



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

JUN 14 2010

REPLY TO THE ATTENTION OF:

SC-6J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Kerry Nixon  
General Manager  
Central MN Ethanol Co-op  
17936 Heron Street  
P.O. Box 535  
Little Falls, Minnesota 56345

RE: Expedited Settlement Agreement  
ESA Docket No. RMP-10-ESA-026  
Docket No. **CAA-05-2010-0023**

*BA#* 2751003A024

Dear Mr. Nixon:

Enclosed please find a copy of the fully executed Risk Management Plan Expedited Settlement Agreement (ESA). The ESA is binding on EPA and Central MN Ethanol Co-op. EPA will take no further action against Central MN Ethanol Co-op for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact Mr. Greg Chomycia at (312)353-8217, or [chomycia.greg@epa.gov](mailto:chomycia.greg@epa.gov), if you have any questions regarding the enclosed document or if you have any other question about the program. Thank you for your assistance in resolving this matter.

Sincerely,

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

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

RECEIVED

JUN 14 2010

BDF 2751003A024

EXPEDITED SETTLEMENT  
AGREEMENT (ESA)

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

CAA-05-2010-0023

DOCKET NO: RMP-10-ESA-026

This ESA is issued to: Central MN Ethanol Co-op

At: 17936 Heron Raod, Little Falls, Minnesota

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

This Expedited Settlement Agreement (ESA) is being entered into by the U. S. Environmental Protection Agency, Region 5, by its duly delegated official, the Director, Superfund Division, and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b).

**ALLEGED VIOLATIONS**

On March 2, 2010, EPA sent a Request for Information Pursuant to Section 114(a) of the Clean Air Act to the subject facility (Respondent) to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with 40 C.F.R. Part 68.190(b)(1), the requirement to resubmit its RMP at least every five years.

**SETTLEMENT**

In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to settle the violation for the total penalty amount of **\$600.00**.

This settlement is subject to the following terms and conditions:

The Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C §7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the U. S. Government, that the Respondent has corrected the violations and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$600.00** 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-10-ESA-026.)

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

Greg Chomycia  
Chemical Emergency  
Preparedness and Prevention Section (SC-6J)  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Act. EPA does not waive any other enforcement action for any other violation of the Clean Air Act or any other statute.

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 the Respondent within 45 days of the date of Respondent's receipt of it (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 herein.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Signature: Kerry J. Nixon Date: 5/21/10  
Name (print): Kerry J. Nixon  
Title (print): General Manager  
Name of Facility Central MN Ethanol Co-op

FOR COMPLAINANT:

Richard C. Karl Date: 6/10/10  
for Richard C. Karl  
Director  
Superfund Division

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

S. Hedman Date: 6/10/10  
~~Bharat Mathur, Acting~~ Susan Hedman  
Regional Administrator

RECEIVED

JUN 14 2010

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

**RECEIVED**

JUN 14 2010

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

CAA-05-2010-0023

**BANK MONEY ORDER**

VOID AFTER 180 DAYS

REMITTER: Central MN Ethanol Co-op

DATE: 5/25/2010

PAY TO THE ORDER OF: Treasurer, USA RMP-10-ESA-026

THE SUM OF \$ 600.00

VOID OVER \$600.00

DOLLARS \$ 600.00

TWO SIGNATURES REQUIRED FOR AMOUNTS IN EXCESS OF \$5,000.00 AUTHORIZED SIGNATURE

Pine Country Bank  
Office in Beaulieu - Little Falls, Royaltown - Rice  
P.O. Box 25, Royaltown, MN 55373  
P.O. Box 528, Little Falls, MN 56345  
P.O. Box 187, Rice, MN 56387

68656

75-1575/919

MP

13903V 89010 DELUXE CORPORATION

MP

MP

⑆068656⑆ ⑆091915751⑆ 20090001⑆ 500