



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 27 2007

REPLY TO THE ATTENTION OF:

SC-6J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael D. Flanagan
Foley & Lardner LLP
777 E. Wisconsin Avenue
Milwaukee, Wisconsin 53202

Re: Jones Dairy Farm, Inc., Fort Atkinson, Wisconsin
Consent Agreement and Final Order
Docket Numbers: CERCLA-05-2007-0013

MM-05-2007-0007

EPCRA-05-2007-0026

Dear Mr. Flanagan:

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. EPA has filed the other original CAFO with the Regional Hearing Clerk on June 27, 2007.

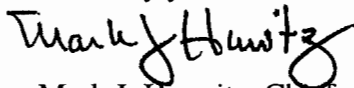
Please pay the CERCLA civil penalty in the amount of \$12,020 in the manner prescribed in paragraphs 51 and 53, and reference your check with the billing document number 2750730B015 and the docket number(s) CERCLA-05-2007-0013.

Please pay the EPCRA civil penalty in the amount of \$24,040 in the manner prescribed in paragraphs 52 and 53, and reference your check with the billing document number 2750744E023 and the docket number(s) EPCRA-05-2007-0026.

Your payments are due on July 27, 2007.

Please feel free to contact Ruth McNamara at (312) 353-3193 if you have any questions regarding the enclosed documents. Please direct any legal questions to Stephen Thorn, Assistant Regional Counsel, at (312) 353-9715. Thank you for your assistance in resolving this matter.

Sincerely yours,



Mark J. Horwitz, Chief
Chemical Emergency Preparedness
And Prevention Section

Enclosure

cc: Regional Hearing Clerk
U.S. EPA Region 5

Steve Thorn (w/enclosure)
Office of Regional Counsel

Dawn Foss
Wisconsin SERC (w/enclosure)

David Woodbury
Wisconsin DNR (w/enclosure)

Marcy Toney
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

CERCLA-05-2007-0013

IN THE MATTER OF:) Docket Nos. EPCRA-05-2007-0026
) MM-05-2007-0007
Jones Dairy Farm, Inc.)
808 Jones Avenue) Proceeding to Assess a Civil
Fort Atkinson, WI 53538) Penalty under Section 109(b) of
) the Comprehensive Environmental
) Response, Compensation, and
) Liability Act, and 325(b) (2) of
Respondent.) the Emergency Planning and
) Community Right-to-Know Act of
) 1986.

Consent Agreement and Final Order
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 109(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. § 9609(b), and Section 325(b) (2), of the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(b) (2), and Sections 22.13(b) and 22.18(b) (2) and (3) of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits" (Consolidated Rules) as codified at 40 C.F.R. Part 22 (2007).

2. The Complainant is, by lawful delegation, the Branch Chief, Emergency Response Branch, Superfund Division, Region 5,

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REGIONAL OFFICE
EPCRA

United States Environmental Protection Agency (U.S. EPA).

3. Respondent is Jones Dairy Farm, Inc., a corporation doing business in Wisconsin.

4. Where the parties agree to settle one or more causes of action before the filing of a Complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a Consent Agreement and Final Order (CAFO).

40 C.F.R. § 22.13(b) (2006).

5. The parties agree 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.

6. Respondent consents to entry of this CAFO and the assessment of the specified civil penalty, and agrees to comply with the terms of the CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Jones Dairy Farm admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations and the violations alleged in this CAFO.

8. Jones Dairy Farm 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 CAFO, and its right to appeal this CAFO.

Statutory and Regulatory Background

9. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), requires any person in charge of a facility to notify immediately the National Response Center (NRC) as soon as that person has knowledge of any release of a hazardous substance from the facility in an amount equal to or greater than the hazardous substance's reportable quantity.

