REGION 5
CHICAGO, IL 60604

FILED
Sep 03, 2026
11:31 am
U.S. EPA REGION 5
HEARING CLERK

Docket No: CAA-05-2026-0052
This ESA is issued to: Miller Poultry
at: 9622 West CR 350 North, Orland, Indiana
for violations of Section 112(r)(7) of the Clean Air Act.

EXPEDITED SETTLEMENT AGREEMENT

The United States Environmental Protection Agency, Region 5, and Miller Poultry (Respondent), have agreed to the settlement of this action before the filing of a Complaint. The EPA and Respondent (jointly "the Parties") have agreed 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. This action is thus simultaneously commenced and concluded by this Expedited Settlement Agreement (ESA) and Final Order. See 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).

This is an administrative action for the assessment of civil penalties instituted pursuant to the EPA's authority under Sections 113(a)(3) and (d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(3) and (d). The Director of the Enforcement & Compliance Assurance Division, Region 5, EPA (Complainant) has been delegated the authority to issue an administrative complaint seeking the assessment of civil penalties for violations of Section 112(r) of the CAA, 42 U.S.C. § 7412(r). The Regional Administrator for Region 5 of EPA is authorized by Sections 113(a)(3) and (d)(1) of the CAA, 42 U.S.C. §§ 7413(a)(3), and (d)(1), to issue a Final Order ratifying this ESA. The Regional Administrator has delegated the authority to issue Final Orders ratifying settlements pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(3) to the Regional Judicial Officer, Office of Regional Counsel, EPA Region 5.

ALLEGED VIOLATIONS

On March 5th , 2026, an authorized EPA representative conducted a compliance inspection of Miller Poultry at 9622 West CR 350 North ("[Facility]") to determine the Facility's compliance with the Chemical Accident Prevention Provisions promulgated pursuant to Section 112(r) of the CAA, and set forth at 40 C.F.R. Part 68. Based on the March 5th , 2026 inspection and documents submitted by Respondent, EPA has determined that Respondent violated the following provisions:

1. 40 C.F.R. § 68.65(d)(2) Failure to document that equipment is in compliance with recognized and generally accepted good engineering practices. During the inspection, the Facility's exit doors from the anhydrous ammonia machine room were lacking panic hardware and their outside HPR did not have the appropriate hazard label, as required by IIAR-2.
2. 40 C.F.R. § 68.69(c) Failure to certify annually that operating procedures are current and accurate. The Facility had three operating procedures overdue for annual certification at the time of inspection.

3. 40 C.F.R. § 68.73(e) Failure to correct deficiencies in equipment that were outside acceptable limits defined by the process safety information before further use or in a safe and timely manner when necessary means were taken to assure safe operation. The Facility failed to replace and/or document the replacement of a pressure safety valve that was identified as a deficiency in an annual mechanical integrity audit.
4. 40 C.F.R. § 68.81(e) Failure to establish a system to address and resolve incident investigation report findings and recommendations and document that resolutions and corrective actions were taken. The Facility failed to create a system to address and resolve recommendations from incidents. The Facility also conducted multiple incident investigations resulting in recommendations and corrective actions that did not have documented resolutions.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good faith efforts to comply, other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to resolve any civil penalties for these alleged violations for the total penalty amount of **$4,800.00**.

This settlement is subject to the following terms and conditions:

By signing below, Respondent consents to, and is bound by, the terms and conditions of this ESA, including the assessment of the civil penalty set forth above. Respondent admits the jurisdictional allegations in the ESA and waives any objections that it may have regarding jurisdiction. Respondent waives its right to contest the specific factual allegations contained herein, and neither admits nor denies these specific factual allegations. 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 Expedited Settlement Agreement and Final Order and its right to appeal this Expedited Settlement Agreement and Final Order.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations set forth in this ESA, and has made payment in the amount of **$4,800.00** by the following method:

Payment method – (electronic): Pay online through the Department of the Treasury using WWW.PAY.GOV. In the Search Public Form field, enter "SFO 1.1", click "EPA Miscellaneous Payments - Cincinnati Finance Center" and complete the SFO Form Number 1.1. The payment shall be identified in the online system with the ESA Number listed below.

On the same day, after submitting your payment, send an email to cinwd_acctsreceivable@epa.gov and the EPA contact email address noted below. Include in the subject line: "Payment Confirmation for Miller Poultry ESA Docket Number CAA-05-2026-0052." Attach a copy of the ESA and your payment receipt to the email.

On the same day, notice of payment must be sent by email to:

Gunnar Brown

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Brown.Gunnar@epa.gov

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
r5airenforcement@epa.gov

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Upon Respondent's submission of the signed original ESA, and the issuance of the Final Order, Respondent's liability is resolved only for any federal civil penalties due as a result of the facts and violations alleged in this ESA. This ESA, the Final Order, and Respondent's full payment of the civil penalty set forth herein, do not affect the right of the EPA to pursue appropriate injunctive, other equitable relief, or criminal sanctions for any violations of law. The EPA also does not waive any enforcement authority for any other violation of the CAA or any other statute. The issuance of the Final Order does not waive, extinguish, or otherwise affect Respondent's duty to comply with the CAA, the regulations promulgated thereunder, or any other applicable law or requirement.

If the signed original ESA with proof of payment is not returned to the EPA Region 5 office at the above emails in correct form by Respondent within 30 days of the date of Respondent's receipt of this ESA (60 days if an extension is granted), the proposed ESA is withdrawn, without prejudice to the EPA's ability to file an enforcement action for the violations identified in this ESA.

This ESA is binding on the Parties signing below.

Each Party to this action shall bear its own costs and fees, if any.

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

Expedited Settlement Agreement
In the Matter of: Miller Poultry
Docket No. CAA-05-2026-0052

FOR RESPONDENT:

Signature: Kevin Diehl Date: 8-28-2026

Name (print): Kevin Diehl

Title (print): Chief Operations Officer

FOR COMPLAINANT:

CAROLYN PERSOON
Digitally signed by CAROLYN PERSOON
Date: 2026.09.02 14:27:18 -05'00'

Carolyn Persoon
Division Director
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency
Region 5

FINAL ORDER

The foregoing Expedited Settlement Agreement is hereby ratified and incorporated by reference into this Final Order. Respondent is hereby ORDERED to comply with all of the terms of the foregoing Expedited Settlement Agreement, which upon its filing with the Regional Hearing Clerk shall become immediately effective. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED.

ANN COYLE Digitally signed by ANN COYLE
Date: 2026.09.02 14:45:43 -05'00'

Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5