



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

JUL 13 2011

REPLY TO THE ATTENTION OF:

SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

E. Sean Griggs
Barnes & Thornburg LLP
11 South meridian Street
Indianapolis, Indiana 46204-3535

Re: Superior Ag Resources Co-op Inc.
Consent Agreement and Final Order
Docket Nos. **MM-05-2011-0012**

CERCLA-05-2011-0016 **EPCRA-05-2011-0025**

Dear Mr Griggs. :

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 July 13, 2011.

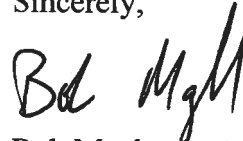
Please have your client pay the CERCLA civil penalty in the amount of \$3,500 in the manner prescribed in paragraphs 56 and 58, and reference you check with the CERCLA billing document number 2751130B015 and the docket numbers CERCLA-05-2011-0016 and EPCRA-05-2011-0025.

Please have your client pay the EPCRA civil penalty in the amount of \$14,000 in the manner prescribed in paragraphs 57 and 58, and reference you check with the EPCRA billing document number 2751144E023 and the docket numbers EPCRA-05-2011-0025 and CERCLA-05-2011-0016.

The payments are due on August 12, 2011.

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 Reginald Pallesen, Associate Regional Counsel, at (312) 886-0555. Thank you for your assistance in resolving this matter.

Sincerely,



Bob Mayhugh, Acting Chief
Chemical Emergency Preparedness
and Prevention Section

Enclosure

cc: Ian Ewusi-Wilson
IN SERC Contact (w/enclosure)

Re: Superior Ag Resources Co-op Inc.
Consent Agreement and Final Order
Docket Nos.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
MM-05-2011-0012
EPCRA-05-2011-0025

In the Matter of:) Docket No. CERCLA-05-2011-0016
)
)
Superior Ag Resources Co-op Inc.,) Proceeding to Assess a Civil Penalty Under
Richland, Indiana) Section 109(b) of the Comprehensive
) Environmental Response, Compensation,
Respondent.) and Liability Act, and Section 325(b)(2) of the
) Emergency Planning and Community
_____) Right-to-Know Act

RECEIVED

JUL 13 2011

Consent Agreement and Final Order
Preliminary Statement

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

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), Section 325(b)(2) of the Emergency Planning and Community Right-to-Know Act (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.

2. The Complainant is, by lawful delegation, the Director of the Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is Superior Ag Resources Co-op, Inc., a corporation doing business in the State of Indiana.

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).

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 the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO, and neither admits nor denies the factual allegations in this CAFO.

8. Respondent 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 immediately notify 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 reportable quantity of the he hazardous substance.

10. 40 C.F.R. § 302.6 requires any person in charge of a facility to immediately notify the NRC as soon as that person has knowledge that, within any 24-hour period, any release of a hazardous substance from the facility has equaled or exceeded the hazardous substance's reportable quantity.

11. Section 304(a)(1) of EPCRA, 42 U.S.C. § 11004(a)(1), requires the owner or operator of a facility to 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).

12. Under Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), notice required under Section 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 planning commission (SERC) of any State likely to be affected by a release.

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

14. Under 29 C.F.R. § 1910.1200(d)(3), chemicals listed in 29 C.F.R. Part 1910, Subpart Z, are hazardous chemicals.

15. Section 109(b) of CERCLA, 42 U.S.C. § 9609(b), and Section 325(b)(2) of EPCRA, 42 U.S.C. § 11045(b)(2), authorize U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of CERCLA Section 103 and EPCRA Section 304. The Debt Collection Improvement 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 \$32,500 per day of violation for violations that occurred after March 15, 2004, through January 12, 2009; and to \$37,500 per day of violation for violations that occurred after January 12, 2009.

Factual Allegations and Alleged Violations

16. Respondent is a “person” as that term is defined under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

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

18. At all times relevant to this CAFO, Respondent was an owner or operator of a facility located at 2504 N. State Road 161, Richland, Indiana (Facility).

19. At all times relevant to this CAFO, Respondent was in charge of the Facility.

20. Respondent’s Facility consists of a building, structure, installation, equipment, pipe, storage container, motor vehicle, rolling stock, or a site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located.

