



**UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101**

**ENFORCEMENT &
COMPLIANCE ASSURANCE
DIVISION**

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-10-2021-0208
This ESA is issued to: Cedar Grove Warehouse, Inc.
430 7th Avenue South
Buhl, Idaho 83316

This Expedited Settlement Agreement (ESA) is being entered into by the U.S. Environmental Protection Agency Region 10 (EPA), by its duly delegated official, and by Cedar Grove Warehouse, Inc. ("Respondent") pursuant to Section 113(a)(3) and (d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On November 3, 2020, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

EPA has determined that Respondent violated the Risk Management Program (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Clean Air Act (CAA), as noted on the enclosed Risk Management Plan Inspection Findings and Alleged Violations Summary ("Summary"), which is hereby incorporated by reference.

SETTLEMENT

In consideration of the penalty assessment factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e), and upon consideration of the entire record, the parties enter into the ESA in order to settle the violations described in the enclosed Summary for the total penalty amount of **\$1,200**.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the Summary, and consents to the assessment of the penalty as stated above.

Respondent waives its rights to contest the allegations contained herein or in the Summary, to a hearing afforded by Section 113(d)(2)(A) of the CAA, 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 Respondent has corrected the violations listed in the enclosed Summary.

Respondent agrees to submit payment in full of the \$1,200 within 30 days of the filing of a fully executed copy of this ESA with the Regional Hearing Clerk.

Payment instructions are included on the enclosed "Payment Instructions," which is hereby incorporated by reference.

This original ESA must be sent by certified mail to:

Javier Morales, 112(r) Enforcement Coordinator
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 155, Mail Stop: 20-C04
Seattle, Washington 98101-3188


Upon Respondent's submission of the signed original ESA, signature by EPA, filing with the Regional Hearing Clerk, and timely payment of the penalty, EPA will take no further civil penalty action against Respondent for the alleged violations of the CAA referenced in the Summary. EPA does not waive its right to any other enforcement action for any other violations of the CAA or any other statute.

If the signed original ESA is not returned to the EPA Region 10 at the above address by 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 Summary.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Signature: 
Name (print): Michael Lecher
Title (print): Compliance Manager
Cost to correct violation(s): 1200.00

Date: 8/26/2021

FOR COMPLAINANT:

EDWARD KOWALSKI Digitally signed by EDWARD KOWALSKI
Date: 2021.08.26 16:24:34 -07'00'
Edward J. Kowalski
Director
Enforcement & Compliance Assurance Division

Date: _____

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

RICHARD MEDNICK Digitally signed by RICHARD MEDNICK
Date: 2021.08.27 10:00:00 -07'00'
Richard Mednick
Regional Judicial Officer

Date: _____

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO.
)	CAA-10-2021-0208
Cedar Grove Warehouse, Inc.)	
)	CERTIFICATE OF SERVICE
430 7th Avenue South, Buhl, Idaho 83316)	
)	
Respondent.)	
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The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Cedar Grove Warehouse, Inc., Docket No.: CAA-10-2021-0208**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

Javier Morales
U.S. Environmental Protection Agency
Region 10, Mail Stop 20-C04
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
Morales.javier@epa.gov

Further, the undersigned certifies that a true and correct copy of the aforementioned document was delivered electronically to:

Michael Lecher
Compliance Manager
Cedar Grove Warehouse, Inc.
323 South Main Street
Cedar Grove, WI 53013
mlecher@cedargrowarehouse.com

DATED this _____ day of _____, 2021.

TERESA
YOUNG

Digitally signed by TERESA
YOUNG
Date: 2021.08.27 11:33:59
-07'00'

TERESA YOUNG
Regional Hearing Clerk
EPA Region 10