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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

2014 SEP 30 PM 4:14

US EPA - REGION IX
HEARING CLERK

DOCKET NO: CAA (112r)-09-2014-0006

This ESA is Issued to: Ruiz Food Products, Inc.
501 South Alta Avenue
Dinuba, CA 93618

For: Violation of Section 112(r)(7) of the Clean Air Act.

At: Ruiz Food Products, Inc., 501 South Alta Avenue, Dinuba, CA 93618

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region IX, by its duly delegated official, Enrique Manzanilla, Superfund Director, and Ruiz Food Products, Inc. ("Respondent") pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). EPA has obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

Failure to:

- 1) Update process safety information pertaining to the Piping and Instrument Diagrams (P&IDs) for equipment in the process as required by Section 112(r)(7) of the Act, and 40 C.F.R. §68.65(d)(1)(ii).

The Facility did not update their P&IDs to reflect relief valve changes made to the ammonia refrigeration system.

- 2) Correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in §68.65) before further use or in a safe and timely manner when necessary means are taken to assure safe operation as required by Section 112(r)(7) of the Act, and 40 C.F.R. §68.73(e).

A re-circulator appeared to have vapor barrier damage and missing insulation. In addition, oil drain plugs were missing from several oil collection areas which could prevent a release if in place.

- 3) Correct the emergency contact information (specified in §68.160(b)(6)) within one month of any change in the emergency contact information as required by Section 112(r)(7) of the Act, and 40 C.F.R. §68.195(b).

The former Plant Manager, George Pelt, was listed as the Facility's current Emergency Contact in EPA's RMP registration database.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history and previous penalties assessed, if any, its good faith effort to comply, the duration and seriousness of the violation, the economic impact of the penalty, and other factors as justice may require, the parties enter into this ESA in order to settle the violations described above for the total penalty amount of **\$2,500**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below admits to jurisdiction, neither admits nor denies the specific factual allegations contained above, 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. Each party to this action shall bear its own attorney's fees and costs, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed above and has sent an Online Payment through the Department of Treasury: WWW.PAY.GOV (enter SFO 1.1 in search field; open form and complete required fields) or alternatively has sent a cashier's check or certified check (payable to the Treasurer, United States of America) in the amount of **\$2,500** in payment of the full penalty amount to the following address:

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

The check or online payment should reference Respondent's name and a *copy* of this ESA must be included with the check/online payment going to the EPA Cincinnati Finance Center. This *original* ESA and a copy of the check or online receipt must also be sent by certified mail to:

Angie Proboszcz (SFD-9-3)
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

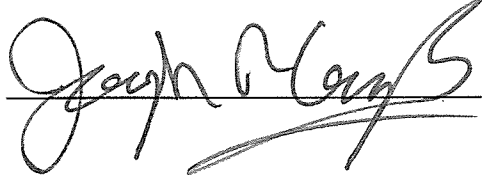
Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region IX office at the above address in correct form by the Respondent within 30 days of the date of Respondent's receipt of the proposed ESA and EPA has not granted an extension of its offer to settle, the ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

This ESA is binding on the parties signing below.

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


FOR RESPONDENT – Ruiz Food Products, Inc.

Signature:  _____

Date: 9/22/14

Joseph Campbell
Director of Operations

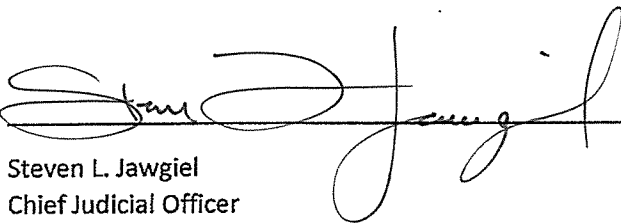
FOR COMPLAINANT:

 _____

Date: 9/29/14

Enrique Manzanilla
Superfund Director
U.S. EPA Region IX

It is hereby ORDERED that this ESA be entered and Respondent pays the above penalty.

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Date: 09/30/14

Steven L. Jawgiel
Chief Judicial Officer
U.S. EPA Region IX

CERTIFICATE OF SERVICE

I hereby certify that the foregoing EXPEDITED SETTLEMENT AGREEMENT in the matter of Ruiz Food Products, CAA(112R)-09-2014-0006, signed by the Regional Judicial Officer, has been filed with the Regional Hearing Clerk, and was served on Respondent, and Counsel for EPA, as indicated below:


BY FIRST CLASS MAIL:
(Certified w/Return Receipt)

Respondent - Joseph Campbell
Ruiz Food Products Inc.
P.O. Box 37
Dinuba, CA 93618

HAND DELIVERED:

Complainant - Elizabeth (Thanne) Berg, Esq.
Office of Regional Counsel
Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Dated at San Francisco, CA. this day of October 2, 2014.



Steven Armsey
Interim Regional Hearing Clerk
EPA, Region 9