



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

JUN 28 2010

REPLY TO THE ATTENTION OF:

SC-6J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Josef A Kriegl
President
Blomkest Fertilizer, Inc.
P.O. Box 187
Blomkest, Minnesota 56216

RE: Expedited Settlement Agreement
ESA Docket No. RMP-10-ESA-025
Docket No. **CAA-05-2010-0032**

BA# 2751003A032

Dear Mr. Kriegl:

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

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
JUN 28 2010

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

EXPEDITED SETTLEMENT AGREEMENT (ESA)

CAA-05-2010-0032

DOCKET NO: RMP-10-ESA-025

This ESA is issued to: Blomkest Fertilizer

At: 851 Main St. South, Blomkest, Minnesota

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

Blf

2751003A032

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 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 **\$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

The DOCKET NUMBER OF THIS ESA **must be included on the check.** (The DOCKET NUMBER is RMP-10-ESA-025.)

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

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: Joseph A. Kriegl Date: 6/3/10
Name (print): Josef A. Kriegl
Title (print): owner, president

Name of Facility

FOR COMPLAINANT:

Richard C. Karl Date: 6-15-10
Richard C. Karl
Director
Superfund Division

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

Susan Hedman Date: 6-16-10
~~Bharat Mathur, Acting~~ Susan Hedman
Regional Administrator

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PROTECTION AGENCY

ORIGINAL ENVIRONMENTAL INSTRUMENT

Docket #RMP-10-ESA-025

Concorde
BANK

www.concordebank.com
P.O. Box 78 • Blomkest, MN 56218
P.O. Box 1690 • Willmar, MN 56201

BLOMKEST, MN, 6-3-2010

VOID AFTER 90 DAYS

010895

75-951/919
0157980

PAY TO THE ORDER OF Treasury, United States of America

\$ 800.00

CONCORDE BANK

DOLLARS

THIS DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE, WATERMARK AND A THERMOCHROMIC ICON. ABSENCE OF THESE FEATURES WILL INDICATE A COPY

TWO SIGNATURES REQUIRED IF OVER \$5000.00

CASHIER'S CHECK

Blenny Bernd
Doretha Aschmann

⑈010895⑈ ⑆091909518⑆ 015 798 0⑈ 5

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