All other manual isolation valves, trenches and containment pits will remain in place and operational.

50. Respondent must have engineering design and construction specifications completed for this SEP within 60 days of the effective date of this CAFO.

51. Respondent must place an order for the oil stop valve(s) and issue a purchase order for the equipment installation within 90 days of the effective date of the CAFO.

52. Respondent must install and begin operation of this equipment no later than 270 days of the effective date of this CAFO.

53. Respondent must spend at least \$62,590 to complete the SEP, and must operate all components installed pursuant to the SEP for at least 5 years.

54. If Respondent ceases operation of any equipment installed pursuant to the SEP within 5 years of commencing operations, Respondent must notify EPA of that fact in writing by sending a report to Mr. Ulfig and Mr. Daugavietis at the addresses specified in Paragraph 46, above.

55. Respondent certifies that it is not required to perform or develop the activities or install the equipment described in this SEP by any law, regulation, grant, order, or agreement, or as injunctive relief as of the date it signs this CAFO. Respondent further certifies that it has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

56. Respondent certifies that it is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. Respondent certifies that, to the best of its knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance

transaction proposal submitted to EPA within two years of the date that it is signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee, or other mechanism for providing federal financial assistance whose performance period has not expired.

57. EPA may inspect the Facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

58. Respondent must submit a SEP completion report to EPA within 60 days after beginning operation of the equipment, as described in paragraph 52. This report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. Itemized cost of goods and services used to complete the SEP, documented by copies of invoices, purchase orders, or canceled checks that specifically identify and itemize the individual costs of the goods and services;
- c. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- d. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

59. Respondent must submit all notices and reports required by this CAFO by first class mail to Mr. Joseph Ulfig, at the address provided in paragraph 46 above.

60. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and

complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

61. Following receipt of the SEP completion report described in paragraph 58 above, EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report; or
- b. There are deficiencies in the SEP as completed or in the SEP report, and EPA will give Respondent 30 days to correct the deficiencies. The parties may agree in writing to extend this 30 day period; or
- c. It has not satisfactorily completed the SEP, and EPA will seek stipulated penalties under paragraph 63 below.

62. If EPA exercises option 61.c above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, EPA will give Respondent a written decision on its objection. Respondent will comply with any requirement that EPA imposes in its decision. If Respondent does not complete the SEP as required by EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 63 below.

63. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. If Respondent does not complete the SEP satisfactorily according to the requirements of this CAFO, or halts or abandons work on the SEP, Respondent must pay an additional civil penalty of \$40,684. The penalty will accrue as of the date for completing the SEP or the date performance ceases, whichever is earlier.
- b. If Respondent does not complete the SEP satisfactorily according to the requirements of this CAFO, but EPA determines that Respondent made good faith and timely efforts to complete the SEP and certifies, with supporting documents, that it has spent at least 90 percent of the amount set forth in paragraph 53 above,

Respondent will not be liable for any stipulated penalty under subparagraph a. above.

- c. If Respondent completes the SEP satisfactorily according to the requirements of this CAFO, but spends less than 90 percent of the amount set forth in paragraph 53 above, Respondent must pay an additional civil penalty in the amount of the difference between the amount set forth in paragraph 53 above and the amount that Respondent spent to complete the SEP.
- d. If Respondent fails to comply with the schedule in paragraphs 50 to 52 above for implementing the SEP, or fails to submit timely the SEP completion report required by paragraph 58, Respondent must pay stipulated penalties for each failure to meet an applicable milestone, as follows:

<u>Penalty per violation per day</u>	<u>Period of violation</u>
\$ 250	1st through 20th day
\$ 500	21st through 30th day
\$ 750	31st day and beyond

These penalties will accrue from the date Respondent was required to meet each milestone until it achieves compliance with the milestone.

64. EPA's determination of whether Respondent satisfactorily completed the SEP and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

65. Respondent must pay any stipulated penalties within 15 days of receiving EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraph 44, above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts

66. Any public statement that Respondent makes referring to the SEP must include the following language, "Ingredion Incorporated, undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Ingredion

Incorporated for violations of Section 311 of the Clean Water Act, 33 U.S.C. § 1321, and 40 C.F.R. Part 112.”

67. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

- a. Respondent must notify EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent’s past and proposed actions to prevent or minimize the delay, and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.
- b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.
- c. If EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, EPA will notify Respondent in writing of its decision, and any delays in completing the SEP will not be excused.
- d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased cost for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

68. For federal income tax purposes, Respondent will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP.

#### General Provisions

69. This CAFO resolves only Respondent’s liability for federal civil penalties for the violations alleged in this CAFO and the NOV.