21. Respondent’s Facility is a “facility” as that term is defined under Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

22. 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.

23. Respondent’s Facility is a “facility” as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

24. Ammonia, designated with Chemical Abstract Service (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).

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

26. Ammonia is listed as a toxic and hazardous substance under Occupational Safety and Health Administration (OSHA) regulations at 29 C.F.R. Part 1910, Subpart Z, and 29 C.F.R. § 1910.1000, Table Z-1.

27. Ammonia CAS # 7664-41-7 is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

28. At all times relevant to this CAFO, ammonia was produced, used or stored at Respondent’s Facility.

29. Ammonia CAS # 7664-41-7 is an “extremely hazardous substance” according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

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

31. On August 12, 2008, at about 5:15 pm CDT, a release of ammonia (Release) began at Respondent’s Facility when a valve was left open on a tank wagon parked at the Facility. The initial Release was stopped within one hour when a firefighter closed the valve on the tank.

32. During the Release, a total of approximately 1,500 pounds of ammonia discharged or escaped into the ambient air.

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

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

35. Respondent had knowledge of the Release on August 12, 2008, at approximately 6:05 pm CDT.

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

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

38. The Release was likely to affect Indiana.

39. At all times relevant to this Complaint, the Indiana State Emergency Response Commission was the SERC for Indiana, under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

40. The Release was likely to affect Spencer County, Indiana.

41. At all times relevant to this Complaint, the Spencer County Local Emergency Planning Committee was the LEPC for Spencer County, under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

Count 1

42. Respondent notified the NRC of the Release on August 13, 2008, at 1:40 pm CDT.

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

44. Respondent's failure to immediately notify the NRC of the Release is a violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

Count 2

45. Respondent notified the Indiana SERC of the Release on August 13, 2008, at 1:00 pm CDT.

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

47. Respondent's failure to immediately notify the SERC of the Release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

Count 3

48. Respondent notified the LEPC of the Release on August 13, 2008, at 1:50 pm CDT. Respondent did not immediately notify the LEPC after Respondent had knowledge of the Release.

49. Respondent's failure to immediately notify the LEPC of the Release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

Count 4

50. Respondent never provided a required written follow-up emergency notice of the Release to the SERC.

51. Respondent's failure 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).

Count 5

52. Respondent never provided a required written follow-up emergency notice of the Release to the LEPC.

53. Respondent's failure to provide written follow-up emergency notice of the Release to the LEPC 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

54. In consideration of the facts alleged in this case; the factors set out in Section 109(a)(3) of CERCLA, 42 U.S.C. § 9609(a)(3), and Section 325(b) of EPCRA, 42 U.S.C. § 11045(b); and Respondent's agreement to perform a Supplemental Environmental Project (SEP), U.S. EPA has determined that an appropriate civil penalty to settle this action is a penalty in the total amount of \$17,500, divided and payable as set out below.

55. U.S. EPA calculated the civil penalty by evaluating the facts and circumstances of this case, with specific reference to the U.S. EPA's "Enforcement Response Policy for Sections 304, 311, and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (dated September 30, 1999)."

56. Within 30 days after the effective date of this CAFO, Respondent must pay a \$3,500 civil penalty for the CERCLA violation, by electronic funds transfer, payable to "EPA Hazardous Substance Superfund," and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire should read
"D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state the following: In the Matter of Superior Ag Resources Co-op, Inc.; the docket number of this CAFO; and the billing document number **2751130B015**_____.

57. Within 30 days after the effective date of this CAFO, Respondent must pay a \$14,000 civil penalty for the EPCRA violations, by electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire should read
"D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state the following: In the Matter of Superior Ag Resources Co-op, Inc.; the docket number of this CAFO; and the billing document number 2751144E023.

