



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

MAY 30 2013

REPLY TO THE ATTENTION OF:

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

Mr. Dean Danielson  
Safety and Operations Supervisor  
Countryside Cooperative  
514 E Main Street  
P.O. Box 250  
Durand, WI 54736-0250

Re: Expedited Settlement Agreement Docket No: RMP-13-ESA-006  
Docket No. **CAA-05-2013-0026**

Dear Mr. Danielson,

Enclosed please find a copy of the fully executed Risk Management Plan Expedited Settlement Agreement (ESA). The ESA is binding on EPA and the Countryside Cooperative, Durand, Wisconsin facility (Countryside). EPA will take no further action against Countryside for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact Mr. Bob Mayhugh at (312)886-5929, or [mayhugh.robert@epa.gov](mailto:mayhugh.robert@epa.gov), if you have any questions regarding the enclosed document or if you have any other questions about the program. Thank you for your assistance in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Hans".

Michael E. Hans, Chief  
Chemical Emergency  
Preparedness & Prevention Section

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

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CHICAGO, ILLINOIS 60604-3590

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REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

CAA-05-2013-0026

DOCKET NO: RMP-13-ESA-006

This ESA is issued to: Countryside Cooperative – Durand Bulk Petroleum and Anhydrous  
at: N5453 Cooperative Lane, Durand, Wisconsin 54736  
for violations of Section 112(r)(7) of the Clean Air Act.

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### EXPEDITED SETTLEMENT AGREEMENT

The United States Environmental Protection Agency, Region 5, and Countryside Cooperative (“Respondent”), have agreed to the settlement of this action before the filing of a Complaint. EPA and Respondent (jointly “the Parties”) have agreed that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest. This action is thus simultaneously commenced and concluded by this Expedited Settlement Agreement (“ESA”) and Final Order. See 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).

This is an administrative action for the assessment of civil penalties instituted pursuant to EPA’s authority under Sections 113(a)(3) and (d) of the Clean Air Act (“Act”), 42 U.S.C. § 7413(a)(3) and (d). The Director of the Superfund Division, Region 5, EPA (“Complainant”) has been delegated the authority to issue an administrative complaint seeking the assessment of civil penalties for violations of Section 112(r) of the Act, 42 U.S.C. § 7412(r). The Regional Administrator for Region 5 of EPA is authorized by Sections 113(a)(3) and (d)(1) of the Act, 42 U.S.C. §§ 7413(a)(3), and (d)(1), to issue a Final Order ratifying this ESA.

### ALLEGED VIOLATIONS

On September 11, 2012 an authorized EPA representative conducted a compliance inspection of Countryside Cooperative – Durand Bulk Petroleum and Anhydrous facility at N5453 Cooperative Lane, Durand, Wisconsin (“Facility”) to determine its compliance with the Risk Management Plan (“RMP”) regulations promulgated pursuant to Section 112(r) of the Act, and set forth at 40 C.F.R. Part 68. Based on the September 11, 2012 inspection and documents submitted by Respondent, EPA has determined that Respondent violated the following regulations:

1. 40 C.F.R. § 68.39(a) Respondent failed to provide a description of the vessel or pipeline and substance selected for a Worst Case Scenario, as well as assumptions and parameters used, the rationale for selection, and anticipated effect of the administrative controls and passive mitigation on the release quantity and rate;
2. 40 C.F.R. § 68.39(b) Respondent failed to provide a description of the scenarios identified for the Alternative Scenario, as well as, assumptions and parameters

used, the rationale for the selection of specific scenarios, and anticipated effect of the administrative controls and mitigation on the release quantity and rate;

3. 40 C.F.R. § 68.48(a)(3) Respondent failed to compile and maintain information related to the safe upper and lower temperatures, pressures, and compositions;
4. 40 C.F.R. § 68.48(a)(4) Respondent failed to compile and maintain information related to the process equipment specifications;
5. 40 C.F.R. § 68.48(a)(5) Respondent failed to compile and maintain information related to the codes and standards used to design, build, and operate the process;
6. 40 C.F.R. § 68.58(a) Respondent failed to certify that compliance audits are conducted at least every 3 years to verify that the procedures and practices are being followed; and
7. 40 C.F.R. § 68.195(b) Respondent failed to submit corrected information within 30 days of the change in emergency contact information.

