



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

ENFORCEMENT AND COMPLIANCE  
ASSURANCE DIVISION

Delivered via email to Jeremy Villarreal and Genevieve Stacey  
[Jeremy.Villarreal@jbssa.com](mailto:Jeremy.Villarreal@jbssa.com) and [Genevieve.Stacey2@jbssa.com](mailto:Genevieve.Stacey2@jbssa.com)

**RETURN RECEIPT REQUESTED**

Jeremy Villarreal  
Plant Engineer  
JBS Tolleson Beef Processing  
651 S. 91<sup>st</sup> Ave  
Tolleson, Arizona 85353

Genevieve Stacey  
Regional Beef PSM Director  
JBS Tolleson Beef Processing  
651 S. 91<sup>st</sup> Ave  
Tolleson, Arizona 85353

RE: Investigation Report and Request for Information Pursuant to Clean Air Act Section 114:  
JBS Tolleson Beef Processing, 651 S. 91<sup>st</sup> Ave, Tolleson, Arizona 85353

Dear Jeremy Villarreal and Genevieve Stacey:

Representatives from the U.S. Environmental Protection Agency ("EPA") National Enforcement Investigation Center conducted an inspection of the JBS USA LLC ("Company") facility JBS Tolleson Beef Processing, located at 651 S. 91<sup>st</sup> Ave, Tolleson, Arizona ("Facility") on February 6-8, 2023, to determine the compliance with requirements under the Emergency Planning and Community Right-to-Know Act ("EPCRA") Sections 304-312, the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA") Section 103, and the Risk Management Program of Section 112(r)(7), of the Clean Air Act ("CAA").

With this letter and its enclosure ("Information Request"), EPA seeks additional information and documents concerning the compliance with CAA § 112(r), 42 U.S.C. § 7412(r). This Information Request is authorized pursuant to CAA § 114, 42 U.S.C. § 9614. The letter enclosures include the EPA investigation report for the Facility dated April 14, 2023 ("Investigation Report"), as well as Instructions, Definitions, and Information Request Questions.

Confidential Business Information ("CBI")

Please review the enclosed Investigation Report and your responses to the enclosed information request. If you believe that some or all of the information is entitled to treatment as CBI, please provide a cover sheet or other notice that certain information is being claimed as CBI and specify which portions of the information you consider confidential. Please be specific by page, paragraph, and sentence when identifying the information subject to your claim. Where your claim does not include all information on a page, please clearly describe the portions for which you consider to be CBI or attach a copy of each such page with brackets around the text that you so claim.

If a page, document, or group or class of documents claimed by you to be CBI contains information that the Regional Counsel determines is not CBI, your CBI claim regarding that page, document, group or class of documents may be denied. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the public without further notice to you.

You may not withhold any information from EPA on the grounds that it is CBI. EPA has promulgated regulations, under 40 CFR Part 2, Subpart B, to protect CBI that it receives. You may assert a CBI claim as described herein and consistent with 40 CFR § 2.203(b) for all or part of the information requested by EPA; however, information is entitled to confidential treatment only if it satisfies the criteria set forth in 40 CFR § 2.208. EPA will disclose business information entitled to confidential treatment only as authorized by 40 CFR Part 2, Subpart B. Accordingly, for each item or class of information that you identify as being subject to CBI, please answer the following questions, giving as much detail as possible:

- a. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
- b. Information submitted to EPA becomes stale over time. Why should the information you claim as CBI be protected for the time period specified in your answer to question #1?
- c. What measures have you taken to protect the information claimed as CBI? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why do you claim the information still be considered CBI?
- d. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information through legitimate means? Is the information of a kind that you would customarily not release to the public?

- e. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
- f. For each category of information claimed as CBI, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How would your competitors make use of this information to your detriment?

**You are not required to respond to this question in light of the Supreme Court's decision in *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019). As a result of that decision, EPA will not consider whether there is substantial competitive harm in evaluating your CBI claim.**

- g. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If the Company asserts that the information is voluntarily submitted, please explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
- h. If you believe any information to be a trade secret or trade secrets, please so state and explain the reason for your belief. Please attach copies of those pages with brackets around the text that you claim to be a trade secret or trade secrets.
- i. State any other information that you deem relevant, including, if pertinent, reasons why you believe that the information you claim to be CBI is not emissions data or effluent data.

