



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

OCT 01 2010

REPLY TO THE ATTENTION OF:  
SM-5J

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

Mr. Mike Sutton  
Plant Manager  
Hart Freeze Pack, L.L.C.  
d/b/a Michigan Freeze Pack Company  
835 South Griswold Street  
Hart, Michigan 49420

Re: Hart Freeze Pack, L.L.C., Hart, Michigan, Consent Agreement and Final Order  
Docket No. EPCRA-05-2011-0001

Dear Mr. Sutton:

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the other original CAFO with the Regional Hearing Clerk on October 1, 2010.

Please pay the civil penalty in the amount of \$14,637 in the manner prescribed in paragraph 52, and reference your check with the billing document number 2751144E001 and the docket number EPCRA-05-2011-0001.

Your payment is due on November 1, 2010 [within 30 days of filing date].

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 Kasey Barton, Assistant Regional Counsel, at (312) 886-7163. Thank you for your assistance in resolving this matter.

Sincerely,

Mark J. Horwitz, Chief  
Chemical Emergency Preparedness  
and Prevention Section

Enclosure

cc: Captain Thomas Sands, Chairperson (w/ enclosure)  
Susan Parker (w/ enclosure)  
MI SERC

Eric R. Fox  
Attorney  
1122 South State Street  
Hart, Michigan 49420

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**In the Matter of:** )  
)  
**Hart Freeze Pack, L.L.C.** )  
**d/b/a Michigan Freeze Pack Company** )  
**Hart, Michigan** )  
**Respondent.** )  
\_\_\_\_\_ )

**Docket No. EPCRA-05-2011-0001**

**Proceeding to Assess a Civil Penalty Under  
Section 325(c)(1) of the Emergency Planning  
and Community Right-to-Know Act of 1986,  
42 U.S.C. § 11045(c)(1)**

**RECEIVED**  
OCT 01 2010

**Consent Agreement and Final Order  
Preliminary Statement**

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

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 Hart Freeze Pack, L.L.C., doing business as Michigan Freeze Pack Company, a limited liability company 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 1 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, MSDS.

12. Under 29 C.F.R. § 1910.1200(d)(3), chemicals listed in 29 C.F.R. Part 1910, Subpart Z are hazardous chemicals.

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 for each EPCRA Section 312 violation. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$27,500 per day of violation that occurred from January 31, 1997 through March 15, 2004, to \$32,500 per day of violation for violations that occurred after March 15, 2004 through January 12, 2009, and to \$37,500 per day of violation for violations that occurred after January 12, 2009.

#### **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 835 South Griswold Street, Hart, Michigan (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 listed as a toxic and hazardous substance under OSHA regulations at 29 C.F.R. Part 1910, Subpart Z, and 29 C.F.R. § 1910.1000, Table Z-1.

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).

22. Anhydrous ammonia (CAS #7664-41-7) has a minimum threshold level of 500 pounds, as provided in 40 C.F.R. Part 370.

23. Sulfuric acid (CAS #7664-93-9) is listed as a toxic and hazardous substance under OSHA regulations at 29 C.F.R. Part 1910, Subpart Z, and 29 C.F.R. § 1910.1000, Table Z-1.

24. Sulfuric acid (CAS #7664-93-9) 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. Sulfuric acid (CAS #7664-93-9) is an "extremely hazardous substance" according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

26. Sulfuric acid (CAS #7664-93-9) has a minimum threshold level of 500 pounds, as provided in 40 C.F.R. Part 370.

27. During at least one period of time in calendar year 2007, anhydrous ammonia and sulfuric acid were 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 2008, anhydrous ammonia and sulfuric acid were 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 2009, anhydrous ammonia and sulfuric acid were present at the facility in an amount equal to or greater than the minimum threshold level.

30. OSHA requires Respondent to prepare, or have available, an MSDS for anhydrous ammonia and sulfuric acid.

31. 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 sulfuric acid on or before March 1, 2008, for calendar year 2007.

32. 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 sulfuric acid on or before March 1, 2009, for calendar year 2008.

