



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAY 12 2011

REPLY TO THE ATTENTION OF:

SC-5J

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

Jerry Van Oosbree  
Northern County Cooperative (Adams)  
P.O. Box 217  
203 East Spring Street  
Stacyville, Iowa 50476

RE: Expedited Settlement Agreement  
ESA Docket No. RMP-11-ESA-016  
Docket No. **CAA-05-2011-0038**

BD# 2751103A034

Dear Mr. Oosbree:

Enclosed please find a copy of the fully executed Risk Management Plan Expedited Settlement Agreement (ESA). The ESA is binding on EPA and Northern County Cooperative (Adams). EPA will take no further action against Northern County Cooperative (Adams) 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,

A handwritten signature in black ink that reads "Bob Mayhugh".

Bob Mayhugh, Acting Chief  
Chemical Emergency  
Preparedness & Prevention Section

Enclosure



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

RECEIVED  
 MAY 12 2011

REGIONAL HEARING CLERK  
 USEPA  
 REGION 5

CAA-05-2011-0038

**EXPEDITED SETTLEMENT  
 AGREEMENT (ESA)**

DOCKET NO: RMP-11-ESA-016  
 This ESA is issued to: Northern County Cooperative Company *BD#* 2751103A034  
 At: 13 Commerce Street, Adams, 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 February 19, 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 **\$800.00**.

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 **\$800.00** 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-11-ESA-016.)

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:  Date: 04/03/11

Name (print): RODNEY A. HERMANN

Title (print): CONTROLLER

Northern County Cooperative Company

RECEIVED  
MAY 12 2011

FOR COMPLAINANT:



Richard C. Karl, Director  
Superfund Division

REGIONAL HEARING CLERK  
USEPA  
REGION 5  
Date: 5-5-11

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



Susan Hedman  
Regional Administrator

Date: 5-9-11

CAA-05-2011-0038

ST. ANSGAR STATE BANK  
ST. ANSGAR, IOWA • STACYVILLE, IOWA

NOTICE TO CUSTOMERS  
THE PURCHASE OF AN INDEMNITY BOND WILL BE  
REQUIRED BEFORE ANY CASHIER'S CHECK OF  
THIS BANK WILL BE REPLACED OR REFUNDED IN  
THE EVENT IT IS LOST, MISPLACED OR STOLEN.

039400

72-777739  
124347

DATE Jan 6, 2011

REMITTER Northern Country Coop

PAY TO THE ORDER OF Treasurer, United States of America \$ 800.00

DOLLARS



**CASHIER'S CHECK**

TWO SIGNATURES REQUIRED FOR ANY AMOUNT  
MORE THAN \$1,000.00

*Mary E. Hanson*  
NOT NEGOTIABLE

RETAIN THIS COPY AS YOUR RECEIPT

CAA-05-2011-0038

**RECEIVED**  
MAY 12 2011

REGIONAL HEARING CLERK  
USEPA  
REGION 5