Please note that you bear the burden of substantiating your CBI claim(s). Conclusory allegations and statements will be given little or no weight in the determination. Information designated as CBI will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to substantiate your claim that the information you provided to EPA is confidential, it may be made available to the public without further notice to you.

Notice is hereby given that, pursuant to 40 CFR § 2.301(h), EPA may disclose CBI that you provide to EPA's authorized representatives, including its contractors, Eastern Research Group, for the following reasons: to assist with document handling, inventory and indexing; to assist with document review and analysis for verification of completeness; and to provide expert technical review of the contents of the response. Pursuant to 40 CFR § 2.301(h), you may submit any comments or concerns regarding EPA's disclosure of CBI to the representative identified below.

Jeremy Villarreal and Genevieve Stacey, JBS USA LLC

Enclosed Information Request

Please review the enclosed Investigation Report for your information and response. The Observations describe conditions observed at the Facility at the time of the inspection and subsequent document review and identify potential areas of noncompliance with the above-cited requirements. Any omissions in the report shall not be construed as a determination of compliance with these statutes or their or any other applicable regulations.

Submittal Instructions

***The Company's comments regarding CBI in the Investigation Report must submitted electronically by the 15th calendar day after your receipt of this letter.*** You may seek an extension of time to submit your comments to this office, but the request must be made before the end of the 15-day period. Except in extraordinary circumstances, no extension will be approved. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information.

***The Company's responses to the Information Request in the enclosure must be submitted electronically by the 45th calendar day after your receipt of this letter.***

Your responses must be made by a letter, signed by a person or persons duly authorized to represent the Facility.

Address your submittals to:

Cyntia Steiner (ENF-2-2)  
EPCRA/RMP Inspector/Compliance Officer  
U.S. EPA Region 9  
**steiner.cyntia@epa.gov**

EPA utilizes a safe file transfer service called GoAnywhere, which you can use to upload the requested documents; please notify the inspector listed below if you would like to transfer the documents through this service, and the inspector will send you a link.

If you have any questions about the legal aspects of this Information Request, please contact Andrew Helmlinger, Assistant Regional Counsel, at (415) 972-3904 or [helmlinger.andrew@epa.gov](mailto:helmlinger.andrew@epa.gov). The Region IX technical contact for this Information Request is Cyntia Steiner, EPCRA/RMP Inspector/Compliance Officer at (415) 947-4112. We thank you in advance for your cooperation.

Sincerely,  
**RICHARD  
SAKOW**

Digitally signed by  
RICHARD SAKOW  
Date: 2023.04.17  
14:58:24 -07'00'

Rick Sakow, Manager  
Hazardous Waste and Chemicals Section  
Enforcement and Compliance Assurance Division

Jeremy Villarreal and Genevieve Stacey, JBS USA LLC

Enclosures

cc:

Damon Depew

[damon.depew@jbssa.com](mailto:damon.depew@jbssa.com)

Emma Coleman

[Emma.Coleman@maricopa.gov](mailto:Emma.Coleman@maricopa.gov) (letter only)

Justin Suryanata

[Justin.Suryanata@maricopa.gov](mailto:Justin.Suryanata@maricopa.gov) (letter only)

Jake Wilson

[Jake.Wilson@maricopa.gov](mailto:Jake.Wilson@maricopa.gov) (letter only)



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

Enclosure  
Information Request

**JBS Tolleson Beef Processing**

**INSTRUCTIONS**

1. Please provide a separate response to each request and identify each response by the number of the request to which it corresponds. For each document produced, identify the request to which it is responsive.
2. Knowledge or information that has not been memorialized in any document, but is nonetheless responsive to a request, must be provided in a narrative form.
3. The scope of this Information Request includes all information and documents obtained or independently developed by the Company, its attorneys, consultants or any of their agents, or employees.
4. The Company may not withhold any information from EPA on the grounds that it is confidential business information. EPA has promulgated regulations, under 40 C.F.R. Part 2, Subpart B, to protect confidential business information that it receives. The Company may assert a business confidentiality claim (in the manner specified in 40 C.F.R. § 2.203(b)) for all or part of the information requested by EPA. However, business information is entitled to confidential treatment only if it satisfies the criteria set forth in 40 C.F.R. § 2.208. EPA will disclose business information entitled to confidential treatment only as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.
5. Notice is hereby given, pursuant to 40 C.F.R. § 2.301(h) that EPA may disclose confidential information provided by the Company to EPA's authorized representatives, including its contractors. Confidential information may be disclosed to EPA's authorized representatives for the following reasons: to assist with document handling, inventory and indexing; to assist with document review and analysis for verification of completeness; and to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. § 2.301(h), the Company may submit, along with its response to this Information Request, any comments regarding EPA's disclosure of confidential information to its authorized representatives.
6. If information or documents not known or available to the Company at the time of its response to this Information Request later become known or available to it, it must supplement its response to EPA. Moreover, should the Company find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, the Company must notify EPA as soon as possible and provide EPA with a corrected response.
7. If information responsive to a request is not in the Company's possession, custody, or control, identify the persons or entities from whom such information may be obtained. For each individual or

