



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604-3590

**DOCKET NO:** RMP-20-ESA-006

**This ESA is issued to:** Siemer Milling Company

**at:** 111 W. Main Street, Teutopolis, Illinois 62467

**for violations of Section 112(r)(7) of the Clean Air Act.**

---

**EXPEDITED SETTLEMENT AGREEMENT**

The United States Environmental Protection Agency, Region 5, and Siemer Milling Company (“Respondent”), have agreed to the settlement of this action before the filing of a Complaint. 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 EPA’s authority under Sections 113(a)(3) and (d) of the Clean Air Act (“Act”) 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 Act, 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 Act, 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 July 25, 2019, an authorized EPA representative conducted a compliance inspection of the Respondent’s facility to determine its compliance with the Risk Management Program (“RMP”) regulations promulgated pursuant to Section 112(r) of the Act, and set forth at 40 C.F.R. Part 68. Based on the July 25, 2019 inspection, EPA has determined that Respondent violated the following regulations:

1. 40 C.F.R. § 68.39(b): Respondent failed to maintain the description of the scenario identified in the alternative scenario, assumptions and parameters used, and the anticipated effect of the administrative controls and mitigation on the release quantity rate.
2. 40 C.F.R. § 68.39(c): Respondent failed to maintain the documentation for the worst-case release and alternative release scenarios of estimated quantity released, release rate, and duration of the release.

3. 40 C.F.R. § 68.39(d): Respondent failed to maintain the information pertaining to the methodology used to determine the distance to endpoint for the worst-case release and alternative release scenarios.
4. 40 C.F.R. § 68.39(e): Respondent failed to maintain the data used to determine population and environmental receptors affected by offsite consequence analysis.
5. 40 C.F.R. § 68.65(d)(1)(v): Respondent failed to compile process safety information pertaining to the ventilation system design for the chlorine storage room.
6. 40 C.F.R. § 68.65(d)(2): Respondent failed to document that the equipment complies with recognized and generally accepted good engineering practices.
7. 40 C.F.R. § 68.69(a)(3)(i): Respondent failed to address in its operating procedures the properties of, and physical hazards presented by, chlorine.
8. 40 C.F.R. § 68.69(c): Respondent failed to review and certify that the operating procedures are current and accurate.
9. 40 C.F.R. § 68.75(a): Respondent failed to establish and implement written procedures to manage changes to the process chemicals, technology, equipment, and procedures, and changes to stationary sources that affect a covered process the properties of, and physical hazards presented by chlorine.
10. 40 C.F.R. § 68.79(a): Respondent failed to conduct a compliance audit.

## **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 **\$6,900**.

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 acknowledges that pursuant to 40 C.F.R. § 22.15(c), and Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), it has the right to request a hearing on any

material fact, or on the appropriateness of the penalty, but Respondent waives its rights to such a hearing. Respondent also waives its right to appeal this ESA and the accompanying 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 sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$6,900 in payment of the full penalty amount to the following address:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

The **Docket Number of this ESA must be included on the check.** (The Docket Number is RMP-20-ESA-006.)

This signed original ESA and a **copy of the check must be sent by certified mail to:**

Silvia Palomo  
Chemical Emergency  
Preparedness and Prevention Section (SE-5J)  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

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 EPA to pursue appropriate injunctive, other equitable relief, or criminal sanctions for any violations of law. EPA also does not waive any enforcement authority for any other violation of the Act or any other statute. The issuance of the Final Order does not waive, extinguish, or otherwise affect Respondent's duty to comply with the Act, the regulations promulgated thereunder, or any other applicable law or requirement.

If the signed original ESA **with an attached copy of the check** is not returned to the **EPA Region 5 office** at the above address in correct form by Respondent within 45 days of the date of Respondent's receipt of this ESA (90 days if an extension is granted), the proposed ESA is withdrawn, without prejudice to 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 Siemer Milling Company, Teutopolis, Illinois**  
**Docket No. CAA-05-2020-0023**

**FOR RESPONDENT:**

Signature: *Joyce M. Stock*  
Name (print): *Joyce M. Stock*  
Title (print): *Treasurer*  
Respondent

Date: *5-22-20*

**FOR COMPLAINANT:**

\_\_\_\_\_  
Michael D. Harris  
Director  
Enforcement and Compliance Assurance Division

Date: \_\_\_\_\_

**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.**

Date: \_\_\_\_\_



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

Siemer Milling Company			
Vendor ID	Name	Payment Number	Check Date
001260	TREASURER, UNITED STATES OF AMERICA	0209010	5/26/2020
Date	Reference Number	Description	Amount
5/26/2020	052620	EPA FINE DOCKET#RMP-20-ESA-006	\$6,900.00
			Discount \$0.00
			Net Amount Paid \$6,900.00

Check Totals: \$6,900.00 \$0.00 \$6,900.00

EPA FINE DOCKET#RMP-20-ESA-006

Ref. No. GS 95XRD09000

<b>ORIGINAL CHECK HAS A WATERMARK - HOLD UP TO A LIGHT TO VIEW</b>		TEUTOPOLIS STATE BANK	70-1616 812
<b>SIEMER MILLING COMPANY</b> P.O. BOX 670 TEUTOPOLIS, IL 62467		Check No.	254517
Date		5/26/2020	Amount
PAY		Six Thousand Nine Hundred Dollars and 00 Cents	\$6,900.00
To the order of:		SIEMER MILLING COMPANY	
TREASURER, UNITED STATES OF AMERICA		 AUTHORIZED SIGNATURE	
			
⑈ 254517 ⑈ ⑈ 0812161691 ⑈ ⑈ 0108500511 ⑈			