10. Section 304(a)(1) of EPCRA, 42 U.S.C. § 11004(a)(1), requires that the owner or operator of a facility must immediately provide notice, as described in Section 304 (b) of EPCRA, 42 U.S.C. § 11004(b), if a release of an extremely hazardous substance in quantities equal to or greater than a reportable quantity occurs from a facility at which hazardous chemicals are produced, used, or stored and such release requires notice under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

11. Under Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), notice required under 304(a) of EPCRA, 42 U.S.C. § 11004(a), must be given immediately after the release by the owner or operator of a facility to the community emergency coordinator for the local emergency planning committee (LEPC) for any area likely to be affected by the release and to the state emergency

response commission (SERC) of any state likely to be affected by a release.

12. Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), requires that, as soon as practicable after a release which requires notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), the owner or operator of the facility must provide written follow-up emergency notice setting forth and updating the information required under Section 304(b), 42 U.S.C. § 11004(b).

13. Under Section 109(b) of CERCLA, 42 U.S.C. § 9609(b), Section 325(b) of EPCRA, 42 U.S.C. § 11045(b) and Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1) the U.S. EPA Administrator may assess a civil penalty of up to \$25,000 per day of violation of CERCLA Section 103. The Debt Collections Improvements Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$27,500 per day of violation that occurred from January 31, 1997 through March 15, 2004 and to \$32,500 per day of violation for violations that occurred after March 15, 2004.

Factual Allegations and Violations

14. Respondent is a "person" as that term is defined under

Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

15. Respondent is a "person" as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

16. At all times relevant to this CAFO, Respondent was an owner or operator of the Facility located at 808 Jones Avenue, Fort Atkinson, Wisconsin (Facility).

17. At all time relevant to this CAFO, Respondent was in charge of the Facility.

18. Respondent's Facility consists of a building, structure, installation, equipment, storage container, or any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located.

19. Respondent's Facility is a "facility" as that term is defined under Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

20. Respondent's facility consists of buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person.

21. Respondent's Facility is a "facility" as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

22. Anhydrous ammonia, CAS# 7664-41-7, is a "hazardous substance" as that term is defined under Section 101(14) of

CERCLA, 42 U.S.C § 9601(14).

23. Anhydrous ammonia, CAS # 7664-41-7, has a reportable quantity of 100 pounds, as indicated at 40 C.F.R. Part 302, Table 302.4.

24. Anhydrous ammonia, CAS # 7664-41-7, is listed as a toxic and hazardous substance under Occupational Safety and Health Administration (OSHA) regulations at 29 C.F.R. § 1910, subpart Z, § 1910.1000, Table Z-1.

25. At all times relevant to this CAFO, anhydrous ammonia was produced, used or stored at Respondent's Facility.

26. Anhydrous ammonia, CAS # 7664-41-7, is an "extremely hazardous substance" according to Section 302 of EPCRA, 42 U.S.C. § 11002(a)(2).

27. Anhydrous ammonia, CAS # 7664-41-7, has a reportable quantity of 100 pounds, as indicated at 40 C.F.R. Part 355, Appendix A.

28. On October 6, 2004, at or about 7:15 a.m. Central Time, a release occurred from Respondent's Facility of approximately 2,805 pounds of anhydrous ammonia(the Release).

29. In a 24 hour time period, the Release of 2,805 pounds of anhydrous ammonia exceeded the 100 pound reportable quantity.

30. During the Release, approximately 2,805 pounds of

anhydrous ammonia leaked, was emitted, discharged, or escaped, into the ambient air.

31. The Release is a "release" as that term is defined under Section 101(22) of CERCLA § 42 U.S.C. § 9601(22).

32. The Release is a "release" as that term is defined under Section 329(8) of EPCRA, 42 U.S.C. § 11049(8).

33. Respondent had knowledge of the Release on October 6, 2004 at approximately 7:15 a.m. Central Time.

34. The Release was one for which notice was required under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

35. The Release required notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

36. The Release was likely to affect Wisconsin.

37. At all times relevant to this CAFO, the Wisconsin State Emergency Response Commission was the state emergency response commission (SERC) for Wisconsin, under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

38. The Release was likely to affect Jefferson County, Wisconsin.

39. At all times relevant to this CAFO, the Jefferson County Local Emergency Planning Committee was the local emergency planning committee (LEPC) for Jefferson County,

Wisconsin, under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

40. Respondent placed a "911" call regarding the Release on October 6, 2004, at 7:25 a.m. Central Time, and worked with local emergency response personnel to investigate, isolate, and, at 10:04 a.m. Central Time, stop the Release.

