



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

JUN 17 2010

REPLY TO THE ATTENTION OF:

SC-6J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Merritt Pratt
Fornoff Fertilizer Service, Inc.
5798 CR 1800 E
P.O. Box 230
Kilbourne, Illinois 62655

Re: Fornoff Fertilizer Service, Inc., Kilbourne, Illinois, Expedited Settlement Agreement
ESA Docket No: RMP-10-ESA-020
Docket No. **CAA-05-2010-0024**

BAH

2751003A025

Dear Mr. Pratt:

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 Fornoff Fertilizer Service, Inc. 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 Silvia Palomo at (312) 353-2172 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

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 17 2010

REGIONAL HEARING CLERK
 USEPA
 REGION 5

REPLY TO THE ATTENTION OF:

**EXPEDITED SETTLEMENT
 AGREEMENT (ESA)**

CAA-05-2010-0024

DOCKET NO: RMP-10-ESA-020

This ESA is issued to: Fornoff Fertilizer Service, Inc.

At: 5798 CR 1800 E, Kilbourne, Illinois

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

BAF

2751003A025

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 February 23, 2009, 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 12, 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 **\$1,200.00**.

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 **\$1,200.00** 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-020.)

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

Silvia Palomo
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 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: Fornoff Fertilizer Service Inc. Merritt Pratt Date: 5/19/2010

Name (print): Fornoff Fertilizer Service Inc. Merritt Pratt

Title (print): operations

Name of Facility Fornoff Fertilizer Service Inc.

FOR COMPLAINANT:

for
Richard C. Karl
Director
Superfund Division

Date: 6/9/10

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

Susan Hedman
~~Bharat Mathur, Acting~~
Regional Administrator

Susan Hedman

Date: 6-18-10

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JUN 17 2010

**REGIONAL HEARING CLERK
USEPA
REGION 5**

RECEIVED

JUN 17 2010

REGIONAL HEARING CLERK
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REGION 5



MidAmerica
NATIONAL BANK
www.midnatbank.com

372596

70-223/711

05-21-2010

DATE

REMITTER

Fornoff Fertilizer Service Inc.

PAY TO THE ORDER OF

Treasurer, United States of America

\$**1200.00**

MIDAMERICA NATIONAL BANK 1,200dols 00cts

DOLLARS

This document has a colored background. For access and a backside authentic watermark, absence of these features will indicate a copy.

Docket # RMP-10-ESA-020

CASHIER'S CHECK

John L. Shaffer

⑆372596⑆⑆07102238⑆⑆940009⑆⑆

DELUXE GOLDLINE

BAA# 27510034025

CAA-05-2010-0024