

Note:

This is a transcription of the preamble to the Consent Decree entered in the U.S. District Court for the Western District of Wisconsin on March 1st of 2000. The case number is 99-C-261-C.

UNITED STATES OF AMERICA,)
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Plaintiff,)
)
)
V.)
)
)
DIDION MILLING COMPANY, INC.,)
)
)
Defendant,)
)

CONSENT DECREE

Plaintiff, the United States of America, by authority of the Attorney General of the United States, and acting at the request of the Administrator of the United States Environmental Protection Agency (“EPA”), has filed a Complaint in this action seeking civil penalties pursuant to Section 113 of the Clean Air Act (the “Act”), 42 U.S.C. § 7413, against the defendant, Didion Milling, Inc. (“Didion”).

The Complaint alleges that Didion violated Section 133(b) of the Act, 42 U.S.C. § 7413(b), by failing to comply with applicable regulations in the federally-approved Wisconsin State Implementation Plan (“SIP”). Specifically, the Complaint alleges that the environmental violations arose from Didion’s failure to obtain a construction permit for, as well as control the emission of excess particulate matter from, a temporary grain transfer facility. Additionally, the Complaint alleges that Didion failed to comply with certain specified conditions of its 1996 air permit issued by the Wisconsin Department of Natural Resources (“WDNR”), including the failure to use air pollution control equipment, at its grain transfer facility which was located on St. Feriole Island in Prairie du Chein, Wisconsin. WDNR lawfully issued the air permit pursuant to its SIP and regulations promulgated under the Act designed to ensure attainment and maintenance of the national ambient air quality standards (“NAAQS”) established by EPA for certain pollutants. 42 U.S.C. § 7410(a); Wisconsin SIP Rule NR 154. 11(6)(a)(1) Wis. Admin. Code (subsequently recodified at Ch NR 431.05 Wis.).

Admin. Code, but not yet federally approved as recodified). Didion filed an answer to the Complaint contesting the alleged violations and raised several affirmative defenses.

The United States and Didion agree that settlement of this action is in the public interest and that entry of this Consent Decree without further litigation is the most appropriate means of resolving this matter.

THEREFORE, upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

Note:

Didion was ordered to pay a civil penalty in the amount of \$ 107, 500.00 in order to settle this matter without going to trial.