



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

AUG 16 2018

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Jason York  
Environment Compliance Manager  
Keystone Foods, d/b/a  
Equity Group-Kentucky Division, LLC  
2294 Highway 90 West  
Albany, Kentucky 42602

Re: Equity Group-Kentucky Division, LLC.  
Expedited Settlement Agreement  
CAA-04-2018-8016(b)

Dear Mr. York:

Enclosed, please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter (Docket No. CAA-04-2018-8016(b)) involving Keystone Foods, doing business as Equity Group-Kentucky Division, LLC. The ESA was filed with the Regional Hearing Clerk, as required by 40 CFR Part 22 and became effective on the date of the filing. **The penalty payment should be made within 15 days after the receipt of the signed, approved and filed ESA.**

If you need additional information in this matter, please contact Mr. Om P. Devkota at (404) 562-8963.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Toney", written over the word "Sincerely,".

Anthony G. Toney  
Chief  
Chemical Safety and Enforcement Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-04-2018-8016(b)

This ESA is issued to: Keystone Foods, d/b/a Equity Group-Kentucky Division, LLC  
2294 Highway 90 West  
Albany, Kentucky, 42602

for violating 40 C.F.R § 68.65, 40 C.F.R § 68.73, 40 C.F.R § 68.79, and Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 4, Director of the Air, Pesticides and Toxics Management Division (Complainant), and by Keystone Foods, doing business as Equity Group-Kentucky Division LLC (Respondent), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and pursuant to 40 C.F.R § 22.13(b).

ALLEGED VIOLATIONS

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 2294 Highway 90 West, Albany, Kentucky, on November 7, 2017, EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Program, when at the time of inspection, Respondent did not provide evidence that:

The equipment complies with recognized and generally accepted good engineering practices, as required by 40 C.F.R § 68.65(d)(2);

It follows the recognized and generally accepted good engineering practices in the inspection and testing procedures, as required by 40 CFR 68.73(d)(2); and

It promptly determined and documented that the deficiencies identified in the compliance audit, conducted in 2016, had been corrected as required by 40 CFR § 68.79(d).

SETTLEMENT

In consideration of Respondent's size, its full compliance history, its good faith efforts to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into the ESA in order to settle the violations cited above, for the total penalty amount of \$2,700.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as

stated above; Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), and to appeal this ESA or otherwise contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the alleged violations listed in this ESA.

Within fifteen (15) days of receiving a copy of the fully executed ESA, Respondent shall pay a civil penalty in the amount of **\$2,700**. Respondent shall pay the penalty by electronic transfer, or by forwarding a cashier's or certified check payable to the "Treasurer, United States of America" to one of the addresses provided below:

For payment sent via electronic transfer

Federal Reserve Bank of New York

ABA = 021030004

Account = 68010727

SWIFT address = FRNYUS33

33 Liberty Street

New York, New York 10045

Beneficiary: "U.S. Environmental Protection Agency";

For cashier's or certified check payment sent via standard delivery

U.S. Environmental Protection Agency

Cincinnati Finance Center Box 979077

St. Louis, MO 63197-9000; or

For cashier's or certified check payment sent for signed receipt confirmation (FedEx, DSL, UPS, USPS Certified)

U.S. Environmental Protection Agency

Cincinnati Finance Center Box 979077

1005 Convention Plaza

SL-MO-C2-GL

St. Louis, MO 63101

(Delivery Location Phone Number: 314-425-1819).

The check shall reference on its face the Respondent's name and the Docket Number of the ESA. Within 24 hours of payment of the EPA Penalty, Respondent shall send a separate copy of the check or confirmation of electronic transfer, and a written statement that payment has been made in accordance with this Agreement, to the following persons at the following addresses:

Regional Hearing Clerk

U.S. EPA Region 4

61 Forsyth Street, S.W.

Atlanta, Georgia 30303

Om Devkota  
U.S. EPA, Region 4  
Air, Pesticides and Toxics Management Division  
61 Forsyth Street SW  
Atlanta, Georgia 30303


The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of State or Federal taxes.

Respondent's full compliance with this ESA shall only resolve Respondent's liability for Federal civil penalties for the violations alleged in this ESA. The EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

This ESA is binding on the parties signing below. This ESA becomes effective after execution by the Regional Judicial Officer, on the date of filing with the Regional Hearing Clerk.

**The Remainder of this Page Intentionally Left Blank**


FOR RESPONDENT:

  
Name (print): JASON YORK

Date: 7-5-18

Title (print): ENVIRONMENTAL MANAGER  
Keystone Foods, d/b/a Equity Group-Kentucky Division, LLC

FOR COMPLAINANT:

  
Beverly H. Banister  
Director  
Air, Pesticides and Toxics Management Division

Date: 6/26/18

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

  
Tanya Floyd  
Regional Judicial Officer

Date: August 15, 2018

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Expedited Settlement Agreement (ESA), In The Matter of: Keystone Foods, d/b/a Equity Group-Kentucky Division, LLC, CAA-04-2018-8016(b), on the parties listed below in the manner indicated:

Om P. Devkota  
U.S. EPA, Region 4  
Air, Pesticides and Toxics  
Management Division

(Via EPA's internal mail)

Lynda Crum  
U.S. EPA, Region 4  
Office of Regional Counsel

(via EPA's internal mail)

Mr. Jason York  
Environmental Compliance Manager  
Keystone Foods, d/b/a  
Equity Group-Kentucky Division, LLC  
2294 Highway 90 West  
Albany, Kentucky 42602

(via Certified Mail - Return Receipt Requested)

Date:

8-16-18



Patricia A. Bullock, Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 4  
Atlanta Federal Center, Mail Code 9T25  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
(404) 562-9511