



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

FILED

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U.S. EPA, REGION IX  
REGIONAL HEARING CLERK

DOCKET NO: CAA-09-2008-0022  
This ESA is issued to: Big Valley Ag Services, Inc.  
954 Highway 99, Gridley, CA 95948

For: Violation of Section 112(r)(7) of the Clean Air Act.  
At: Big Valley Ag Services, 954 Highway 99, Gridley, CA 95948

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region IX, by its duly delegated official, Keith Takata, Superfund Director, and by Big Valley Ag Services (Respondent) pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On November 13, 2007, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

I. Respondent was required to (a) certify evaluation of compliance with the Program 2 Prevention Program requirements at least every three years to verify that the procedures and practices developed are adequate and being followed, (b) report the findings of the evaluation, (c) correct any deficiencies, and (d) retain copies of the compliance report. 40 C.F.R. § 68.58; and CAA Section 112(r)(7). Respondent failed to comply with 40 C.F.R. § 68.58, in violation of Section 112(r)(7) of the Act.

II. Respondent was required to review and update its risk management plan (RMP) for the stationary source referenced above and submit it to EPA, as required by Section 112(r)(7) of the Act and 40 C.F.R. §§ 68.150(c), 68.190(a) and 68.195, by June 21, 2004. Respondent failed to review and update its RMP and submit it to EPA on or before June 21, 2004 in violation of Section 112(r)(7) of the Act and 40 C.F.R. §§ 68.150(c), 68.190(a) and 68.195.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history and previous penalties assessed, its good faith effort to comply, the duration and seriousness of the violation, the economic impact of the penalty, economic benefit, 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 violations described above for the total penalty amount of **\$345.00**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below admits to jurisdiction, neither admits nor denies the specific factual allegations contained above, 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 attorney's fees and costs, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed above and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$345.00** in payment of the full penalty amount to the following address:

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center

PO Box 979077  
St. Louis, MO 63197-9000

The check should reference Respondent's name and a copy of this ESA must be included with the check. This original ESA and a copy of the check must be sent by certified mail to:

Karin Graves (SFD-9-3)  
U.S. Environmental Protection Agency  
Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region IX office at the above address in correct form by the Respondent within 30 days of the date of Respondent's receipt of the proposed ESA, the 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 – Big Valley Ag Services, Inc.

Signature: Dean Miller

Date: 3-10-08

Name (print): DEAN Miller

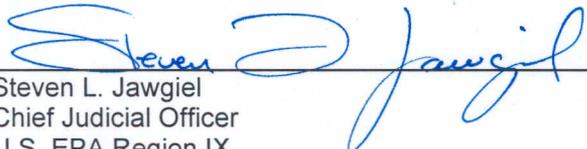
Title (print): President - Big Valley Ag.

FOR COMPLAINANT:

*for*   
Keith Takata  
Superfund Director  
U.S. EPA Region IX

Date: 3-24-2008

It is hereby ORDERED that this ESA be entered and Respondent pay the above penalty.

  
Steven L. Jawgiel  
Chief Judicial Officer  
U.S. EPA Region IX

Date: 03/27/08

21959

THIS PAPER CONTAINS FLUORESCENT FIBERS AND OTHER SECURITY FEATURES

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WELLS FARGO BANK  
GRIDLEY OFFICE

**BIG VALLEY AG SERVICES, INC.**  
P.O. BOX 926 (HIGHWAY 99-E SOUTH)  
GRIDLEY, CA 95948  
PHONE (530) 846-5612

\*\*\*\*\*345.00  
AMOUNT

03/10/08  
DATE

21959  
CHECK NO.

Three Hundred Forty Five Dollars and 00 Cents\*\*\*\*\*

PAY  
TO THE  
ORDER  
OF:

TREASURY OF THE US OF AMERICA

*Dean Miller*  
AUTHORIZED SIGNATURE

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND

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**CERTIFICATE OF SERVICE**

Docket No. CAA-09-2008-

I hereby certify that the original copy of the foregoing Expedited Settlement Agreement, with the Docket number referenced above, has been filed with the Region 9 Hearing Clerk and that a copy was sent by certified mail, return receipt requested, to:

Dean Miller  
Owner  
Big Valley Ag Services, Inc.  
P.O. Box 926  
Gridley, CA 95948

3-27-08

Date

Danielle E. Carr

Danielle Carr  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105