

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
901 NORTH FIFTH STREET  
KANSAS CITY, KANSAS 66101  
BEFORE THE ADMINISTRATOR

08 FEB 19 PM 1:34  
ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

In the Matter of )  
)  
)  
Chemcentral Midwest Corporation )  
910 North Prospect )  
Kansas City, Missouri )  
)  
)  
Respondent. )

Docket No. CAA-07-2007-0045  
EPCRA-07-2007-0045

CONSENT AGREEMENT AND FINAL ORDER

The complaint commencing this proceeding for the assessment of a civil penalty was filed on or about July 23, 2007, pursuant to Section 113 of the Clean Air Act, 42 U.S.C. § 7413; and Section 325 of the Emergency Planning and Community Right to Know Act (EPCRA), 42 U.S.C. § 11045; when the United States Environmental Protection Agency (Complainant or EPA) issued to Chemcentral Midwest Corporation, Kansas City, Missouri, (Respondent) a Complaint and Notice of Opportunity for Hearing.

The Complaint charged Respondent with violations of Section 112(r) of the Clean Air Act, 42 § 7412(r); and Section 312 of EPCRA , 42 U.S.C. § 11022, and the regulations promulgated thereunder and codified at 40 C.F.R. Part 370.

The Complaint proposed a penalty of Four Hundred Thirty-four Thousand Two Hundred Sixty Dollars (\$434,260) for these violations.

### CONSENT AGREEMENT

1. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in the Complaint filed in this matter. Respondent neither admits nor denies the factual allegations set forth in the Complaint filed in this matter.

2. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth in the Complaint filed in this matter.

3. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorney's fees.

4. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of the civil penalty as set forth below.

5. Respondent understands that the failure to pay any portion of the civil penalty assessed herein in accordance with the provisions of this Order may result in commencement of a civil action in Federal District Court to recover the total penalty, together with interest thereon at the applicable statutory rate.

6. The complaint in this matter proposed a penalty of \$434,260, of that penalty, \$398,760, was for the Clean Air violations; and \$35,500, was for the EPCRA violations. During settlement negotiations in this matter, Respondent produced information regarding its size of business that warranted a downward adjustment of the Clean Air Act penalty in this matter to \$219,380.

FINAL ORDER

Pursuant to the provisions of the Clean Air Act, 42 U.S.C. § 7401, and EPCRA, 42 U.S.C. § 11001, and based upon the information set forth in this Consent Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a civil penalty of Two Hundred Twenty-five Thousand Dollars (\$225,000), within thirty days of entry of this Final Order. Payment shall be by cashier's or certified check, made payable to the "United States Treasury" and shall be should be remitted to:

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, Missouri 63197-9000.

2. A copy of the check should be sent to:

Julie M. Van Horn  
EPA-Region VII  
Office of Regional Counsel  
901 North Fifth Street  
Kansas City, Kansas 66101;

and

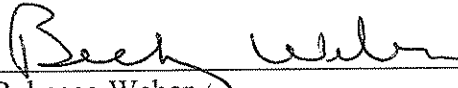
Kathy M. Robinson  
Regional Hearing Clerk  
EPA-Region VII  
Office of Regional Counsel  
901 North Fifth Street  
Kansas City, Kansas 66101.

3. Respondent and Complainant shall bear their own costs and attorneys' fees incurred as a result of this matter.

COMPLAINANT:  
UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY

By   
Julie M. Van Horn  
Senior Assistant Regional Counsel

Date 15 February 2008

By   
Rebecca Weber  
Director  
Air and Waste Division  
EPA Region VII

Date 2/15/08

Chemcentral Midwest Corporation  
Kansas City, Missouri  
Docket Nos. CAA-07-2007-0045 and EPCRA-07-2007-0045

RESPONDENT:  
CHEMCENTRAL MIDWEST CORPORATION  
KANSAS CITY, MISSOURI

By *John King*

Title *Vice President - General Counsel*

Date *14 Feb 2008*

IT IS SO ORDERED. This Final Order shall become effective  
immediately.

*Karina Borromeo*  
Karina Borromeo  
Regional Judicial Officer

Date *Feb. 19, 2008*

IN THE MATTER OF Chemcentral Midwest Corporation, Respondent  
Docket Nos. CAA-07-2008-0045 and EPCRA-07-2007-0045

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to  
Attorney for Complainant:

Julie M. Van Horn  
Senior Assistant Regional Counsel  
Region VII  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Louis M. Rundio, Jr., Esquire  
McDermott Will & Emery, LLP  
227 West Monroe Street, Suite 4400  
Chicago, Illinois 60606-5096


Copy by First Class Pouch Mail to:

The Honorable Susan L. Biro  
Chief Administrative Law Judge  
U. S. Environmental Protection Agency  
Office of Administrative Law Judges  
1200 Pennsylvania Avenue, NW  
Mail Code 1900L  
Washington, D. C. 20005

and

The Honorable Spencer T. Nissen  
Administrative Law Judge  
U. S. Environmental Protection Agency  
Office of Administrative Law Judges  
1200 Pennsylvania Avenue, NW  
Mail Code 1900L  
Washington, D. C. 20005

Dated: 2/19/08

  
Kathy Robinson  
Hearing Clerk, Region 7