



REGION 5
CHICAGO, IL 60604

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**U.S. EPA REGION 5
HEARING CLERK**

Docket No: CAA-05-2026-0005

This ESA is issued to: United Energy Necedah, LLC
at: N9585 State Road 80, Necedah, Wisconsin
for violations of Section 112(r)(7) of the Clean Air Act.

EXPEDITED SETTLEMENT AGREEMENT

The United States Environmental Protection Agency, Region 5, and United Energy Necedah, LLC, (“Respondent” or “UEN”), have agreed to the settlement of this action before the filing of a Complaint. The 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 the EPA’s authority under Sections 113(a)(3) and (d) of the Clean Air Act (“CAA”), 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 CAA, 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 CAA, 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 October 30, 2024, an authorized EPA representative conducted a compliance inspection of UEN at N9585 State Road 80, Necedah, Wisconsin (“Facility”) under Section 114 of the CAA to determine the Facility’s compliance with the Chemical Accident Prevention Provisions promulgated pursuant to Section 112(r) of the CAA and set forth at 40 C.F.R. Part 68. Based on the October 30, 2024, inspection and documents submitted by Respondent, EPA has determined that Respondent violated the following provisions:

1. 40 C.F.R. § 68.28(b)(1)(i): At the time of the October 30, 2024 inspection, Respondent had calculated the end point for an alternate release scenario, but it did not identify what the alternate release scenario is. Consequently, EPA was unable to determine

whether the alternate release scenario is more likely to occur than the worst-case release scenario.

Resolution: On May 7, 2025, Respondent provided documentation of the failure modes that it considered for its alternative release scenario analysis.

2. 40 C.F.R. § 68.28(b)(2): At the time of the October 30, 2024 inspection, Respondent failed to identify what the alternate release scenario is. Consequently, Respondent did not document whether it considered any of the options in 40 C.F.R. § 68.28(b)(2).

Resolution: On May 7, 2025, Respondent provided documentation of the failure modes that it considered for its alternative release scenario analysis.

3. 40 C.F.R. § 68.28(e): At the time of the October 30, 2024 inspection, Respondent failed to identify what the alternate release scenario is. Consequently, Respondent did not document whether it considered the five-year accident history and failure scenarios identified under § 68.50 or § 68.67.

Resolution: On May 7, 2025, Respondent provided documentation of the failure modes that it considered for its alternative release scenario analysis.

4. 40 C.F.R. § 68.39(a): At the time of the October 30, 2024 inspection, Respondent failed to provide the information described in 40 C.F.R. § 68.39(a) in response to U.S. EPA's inspection announcement and request for certain information sent by electronic mail on October 7, 2024. EPA concluded that Respondent did not maintain the required records.

Resolution: On May 7, 2025, Respondent provided the information described in 40 C.F.R. § 68.39(a).

5. 40 C.F.R. § 68.39(b): At the time of the October 30, 2024 inspection, Respondent failed to provide the information described in 40 C.F.R. § 68.39(b) in response to U.S. EPA's inspection announcement and request for certain information sent by electronic mail on October 7, 2024. EPA concluded that Respondent did not maintain the required records.

Resolution: On May 7, 2025, Respondent provided the information described in 40 C.F.R. § 68.39(b).

6. 40 C.F.R. § 68.39(c): At the time of the October 30, 2024 inspection, Respondent's Risk Management Plan (RMP) registration stated the estimated quantity released, release rate, and duration of release for the worst case scenario and alternate release scenario. However, Respondent failed to document the basis for the estimated quantity released, release rate, and duration of release.

Resolution: On May 7, 2025, Respondent provided the information described in 40 C.F.R. § 68.39(c).

7. 40 C.F.R. § 68.39(d): At the time of the October 30, 2024 inspection, Respondent's RMP registration stated the calculated distance to the worst case scenario and alternate release scenario. However, Respondent failed to state the methodology that it used to determine the distance to the endpoints.

Resolution: On May 7, 2025, Respondent provided the information described in 40 C.F.R. § 68.39(d).

8. 40 C.F.R. § 68.195(b): On or about August 5, 2024, U.S. EPA accessed the Facility's RMP from its Central Data Exchange. On October 7, 2024, U.S. EPA sent an inspection announcement to the contact person listed in the Facility's RMP registration. The contact person replied that the facility was sold to UEN on June 1, 2024. On February 12, 2025, U.S. EPA accessed the Facility's RMP from its Central Data Exchange. The contact person for the prior owner was still listed. U.S. EPA concluded that Respondent did not submit corrected information within one month of the change of the emergency contact information.

Resolution: On May 19, 2025, Respondent revised its RMP Registration to update the required contact information.

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 **\$5,800.00**.

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 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 Expedited Settlement Agreement and Final Order and its right to appeal this Expedited Settlement Agreement and 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 made payment in the amount of **\$5,800.00** by the following method:

Electronic Payment: Pay online through the Department of the Treasury using WWW.PAY.GOV. In the Search Public Form field, enter "SFO 1.1", click "EPA Miscellaneous Payments - Cincinnati Finance Center" and complete the SFO Form Number 1.1. The payment shall be identified in the online system with the ESA Number listed below.

On the same day, after submitting your payment, send an email to cinwd_acctsreceivable@epa.gov and the EPA contact email address noted below. Include in the subject line: "Payment Confirmation for United Energy Necedah, LLC, ESA Docket Number CAA-05-2026-0005." Attach a copy of the ESA and your payment receipt to the email.

Natalie Schulz, Environmental Engineer
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
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Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
r5airenforcement@epa.gov

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

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 CAA or any other statute. The issuance of the Final Order does not waive, extinguish, or otherwise affect Respondent's duty to comply with the CAA, the regulations promulgated thereunder, or any other applicable law or requirement.

If the signed original ESA with proof of payment is not returned to the EPA Region 5 office at the above emails in correct form by Respondent within 30 days of the date of Respondent's receipt of this ESA (60 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 United Energy Necedah, LLC, Docket No.
CAA-05-2026-0005

For Respondent:

Signature: _____ Date: _____

Name (print): _____

Title (print): _____

Expedited Settlement Agreement in the Matter of United Energy Necedah, LLC, Docket No.
CAA-05-2026-0005

For United States Environmental Protection Agency, Complainant:

Carolyn Persoon
Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

Expedited Settlement Agreement

In the Matter of: United Energy Necedah, LLC

Docket No. CAA-05-2026-0005

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.

Ann L. Coyle
Regional Judicial Officer