### **SETTLEMENT**

In consideration of Respondent's full compliance history, its good faith efforts to comply, other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to resolve any civil penalties for these alleged violations for the total penalty amount of **\$3,440.00**.

This settlement is subject to the following terms and conditions:

By signing below, Respondent consents to, and is bound by, the terms and conditions of this ESA, including the assessment of the civil penalty set forth above. Respondent admits the jurisdictional allegations in the ESA, and waives any objections that it may have regarding jurisdiction. Respondent waives its right to contest the specific factual allegations contained herein, and neither admits nor denies these specific factual allegations. Respondent acknowledges that pursuant to 40 C.F.R. § 22.15(c), and Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), it has the right to request a hearing on any material fact, or on the appropriateness of the penalty, but Respondent waives its rights to such a hearing. Respondent also waives its right to appeal this ESA and the accompanying Final Order.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations set forth in this ESA, and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$3,440.00** 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-13-ESA-006.)

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

Bob Mayhugh  
Chemical Emergency  
Preparedness and Prevention Section (SC-5J)  
U.S. Environmental Protection Agency  
77 W. Jackson Boulevard  
Chicago, Illinois 60604-3590

Upon Respondent's submission of the signed original ESA and the issuance of the Final Order, Respondent's liability is resolved only for any federal civil penalties due as a result of the facts and violations alleged in this ESA. This ESA, the Final Order, and Respondent's full payment of the civil penalty set forth herein, do not affect the right of EPA to pursue appropriate injunctive, other equitable relief, or criminal sanctions for any violations of law. EPA also does not waive any enforcement authority for any other violation of the Act or any other statute. The issuance of the Final Order does not waive, extinguish, or otherwise affect Respondent's duty to comply with the Act, the regulations promulgated there under, or any other applicable law or requirement.


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 Respondent within 45 days of the date of Respondent's receipt of this ESA (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 in this ESA.

This ESA is binding on the Parties signing below.

Each Party to this action shall bear its own costs and fees, if any.

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


**FOR RESPONDENT:**

Signature:  Date: 5/8/2013

Name (print): Dan Danielson

Title (print): Safety and Operations Supervisor  
Respondent

**FOR COMPLAINANT:**

 Date: 5/21/2013  
Richard C. Karl, Director  
Superfund Division

**FINAL ORDER**

The foregoing Expedited Settlement Agreement is hereby ratified and incorporated by reference into this Final Order. Respondent is hereby ORDERED to comply with all of the terms of the foregoing Expedited Settlement Agreement, which upon its filing with the Regional Hearing Clerk shall become immediately effective. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

**IT IS SO ORDERED.**



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Susan Hedman  
Regional Administrator

Date: 5-28-13



CAA-05-2013-0026

Cashier's Check

123193

Date: 5/10/13

Branch: 1001

78-327  
618

\$3,440.00

**Security**  
FINANCIAL BANK

212 W. PROSPECT BOX 210  
DURAND, WISCONSIN 54736  
715-672-4237

REMITTER COUNTRYSIDE COOPERATIVES

**PAY TO THE ORDER OF** EXACTLY \*\*3,440 AND 00/100 DOLLARS  
TREASURER, UNITED STATES OF AMERICA

SECURITY FINANCIAL BANK  
DURAND - EAU CLAIRE - RIVER FALLS  
WISCONSIN

Docket #: RMP-13-ESA-006

VOID AFTER 90 DAYS

*Grinda L. Lawren*

⑈ 123193 ⑈ ⑈ 091803274:0020175 ⑈

RECEIVED

MAY 30 2013

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY