



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

MAR 26 2018

REPLY TO THE ATTENTION OF:

**ELECTRONIC SERVICE**  
**VIA E-MAIL**

Mr. David R. Braganini  
President  
St. Julian Wine Company, Inc.  
716 South Kalamazoo Street  
Paw Paw, Michigan 49079-1558

Re: St. Julian Wine Company, Inc., Paw Paw, Michigan, Consent Agreement and Final  
Order, Docket No. EPCRA-05-2018-0007

Dear Mr. Braganini:

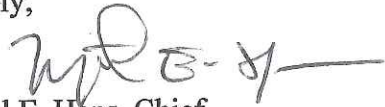
Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on March 26, 2018.

Please pay the Emergency Planning and Community Right-to-Know Act civil penalty in the amount of \$12,443 in the manner prescribed in paragraph 56, and reference your check with the docket number EPCRA-05-2018-0007.

Your payment is due on April 25, 2018.

Please feel free to contact James Entzminger at (312) 886-4062 if you have any questions regarding the enclosed documents. Please direct any legal questions to Mark Koller, Associate Regional Counsel, at (312) 353-2591. Thank you for your assistance in resolving this matter.

Sincerely,

  
Michael E. Hans, Chief  
Chemical Emergency Preparedness  
and Prevention Section

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

<b>In the Matter of:</b>	)	<b>Docket No. EPCRA-05-2018-0007</b>
	)	
<b>St. Julian Wine Company, Inc.</b>	)	<b>Proceeding to Assess a Civil Penalty Under</b>
<b>Paw Paw, Michigan,</b>	)	<b>Section 325(c)(1) of the Emergency Planning</b>
	)	<b>and Community Right-to-Know Act of 1986</b>
<b>Respondent.</b>	)	

**Consent Agreement and Final Order**  
**Preliminary Statement**

1. This is an administrative action commenced and concluded under Section 325(c)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c)(1), and Sections 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. The Complainant is, by lawful delegation, the Chief of the Emergency Response Branch 1, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is St. Julian Wine Company, Inc., a corporation doing business in the State of Michigan.

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 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 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. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the Occupational Safety and Health Act (OSHA) to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical, to submit to the state emergency response commission (SERC), community coordinator for the local emergency planning committee (LEPC) and fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter, an emergency and hazardous chemical inventory form (Tier I or Tier II as described in 40 C.F.R. Part 370). The form must contain the information required by Section 312(d) of EPCRA, covering all hazardous chemicals present at the facility at any one time during the preceding year in amounts equal to or exceeding 10,000 pounds and all extremely hazardous chemicals present at the facility at any one time in amounts equal to or greater than 500 pounds or the threshold planning quantity designated by U.S. EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

10. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), assists state and local committees in planning for emergencies and makes information on chemical presence and hazards available to the public. A delay in reporting could result in harm to human health and the environment.

11. Under 29 C.F.R. § 1910.1200(b)(1), all employers are required to provide information to their employees about the hazardous chemicals to which they are exposed including, but not limited to, an MSDS.

12. Under 29 C.F.R. § 1910.1200(c), a hazardous chemical is any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

13. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of EPCRA Section 312. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$32,500 per day of violation that occurred after March 15, 2004 through January 12, 2009, to \$37,500 per day of violation for violations that occurred after January 12, 2009, and to \$54,789 per day of violation for violations that occurred after November 2, 2015 and assessed on or after January 15, 2017 but before January 15, 2018.

#### **Factual Allegations and Alleged Violations**

14. Respondent is a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

15. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 716 South Kalamazoo Street, Paw Paw, Michigan (the facility).

16. At all times relevant to this CAFO, Respondent was an employer at the facility.

17. Respondent's facility consists of buildings, equipment, structures and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person.

18. Respondent's facility is a "facility" as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

19. Anhydrous ammonia (CAS #7664-41-7) is classified as a physical or health hazard, a simple asphyxiant, or hazard not otherwise classified.

20. Anhydrous ammonia (CAS #7664-41-7) is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

21. Anhydrous ammonia (CAS #7664-41-7) is an "extremely hazardous substance" according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2), and 40 C.F.R. Part 355, Appendices A and B.

22. Anhydrous ammonia (CAS #7664-41-7) has a minimum threshold level of 500 pounds, as provided at 40 C.F.R. § 370.10.

23. Carbon dioxide (CAS #124-38-9) is classified as a physical or health hazard, a simple asphyxiant, or hazard not otherwise classified.

24. Carbon dioxide (CAS #124-38-9) is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

25. Carbon dioxide (CAS #124-38-9) has a minimum threshold level of 10,000 pounds, as provided at 40 C.F.R. § 370.10.

26. During at least one period of time in calendar year 2014, anhydrous ammonia was

present at the facility in an amount equal to or greater than the minimum threshold level.

27. During at least one period of time in calendar year 2015, anhydrous ammonia was present at the facility in an amount equal to or greater than the minimum threshold level.

28. During at least one period of time in calendar year 2016, anhydrous ammonia was present at the facility in an amount equal to or greater than the minimum threshold level.

29. During at least one period of time in calendar year 2014, carbon dioxide was present at the facility in an amount equal to or greater than the minimum threshold level.

30. During at least one period of time in calendar year 2015, carbon dioxide was present at the facility in an amount equal to or greater than the minimum threshold level.

31. During at least one period of time in calendar year 2016, carbon dioxide was present at the facility in an amount equal to or greater than the minimum threshold level.

32. OSHA requires Respondent to prepare, or have available, an MSDS for anhydrous ammonia.

33. OSHA requires Respondent to prepare, or have available, an MSDS for carbon dioxide.

34. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility, a completed emergency and hazardous chemical inventory form including anhydrous ammonia and carbon dioxide on or before March 1, 2015, for calendar year 2014.

35. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility, a completed emergency and hazardous chemical inventory form including anhydrous ammonia and carbon dioxide on or before March 1, 2016,

for calendar year 2015.

36. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility, a completed emergency and hazardous chemical inventory form including anhydrous ammonia and carbon dioxide on or before March 1, 2017, for calendar year 2016.

37. At all times relevant to this CAFO, the Michigan SERC was the SERC for Michigan under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

38. At all times relevant to this CAFO, the Van Buren County LEPC was the LEPC for Van Buren County, Michigan under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

39. At all times relevant to this CAFO, the Paw Paw Fire Department was the fire department with jurisdiction over the facility.

**Count 1** (EPCRA 312/2014)

40. Complainant incorporates paragraphs 1 through 39 of this CAFO as if set forth in this paragraph.

41. Respondent submitted to the SERC, the LEPC, and the local fire department with jurisdiction over the facility, a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia and carbon dioxide on April 13, 2015, for calendar year 2014.

42. Each day Respondent failed to submit to the SERC, the LEPC, and the local fire department with jurisdiction over the facility, a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia and carbon dioxide by March 1, 2015, for calendar year 2014 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).



**Count 2** (EPCRA 312/2015)

43. Complainant incorporates paragraphs 1 through 39 of this CAFO as if set forth in this paragraph.

44. Respondent submitted to the SERC, the LEPC, and the local fire department with jurisdiction over the facility, a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia and carbon dioxide on May 15, 2017, for calendar year 2015.

45. Each day Respondent failed to submit to the SERC, the LEPC, and the local fire department with jurisdiction over the facility, a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia and carbon dioxide by March 1, 2016, for calendar year 2015 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 3** (EPCRA 312/SERC)

46. Complainant incorporates paragraphs 1 through 39 of this CAFO as if set forth in this paragraph.

47. Respondent submitted to the SERC a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia and carbon dioxide on May 15, 2017, for calendar year 2016.

48. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia and carbon dioxide by March 1, 2017, for calendar year 2016 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).



**Count 4** (EPCRA 312/LEPC)

49. Complainant incorporates paragraphs 1 through 39 of this CAFO as if set forth in this paragraph.

50. Respondent submitted to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia and carbon dioxide on May 15, 2017, for calendar year 2016.

