

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco, CA 94105

** FILED **

DOCKET NO: CAA (112r)-~~09~~-2019-0036

19APR2019 - 04:45PM

This ESA is issued to: **Ratto Bros., Inc.**
6312 Beckwith Rd.
Modesto, CA 95358

U.S.EPA - Region 09

For: Violation of Section 112(r)(7) of the Clean Air Act.
At: Ratto Bros., Inc., 6312 Beckwith Rd., Modesto, CA 95358

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region 9, by its duly delegated official, Enrique Manzanilla, Superfund Director, and Ratto Bros., 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, 2 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

Following its December 06, 2016 inspection, EPA alleges Respondent's failure to:

- 1) Comply with the requirements of 40 C.F.R. § 68.30(c) in that the Company used 2000 census data instead of 2010 census data in preparing the June 1, 2013 Offsite Consequence Analysis for the Facility's Risk Management Plan.

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 \$600.

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 \$600 in payment of the full penalty amount to the following address:

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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 9
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 9 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 – Ratto Bros., Inc.

Signature: Ronald A. Ratto

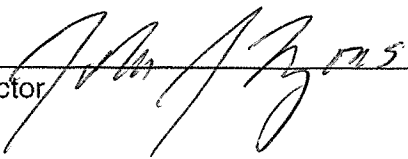
Date: 4-8-2019

Name (print): Ronald Ratto RONALD A. RATTO

Title (print): President PRES.

R.


FOR COMPLAINANT:

for / 

Enrique Manzanilla, Director
Superfund Division
U.S. EPA Region 9

Date: 4/16/20

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



Steven L. Jawgiel
Regional Judicial Officer
U.S. EPA Region 9

Date: 04/18/19

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Penalty Calculation

Corporate Name:
Corporate Address:
Facility Name: Ratto Bros., Inc.
Facility Address: 6312 Beckwith Rd., Modesto, CA 95358

SUMMARY OF VIOLATIONS: (See attached Base Penalty \$Cost Matrix)

40 C.F.R. Part 68.30(c) \$600

Sub-total: \$600

Adjusted Total Penalty: \$600 (See attached penalty adjustment calculation chart)

PENALTY ADJUSTMENT CALCULATION:

Facility RMP ID #: 1000 0018 5596
Program Level: 3
Number of Employees: 350

Chemical/Quantity reported: Anhydrous Ammonia (Total in Chiller Group A): 29,000 lbs.
Threshold Quantity: 10,000 lbs.

Times TQ: 1-5

Times TQ for Chemical in process

# of Employees	1-5	5-10	>10	Multiplier
0 - 9	0.4	0.6	0.8	
10 - 100	0.6	0.8	1.0	
> 100	1.0	1.0	1.0	

Adjusted Penalty Calculation: Base/Sub-total x Multiplier

Base Penalty/sub-total = \$600

Base x Multiplier = \$600 (1.0) =

\$600

Final Adjusted Penalty

CERTIFICATE OF SERVICE

This is to certify that a FINAL ORDER for the Consent Agreement and Final Order in the matter of Ratto Bros., Inc. [Docket Number CAA(112R)-09-2019-~~0036~~], has been signed by the Regional Judicial Officer and has been filed with the Regional Hearing Clerk.

The Final Order has been served on Respondent, and Counsel for EPA, as indicated below:

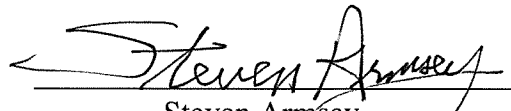
BY FIRST CLASS MAIL:
(With Return Receipt)

Respondent - Mr. Ronald Ratto
President
Ratto Bros., Inc.
PO Box 146
Salida, CA 95368

HAND DELIVERED:

Complainant - Andrew Helmlinger
(By Counsel) Office of Regional Counsel
ENVIRONMENTAL PROTECTION AGENCY
75 Hawthorne Street
San Francisco, CA. 94105

Dated at San Francisco, CA, April 19, 2019;


Steven Armsey
Regional Hearing Clerk
EPA, Region 9