



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

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Chris Burki
Manager, Health Safety and Environment
Valero Renewable Fuels
N5355 Junction Road
Jefferson, Wisconsin 53549

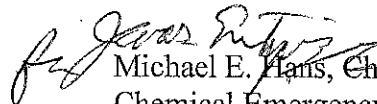
Re: Expedited Settlement Agreement Docket No: RMP-13-ESA-0001
Docket No. **CAA-05-2013-0025**

Dear Mr. Burki:

Enclosed please find a copy of the fully executed Risk Management Plan Expedited Settlement Agreement (ESA). The ESA is binding on EPA and the Valero Renewable Fuels, LLC, Jefferson Wisconsin facility. EPA will take no further action against Valero Renewable Fuels, LLC, Jefferson, Wisconsin facility for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact Mr. Bob Mayhugh at (312)886-5929, or mayhugh.robert@epa.gov, if you have any questions regarding the enclosed document or if you have any other questions about the program. Thank you for your assistance in resolving this matter.

Sincerely,


Michael E. Hans, Chief
Chemical Emergency
Preparedness & Prevention Section

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604-3590

RECEIVED

MAY 15 2013

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

DOCKET NO: RMP-13-ESA-0001

This ESA is issued to: Valero Renewable Fuels Company, LLC
at: N5355 Junction Road, Jefferson, Wisconsin
for violations of Section 112(r)(7) of the Clean Air Act.

CAA-05-2013-0025

EXPEDITED SETTLEMENT AGREEMENT

The United States Environmental Protection Agency, Region 5, and Valero Renewable Fuels Company, LLC ("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 Superfund 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.

ALLEGED VIOLATIONS

On September 14, 2011 an authorized EPA representative conducted a compliance inspection of the Valero Renewable Fuels Company, LLC facility located at N5355 Junction Road, Jefferson, Wisconsin, to determine its compliance with the Risk Management Plan ("RMP") regulations promulgated pursuant to Section 112(r) of the Act, and set forth at 40 C.F.R. Part 68. Based on the Inspection of September 14, 2011 and documents submitted by Respondent, EPA has determined that Respondent violated the following regulations:

1. 40 C.F.R. § 68.65(c)(1)(iv)-Respondent failed to document information pertaining to the safe upper and lower limits for such items as temperatures, pressures, flows or compositions;
2. 40 C.F.R. § 68.65(c)(1)(v)-Respondent failed to document information pertaining to an evaluation of the consequences of deviation;
3. 40 C.F.R. § 68.65(d)(1)(iii)-Process Safety Information provided by the Respondent failed to contain information pertaining to the process' electrical classification;

4. 40 C.F.R. § 68.65(d)(1)(iv)-Process Safety Information provided by the Respondent failed to contain information pertaining to the process' relief system design and design basis;
5. 40 C.F.R. § 68.65(d)(1)(v)-Process Safety Information provided by the Respondent failed to contain information pertaining to the process' ventilation system design;
6. 40 C.F.R. § 68.65(d)(1)(vi)-Process Safety Information provided by the Respondent failed to contain information pertaining to the process' design codes and standards employed;
7. 40 C.F.R. § 68.65(d)(1)(vii)-Process Safety Information provided by the Respondent failed to contain information pertaining to the Materials and Energy balances for the process;
8. 40 C.F.R. § 68.65(d)(1)(viii)-Process Safety Information provided by the Respondent failed to contain information pertaining to the process safety systems;
9. 40 C.F.R. § 68.65(d)(2)-Respondent failed to document that equipment complies with recognized and generally accepted good engineering practices, and
10. 40 C.F.R. § 68.69(d)-Respondent failed to certify annually that the operating procedures are current and accurate and that procedures have been reviewed as often as necessary.

SETTLEMENT

In consideration of the full compliance history of the Respondent, 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 these alleged violations for the total penalty amount of **\$7,500**.

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 allegations in the ESA, and waives any objections that it may have regarding jurisdiction. Respondent waives its right to contest the specific factual allegations contained herein, and neither admits nor denies these specific factual allegations. 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 violations 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 \$7,500 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-13-ESA-0001.)

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

Bob Mayhugh
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, 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 violations 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 violations 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.

FOR RESPONDENT:

Signature: *Darrin Baron* Date: 4/5/2013

Name (print): Darrin Baron

Title (print): Vice President
Respondent

FOR COMPLAINANT:

Richard C. Karl Date: 5/8/2013

Richard C. Karl, Director
Superfund Division

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 the terms of the foregoing Expedited Settlement Agreement, which upon its filing with the Regional Hearing Clerk shall become immediately effective. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED.



Date: 5-9-13

Susan Hedman
Regional Administrator



MAY 15 2013

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY