



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

FEB 10 2011

REPLY TO THE ATTENTION OF:

SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mark Salmon
Controller
United AG Center
231 500 Avenue
Almena, Wisconsin 54805

Re: United AG Center, Expedited Settlement Agreement
ESA Docket No: RMP-11-ESA-001
Docket No. **CAA-05-2011-0028**

BD# 2751103A026

Dear Mr. Salmon:

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 United AG Center. 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 Bob Mayhugh at (312) 886-5929 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 cursive script that reads "Silvia Palomo".

Silvia Palomo, Acting Chief
Chemical Emergency
Preparedness & Prevention Section

Enclosure



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

FEB 10 2011

REPLY TO THE ATTENTION OF:

SC-6J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Brian Bertelsen
Agronomy Manager
United AG Center
231 500 Avenue
Almena, Wisconsin 54805

Re: United AG Center, Expedited Settlement Agreement
ESA Docket No: RMP-11-ESA-001
Docket No. CAA-05-2011-0028

BD# 2751103A026

Dear Mr. Bertelsen:

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 United AG Center. 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 Bob Mayhugh at (312) 886-5929 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 cursive script that reads "Silvia Palomo".

Silvia Palomo, Acting Chief
Chemical Emergency
Preparedness & Prevention Section

Enclosure



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

RECEIVED
FEB 10 2011

REGIONAL HEARING CLERK
USEPA
REGION 5

REPLY TO THE ATTENTION OF:

EXPEDITED SETTLEMENT AGREEMENT (ESA)

CAA-05-2011-0028

DOCKET NO: RMP-11-ESA-001

This ESA is issued to: United AG Center

At: 231 500 Avenue, Almena, Wisconsin

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

BD# 2751103A026

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 May 10, 2010, 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 11, 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 **\$600.00**.

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 **\$600.00** 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-001.)

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

Bob Mayhugh
Chemical Emergency
Preparedness and Prevention Section (SM-5J)
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: [Handwritten Signature] Date: 1-14-11

Name (print): Mark Salmon

Title (print): Controller

Name of Facility United Ag Services, LLC

FOR COMPLAINANT:

[Handwritten Signature] Date: 2-8-11

Richard C. Karl
Director
Superfund Division

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

[Handwritten Signature] Date: 2-8-11

Susan Hedman
Regional Administrator

CAA-05-2011-0028

RECEIVED

FEB 10 2011

REGIONAL HEARING CLERK
USEPA
REGION 5

UNITED AG SERVICES, LLC

P.O. BOX 68
ALMENA, WI 54805
PH. (715) 357-6048

CoBank®
Transaction Services
Provided by Wachovia Bank,
A Division of Wells Fargo Bank, N.A. 67-1/532

3675
3675
01/18/2011

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

\$ 600.00

SIX HUNDRED DOLLARS AND NO/100 *****

DOLLARS

U.S. ENVIRONMENTAL PROTECTION A
CINCINNATI FINANCE CENTER
PO BOX 979077
ST LOUIS MO 63197-9000

VOID AFTER 60 DAYS

MEMO

[Signature]
AUTHORIZED SIGNATURE

⑈003675⑈ ⑆053200019⑆ 2079900594823⑈

UNITED AG SERVICES, LLC	VENDOR:	7628 U.S. ENVIRONMENTAL PRO	CHECK #:	3675	3675
INVOICE		INV DATE	INV AMOUNT	DISCOUNT	NET AMOUNT
FINES/PENA		01/18/2011	600.00	.00	600.00

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FEB 10 2011
REGIONAL HEARING CLERK
USEPA
REGION 5

CHECK DATE: 01/18/2011 CHECK TOTAL: 600.00

UNITED AG SERVICES, LLC	VENDOR:	7628 U.S. ENVIRONMENTAL PRO	CHECK #:	3675	3675
INVOICE		INV DATE	INV AMOUNT	DISCOUNT	NET AMOUNT
FINES/PENA		01/18/2011	600.00	.00	600.00

CAA-05-2011-0028

[Handwritten] 2751103A026

CHECK DATE: 01/18/2011 CHECK TOTAL: 600.00