33. 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 sulfuric acid on or before March 1, 2010, for calendar year 2009.

34. At all times relevant to this CAFO, the Citizen-Community Emergency Response Coordinating Council was the SERC for Michigan under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

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

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

### **Count 1**

37. Complainant incorporates paragraphs 1 through 36 of this CAFO as if set forth in this paragraph.

38. On March 11, 2008, Respondent submitted to the SERC, LEPC, and Hart Fire Department a completed emergency and hazardous chemical inventory form including anhydrous ammonia and sulfuric acid for calendar year 2007.

39. Each day after March 1, 2008 that Respondent failed to submit a completed emergency and hazardous chemical inventory form including anhydrous ammonia and sulfuric acid to the SERC, LEPC, and the Hart Fire Department for calendar year 2007 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

### **Count 2**

40. Complainant incorporates paragraphs 1 through 36 of this CAFO as if set forth in this paragraph.

41. On April 6, 2009, Respondent submitted to the SERC a completed emergency and hazardous chemical inventory form including anhydrous ammonia and sulfuric acid for calendar year 2008.



42. Each day after March 1, 2009 that Respondent failed to submit a completed emergency and hazardous chemical inventory form including anhydrous ammonia and sulfuric acid to the SERC for calendar year 2008 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 3**

43. Complainant incorporates paragraphs 1 through 36 of this CAFO as if set forth in this paragraph.

44. On April 6, 2009, Respondent submitted to the LEPC a completed emergency and hazardous chemical inventory form including anhydrous ammonia and sulfuric acid for calendar year 2008.

45. Each day after March 1, 2009 that Respondent failed to submit a completed emergency and hazardous chemical inventory form including anhydrous ammonia and sulfuric acid to the LEPC for calendar year 2008 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 4**

46. Complainant incorporates paragraphs 1 through 36 of this CAFO as if set forth in this paragraph.

47. On April 6, 2009, Respondent submitted to the Hart Fire Department a completed emergency and hazardous chemical inventory form including anhydrous ammonia and sulfuric acid for calendar year 2008.

48. Each day after March 1, 2009 that Respondent failed to submit a completed emergency and hazardous chemical inventory form including anhydrous ammonia and sulfuric

acid to the Hart Fire Department for calendar year 2008 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

#### **Count 5**

49. Complainant incorporates paragraphs 1 through 36 of this CAFO as if set forth in this paragraph.

50. On March 12, 2010, Respondent submitted to the LEPC a completed emergency and hazardous chemical inventory form including anhydrous ammonia and sulfuric acid for calendar year 2009.

51. Each day after March 1, 2010 that Respondent failed to submit a completed emergency and hazardous chemical inventory form including anhydrous ammonia and sulfuric acid to the LEPC for calendar year 2009 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

#### **Civil Penalty**

52. In consideration of Respondent's agreement to perform a supplemental environmental project (SEP), cooperation, return to compliance, and willingness to quickly resolve this matter, U.S. EPA has determined that an appropriate civil penalty to settle this action is \$14,637. Within 30 days after the effective date of this CAFO, Respondent must pay a \$14,637 civil penalty for the EPCRA violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

For checks sent by regular U.S. postal service:

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:

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: Hart Freeze Pack, L.L.C d/b/a Michigan Freeze Pack, Company, the docket number of this CAFO and the billing document number 2751144E001.

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

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

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

Kasey Barton, (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

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

55. If Respondent does not timely pay the civil penalty, or any stipulated penalties due under paragraph 70, 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.

56. 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**

57. Respondent must complete a SEP designed to protect the environment or public health by purchasing and installing an automated ammonia detection and shut down system.

58. Respondent shall purchase and install the ammonia detection and shut down system described in the proposal letter dated July 29, 2010, from Refrigeration Concepts, Inc. to Respondent (Proposal Letter), as set forth in Appendix A to this CAFO.

59. At its Hart, Michigan facility, Respondent must complete the SEP as follows:

- a. Within 30 days of the effective date of this CAFO, Respondent will purchase the ammonia detection and shut down system described in the Proposal Letter.
- b. With 18 months of the effective date of this CAFO, Respondent will install the ammonia detection and shut down system, as outlined in the Proposal Letter.

