

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-04-2020-8004(b)

**This ESA is issued to: AB Mauri Food Inc. d/b/a Fleischmann's Yeast Inc.
2743 Riverport Road
Memphis, Tennessee 38109**

for violating 40 C.F.R. § 68.65(d)(2), 40 C.F.R. § 68.67(e), 40 C.F.R. § 68.69(c), 40 C.F.R. § 68.77(a), 40 C.F.R. § 68.75(a) and (b)(5), 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 Enforcement and Compliance Assurance Division (Complainant), and by AB Mauri Food Inc. d/b/a Fleischmann's Yeast Inc. (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 2743 Riverport Road, Memphis, Tennessee, on June 27, 2019, the EPA alleges that the Respondent violated the Act's Section 112(r)(7) Chemical Accident Prevention Provisions, 42 U.S.C. § 7412(r)(7), when at the time of inspection, Respondent did not provide evidence that:

It documented that equipment complies with recognized and generally accepted good engineering practices, as required by 40 C.F.R. § 68.65(d)(2) when there was no National Fire Protection Association placard indicating the degree of hazard, flammability, and reactivity on the doors entering the ammonia process warehouse;

It established a system to promptly address the Process Hazard Analysis team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; and develop a written schedule of when these actions are to be completed as required by 40 C.F.R. § 68.67(e), when there was not a system to assign action items to staff, no written schedule of when the actions are to be completed, no date of completion for each item, and no documentation of resolution;

It demonstrated that the operating procedures were reviewed as often as necessary and certified annually that they were current and accurate when the facility could not produce the records of annual certifications for the year 2015 and 2017 as required by 40 C.F.R. § 68.69(c);

It performed a Pre-Startup Safety Review for new stationary sources and for modified stationary sources when the modification was significant enough to require a change in the Process Safety Information when it installed a new ammonia additives line on August 2018 as required by 40 CFR § 68.77(a); and

It established and implemented written procedures to manage changes and include authorization requirements for the proposed change when Management of Change document dated August 6, 2018 was missing the authorization signature for the Plant Manager as required by 40 CFR 68.75(a) and (b)(5).

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 **\$6,000**.

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 **\$6,000**. Respondent's payment shall be made by sending a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$6,000** in payment of the full penalty amount to one of the following addresses or via wire transfer:

For payment sent via electronic transfer

For payment by wire transfer, in lieu of a cashier's check or certified check, if desired, should be directed to the Federal Reserve Bank of New York using the following information:

ABA: 021030004

Account: 68010727

SWIFT address: FRNYUS33

33 Liberty Street

New York, New York 10045

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

The wire transfer instructions shall reference the Respondent's name and Docket Number of this ESA.

For payment sent via Standard Delivery
U.S. Environmental Protection Agency
Cincinnati Finance Center Box 979077
St. Louis, MO 63197-9000; or

For payment sent for Signed Receipt Confirmation (FedEx, DHL, UPS, USPS Certified, Registered, etc.)
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 Respondent's name and the Docket Number of this ESA must be included on the check. The Docket Number is located at the top left corner of the first page of this ESA.

At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this ESA to:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303, and

Om P. Devkota
U.S. EPA Region 4
Air Enforcement Branch
61 Forsyth Street S.W.
Atlanta, Georgia 30303

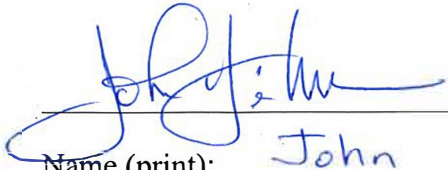
The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of State or Federal taxes.

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 is effective upon filing with the Regional Hearing Clerk.

The parties consent to service of this ESA by e-mail at the following valid e-mail addresses: Devkota.Om@epa.gov and bailey.ashten@epa.gov@epa.gov (for Complainant), and Stacy.Ellis@abmauri.com and John.Heilman@abmauri.com (for Respondent).

FOR RESPONDENT:



Date: 3/5/20

Name (print): John Heilman

Title (print): VP Yeast Manufacturing
AB Mauri Food Inc. d/b/a Fleischmann's Yeast Inc.

FOR COMPLAINANT:

Date: _____

Carol L. Kemker
Director
Enforcement and Compliance Assurance Division

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

Date: _____

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing "Expedited Settlement Agreement," in the Matter of AB Mauri Food Inc. d/b/a Fleischmann's Yeast Inc., Docket No. CAA-04-2020-8004(b), were filed and copies of the same were emailed to the parties as indicated below.

Via Email :

Mr. John Heilman
Plant Manager
AB Mauri Food Inc d/b/a Fleischmann's Yeast Inc
2743 Riverport Road
Memphis, Tennessee 38109
Email: John.Heilman@abmauri.com

Stacy Ellis
Memphis SHE Manager
AB Mauri Food Inc d/b/a Fleischmann's Yeast Inc
2743 Riverport Road
Memphis, Tennessee 38109
Email: Stacy.Ellis@abmauri.com

Om Devkota
U.S. EPA, Region 4
Air Enforcement Branch
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Email: Devkota.om@epa.gov

Ashten Bailey
Associate Regional Counsel
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Email: Bailey.Ashten@epa.gov

DATE

Patricia A. Bullock, Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960