



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

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REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

REPLY TO THE ATTENTION OF

SC-5J

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

Kevin Reed  
Hi Yield Products Inc.  
23282 620<sup>th</sup> Avenue  
Alden, Minnesota 56009

RE: Expedited Settlement Agreement  
ESA Docket No. RMP-11-ESA-004  
Docket No. CAA-05-2011-0011

BD# 2751103A010

Dear Mr. Reed:

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

Mark J. Horwitz, Chief  
Chemical Emergency  
Preparedness & Prevention Section

Enclosure



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**EXPEDITED SETTLEMENT  
 AGREEMENT (ESA)**

DOCKET NO: RMP-11-ESA-004

This ESA is issued to: Hi Yield Products Inc.

At: 23282 620<sup>th</sup> Avenue, Alden, Minnesota

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 **\$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 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

The DOCKET NUMBER OF THIS ESA must be included on the check. (The DOCKET NUMBER is RMP-11-ESA-004.)

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

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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: 

Date: 12-2-2010

Name (print): Kevin Reed

Title (print): Manager

Hi Yield Product Inc.

FOR COMPLAINANT:

  
Richard C. Karl, Director  
Superfund Division

Date: 12/15/10

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

  
Susan Hedman  
Regional Administrator

Date: 12/16/10

CAA-05-2011-0011

31256

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**HI-YIELD PRODUCTS, INC.**  
23282 620TH AVENUE  
ALDEN, MN 56009  
PH: 507-874-3750

**U.S. ENVIRONMENTAL PROTECTION AGENCY**  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
FINES & PENALTIES  
CINNINNATI FINANCE CENTER  
P.O. BOX 979077  
ST. LOUIS, MO 63197-9000  
MEMO RMP-11-ESA-004

PAY TO THE ORDER OF U.S. ENVIRONMENTAL PROTECTION AGENCY

11/30/2010

\$ \*\*800.00

Eight Hundred and 00/100\*\*\*\*\* DOLLARS

*Kari John*  
AUTHORIZED SIGNATURE

Security features. Details on back.

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