



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

2007 JUN 12 PM 1:17

EXPEDITED SETTLEMENT AGREEMENT (ESA) REPLY TO THE ATTENTION OF:

DOCKET NO: RMP-06-ESA-013

BD 2750703A005

This ESA is issued to: Morris Cooperative Association
At: 1000 Atlantic Avenue, Morris, Minnesota
for violating Section 112(r)(7) of the Clean Air Act.

CAA-05-2007-0005

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 5, by its duly delegated official, the Director, Division, and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On August 31, 2005, 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

On June 14, 2006, EPA sent a request for information pursuant to Section 114(a) of the Clean Air Act, 42 U.S.C. 7413, 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 file Risk Management Plan within six months of an accident as required by 40 C.F.R. 68.195(a). Additionally, EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with the regulations as noted on the attached RISK MANAGEMENT PLAN INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET (Violations Form), which is hereby incorporated by reference.

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 the ESA in order to settle the violations, described in the attached FORM for the total penalty amount of **\$2460.00**.

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 in herein and in the FORM, 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 United States Government, that the Respondent has corrected the violations listed in the attached FORM and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$2460.00 in payment of the full penalty amount to the following address:

U.S. EPA Region 5
 Attn: Finance
 PO Box 70753
 77 West Jackson Boulevard
 Chicago, Illinois 60673

REGIONAL HEARING CLERK

The DOCKET NUMBER OF THIS ESA **must be included on the check.** (The DOCKET NUMBER is RMP-06-ESA-013.)

NOV 12 11 17

CAA-05-2007-0005

BD 2750703A005

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

Greg Chomycia
Office of Chemical Emergency
Preparedness and Prevention (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 referenced in the Violations Form. EPA does not waive any other enforcement action for any other violations 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 and in the FORM.

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Signature: Dean Longnecker Date: 11/27/06
Name (print): Dean Longnecker
Title (print): General Manager

Morris Cooperative Association
1000 Atlantic Avenue
Morris, Minnesota

FOR COMPLAINANT:

Richard C. Karl Date: 3-8-07
Richard C. Karl, Director,
Superfund Division

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

Richard C. Karl for Date: 3-9-07
Mary A. Gade
Regional Administrator

FEDERAL REGISTER
 REGIONAL OFFICE CLERK
 207 MAR 12 PM 1:17



U.S. ENVIRONMENTAL PROTECTION AGENCY
RISK MANAGEMENT PROGRAM INSPECTION FINDINGS,
ALLEGED VIOLATIONS AND PROPOSED PENALTY SUMMARY

REASON FOR INSPECTION: This inspection is for the purpose of determining compliance with the accidental release prevention requirements of Section 112(r)(7) of the Clean Air Act (Act), 42 U.S.C. § 7412(r)(7), and the regulations set forth at 40 C.F.R. Part 68. The scope of this inspection may include, but is not limited to: reviewing and obtaining copies of documents and records; interviews and taking of statements; reviewing chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

FACILITY NAME Morris Cooperative Association	<input checked="" type="checkbox"/> PRIVATE 29 EMPLOYEES	<input type="checkbox"/> GOVERNMENTAL/MUNICIPAL
FACILITY ADDRESS 1000 Atlantic Ave, Morris, Minnesota		
RESPONSIBLE OFFICIAL, TITLE, PHONE NUMBER Dean Longnecker, General Manager	EPA FACILITY ID# 1000 0002 1745	

INSPECTION FINDINGS

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR 68)? YES NO

DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185? YES NO

DATE RMP FILED WITH EPA: 6 / 03 / 99 DATE OF LATEST RMP UPDATE: 6 / 10 / 04

1) PROCESS/NAICS CODE: 42469 PROGRAM LEVEL: 1 2 3
 REGULATED SUBSTANCE: Anhydrous Ammonia MAX. QUANTITY IN PROCESS: >100,000 (lbs)

2) PROCESS/NAICS CODE: _____ PROGRAM LEVEL: 1 2 3
 REGULATED SUBSTANCE: _____ MAX. QUANTITY IN PROCESS: _____ (lbs)

3) PROCESS/NAICS CODE: _____ PROGRAM LEVEL: 1 2 3
 REGULATED SUBSTANCE: _____ MAX. QUANTITY IN PROCESS: _____ (lbs)

4) PROCESS/NAICS CODE: _____ PROGRAM LEVEL: 1 2 3
 REGULATED SUBSTANCE: _____ MAX. QUANTITY IN PROCESS: _____ (lbs)

5) PROCESS/NAICS CODE: _____ PROGRAM LEVEL: 1 2 3
 REGULATED SUBSTANCE: _____ MAX. QUANTITY IN PROCESS: _____ (lbs)

DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES? YES NO

ATTACHED CHECKLIST(S):

PROGRAM LEVEL 1 PROCESS CHECKLIST PROGRAM LEVEL 2 PROCESS CHECKLIST PROGRAM LEVEL 3 PROCESS CHECKLIST

OTHER ATTACHMENTS: _____

INSPECTION SYMBOL KEY: Y - YES, N - NO, N/A - NOT APPLICABLE, S - SATISFACTORY, M - MARGINAL, U - UNSATISFACTORY