

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, ILLINOIS 60604-3590

DOCKET NO: RMP-20-ESA-007**This ESA is issued to:** Gateway FS, Inc. - Venedy**at:** 11019 County Highway 12, Venedy, Illinois 62214**for violations of Section 112(r)(7) of the Clean Air Act.** CAA-05-2020-0024**EXPEDITED SETTLEMENT AGREEMENT**

The United States Environmental Protection Agency, Region 5, and Gateway FS, Inc. – Venedy (“Respondent”), have agreed to the settlement of this action before the filing of a Complaint. 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 EPA’s authority under Sections 113(a)(3) and (d) of the Clean Air Act (“Act”) 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 Act, 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 Act, 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 September 17, 2019, an authorized EPA representative conducted a compliance inspection of the Respondent’s facility to determine its compliance with the Risk Management Program (“RMP”) regulations promulgated pursuant to Section 112(r) of the Act, and set forth at 40 C.F.R. Part 68. Based on the September 17, 2019 inspection, EPA has determined that Respondent violated the following provision of the regulation:

- 40 C.F.R. § 68.56(a): Respondent failed to implement procedures to maintain the on-going mechanical integrity of the anhydrous ammonia storage tank and nurse tanks.

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 this alleged violation for the total penalty amount of **\$960**.

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 allegation in the ESA and waives any objections that it may have regarding jurisdiction. Respondent waives its right to contest the specific factual allegation contained herein, and neither admits nor denies this specific factual allegation. Respondent acknowledges that pursuant to 40 C.F.R. § 22.15(c), and Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), it has the right to request a hearing on any material fact, or on the appropriateness of the penalty, but Respondent waives its rights to such a hearing. Respondent also waives its right to appeal this ESA and the accompanying 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 violation set forth in this ESA, and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$960** 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-20-ESA-007.)

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

Silvia Palomo
Chemical Emergency
Preparedness and Prevention Section (SE-5J)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

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

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 Respondent within 45 days of the date of Respondent's receipt of this ESA (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 violation 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 Gateway FS, Inc. - Venedy, Venedy, Illinois
Docket No. CAA-05-2020-0024

FOR RESPONDENT:

Signature: 
Name (print): Paul Felle
Title (print): General Manager Gateway FS
Respondent

Date: 5-6-20

FOR COMPLAINANT:

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2020.07.09
15:46:55 -05'00'

Michael D. Harris
Director
Enforcement and Compliance Assurance Division

Date: _____

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 [redacted] the foregoing Expedited Settlement Agreement, which upon its filing with the Regional Hearing Officer shall become immediately effective. This Final Order concludes this proceeding pursuant to §§ 22.18 and 22.31.

IT IS SO ORDERED.

ANN COYLE

Digitally signed by ANN
COYLE
Date: 2020.07.10
15:39:27 -05'00'

Date: _____

Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5

200682

CHECK DATE: 05/18/2020

Account #

50318 TREASURER, UNITED STATES OF AMERICA

| Invoice | Date | Description | Discount | Amount |
|----------------|------------|-------------|----------|--------|
| RMP-20-ESA-007 | 05/01/2020 | | 0.00 | 960.00 |

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Gateway FS
221 East Pine Street
PO Box 100
Red Bud, IL 62278

COBANK, ACB
82-750/1070

200682

| | |
|--------|------------|
| DATE | 05/18/2020 |
| AMOUNT | \$960.00 |

PAY Nine hundred sixty and xx / 100 Dollars

TO THE ORDER OF
TREASURER, UNITED STATES OF AMERICA
, IL

Carl Telle

⑈ 20068 2⑈ ⑆ 107007508⑆

⑆ 274583090⑈