41. Respondent notified the NRC of the Release on October 6, 2004, at 10:25 a.m. Central Time.

42. Respondent did not immediately notify the NRC as soon as Respondent had knowledge of the Release.

43. Each day Respondent failed to notify immediately the NRC of the Release is a violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

44. Respondent notified the Wisconsin SERC of Release on October 6, 2004, at 10:26 a.m. Central Time.

45. Respondent did not immediately notify the SERC after Respondent had knowledge of the Release.

46. Each day Respondent failed to immediately notify the SERC of the Release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

47. Respondent provided written follow-up emergency notice of the Release to the SERC on January 27, 2005.

48. Respondent did not provide the SERC written follow-up

emergency notice of the Release as soon as practicable after the Release occurred.

49. Each day Respondent failed to provide written follow-up emergency notice to the SERC as soon as practicable after the Release occurred is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c).

Civil Penalty

50. In consideration of Jones Dairy Farm's attitude and cooperation throughout this process, willingness to quickly resolve this matter and conduct a Supplemental Environmental Project (SEP), U.S. EPA has determined that an appropriate civil penalty to settle this action is \$36,060.

51. Within 30 days after the effective date of this CAFO, Respondent must pay a \$12,020 civil penalty for the CERCLA violation. Respondent must pay the penalty by sending a cashier's or certified check, payable to "EPA Hazardous Substance Superfund," to:

U.S. EPA - Region 5
ATTN: Superfund Receivable
P.O. Box 371099M
Pittsburgh, PA 15251-7531

The check must note the case title of this matter: "In the Matter of Jones Dairy Farm", the docket numbers of this CAFO and

the billing document number 2750730B015.

52. Within 30 days after the effective date of this CAFO, Respondent must pay a \$24,040 civil penalty for the EPCRA violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

U.S. EPA - Region 5
ATTN: Finance
P.O. Box 371099M
Pittsburgh, PA 15251-7531

The check must note the case title of this matter: "In the Matter of Jones Dairy Farm", the docket number of this CAFO and the billing document number 2750744E023.

53. A transmittal letter, stating the case title, Respondent's complete address, the case docket number and the billing document number must accompany the payment. Respondent must send a copy of the check(s) and transmittal letter to:

Regional Hearing Clerk, (E-13J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

Ruth McNamara, (SC-6J)
Chemical Emergency Preparedness
and Prevention Section
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

Stephen Thorn, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

54. Alternatively, Respondent may pay by wire transfer to J P Morgan Chase Bank, NA, Routing Number 071000013 for Account Number 1113399, U.S. EPA. The wire payment must have the billing document number 2750744E023.

55. This civil penalty is not deductible for federal tax purposes.

56. If Respondent does not timely pay the civil penalty, or any stipulated penalties due under paragraph 70, below, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

57. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days

past due. In addition, U.S. EPA will assess a six percent per year penalty on any principal amount not paid within 90 days of the date that this CAFO has been entered by the Regional Hearing Clerk.

Supplemental Environmental Project

58. Respondent must complete a supplemental environmental project (SEP) designed to protect the environment and public health by reducing the potential risk to the community should another release occur.

59. At its Fort Atkinson, Wisconsin, facility, Respondent will add additional ammonia detectors and connect them to an alarm system. This new system should ensure timely notification of accidental releases should one occur. The project will be completed according to Exhibit A.

60. Respondent must spend at least \$29,925 to install the additional detectors and connect all the detectors to the alarm.

