



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 05 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jerry Kinsey
Compliance Officer
Bandana Ag, Inc.
100 Needmore Road
La Center, Kentucky 42056

Re: Expedited Settlement Agreement
CAA-04-2019-8000(b)

Dear Mr. Kinsey:

Enclosed, please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter, Docket No. CAA-04-2019-8000(b), involving Bandana Ag, Inc. The ESA was filed with the Regional Hearing Clerk, as required by 40 CFR Part 22 and became effective on the date of the filing. **The penalty payment should be made within 15 days after the receipt of the signed, approved and filed ESA.**

If you need additional information in this matter, please contact Mr. Om P. Devkota at (404) 562-8963.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony G. Toney".

Anthony G. Toney
Chief

Chemical Safety and Enforcement Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-04-2019-8000(b)

This ESA is issued to: Bandana Ag, Inc.
100 Needmore Road
LaCenter, Kentucky, 42056

for violating 40 C.F.R § 68.54(a), 40 C.F.R § 68.56(a), and Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 4, Director of the Air, Pesticides and Toxics Management Division (Complainant), and by Bandana Ag Inc. (Respondent), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and pursuant to 40 C.F.R § 22.13(b).

ALLEGED VIOLATIONS

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 100 Needmore Road, LaCenter, Kentucky, on May 24, 2018, EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Program, when at the time of inspection, Respondent did not provide evidence that:

It ensured each employee presently operating a process, and each employee newly assigned to a covered process have been trained or tested competent in the operating procedures provided in 40 C.F.R § 68.52 that pertain to their duties as required by 40 C.F.R. § 68.54(a); and

It prepared and implemented procedures to maintain the on-going mechanical integrity of process equipment as required by 40 C.F.R. § 68.56(a).

SETTLEMENT

In consideration of Respondent's size, its full compliance history, its good faith efforts 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 cited above, for the total penalty amount of \$2,700.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, 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

USEPA REGION 4
OFFICE OF REGIONAL
COUNSEL
2019 FEB -5 AM 9:41
HEARING CLERK

Act, 42 U.S.C § 7413(d)(2)(A), and to appeal this ESA or otherwise contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the alleged violations listed in this ESA.

Within fifteen (15) days of receiving a copy of the fully executed ESA, Respondent shall pay a civil penalty in the amount of **\$2,700**. Respondent shall pay the penalty by electronic transfer, or by forwarding a cashier's or certified check payable to the "Treasurer, United States of America" to one of the addresses provided below:

For payment sent via electronic transfer

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Beneficiary: "U.S. Environmental Protection Agency";

For cashier's or certified check payment sent via standard delivery

U.S. Environmental Protection Agency
Cincinnati Finance Center Box 979077
St. Louis, MO 63197-9000; or

For cashier's or certified check payment sent for signed receipt confirmation (FedEx, DSL, UPS, USPS Certified)

U.S. Environmental Protection Agency
Cincinnati Finance Center Box 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
(Delivery Location Phone Number: 314-425-1819).

The check shall reference on its face the Respondent's name and the Docket Number of the ESA. Within 24 hours of payment of the EPA Penalty, Respondent shall send a separate copy of the check or confirmation of electronic transfer, and a written statement that payment has been made in accordance with this Agreement, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Om Devkota
U.S. EPA, Region 4
Air, Pesticides and Toxics Management Division
61 Forsyth Street SW
Atlanta, Georgia 30303

The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of State or Federal taxes.

Respondent's full compliance with this ESA shall only resolve Respondent's liability for Federal civil penalties for the violations alleged in this ESA. The EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

This ESA is binding on the parties signing below. This ESA becomes effective after execution by the Regional Judicial Officer, on the date of filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Bandana Ag Inc Date: 11/21/18
Name (print): Jerry D. Kinsey
Title (print): Compliance Officer
Bandana Ag, Inc.

FOR COMPLAINANT:

Carol H. Kemker for Date: 12/20/18
Beverly H. Banister
Director
Air, Pesticides and Toxics Management Division

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

Tanya Floyd Date: January 28, 2019
Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Expedited Settlement Agreement (ESA), in the matter of Bandana Ag, Inc., CAA-04-2019-8000(b), on the parties listed below in the manner indicated:

Om P. Devkota
U. S. EPA, Region 4
Air, Pesticides and Toxics
Management Division

(Via EPA's internal mail)

Michi Kono
U. S. EPA, Region 4
Office of Regional Counsel

(Via EPA's internal mail)

Mr. Jerry Kinsey
Compliance Officer
Bandana Ag, Inc.
100 Needmore Road
La Center, Kentucky 42056

(Via Certified Mail - Return Receipt Requested)

Date:

2-5-19



Patricia A. Bullock, Regional Hearing Clerk
United States Environmental
Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-9511