



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

AUG 15 2011

REPLY TO THE ATTENTION OF:
SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Maurice Pierce
Pierce Grain Inc.
302 Zehner Street
P.O. Box 326
Windfall, Indiana 46076

RE: Expedited Settlement Agreement
ESA Docket No. RMP-11-ESA-013
Docket No. **CAA-05-2011-0046**

BD# **2751103A045**

Dear Mr. Pierce:

Enclosed please find a copy of the fully executed Risk Management Plan Expedited Settlement Agreement (ESA). The ESA is binding on EPA and Pierce Grain Inc. EPA will take no further action against Pierce Grain Inc. 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,

A handwritten signature in black ink that reads "Bob Mayhugh".

Bob Mayhugh, Acting Chief
Chemical Emergency
Preparedness & Prevention Section

Enclosure



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

REGIONAL HEARING CLERK
U.S. EPA REGION 5
2011 AUG 16 AM 10:40

**EXPEDITED SETTLEMENT
AGREEMENT (ESA)**

CAA-05-2011-0046

BD# 2751103A045

DOCKET NO: RMP-11-ESA-013
This ESA is issued to: Pierce Grain Inc.
At: 302 Zehner Street, Windfall, Indiana
for violating **Section 112(r)(7) of the Clean Air Act.**

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).

ALLEGED VIOLATIONS

On February 19, 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 **\$600.00**.

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 **\$600.00** 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-013.)

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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-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. 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: Maurice W. Pierce Date: 12-20-2010
Name (print): Maurice W. Pierce
Title (print): Owner / Manager
Pierce Grain Inc.

FOR COMPLAINANT:

Richard C. Karl Date: 7-20-11
Richard C. Karl, Director
Superfund Division

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

S Hedman Date: 8-10-11
Susan Hedman
Regional Administrator

CAA-05-2011-0046

Cashier's Check 317298

Date: 12/23/10

Branch: 0453

\$600.00



71917
749

REMITTER PIERCE GRAIN INC

SIX HUNDRED DOLLARS AND 00/100

PAY TO THE ORDER OF TREASURER, UNITED STATES OF AMERICA

STAR Financial Bank
P.O. Box 11409
Fort Wayne, IN 46858-1409

Docket # RMP-11-ESA-013

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