60. Respondent must spend at least \$36,563 to purchase and install the equipment.

61. Respondent certifies that it is not required to perform or develop the 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.

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

63. 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.

64. Within 6 months of the effective date of this CAFO and within 12 months of the effective date of this CAFO, Respondent must submit a periodic status report to U.S. EPA.

65. Within 19 months of the effective date of this CAFO, Respondent must submit a SEP completion report to U.S. EPA. This report must contain the following information:

- a. Detailed description of the SEP as completed including make and model of the ammonia detection and shut down system installed and the operating parameters of the 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).

66. 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 53, above.

67. 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, and 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.

68. Following receipt of the SEP completion report described in paragraph 65, above, U.S. EPA will 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 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 70.

69. 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 70, below.

70. 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 has spent less than the amount set forth in paragraph 60, above, Respondent must pay a stipulated penalty equal to the difference between the amount it spent on the SEP and the amount set forth in paragraph 60.

- b. If Respondent has completed the SEP, but the SEP is not satisfactory, Respondent must pay \$7,313 in addition to any penalty required under subparagraph a, above.
- c. If Respondent halts or abandons work on the SEP, Respondent must pay a stipulated penalty of \$18,282 in addition to the penalty required under subparagraph a, above. Such penalties will accrue as of the date for completing the SEP or the date performance ceases, whichever is earlier.
- d. If Respondent fails to comply with the schedule in paragraph 59 for implementing the SEP, fails to submit timely the SEP completion report or fails to submit timely any other reports required in paragraph 64, 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 Noncompliance</u>
\$ 500	1st through 14th day
\$1,000	15th through 30th day
\$1,500	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.

71. U.S. EPA’s determination of whether Respondent satisfactorily completed the SEP will bind Respondent.

72. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA’s written demand for the penalties. Respondent will use the method of payment specified in paragraph 52, above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

73. Any public statement that Respondent makes referring to the SEP must include the following language, “Respondent undertook this project under the settlement of the United States Environmental Protection Agency’s enforcement action against Respondent for violations of Section 312 of EPCRA.”

74. 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.

75. 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**

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

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

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

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

80. This CAFO is a "final order" for purposes of U.S. EPA's Enforcement Response Policy for Section 312 of EPCRA.

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

82. 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.

83. Each party agrees to bear its own costs and fees, including attorneys' fees, in this action.

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

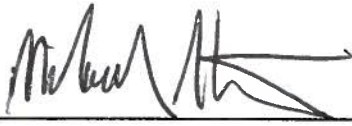


In the Matter of:

Hart Freeze Pack, L.L.C., d/b/a Michigan Freeze Pack Company, Hart, Michigan  
Docket No. \_\_\_\_\_

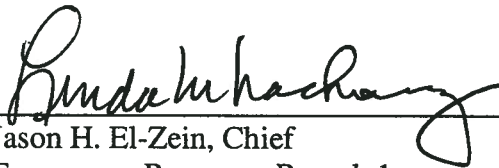
Hart Freeze Pack, L.L.C., d/b/a Michigan Freeze Pack Company, Hart, Michigan,  
Respondent

Sept 21, 2010  
Date


  
\_\_\_\_\_  
Mike Sutton  
Plant Manager  
Hart Freeze Pack, L.L.C.  
d/b/a Michigan Freeze Pack Company

U.S. Environmental Protection Agency, Complainant

9/27/10  
Date

  
\_\_\_\_\_  
for Jason H. El-Zein, Chief  
Emergency Response Branch 1  
Superfund Division

9-27-10  
Date

  
\_\_\_\_\_  
Richard C. Karl  
Director  
Superfund Division

**In the Matter of:**

**Hart Freeze Pack, L.L.C., d/b/a Michigan Freeze Pack Company, Hart, Michigan**


**Docket No. EPCRA-05-2011-0001**

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**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.