58. Respondent must send a Notice of Payment stating: In the Matter of Superior Ag Resources Co-op, Inc.; the case docket number; and the billing document number _____ . Respondent must send a copy of Notice to:

Regional Hearing Clerk
U.S. EPA, Region 5, (E-19J)
77 West Jackson Blvd.
Chicago, IL 60604-3511

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

Reginald Pallesen
Office of Regional Counsel, (C-14J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

59. The civil penalties required by this CAFO are not deductible for federal tax purposes.

60. If Respondent does not timely pay the civil penalty, 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 penalties are not reviewable in a collection action.

61. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. 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 6 percent per year penalty on any principal amount 90 days past due.

Supplemental Environmental Project

62. Within six months of the effective date of this CAFO, Respondent must complete the following supplemental environmental projects (SEPs) designed to protect the environment and public health by: 1) increasing security at its facilities to deter accidental and theft-related releases of ammonia; 2) increasing security and assuring structural integrity of its ammonia tank wagons; and 3) providing equipment to the local fire department for use in responding to releases of hazardous materials, fires and other emergencies.

63. Respondent must complete a facilities security enhancement SEP by installing lighting and security cameras at its Richmond facility, and installing security cameras at its Owensville and Haubstadt facilities, as described in the attached Scopes of Work.

64. Respondent must spend at least \$37,500 to complete the facilities security enhancement SEP.

65. Respondent must complete a tank wagon security enhancement and integrity assurance SEP by installing wagon locks on all 496 of its ammonia tank wagons; purchasing and utilizing ultrasonic thickness gauges to assure structural integrity of its ammonia tank wagons; and conducting employee training on use of the thickness gauges, as described in the attached Scopes of Work.

66. Respondent must spend at least \$24,625 to complete the tank wagon security enhancement and integrity assurance SEP.

67. Respondent must complete an equipment provision SEP by purchasing specified equipment for the Luce Township Fire Department, as described in the attached Scope of Work

68. Respondent must spend at least \$3,500 to complete the equipment provision SEP.

69. Respondent certifies that it is not required to perform or develop any of the SEPs 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 SEPs in any other enforcement action.

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

71. Within 30 days after completion of the SEPs, Respondent must submit a SEP Completion Report to U.S. EPA. This Report must contain the following information:

- a. A detailed description of the SEPs as completed;

- b. An itemized list of costs of goods and services used to complete the SEPs documented by copies of invoices, purchase orders, or canceled checks that specifically identify and itemize the individual costs of the goods and services; and
- c. A certification that Respondent has completed the SEPs in compliance with this CAFO.

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

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

73. 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, it 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.

74. Following receipt of the SEP Completion Report described in paragraph 71, above, U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEPs and the SEP report;
- b. There are deficiencies in the SEPs 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 SEPs or the SEP report, and U.S. EPA will seek stipulated penalties under paragraph 76, below.

75. 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 SEPs as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 76, below.

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

- a. Except as provided in subparagraph (b) immediately below, if the SEPs have not been completed satisfactorily pursuant to this CAFO, Respondent shall pay a stipulated penalty to the United States in the amount of \$52,500;
- b. If the SEPs are not completed in accordance with Paragraphs 63 through 68, above, but U.S. EPA determines that Respondent: i) made good faith and timely efforts to complete the projects; and ii) certifies, with supporting documentation, that Respondent spent on the SEPs at least 90 percent of the amount of money required to be spent, Respondent shall not be liable for any stipulated penalty;
- c. If the SEPs are completed in accordance with Paragraphs 63 through 68, but Respondent spent on the SEPs less than 90 percent of the amount of money required to be expended, Respondent shall pay a stipulated penalty to the United States in the amount of \$ 15,000;
- d. If the SEPs are completed in accordance with Paragraphs 63 through 68, and Respondent spent on the SEPs at least 90 percent of the amount of money required to be expended, Respondent shall not be liable for any stipulated penalty; and
- e. For failure to timely submit the SEP completion report, Respondent shall pay a stipulated penalty as follows:

<u>Penalty Per Day</u>	<u>Period of Noncompliance</u>
\$ 100	1st through 14th day
\$ 250	15th through 30th day
\$ 500	31st day and beyond

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

77. U.S. EPA's determination of whether Respondent satisfactorily completed the SEPs will bind Respondent.

78. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent must use the method of payment and notice provisions specified in paragraphs 57 and 58, above, and must pay interest, handling charges, and nonpayment penalties on any overdue amounts.