61. Respondent must continuously use or operate this release detection system for five years following its installation.

62. Respondent certifies that it is not required to perform or develop the SEP by any law, regulation, grant, order, or agreement, or as injunctive relief as of the date it signs

this CAFO. Respondent further certifies that it has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

63. U.S. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

64. Respondent must submit the reports required by the scope of work to U.S. EPA according to the schedule in Exhibit A.

65. Respondent must submit a SEP completion report to U.S. EPA by August 1, 2008. This report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders, or canceled checks that specifically identify and itemize the individual costs of the goods and services;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

66. Respondent must submit all notices and reports required by this CAFO by first class mail to:

Ruth McNamara (SC-6J)
Chemical Emergency Preparedness
and Prevention Section
U.S. EPA - Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

67. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, the information is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

68. Following receipt of the SEP completion report described in paragraph 65 above, U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 70 below.

69. If U.S. EPA exercises option b. above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 70 below.

70. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. If Respondent has spent less than the amount set forth in paragraph 60, above, Respondent must pay a stipulated penalty equal to the difference between the amount it spent on the SEP and the amount set forth in paragraph 60.
- b. If Respondent has completed the SEP, but the SEP is not satisfactory, Respondent must pay \$10,000, in addition to any penalty required under Subparagraph a, above.
- c. If Respondent halts or abandons work on the SEP, the Respondent must pay a stipulated penalty of \$10,000 in addition to the penalty required under Subparagraph a, above. Such penalties will accrue as of the date for completing the SEP or the date performance ceases, whichever is earlier.
- d. If Respondent fails to comply with the schedule in

Exhibit A to this CAFO for implementing the SEP, fails to submit timely the SEP completion report or fails to submit timely any other reports required in Exhibit A to this CAFO, Respondent must pay Stipulated Penalties for each failure to meet an applicable milestone, as follows:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$100	1st through 14th day
\$200	15th through 30th day
\$300	31st day and beyond

These penalties will accrue from the date Respondent was required to meet each milestone, until it achieves compliance with the milestone.

71. U.S. EPA's determinations of whether Respondent satisfactorily completed the SEP and whether it made good faith, timely efforts to complete the SEP will bind Respondent.

72. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraphs 51 - 54, above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

73. Any public statement that Respondent makes referring to the SEP must include the following language, "Respondent undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Respondent for violations of CERCLA Section 103(a) and EPCRA

Section 304 (a) and (c)."

74. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

a. Respondent must notify U.S. EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past and proposed actions to prevent or minimize the delay, and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify U.S. EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.

b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.

c. If U.S. EPA does not agree that circumstances beyond the reasonable control of Respondent caused or may cause a delay in completing the SEP, U.S. EPA will notify Respondent in writing of its decision and any delays in completing the SEP will not be excused.

d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

75. Nothing in this CAFO is intended to nor will be construed to constitute U.S. EPA approval of the equipment or technology installed by Respondent in connection with the SEP

under the terms of this Agreement.

76. Respondent must make the following certification to the U.S. EPA at the time it submits its tax returns for the taxable year 2007 to the IRS and the Wisconsin Department of Revenue:

"Under penalties of perjury, I declare that I have examined the tax returns pertaining to the year 2007. To the best of my knowledge and belief, these tax returns do not contain deductions or depreciation for any supplemental environmental project expenses my company has incurred."

Respondent should send the certification to:

Ruth McNamara, (SC-6J)
Office of Chemical Emergency
Preparedness and Prevention
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

77. The costs of the SEP are not deductible or depreciable for federal tax purposes.

General Provisions

78. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

79. This CAFO does not affect the right of the U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

80. This CAFO does not affect Respondent's responsibility to comply with CERCLA, EPCRA and other applicable federal, state and local laws, and regulations.

81. This CAFO is a "final order" for purposes of U.S. EPA's Enforcement Response Policy for Section 103 of CERCLA and Section 304 of EPCRA.

82. The terms of this CAFO bind Respondent and its successors, and assigns.

83. Each person signing this consent agreement certifies that he or she has the authority to sign this consent agreement for the party whom he or she represents and to bind that party to its terms.