51. Each day Respondent failed to submit to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia and carbon dioxide by March 1, 2017, for calendar year 2016 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 5** (EPCRA 312/fire department)

52. Complainant incorporates paragraphs 1 through 39 of this CAFO as if set forth in this paragraph.

53. Respondent submitted to the Paw Paw Fire Department a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia and carbon dioxide on May 15, 2017, for calendar year 2016.

54. Each day Respondent failed to submit to the Paw Paw Fire Department a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia and carbon dioxide by March 1, 2017, for calendar year 2016 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Civil Penalty**

55. Complainant has determined that an appropriate civil penalty to settle this action is \$12,443 for the EPCRA violations. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, Respondent's agreement to perform a supplemental environmental project, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violations, and any other matters as justice may require. Complainant also considered U.S. EPA's Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy).

56. Within 30 days after the effective date of this CAFO, Respondent must pay a \$12,443 civil penalty for the EPCRA violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

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

For checks sent by express mail by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

The check must note the following: St. Julian Wine Company, Inc., and the docket number of this CAFO EPCRA-05-2018-0007.

For electronic funds transfer by submitting an electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire should read:  
“D68010727 Environmental Protection Agency”

In the comment or description field of the electronic funds transfer, state the following: St. Julian Wine Company, Inc., and the docket number of this CAFO.

For Automated Clearinghouse (ACH) also known as REX or remittance express, by submitting an ACH electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

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 the following: St. Julian Wine Company, Inc., and the docket number of this CAFO.

For online payments using debit or credit card, go to [www.pay.gov](http://www.pay.gov). Use the Search Public Forms option on the tool bar and enter SFO 1.1 in the search field. Open the form and complete the required fields.

57. A transmittal letter, stating Respondent's name, the case name, Respondent's complete address, and the case docket number, must accompany the payment. Respondent must send a copy of the payment and transmittal letter to:

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

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

Mark Koller (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

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

59. If Respondent does not timely pay the civil penalty or any stipulated penalties due under paragraph 73, below, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

60. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

### **Supplemental Environmental Project**

61. Respondent must complete a supplemental environmental project (SEP) designed to protect the environment or public health by removing its main building ammonia-based chiller system.

62. Respondent's SEP is comprised of: removal and disposal of all necessary piping, fittings and hangars including liquid, suction and defrost piping; complete removal of the two compressors including base assemblies; draining of all liquid ammonia; removal of the two existing evaporator coils in the cold room; removal of existing ammonia surge tank; removal of the two existing shell and tube units including removal of necessary piping, and; removal of the two condensers located on the roof including removal of the framing.

63. Respondent must complete the SEP by September 15, 2018.

64. Respondent must spend at least \$92,386 on the SEP.

65. Respondent certifies the truth and accuracy of each of the following:

- a. That St. Julian Wine Company, Inc. is not required to perform or develop the SEP by any law, regulation, order, or agreement or as injunctive relief as of the date that I am signing this CAFO.
- b. That St. Julian Wine Company, Inc. has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

- c. That all cost information provided to the U.S. EPA in connection with U.S. EPA's approval of the SEP is complete and accurate and that St. Julian Wine Company, Inc. in good faith estimates that the cost to implement the SEP, is \$92,386.
- d. That the SEP is not a project that St. Julian Wine Company, Inc. was planning or intending to construct, perform, or implement other than in settlement of the alleged violations resolved in this CAFO.
- e. That St. Julian Wine Company, Inc. 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.
- f. That, to the best of my 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 U.S. EPA within two years of the date that I am 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.
- g. That for federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP.

66. U.S. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

67. Respondent must maintain copies of the data for all reports submitted to U.S. EPA according to this CAFO. Respondent must provide the documentation of any data to U.S. EPA within seven days of U.S. EPA's request for the information.

68. Respondent must submit a SEP completion report to U.S. EPA by October 15, 2018.

This report must contain the following information:

- a. Detailed description of the SEP as completed, including pictures of the removal of the ammonia-based chiller system and any documentation demonstrating the disposal of the ammonia-based chiller system;
- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized costs 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;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

69. Respondent must submit all notices and reports required by this CAFO by first class mail to James Entzminger of the Chemical Emergency Preparedness and Prevention Section at the address specified in paragraph 57, above.

70. 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.