79. Any public statement that Respondent makes referring to the SEPs must include the following language, "Superior Ag Resources Co-op undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Superior Ag for violations of Comprehensive Environmental Response, Compensation, and Liability Act and the Emergency Planning and Community Right-to-Know Act."

80. If an event occurs which causes or may cause a delay in completing the SEPs 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 SEPs. 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 SEPs.

- b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEPs, 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 control of Respondent caused or may cause a delay in completing the SEPs, U.S. EPA will notify Respondent in writing of its decision and any delays in completing the SEPs 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 SEPs. Increased costs for completing the SEPs 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.

81. For Federal Income Tax purposes, Respondent agrees that it will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEPs.

General Provisions

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

83. 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.

84. Respondent certifies that it is complying with Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304 of EPCRA, 42 U.S.C. § 11004.

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

86. This CAFO is a "final order" for purposes of U.S. EPA's Enforcement Response Policy for Section 103 of CERCLA and Sections 304, 311 and 312 of EPCRA.

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

88. Each person signing this consent agreement certifies that he or she has the authority

to sign for the party whom he or she represents and to bind that party to its terms.

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

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

**In the Matter of:
Superior Ag Resources Co-op, Inc., Richland, Indiana**

Docket No.


Superior Ag Resources Co-op, Inc., Respondent

5/13/11
Date


Barry Day
General Manager and President

U.S. Environmental Protection Agency, Complainant

7-8-11
Date


Richard C. Karl
Director
Superfund Division

**In the Matter of:
Superior Ag Resources Co-op, Inc., Richland, Indiana
Docket No.**

In the Matter of:
Superior Ag Resources Co-op, Inc., Richland, Indiana
Docket No. MM-05-2011-0012 CERCLA-05-2011-0016

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EPCRA-05-2011-0025

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

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. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

7-11-11
Date



Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

In the Matter of:
Superior Ag Resources Co-op Inc., Richland, Indiana
Docket No. MM-05-2011-0012 CERCLA-05-2011-0016

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EPCRA-05-2011-0025 Certificate of Service

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

I, Ruth McNamara, certify that I hand delivered the original of the Consent Agreement and Final Order 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 Superior Ag Resources Co-op, Inc.'s Counsel by placing them in the custody of the United States Postal Service addressed as follows:

E. Sean Griggs
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, Indiana 46204-3535

on the 13th day of July, 2011

Ruth McNamara
Ruth McNamara
U.S. Environmental Protection Agency
Region 5

MM-05-2011-0012

**Re: Superior Ag Resources Co-op, Inc. (Richland, IN)
Consent Agreement and Final Order, Docket No.**

CERCLA-05-2011-0016

EPCRA-05-2011-0025

SCOPE OF WORK

As required by paragraphs 62 through 68 of the Consent Agreement and Final Order (CAFO), Superior Ag will complete the following described Supplemental Environmental Projects (SEPs):

- a. A facilities security enhancement SEP. Superior Ag will installed six(6) new security lights and four(4) security cameras at its Richmond facility. It will also install five (5) security cameras at both its Owensville and Haubstadt facilities. The security cameras are manufactured by Acti Varifocal / IR 1.2 Megapixel IP Camera and will be operated on a 24-hour basis. The security cameras will be monitored from a remote location.
- b. A tank wagon security enhancement and integrity assurance SEP. Superior Ag will install wagon locks on all of its ammonia tank wagons. It will also purchase and begin utilizing a Cygnus Instruments Model 4 ultrasonic thickness gauge to test the metal thicknesses of the ammonia tank wagons to assure their structural integrity. Superior Ag will provide training to specific employees on the proper use of the Cygnus thickness gauges. Technical specifications for the ultrasonic thickness gauge are attached.
- c. An equipment provision SEP. Superior Ag will purchase safety equipment for the Luce Township Fire Department which will likely include new hoses. Based on current needs, we anticipate approximately five(5) fire water supply hoses (Highwater 5" x 100' section) and five(5) 2.5" x 50' DJ hose sections.