



UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY-REGION 7

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

NOV 2 AM 8:24

**EXPEDITED SETTLEMENT AGREEMENT (ESA)**

**DOCKET NO:** EPCRA-07-2019-0044

**This ESA is issued to:** Cooperative Farmers Elevator

**At:** 310 E 3<sup>rd</sup> Street, Ashton, Iowa 51232

**for violating Section 312 of the Emergency Planning and Community Right-To-Know Act.**

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA) Region 7, by its duly delegated official, the Director of the Air and Waste Management Division, and by Cooperative Farmers Elevator (Respondent), pursuant to Section 325 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11045, and 40 C.F.R. § 22.13(b).

**ALLEGED VIOLATIONS**

The EPA alleges that Respondent Cooperative Farmers Elevator, 310 E 3<sup>rd</sup> Street, Ashton, Iowa (Facility), failed to timely submit a completed emergency and hazardous chemical inventory form (Tier I or Tier II form as described in 40 C.F.R. §370.25 and 40 C.F.R. Part 370, Subpart D) for the years 2016 and 2017 as required by Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations set forth at 40 C.F.R. Part 370. Under Section 312 of EPCRA and the regulations at 40 C.F.R. Part 370, Respondent was required to submit its Tier I or Tier II form for calendar years 2016 and 2017 on or before March 1, 2017 and March 1, 2018, respectively.

**SETTLEMENT**

EPA and Respondent agree that settlement of this matter for a penalty of **FIVE THOUSAND DOLLARS (\$5,000)** is in the public interest. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the requirements of Section 312 of EPCRA; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to contest the allegations or appeal the final order contained herein.

By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violation has been corrected, and (2) Respondent is submitting payment of the civil penalty with this Agreement. Each party shall bear its own costs and fees, if any.

The civil penalty of **FIVE THOUSAND DOLLARS (\$5,000)** shall be paid by cashier's or certified check to the "Treasurer, United States of America." Respondent shall attach the penalty payment to the signed Agreement and send to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000.

The Docket Number of this ESA is EPCRA-07-2019-0044, and must be included on the check.

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

Christine Hoard  
Chemical & Oil Release Prevention Branch  
U.S. Environmental Protection Agency - Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

Upon Respondent's submission of the original signed ESA, EPA will take no further civil action against Respondent for the alleged violations of EPCRA identified in the ESA. EPA does not waive any right to issue an enforcement action for any other violations by Respondent of EPCRA or any other federal statute or regulation.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region 7 office at the above address in correct form by the Respondent within 45 days of the date of Respondent's receipt 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.

In accordance with 40 C.F.R. § 22.31(b), this ESA is effective upon filing with the Regional Hearing Clerk.

**FOR RESPONDENT:**

Signature: *Dave Muidenburg* Date: 4-19-2019

Name (print): Dave Muidenburg

Title (print): Chief Operations Officer  
Cooperative Farmers Elevator

**FOR COMPLAINANT:**

  
\_\_\_\_\_  
DeAndre Singletary  
Acting Director  
Enforcement and Compliance Assurance Division  
EPA Region 7

Date 4/30/19

  
\_\_\_\_\_  
Christopher Muehlberger, Acting  
Chemical Management Branch Chief  
Office of Regional Counsel  
EPA Region 7

Date 4.29.19

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
Karina Borromeo  
Regional Judicial Officer

Date: May 2, 2019

**CERTIFICATE OF SERVICE**

I certify that that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Christopher Muehlberger  
Muehlberger.christopher@epa.gov

Copy via Email to Respondent:

Dave Muilenburg  
dmuilenburg@coopfe.com

AND/OR

Copy via Certified Mail, Return Receipt Requested to Respondent:

Dave Muilenburg  
Vice President  
Ocheyedan Admin Office  
P.O. Box 69  
Ocheyedan, Iowa 51354

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signed



United Community Bank  
Milford • Okoboji • Hartley • Okecheydan • Lake Park, IA

45271

72-2132/739

REMITTER

COOP FARMERS ELEVATOR

DATE 4-19-19

TREASURER OF THE USA

\$ 5,000.00

PAY TO THE ORDER OF

United Community Bank

5000 DOLLARS

DOLLARS

*This document has a colored background, CopyShield, FontGuard, and a backside authentic watermark; absence of these features will indicate a copy.*

2 SIGNATURES REQUIRED FOR \$500 AND OVER

# CASHIER'S CHECK

*Anna K. Linder Neulen*  
*Laura Glade*

DOCKET # ESA=EPCRA-07-2019-0044

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