



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 04 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Cyndy Brodeur
Vice President – Environmental, Health and Safety
Pinnacle Agriculture Distribution, Inc.
1880 Fall River Drive
Loveland, Colorado 80538

Re: Pinnacle Agriculture Distribution, Inc.
Expedited Settlement Agreement
CAA-04-2019-8003(b)

Dear Ms. Brodeur:

Enclosed, please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter (Docket No. CAA-04-2019-8003(b)) involving Pinnacle Agriculture Distribution, 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 call Gopal Timsina at (404) 562-9017.

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-04-2019-8003(b)

This ESA is issued to: Pinnacle Agriculture Distribution, Inc.
9625 State Route 121 North
Fancy Farm, Kentucky 42039

for violating 40 C.F.R § 68.195(b) 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 Pinnacle Agriculture Distribution, 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).

2019 DEC -4 AM 11:25
HEARING OFFICE
OFFICE OF THE ADMINISTRATIVE LAW JUDGE

ALLEGED VIOLATION

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 9625 State Route 121 North, Fancy Farm, Kentucky, on April 18, 2018, the EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Provisions, when at the time of inspection, Respondent did not provide evidence that:

It had corrected its Risk Management Plan (RMP) within one month of a change in the emergency contact information, as required by 40 CFR § 68.195(b).

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 violation cited above, for the total penalty amount of **\$1,000**.

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 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 violation 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 **\$1,000**. 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

Gopal Timsina
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 violation alleged in this ESA. The EPA does not waive any other enforcement action for any other violation 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:

Cyndy Brodeur

Date: 11-15-2018

Name (print): Cyndy Brodeur

Title (print): VP - Environmental Health & Safety
Pinnacle Agriculture Distribution, Inc.

FOR COMPLAINANT:

Beverly H. Banister

Date: 11/29/18

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: December 4, 2018

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 Pinnacle Agriculture Distribution, Inc., CAA-04-2019-8003(b), on the parties listed below in the manner indicated:

Gopal Timsina
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)

Ms. Cyndy Brodeur
Vice President – Environmental, Health and Safety
Pinnacle Agriculture Distribution, Inc.
1880 Fall River Drive
Loveland, Colorado 80538

(Via Certified Mail -
(Return Receipt Requested)

Date: 12-4-18



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