9-28-10  
Date

  
\_\_\_\_\_  
Susan Hedman  
Regional Administrator  
U.S. Environmental Protection Agency  
Region 5

**RECEIVED**  
OCT 01 2010

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

In the Matter of:

Hart Freeze Pack, L.L.C., d/b/a Michigan Freeze Pack Company, Hart, Michigan  
Docket No. EPCRA-05-2011-0001

Certificate of Service

I, James Entzminger, certify that I hand delivered the original of the Consent Agreement and Final Order to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, personally served a copy on the Regional Judicial Officer, and mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Hart Freeze Pack, L.L.C., d/b/a Michigan Freeze Pack Company, Hart, Michigan and their Counsel by placing them in the custody of the United States Postal Service addressed as follows:

Mr. Mike Sutton  
Plant Manager  
Hart Freeze Pack, L.L.C.  
d/b/a Michigan Freeze Pack Company  
835 South Griswold Street  
Hart, Michigan 49420

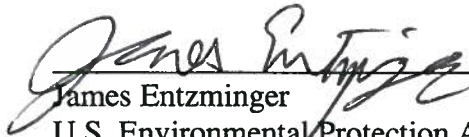
Mr. Eric R. Fox  
Attorney  
1122 South State Street  
Hart, Michigan 49420

RECEIVED

OCT 01 2010

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

on the 1 day of October, 2010

  
James Entzminger  
U.S. Environmental Protection Agency  
Region 5

**APPENDIX A**

**SEP PROPOSAL LETTER**



5959 Comstock Park Drive • Comstock Park, MI 49321  
Telephone 616-785-7335 • FAX: 616-785-7269

## PROPOSAL

July 29, 2010

Mr. Mike Sutton  
Michigan Freeze Pack Company  
835 S. Griswold  
Hart, MI 49420

Subject: Ammonia Detection.

Mr. Sutton,  
Refrigeration Concepts, Inc. (RCI) hereby proposes to furnish an ammonia detection system for your facility located in Hart, Michigan. The scope of the products and services being provided by RCI are as follows:

### A. SENSORS:

- 2/ea. Allen Bradley 1769-IF8 8 Channel analog input modules.
- 8/ea. Calibration Technologies GG-NH3 electrochemical ammonia sensors
  - 1) East Engine Room (0-500ppm)
  - 2) West Engine Room (0-500ppm)
  - 3) Cooler (0-100ppm)
  - 4) Falling Film Chiller in processing (0-100ppm)
  - 5) East Falling Film Chiller under lean to (0-100ppm)
  - 6) West Falling Film Chiller under lean to (0-100ppm)
  - 7) Between Tunnel 1 and Tunnel 2 (0-100ppm)
  - 8) Near Tunnel 3 refrigeration (0-100ppm)
- 2/ea. Calibration Technologies GG-VL-NH3 Vent Line ammonia sensor.
- 2/ea. Emergency Start/Stop push button stations for compressor shutdown and exhaust fans.
- 1/lot Electrical labor and material to install above ammonia detectors.
- 1/lot Mechanical labor and material to install the two Vent line ammonia sensors.
- 1/lot Electrical material and labor to wire ammonia detection system into high level cutout circuits of compressors and emergency start push button to start exhaust fans.
- 1/lot Allen Bradley control programming to add to screen and alarming and shutdown.

Total Cost \$35,606.00

**B. Auto Dialer Option:**

Genesis International Auto Dialer 400

The system shall be capable of dialing up to 4 telephone numbers in a rotational fashion until acknowledged.

Total Cost \$625.00

**C. Alarm Light & Horn Option:**

Alarm Light & Horn alarm station.

Total Cost \$332.50

**D. Understandings:**

- 1) This proposal may be withdrawn if not accepted within 30 days.
- 2) Only those materials specifically itemized in this proposal are being provided by Refrigeration Concepts, Inc.
- 3) Terms per RCI standard terms and conditions.

The above prices do not include taxes.

Sincerely Yours,  
Refrigeration Concepts, Inc.

*Brooke Kaule*

Brooke Kaule,

U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
SEP 24 2010  
OFFICE OF REGIONAL  
COUNSEL