71. Following receipt of the SEP completion report described in paragraph 68, above, U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and U.S EPA will give Respondent 30 days to correct the deficiencies; or



- c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 73.

72. If U.S. EPA exercises option b, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 73, below.

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

- a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to the requirements of this CAFO, including meeting the deadline in paragraph 63, Respondent must pay a penalty of \$43,000.
- b. If Respondent did not complete the SEP satisfactorily, but U.S. EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 64, Respondent will not be liable for any stipulated penalty under subparagraph a, above.
- c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 64, Respondent must pay a penalty of \$4,300.
- d. If Respondent did not submit timely the SEP completion report, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty Per Violation Per Day</u>	<u>Period of Violation</u>
\$ 500	1st through 14th day
\$1,000	15th through 30th day
\$1,500	31st day and beyond

74. U.S. EPA's determinations of whether Respondent completed the SEP satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

75. U.S. EPA may, in its unreviewable exercise of its discretion, reduce or waive stipulated penalties otherwise due under this CAFO.

76. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use a method of payment specified in paragraph 56, above, and will pay interest, handling charges and nonpayment penalties on any overdue amounts.

77. Any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the SEP shall include the following language, "Respondent undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action *In the Matter of: St. Julian Wine Company, Inc.*, for violations of Section 312 of EPCRA."

78. Nothing in this CAFO is intended to nor will be construed to constitute U.S. EPA approval of the equipment or technology installed by Respondent in connection with the SEP under the terms of this CAFO.

#### **General Provisions**

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

80. This CAFO does not affect the rights of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

81. Respondent certifies that it is complying with Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

82. This CAFO does not affect Respondent's responsibility to comply with EPCRA and other applicable federal, state and local laws and regulations.

83. This CAFO is a "final order" for purposes of U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

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

85. 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.

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

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

88. Consistent with the Standing Order Authorizing E-Mail Service of Orders and Other Documents Issued by the Regional Administrator or Regional Judicial Officer under the Consolidated Rules, dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: [koller.mark@epa.gov](mailto:koller.mark@epa.gov) (for Complainant), and [baylor@millercanfield.com](mailto:baylor@millercanfield.com) (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

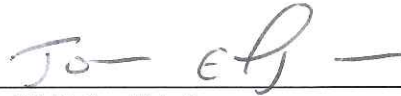
**St. Julian Wine Company, Inc., Respondent**

3-14-18  
Date


  
John Braganini  
President and COO  
St. Julian Wine Company, Inc.

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

3-21-18  
Date

  
Jason El-Zein, Chief  
Emergency Response Branch 1  
U.S. Environmental Protection Agency  
Region 5

3-21-18  
Date

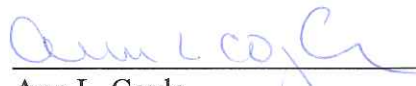
  
for Robert A. Kaplan, Acting Director  
Superfund Division  
U.S. Environmental Protection Agency  
Region 5

**In the Matter of: St. Julian Wine Company, Inc., Paw Paw, Michigan**  
**Docket No. EPCRA-05-2018-0007**

**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.

March 23, 2018  
Date

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

**In the Matter of: St. Julian Wine Company, Inc., Paw Paw, Michigan**  
**Docket No. EPCRA-05-2018-0007**

**Certificate of Service**

I certify that I sent a true and correct copy of the foregoing Consent Agreement and Final Order, which was filed on March 26, 2018 in the following manner to the addressees:

Electronic Service  
Copy by E-mail:

Ronald E. Baylor  
[baylor@millercanfield.com](mailto:baylor@millercanfield.com)

Mr. David R. Braganini  
President  
St. Julian Wine Company, Inc.  
716 South Kalamazoo Street  
Paw Paw, Michigan 49079-1558  
[davidb@stjulian.com](mailto:davidb@stjulian.com)  
(269) 657-5568

Copy by E-mail to  
Attorney for Complainant:

Mark Koller  
[Koller.mark@epa.gov](mailto:Koller.mark@epa.gov)

Copy by E-mail to  
Regional Judicial Officer:

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

Dated: March 26, 2018

  
\_\_\_\_\_  
LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5