



**EXPEDITED SPCC SETTLEMENT AGREEMENT**  
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 7, 11201 RENNER BOULEVARD, LENEXA, KANSAS 66219**

2018 SEP 25 PM 12:28

**DOCKET NO. CWA-07-2018-0243**

On: April 4, 2018  
 At: 228 North Broadway Street, Bloomfield, Nebraska

Owned or operated by, Farmers Pride Cooperative (Respondent), an authorized representative of the U.S. Environmental Protection Agency (EPA) conducted an inspection to determine compliance with the Oil Pollution Prevention regulations promulgated at 40 C.F.R. Part 112 under Section 311(j) of the Clean Water Act (33 U.S.C. § 1321(j)) (the Act), and found that Respondent had violated regulations implementing Section 311(j) of the Act by failing to comply with the regulations as noted on the attached **SPILL PREVENTION CONTROL AND COUNTERMEASURE INSPECTION FINDINGS, ALLEGED VIOLATIONS, AND PROPOSED PENALTY FORM (Form)**, which is hereby incorporated by reference.

This proceeding and the Expedited Settlement are under the authority vested in the Administrator of the EPA by Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 C.F.R. § 22.13(b). The parties enter into this Expedited Settlement in order to settle the civil violations described in the Form for a penalty of **\$1,650**.

This settlement is subject to the following terms and conditions:

The EPA finds that Respondent is subject to the SPCC regulations, which are published at 40 C.F.R. Part 112, and has violated the regulations as further described in the Form. Respondent admits that he/she is subject to 40 C.F.R. Part 112 and that the EPA has jurisdiction over Respondent and Respondent's conduct as described in the Form. Respondent does not contest the Inspection Findings, and waives any objections it may have to the EPA's jurisdiction.

Respondent consents to the assessment of the penalty stated above. Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations have been corrected and **Respondent has sent a certified check in the amount of \$1,650 payable to the "Environmental Protection Agency," via certified mail to:**

U.S. Environmental Protection Agency  
 P.O. Box 979077  
 St. Louis, Missouri 63197-9000

and Respondent has noted on the penalty payment check Docket No. CWA-07-2018-0243 and "OSLTF - 311."  
**The original, signed Settlement Agreement and copy of the penalty payment check must be sent via certified mail to:**

Christine Hoard  
 U.S. Environmental Protection Agency  
 Region 7, AWMD/CORP  
 11201 Renner Boulevard  
 Lenexa, Kansas 66219

This Expedited Settlement resolves Respondent's liability for Federal civil penalties for the violations of the SPC regulations described in the Form. However, the EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the SPCC regulations or of any other federal statute or regulations. By its first signature, the EPA ratifies the Inspection Findings and Alleged Violations set forth in the Form.


Upon signing and returning this Expedited Settlement to the EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to the EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signified below, and is effective upon the Regional Judicial Officer's signature and filing with the Regional Hearing Clerk.

APPROVED BY EPA:

 Date 9/18/18  
 Chief, Chemical & Oil Release Prevention Branch  
 Air & Waste Management Division

APPROVED BY RESPONDENT:

Name (print): Dawn Pochop  
 Title (print): Human Resources  
 Signature:   
 Date: 9/6/18

The estimated cost for correcting the violation(s) is:

\$ 10,000.00

IT IS SO ORDERED:

 Date Sept. 25, 2018  
 Karina Borromeo  
 Regional Judicial Officer

IN THE MATTER Of  
Farmers Pride Cooperative  
Docket No. CWA-07-2018-0243

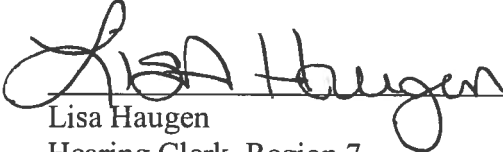
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Expedited Settlement Agreement (ESA) was sent this day in the following manner to the addressees:

Copy by First Class Mail to Respondent:

Dawn Pochap  
Farmers Pride Cooperative  
228 North Broadway St.  
Bloomfield, NE 68718

Dated: Sept. 25, 2018

  
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Lisa Haugen  
Hearing Clerk, Region 7