



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

JUL 01 2010<sup>1</sup>

REPLY TO THE ATTENTION OF:

SC-6J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Greg Yoder  
Danvers Farmers Elevator Company  
200 South West Street  
Danvers, Illinois 61732

Re: Danvers Farmers Elevator Company, Danvers, Illinois  
Expedited Settlement Agreement  
ESA Docket No: RMP-10-ESA-019  
Docket No. **CAA-05-2010-0039**

Dear Mr. Yoder:

Enclosed please find a copy of the fully executed Risk Management Plan Expedited Settlement Agreement (ESA) in resolution of the above case. The ESA is binding on U.S. Environmental Protection Agency and Danvers Farmers Elevator Company. EPA will take no further action against Respondent for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact Silvia Palomo at (312) 353-2172 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, appearing to read "Mark J. Horwitz".

Mark J. Horwitz, 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

2010 JUL -1 AM 11:15

REPLY TO THE ATTENTION OF:

**EXPEDITED SETTLEMENT  
AGREEMENT (ESA)**

CAA-05-2010-0039

DOCKET NO: RMP-10-ESA-019

This ESA is issued to: Danvers Farmers Elevator Company

At: 200 South West Street, Danvers, Illinois

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

BDA# 2751003A039

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 12, 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 **\$800.00**.

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 listed in the attached FORM and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$800.00** 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

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U.S. EPA REGION 5  
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The DOCKET NUMBER OF THIS ESA **must be included on the check.** (The DOCKET NUMBER is RMP-10-ESA-0.)

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

Silvia Palomo  
Chemical Emergency  
Preparedness and Prevention Section (SC-6J)  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

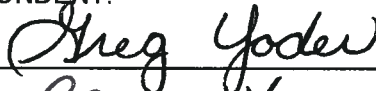
Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Act. EPA does not waive any other enforcement action for any other violation of the Clean Air Act or any other statute.

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 and in the FORM.

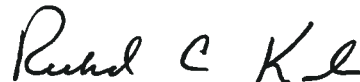
This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Signature:  Date: 6/8/2010  
Name (print): GREG YODER  
Title (print): AGRONOMY MANAGER  
Name of Facility DANVERS FARMERS ELEVATOR COMPANY  
200 S. WEST ST., DANVERS, IL 61732

FOR COMPLAINANT:

 Date: 6-24-10  
Richard C. Karl, Director  
Superfund Division

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

 Date: 6-28-10  
~~Bharat Mathur~~ Susan Hedman  
Acting Regional Administrator

CAA-05-2010-0039

BDH# 2751003A039



# FIRST SECURITY BANK

A Full Service Bank Since 1882  
P.O. Box 290 • Mackinaw, IL 61755

CASHIER'S CHECK

70-965-711

No. 014866

EXACTLY \*\*\*\*\*800 DOLLARS AND 00 CENTS

\*\*\*\*\*\$800.00

PAY TO  
THE  
ORDER  
OF

Treasurer, U.S. of A.

RMP-10-ESA-019

06-08-2010

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*Brooklyn E. Richardson*



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2012000⑈

200



FIRST SECURITY BANK

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P.O. Box 290 • Mackinaw, IL 61755

REGISTER COPY

CHECK #: 14966

DATE: 06-08-2010

AMOUNT: \$800.00

MEMO: Greg Yoder

No. 014966  
PAYEE: Treasurer, U.S. of A.

RMP-10-ESA-019

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CAA-05-2010-0039

BD# 2751003A039