entity that possesses responsive information, please provide the following: name, last known or current address, telephone number, and affiliation with the Company or the Facility.

8. If you believe there are grounds for withholding information or documents that are responsive to this request, e.g., attorney-client privilege, you must identify the information or documents and state the basis for withholding.

## **DEFINITIONS**

The following definitions apply to the following terms (words or phrases) as they appear in this Information Request. Defined terms are enclosed in quotation marks:

1. “You” or the “Company” shall mean JBS USA LLC, or its officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. “Facility” means the facility call JBS Tolleson Beef Processing located in Tolleson, Arizona including all buildings, equipment, structures, installations, pipes, or stationary items owned, leased, or operated by the Company, at the property or properties located at: 651 S. 91<sup>st</sup> Ave or contiguous or adjacent to that address.
3. As used here, “document” and “documents” shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (included by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memoranda of telephone and other conversations (including meetings, agreements and the like), diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photo-stat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any disc or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such disc other type of memory). The terms “document” and “documents” include (a) every copy of each document that is not an exact duplicate of a document which is produced, (b) every copy that has any writing, figure or notation, annotation or the like, (c) drafts, (d) attachments to or enclosures with any documents and (e) every document referred to in any other document.

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or its implementing regulations at 40 C.F.R. Part 68, in which case the statutory or regulatory definitions shall apply.

## **INFORMATION REQUEST**

Please provide the following information:

- 1) Provide a response to each Observation listed in the Investigation Report accompanying this Information Request, indicating if the Company accepts or disputes the factual basis for each Observations.
  - a) If the Company accepts the factual basis for the Observation, indicate if the Company is

presently in compliance with the cited requirement.

- i) If the Company is *presently in compliance* with the cited requirement provide the following information: (1) a description of what activities the Company undertook to come into compliance; and (2) the date on which the Company came into compliance.
    - ii) If the Company is *presently not in compliance* with the cited requirement provide the following information: (1) a description of what actions the Company will undertake in order to come into compliance; and (2) the date by which compliance will be achieved.
  - b) If the Company disputes the factual basis for the Observations or any portion of the Observation, including the dates asserted for each AOC, provide the basis and supporting documentation for each such assertion.
- 2) For each Observation listed in the Investigation Report, provide cost information relating to work undertaken, planned, or considered to correct identified deficiencies. Cost information may be either actual or estimated and shall be disaggregated by: a) one-time costs (such as for engineering and permitting); b) capital costs (such as for equipment); and c) incremental annual operation and maintenance costs relative to the Company's level of effort as that existed in February 2023. For each cost item provided indicate if actual or estimated.
  - 3) Provide a statement and supporting documentation for the Company's present net worth for calendar and/or fiscal year 2022.



**REGION 9**

SAN FRANCISCO, CA 94105

Via Email

Receipt Confirmation Requested

Kim McDevitt  
Global EH&S Director  
LGC Biosearch Technologies  
2199 S. McDowell Blvd.  
Petaluma, CA 94954  
[kim.mcdevitt@lgcgroup.com](mailto:kim.mcdevitt@lgcgroup.com)

RE: Notice of Intent to File an Administrative Complaint Pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA) against LGC Biosearch Technologies (LGC Biosearch) (EPA ID Number: CAR 000 236 588)

Dear Kim McDevitt:

This letter is to notify you that the United States Environmental Protection Agency ("EPA") is preparing to issue a civil administrative complaint against LGC Biosearch Technologies ("LGC Biosearch"), located at 2199 S. McDowell Boulevard in Petaluma, California (the "Facility") pursuant to Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6928(a). This action is for violations discovered during a routine compliance evaluation inspection performed at the Facility on September 30, 2022.

The alleged violations<sup>1</sup> against the Facility include:

1. Failure to perform an accurate waste determination in violation of 22 C.C.R. § 66262.11 [*see also* 40 C.F.R. § 262.11];

---

<sup>1</sup> EPA is enforcing California hazardous waste management program requirements as approved and authorized by the United States. All citations to the "C.C.R." refer to Division 4.5 of Title 22 of the California Code of Regulations as they existed at the time of their most recent federal authorization. As a convenience, corresponding Federal citations are provided in brackets.

2. Operating without a permit in violation of 22 C.C.R. § 66270.1(c) [*see also* 40 C.F.R. § 270.1(c)] by failing to meet the following conditions for exemption from the permitting requirement<sup>2</sup>:
  - a. The condition of 22 C.C.R. § 66262.34(a)<sup>3</sup> [*see also* 40 C.F.R. § 272.17(a)] to comply with accumulation time limits;
  - b. The condition of 22 C.C.R. § 66262.34(a)(3) [*see also* 40 C.F.R. § 262.17(a)(5)] to implement the requirements of 22 C.C.R. § 66262.34(f), including the requirement of 66262.34(f)(3)<sup>4</sup> [*see also* 40 C.F.R. §§ 262.17(a)(5)(i)(A) and 262.17(a)(5)(i)(B)] to label containers of hazardous waste; and
  - c. The condition of 22 C.C.R. § 66262.34(a)(2) [*see also* 40 C.F.R. § 262.17(a)(5)] to date containers of hazardous waste and the condition of 22 C.C.R. § 66262.34(a)(3) [*see also* 40 C.F.R. § 262.17(a)(5)] to implement the requirements of 22 C.C.R. § 66262.34(f), including the requirements of 22 C.C.R. §§ 66262.34(f)(1) and 66262.34(f)(2)<sup>5</sup> [*see also* 40 C.F.R. § 262.17(a)(5)(i)(C)] to date containers of hazardous waste.
3. Failure to close a container of hazardous waste in violation of 22 C.C.R. § 66265.173(a) [*see also* 40 C.F.R. § 265.173(a)];
4. Failure to perform air monitoring in violation of 22 C.C.R. §§ 66265.1052(a)(1); 66265.1057(a); and 66265.1063(b) [*see also* 40 C.F.R. §§ 265.1052(a)(1); 265.1057(a), and 265.1063(b)];
5. Failure to keep air monitoring records in violation of 22 C.C.R. § 66265.1064 [*see also* 40 C.F.R. § 265.1064];
6. Failure to manage universal waste lamps to prevent releases in violation of 22 C.C.R. § 66273.33(b) [*see also* 40 C.F.R. § 273.13(d)];

---

<sup>2</sup> 40 C.F.R. § 262.10(g)(2) provides that “[a] generator’s noncompliance with a condition for exemption in [part 262] is not subject to penalty or injunctive relief under section 3008 of RCRA as a violation of a 40 C.F.R. Part 262 condition for exemption.” Noncompliance with such a condition for exemption “means that the facility is a storage facility operating without an exemption from the permit, interim status, and operations requirements in 40 C.F.R. parts 124, 264 through 267, and 270,” and “without an exemption, any violations of such storage requirements are subject to penalty and injunctive relief under section 3008 of RCRA.”

<sup>3</sup> This California regulation has been updated and renumbered subsequent to its most recent federal authorization and can now be found at 22 C.C.R. § 66262.17(a). *See* footnote 1.

<sup>4</sup> This California regulation has been updated and renumbered subsequent to its most recent federal authorization and can now be found at 22 C.C.R. §§ 66262.17(a)(5)(A)(1) and 66262.17(a)(5)(A)(3). *See* footnote 1.

<sup>5</sup> These California regulations have been updated and renumbered subsequent to their most recent federal authorization and can now be found at 22 C.C.R. §§ 66262.17(a)(5)(A)(5) and 66262.17(a)(5)(A)(6). *See* footnote 1.

7. Failure to label universal waste batteries in violation of 22 C.C.R. § 66273.34(a) [*see also* 40 C.F.R. § 273.14(a)]; and
8. Failure to label a container of used oil in violation of 22 C.C.R. § 66279.21(b) [*see also* 40 C.F.R. § 279.22(c)(1)].

Some of these alleged violations are described in greater detail in the EPA's Compliance Evaluation Inspection Report dated September 30, 2022, which was sent to LCG Biosearch on November 30, 2022.

Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the *Civil Monetary Penalty Inflation Adjustment Rule* (90 Fed. Reg. 1375, 1378, January 8, 2025),<sup>6</sup> authorize a civil penalty for RCRA violations of up to \$93,058 per day per violation, respectively, for violations occurring after November 2, 2015, and where, as here, penalties that were assessed on or after January 8, 2025.

EPA anticipates filing a Complaint, Compliance Order and Notice of Right to Request a Hearing ("Complaint") against LGC Biosearch within the next thirty (30) calendar days unless LGC Biosearch advises EPA of substantial reasons not to proceed. EPA is extending to the Facility the opportunity to submit any information that EPA should consider before issuing the Complaint. Relevant information may include any evidence of reliance on compliance assistance, additional compliance tasks performed after the inspection, or financial factors bearing on your ability to pay a civil penalty. Even if you are unaware of any mitigating or exculpatory factors, we are extending to you the opportunity to initiate settlement discussions concerning the above-described violations.

Any penalty discussed in settlement negotiations for violations of RCRA and its implementing regulations will be calculated pursuant to EPA's June 2003 *RCRA Civil Penalty Policy*.<sup>7</sup> The penalty policies are subject to inflation adjustments under the applicable Civil Monetary Penalty Inflation Adjustment Rule, as well as potential changes in EPA guidance. Also, EPA's *2015 Update to the 1988 EPA Supplemental Environmental Projects Policy*<sup>8</sup> describes the terms under which a commitment to perform an environmental project may be included in civil enforcement settlements.

In addition, a copy of EPA's *Small Business Resources Information Sheet* is available for review at <https://www.epa.gov/compliance/small-business-compliance>. The document is designed to provide information on compliance assistance, as well as to inform small businesses of their rights to comment to the Small Business Regulatory Enforcement Fairness Act ("SBREFA") Ombudsman concerning EPA enforcement activities. Be aware that the SBREFA does not eliminate your responsibility to respond to a complaint, information request, or other enforcement activity within

---

<sup>6</sup><https://www.govinfo.gov/content/pkg/FR-2025-01-08/pdf/2025-00206.pdf>.

<sup>7</sup> *RCRA Civil Penalty Policy Amended May 06, 2020 on the June 2003 (epa.gov)*.

<sup>8</sup> *2015 Update to the 1988 U.S. Environmental Protection Agency Supplemental Environmental Projects Policy (epa.gov)*.

the allowed time nor does it create any new rights or defenses under the law.

Please note that, pursuant to regulations located at 40 C.F.R. Part 2, Subpart B, you are entitled to assert a business confidentiality claim covering any part of any submitted information as defined in 40 C.F.R. § 2.201(c). Failure to assert such a claim makes the submitted information subject to public disclosure upon request and without further notice to you, pursuant to the Freedom of Information Act, 5 U.S.C. §§ 552, *et seq.*

Thank you for your prompt attention to this matter. If you are interested in commencing settlement negotiations or have any questions regarding this notice, please contact Christopher Rollins, RCRA Enforcement Officer, at (415) 947-4166 or at [rollins.christopher@epa.gov](mailto:rollins.christopher@epa.gov), or have your attorney contact Laura Friedli, Office of Regional Counsel, at (415) 972-3325 or at [friedli.laura@epa.gov](mailto:friedli.laura@epa.gov).

Sincerely,

**RICHARD  
SAKOW**

Digitally signed by RICHARD  
SAKOW  
Date: 2025.02.19 13:43:56  
-08'00'

Rick Sakow, Manager  
Hazardous Waste and Chemicals Section  
Enforcement and Compliance Assurance Division

cc: Kristine Schaefer-Green, DTSC; [kristine.schaefer-green@dtsc.ca.gov](mailto:kristine.schaefer-green@dtsc.ca.gov)  
Denise Tsuji, DTSC; [denise.tsuji@dtsc.ca.gov](mailto:denise.tsuji@dtsc.ca.gov)  
Laura Friedli, EPA Region 9; [friedli.laura@epa.gov](mailto:friedli.laura@epa.gov)  
Francisco Tolos, LGC Biosearch; [francisco.tolos@lgcgroup.com](mailto:francisco.tolos@lgcgroup.com)  
Byron Wanzong, LGC Biosearch; [byron.wanzong@lgcgroup.com](mailto:byron.wanzong@lgcgroup.com)