



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

JAN 10 2011

REPLY TO THE ATTENTION OF:

SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jon Meyer
Sunrich Inc.
P.O. Box 128
Hope, Minnesota 56046

RE: Expedited Settlement Agreement
ESA Docket No. RMP-11-ESA-018
Docket No. **CAA-05-2011-0015**

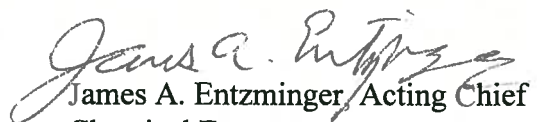
BA# **2751103A013**

Dear Mr. Meyer:

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


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

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA REGION 5

2011 JAN 10 PM 2:20

Box 4077

1200-

**EXPEDITED SETTLEMENT
AGREEMENT (ESA)**

CAA-05-2011-0015

DOCKET NO: RMP-11-ESA-018

This ESA is issued to: Sunrich Inc.

At: 3824 Southwest 93rd Street, Hope, Minnesota

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

BA# 2751103A013

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 February 23, 2009, 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 **\$1200.00**.

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 **\$1200.00** 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-018.)

RECEIVED
REGIONAL HEARING CLERK
EPA REGION 5
2011 JAN 10 PM 2:20

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 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:  Date: 12/3/10

Name (print): Ricky W. Johnson

Title (print): Vice President

Sunrich Inc.

FOR COMPLAINANT:

 Date: 12/22/10

Richard C. Karl, Director
Superfund Division

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

 Date: 12-29-10

Susan Hedman,
Regional Administrator

CAA-05-2011-0015

COLLECTION INFORMATION

DEPOSIT (SCHEDULE) NUMBER 2710411

SUSPENSE FEDERAL HEARING CLERK U.S. EPA REGION LIABILITY

CR NUMBER CAA Sunrich

REMOVED BY 2011 JAN 10 PM 2:20

BILL NUMBER (IF DIFFERENT FROM CR NUMBER)

REMOVED DATE _____

DATE ITEM REC'D (IF NOT CIRCLED ON CHECK)

IFMS ENTERED DATE 12-10-10

NOT IN: ICIS, BRAINS, RHC DATABASE

COLLECTION ENTRY DONE BY Jess

IPACTO: LV RTP HQ

ACCOUNTING

| CR Line | BFY | APPR | Bud Org | PRC | BOC | Site/Proj | AMOUNT | Ref. Line | Rep Cat |
|------------|-----------|-------------|-----------|-----|-----|-----------|----------------|----------------|---------|
| <u>001</u> | <u>11</u> | <u>1099</u> | <u>80</u> | | | | <u>1200.00</u> | 998 | |
| | | | | | | | | 997 | |
| | | | | | | | | 001 | |
| | | | | | | | | 002 | |
| | | | | | | | | 003 | |
| | | | | | | | | 004 | |
| | | | | | | | | 005 | |
| | | | | | | | | 999 | |

KEY: REF LINE NO. 997=Interest LINE NO. 998=Handling LINE NO. 999=Penalty

CAA-05-2011-0015

BD # 2751103A013

QUALITY MEANS MEETING THE REQUIREMENTS BOX 979077
 SEQ# 004 \$ 0000120000 BA# 357 12-15-10 20 4



SUNRICH LLC
 P.O. BOX 128
 HOPE, MN 56048
 (507) 451-8030

HARBOR TRUST AND SAVINGS BANK
 CHICAGO, ILLINOIS

1061665

DEC. 10. 2010

CHECK AMOUNT
 ****1,200.00

ONE THOUSAND TWO HUNDRED AND NO/100 DOLLARS

SUNRICH LLC

PAY TO THE ORDER OF
 TREASURER, UNITED STATES OF AMERICA

[Signature]

⑆1061665⑆ ⑆071000288⑆ 422481-2⑆ ⑆0000120000⑆