70. This 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 other violations of law not alleged in this CAFO or in the NOV.

71. This CAFO does not affect Respondent's responsibility to comply with the SPCC and FRP Rules of 40 C.F.R. Part 112, and other applicable federal, state and local laws.

72. Respondent certifies that it has addressed the violations alleged in the NOV, has revised the facility's SPCC Plan, and prepared and submitted an FRP for the Facility to EPA, and is now in compliance with Section 311 of the Act, 33 U.S.C. § 1321 and its implementing regulations.

73. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31 and the August 1998 CWA Penalty Policy.

74. The CAFO shall be binding upon Respondent and Respondent's officers, directors, agents, servants, employees, and successors or assigns.

75. The CAFO does not constitute a waiver, suspension or modification of the requirements of Section 311 of the Act, 33 U.S.C. § 1321, or any regulations promulgated thereunder, and does not affect the right of the Administrator or the United States to pursue any applicable injunctive or other equitable relief or criminal sanctions for any violation of law.

76. If Respondent fails to comply with this CAFO, Respondent waives any rights it may possess in law or equity to challenge the authority of the EPA to bring a civil action in the appropriate United States District Court to compel compliance with this CAFO and/or seek an additional penalty for non-compliance with the CAFO.

77. Each party shall bear its own costs and attorney's fees in connection with the action resolved by this CAFO.

78. EPA has provided a 30 day opportunity for public notice and comment on this proposed CAFO pursuant to Section 311(b)(6)(C)(i) of the Act, 33 U.S.C. § 1321(b)(6)(C)(i), and 40 C.F.R. § 22.45(b).

79. Complainant reserves the right, pursuant to 40 C.F.R. § 22.45(c)(4)(iii), to withdraw this CAFO within 15 days of receipt of a Commenter's petition requesting, pursuant to 40 C.F.R. § 22.45(c)(4)(ii), that the Regional Administrator set aside the CAFO on the basis of material evidence not considered.

80. The undersigned representative of each Party to this CAFO certifies that he or she is duly authorized by the Party he or she represents to enter into the terms and bind that Party to them.

81. This CAFO shall become effective on the date it is filed with the Regional Hearing Clerk, Region 5.

**In the Matter of: Ingredion Incorporated**

**Ingredion Incorporated, Respondent**

Date: 11/20/2016



Mark Madsen  
Vice-President Manufacturing, North America  
Ingredion Incorporated

**U.S. Environmental Protection Agency, Complainant**

Date: 12/5/2016



Doug Ballotti  
Acting Director  
Superfund Division  
U.S. Environmental Protection Agency  
Region 5

**In the Matter of: Ingredion Incorporated**

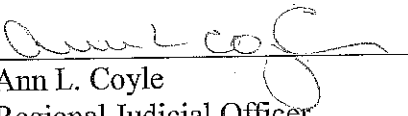
**Docket No. CWA-05-2017-0003**



**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: 2/3/17

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

In the matter of: Ingration Incorporated  
Docket Number: CWA-05-2017-0003

CERTIFICATION OF SERVICE

I hereby certify that I have this day served a true and correct copy of the forgoing *Consent Agreement and Final Order*, in the Matter of Ingration, Incorporated, on the parties listed below in the manner indicated:

Copy by Certified Mail  
Return-receipt:

Mark Madsen  
Vice-President Manufacturing, North America  
Ingration Incorporated  
5 Westbrook Corporate Center  
Westchester, Illinois 60154

Copy by E-mail to  
Attorney for Complainant:

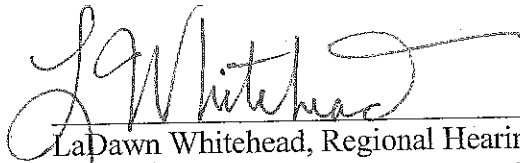
Andre Daugavietis  
[daugavietis.andre@epa.gov](mailto:daugavietis.andre@epa.gov)

Copy by E-mail to  
Regional Judicial Officer:

Ann L. Coyle  
[coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

Dated:

February 7, 2017



LaDawn Whitehead, Regional Hearing Clerk  
United States Environmental Protection Agency, Region 5

Certified Mail Receipt Number. 7001 0320 0006 0188 0581