



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

RECEIVED

JAN 07 2008

Environmental
Cleanup Office

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-10-2008-0012
This ESA is issued to: Pendleton Grain Growers – McKennon Station
EPA ID: 1000 0005 4843
4600 McKennon Road
Pendleton, Oregon 97801

This Expedited Settlement Agreement (ESA) is being entered into by the Complainant, U.S. Environmental Protection Agency Region 10 (EPA), and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On August 18, 2004, 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

EPA found that Respondent had had violated regulations implementing Section 112(r) of the Act at 40 C.F.R. Part 68 by failing to comply with the regulations as noted on the enclosed Risk Management Plan Inspection Findings, Alleged Violations and Proposed Penalty Summary (Summary) and the Risk Management Plan Inspection Findings, Alleged Violations and Proposed Penalty Sheet (Sheet), which are hereby incorporated by reference.

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 the ESA in order to settle the violations, described in the enclosed Summary and Sheet for the total penalty amount of \$6,510.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the Summary and Sheet, 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.

RECEIVED
08 JAN 14 PM 3:04
HEARINGS CLERK
EPA--REGION 10

Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violation listed in the enclosed Summary and Sheet and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$6,510 in payment of the full penalty amount to the following address:

Mellon Client Services Center
EPA Region 10
500 Ross Street
P.O. Box 360903
Pittsburgh, PA 15251-6903

The docket number of the ESA must be included on the check. (The docket number is located at the top of this ESA.)

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

Office of Environmental Cleanup
U.S. Environmental Protection Agency
Attn: Kelly Huynh, 112(r) Enforcement Coordinator
1200 Sixth Avenue, Suite 900, ECL-116
Seattle, WA 98101

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 referenced in the Summary and Sheet. EPA does not waive its right to any other enforcement action for any other violations 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 at the above address by 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 Summaries and Sheet.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Signature: Allen B. Waggoner Date: 1-2-08
Name (print): Allen B. Waggoner
Title (print): President/CEO
Cost to correct violation: Approximately \$2,000⁰⁰

FOR COMPLAINANT:

Michael A. Bussell Date: 1-11-08
Michael A. Bussell, Director
Office of Compliance and Enforcement
EPA Region 10

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

Richard G. McAllister Date: 1/14/08
Richard G. McAllister
Regional Judicial Officer
EPA Region 10

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT** in **In the Matter of: Pendleton Grain Growers – McKennon Station, DOCKET NO.: CAA-10-2008-0012** was filed with the Regional Hearing Clerk on January 14, 2008.

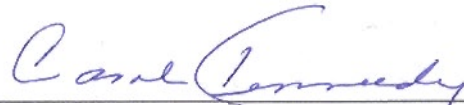
On January 14, 2008, the undersigned certifies that a true and correct copy of the document was delivered to:

Deborah Hilsman, Esquire
US Environmental Protection Agency
1200 Sixth Avenue, ORC-158
Seattle, WA 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt on January 14, 2008, to:

Allen B. Waggoner
President/CEO
Pendleton Grain Growers – McKennon Station
4600 McKennon Road
Pendleton, OR 97801

DATED this 14th day of January 2008.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10