



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

JAN 26 2011

REPLY TO THE ATTENTION OF:

SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Don Full
Lyon County Farm Service J.V. Minneota Plant
P.O. Box 98
Ghent, Minnesota 56239

RE: Expedited Settlement Agreement
ESA Docket No. RMP-11-ESA-007
Docket No. **CAA-05-2011-0021**

BH

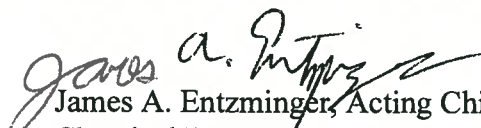
2751103A019

Dear Mr. Full:

Enclosed please find a copy of the fully executed Risk Management Plan Expedited Settlement Agreement (ESA). The ESA is binding on EPA and Lyon County Farm Service J.V. Minneota Plant. EPA will take no further action against Lyon County Farm Service J.V. Minneota Plant for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact Mr. Greg Chomycia at (312)353-8217, or chomycia.greg@epa.gov, if you have any questions regarding the enclosed document or if you have any other question about the program. Thank you for your assistance in resolving this matter.

Sincerely,


James A. Entzminger, Acting Chief
Chemical Emergency
Preparedness & Prevention Section

Enclosure



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

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**EXPEDITED SETTLEMENT
 AGREEMENT (ESA)**

**REGIONAL HEARING CLERK
 USEPA
 REGION 5**

DOCKET NO: RMP-11-ESA-007

CAA-05-2011-0021

This ESA is issued to: Lyon County Farm Service J.V. Minneota Plant

At: 117 Industrial Way, Minneota, Minnesota

for violating **Section 112(r)(7) of the Clean Air Act.**

BDH **2751103A019**

This Expedited Settlement Agreement (ESA) is being entered into by the U. S. Environmental Protection Agency, Region 5, by its duly delegated official, the Director, Superfund Division, and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On May 24, 2010, 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 March 2, 2010, EPA sent a Request for Information Pursuant to Section 114(a) of the Clean Air Act 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 comply with 40 C.F.R. Part 68.190(b)(1), the requirement to resubmit its RMP at least every five years.

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 this ESA in order to settle the violation for the total penalty amount of **\$300.00**.

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 herein, 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 U. S. Government, that the Respondent has corrected the violations and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$300.00** in payment of the full penalty amount to the following address:

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

The DOCKET NUMBER OF THIS ESA must be included on the check. (The DOCKET NUMBER is RMP-11-ESA-007.)

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

Greg Chomycia
Chemical Emergency
Preparedness and Prevention Section (SC-5J)
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. EPA does not waive any other enforcement action for any other violation 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.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:


Signature:  Date: 12-5-10

Name (print): John R. Head

Title (print): General Manager

Lyon County Farm Service J.V, Minneota Plant

FOR COMPLAINANT:

 Date: 1/7/2011

Richard C. Karl, Director
Superfund Division

R. Karl 1-18-11

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

 Date: 1-20-11

Susan Hedman
Regional Administrator

CAA-05-2011-0021

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JAN 26 2011

REGIONAL HEARING CLERK
USEPA
REGION 5

Belview, MN 56214
Danube, MN 56230
Gibbon, MN 55335



PO. Box 439
REDWOOD FALLS, MN 56283

Marshall, MN 56258
Merton, MN 56270
St. Cloud, MN 56302

12493

6 6306

75-1584/919

December 06, 2010
DATE

\$ *300.00*

Treasurer, United States of America Docket RMP11 ESH007

PAY TO THE ORDER OF

PAY EXACTLY 300 DOL 00CTS

DOLLARS

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

CASHIER'S CHECK

Mitchell
MP

⑆012493⑆ ⑆091915845⑆ 1010012894⑆

DELUXE BLUESTONE

CAA-05-2011-0021

BA# 275113A019

RECEIVED

JAN 26 2011

**REGIONAL HEARING CLERK
USEPA
REGION 5**