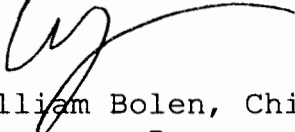
84. Each party agrees to bear its own costs and fees, including attorneys' fees, in this action.

85. This CAFO constitutes the entire agreement between the parties.


Signatories

**U.S. Environmental Protection
Agency, Complainant**

Date: 6/20/07

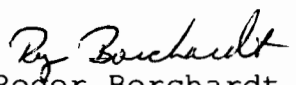
By: 
William Bolen, Chief
Emergency Response Branch 1
Superfund Division
U.S. EPA Region 5

Date: 6/21/07

By: 
Richard C. Karl, Director
Superfund Division
U.S. EPA Region 5

Jones Dairy Farm, Inc., Respondent

Date: June 7, 2007

By: 
Roger Borchardt
Senior Vice President of
Operations, Jones Dairy Farm

Consent Agreement and Final Order

IN THE MATTER OF:

Jones Dairy Farm, Inc.

Fort Atkinson, WI

Docket Nos. CERCLA-05-2007-0013

EPCRA-05-2007-0026

MM-05-2007-0007

Consent Agreement and Final Order

IN THE MATTER OF:

Jones Dairy Farm, Inc.

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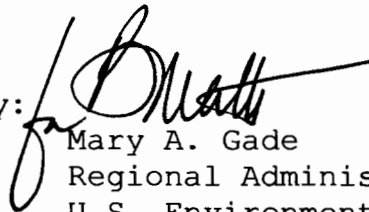
FINAL ORDER

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. IT IS SO ORDERED.

Date: _____

6-25-07

By: _____



Mary A. Gade
Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

RECEIVED
JUL 11 2007

2007 JUN 27 11 3:30

Consent Agreement and Final Order

IN THE MATTER OF:

Jones Dairy Farm, Inc.

Fort Atkinson, WI

Docket Nos. CERCLA-05-2007-0013 EPCRA-05-2007-0026 MM-05-2007-0007

Certificate of Service

I, Ruth McNamara, certify that I hand delivered the original of the Consent Agreement and Final Order, CERCLA-05-2007-0013; EPCRA-05-2007-0026 + MM-05-2007-0007 docket number _____, to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, personally served a copy on the Regional Judicial Officer, and mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Jones Dairy Farms' Counsel by placing them in the custody of the United States Postal Service addressed as follows:

Michael D. Flanagan
Foley & Lardner LLP
777 E. Wisconsin Avenue
Milwaukee, Wisconsin 53202

on the 24th day of June, 2007.

05 13 2007

RECEIVED
JUN 24 2007

Ruth McNamara
U.S. Environmental Protection Agency
Region 5

CERTIFIED MAIL RECEIPT NUMBER: _____

EXHIBIT A

**JONES DAIRY FARM, INC., FT. ATKINSON, WISCONSIN
SUPPLEMENTAL ENVIRONMENTAL PROJECT
SCOPE OF WORK**

At its Fort Atkinson, Wisconsin, facility, Jones Dairy Farm, Inc., will add additional ammonia detectors and connect all of the detectors to an alarm system. This new system will ensure the timely notification of an accidental release should one occur.

TIMELINE : Within 30 day of the effective date of the order.

CERCLA payment of \$12,020 is due.

EPCRA payment of \$24,040 is due.

August 1, 2007	Progress Report 1
November 1, 2007	Progress Report 2
February 1, 2007	Progress Report 3
May 1, 2007	Progress Report 4
August 1, 2008	Progress Report 5

(The progress reports shall include a detailed description of the work completed, any problems encountered and the solutions to those problems, and a projection as to whether or not the project is on schedule.)

January 1, 2009 - SEP Completion Report is due.

January 1, 2009 to January 1, 2014

SEP must be operational

COSTS: Respondent must spend at least \$29,925 to complete the SEP.