

**BEFORE THE OHIO
ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Great Lakes Cheese Company
17825 Great Lakes Parkway
Hiram, Ohio 44234

Directors Final Findings
and Orders

ENTERED DIRECTOR'S JOURNAL

JUL 22 2004

OHIO E.P.A.

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Great Lakes Cheese Company ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code(ORC) 3753.01 and 3753.08.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the facility shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3753 and the rules promulgated thereunder.

IV. FINDINGS

The Director of the Ohio EPA has determined the following findings:

1. Respondent operates a cheese processing and packaging facility located at 17825 Great Lakes Parkway in Hiram, which is identified by Ohio EPA by facility ID 100000145504. Anhydrous ammonia is a regulated substance listed in Ohio Administrative Code (OAC) rule 3745-104-04 and has a threshold limit of 10,000 lbs. Ammonia is used in the refrigeration system (instead of Freon) at the cheese processing facility. The ammonia inventory for this facility has a potential maximum quantity of 15,200 lbs which includes the pressure receivers, circulation pumps, and piping throughout the building and on the roof.

I certify this to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency

Br. Jonna Jackson 7-22-04

2. An owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined by OAC rule 3745-104-02, shall comply with the requirements of this rule by submitting a Risk Management Plan (RMP) no later than June 21, 1999. The owner or operator submitted an RMP by June 21, 1999.
3. On October 7, 2003, Ohio EPA, Division of Air Pollution Control (DAPC) inspectors conducted an audit at the facility and discovered seven deficiencies. The deficiencies are as follows:
 - a) Respondent did not have the correct quantity of ammonia calculated for the worst case scenario or the correct population data, as required by OAC rule 3745-104-10.
 - c) Respondent failed to provide EPA auditors with process safety information, as required by OAC rule 3745-104-24(C)(1)(d).
 - d) Respondent failed to provide EPA auditors with the team's findings and recommendations for the process hazard analysis, as required by OAC rule 3745-104-25(E).
 - e) Respondent failed to develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in the covered process, as required by OAC rule 3745-104-26.
 - f) Respondent failed to provide refresher training at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process, as required by OAC rule 3745-104-27(B).
 - h) Respondent failed to promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected, as required by OAC rule 3745-104-31(D).
 - i) Respondent failed to develop a written plan of action regarding the implementation of the employee participation, as required by OAC rule 3745-104-33.
4. On October 7, 2003, a deficiency letter was sent to the facility official requesting the completed and corrected documentation pertaining to the deficiencies within thirty

days of receipt of the letter.

5. On November 24, 2003, the Ohio EPA received a letter stating that the facility official would submit a formal plan of action within thirty days of the date of the letter, and that he would have the corrections documented by the end of January 2004.
6. On December 8, 2003, the Ohio EPA sent a letter to the Respondent stating that the plan of action be submitted to the Ohio EPA by December 20, 2003, and the requested documentation pertaining to the deficiencies be corrected by January 30, 2004. The facility official failed to submit the formal plan of action and the corrected deficiencies.
7. On March 1, 2004, the Ohio EPA sent a warning letter requiring the facility official to submit the documentation within fourteen days of receipt of the letter.
8. On March 18, 2004, the Ohio EPA received a letter from the facility official that included a formal plan that outlined how the deficiencies would be resolved on or before May 31, 2004.
9. On June 30, 2004, the parties met in Columbus to discuss the proposed Director's Final Findings and Orders. During this meeting Respondent submitted information to DAPC that resolved the remaining deficiencies with the RMP. Respondent is now in compliance with Ohio EPA's RMP program.
10. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Order:

Pursuant to ORC 3753.09, Respondent is assessed a civil penalty in the amount of twenty three thousand dollars (\$23,000) in settlement of Ohio EPA's claim for civil penalties. Within thirty (30) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of twenty three thousand dollars (\$23,000) in settlement of Ohio EPA's claims for civil penalties, which will be deposited into the Risk Management Plan fund established pursuant to ORC 3753.05.

Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$23,000. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, attention Brenda Case, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the facility.

A copy of this check shall be sent to:

Jim Orlemann
Manager, Engineering Section
Ohio Environmental Protection Agency
Division of Air Pollution Control
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official check required by Section V. of these Orders.

VII. OTHER CLAIMS

Nothing in these orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to Respondent.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, State and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of the Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-0149
Attention: Kimberly Joseph, DAPC, RMP

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in section XII of this Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action taken by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and services of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such appeal and intervention unless these Orders are stay vacated or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Christopher Jones
Director

7/20/04
Date

IT IS AGREED:

Great Lakes Cheese Company



Signature

7/7/04
Date

BILL J. RODMAN
Printed or Typed Name

PLANT MANAGER
Title