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EPA Region 7
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO.: CAA-07-2022-0025

This ESA is issued to: Agricultural Services Inc.

At: 2777 N. Broadwell Street Grand Island, NE 68802

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

The United States Environmental Protection Agency, Region 7 (EPA) and Agricultural Services Inc. (Respondent), have agreed to a settlement of this action before filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b), 22.18(b)(2).

The Complainant, by delegation of the Administrator of EPA, is the Director of the Enforcement and Compliance Assurance Division. Respondent is Agricultural Services Inc.

This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (CAA). Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that cases which meet the criteria set forth in EPA's policies entitled "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions, 40 C.F.R. Part 68," dated January 5, 2004, and "Changes to Restrictions on the Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions," dated December 20, 2013, are appropriate for administrative penalty actions.

ALLEGED VIOLATIONS

On June 3, 2021, an authorized representative of the EPA conducted a compliance inspection of the Agricultural Services Inc. at 2777 N. Broadwell Street Grand Island, Nebraska to determine compliance with the Chemical Accident Prevention Provisions (CAPP), commonly known as the Risk Management Program regulations, promulgated at 40 C.F.R. Part 68 under Section 112(r) of the CAA. The EPA found that Respondent had violated regulations implementing Section 112(r) of the CAA by failing to comply with the regulations as noted on the enclosed Chemical Accident Prevention Provisions Inspection Findings (CAPP Inspection Findings), which is hereby incorporated by reference.

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 the ESA in order to settle the violations, described in the enclosed CAPP Inspection Findings, for the total penalty amount of **\$6,000**.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the CAPP Inspection Findings, consents to the assessment of the penalty as stated above, and consents to receiving the filed Agreement electronically at the following e-mail address: Kyle.olerich@asihiyield.com. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the CAA, 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 United States Government, that Respondent has corrected the violations listed in the enclosed CAPP Inspection Findings and has paid the penalty of \$6,000. Penalty payment shall identify Respondent by name and docket number and shall be by electronic payment method described at <http://www.epa.gov/financial/makepayment> or by alternate method of certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197.

A copy of this "wet signature" ESA, a copy of the completed CAPP Inspection Findings, and a copy of the check or other information confirming payment should be sent via email to Diana Chaney at Chaney.diana@epa.gov. In lieu of email, this original ESA, a copy of the completed CAPP Information Request Review Findings, and a copy of the check or other information confirming payment must be sent by certified mail to:

Diana Chaney
Environmental Engineer
Chemical Accident Prevention Section | Air Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

A copy of the check or other information confirming payment must also be sent via email or physical mail to:

Amy Gonzales
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
R7_Hearing_Clerk_Filings@epa.gov
11201 Renner Boulevard
Lenexa, Kansas 66219

Full payment of the ESA penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged in the CAPP Findings. The EPA does not waive any other enforcement action for any other violations of the CAA or any other statute.

If either a copy of the signed original ESA and accompanying documents described above, or the signed original ESA with an attached copy of the check or other information confirming payment, is not returned to Diana Chaney or the EPA Region 7 office at the above email or physical addresses in correct form by 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 CAPP Findings.

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

Respondent consents to receiving the filed ESA electronically at the e-mail address on its signature page.

FOR RESPONDENT:

Gerald W. Bremer

Date: 1-18-2022

Name (print): Gerald W. Bremer

E-mail address: jerry.bremer@asihyield.com & Kyle.Olerich@asihyield.com

Title (print): President
Agricultural Services Inc.

FOR COMPLAINANT:

Wendy Lubbe
Acting Director
Enforcement and Compliance Assurance Division
EPA Region 7

Date: _____

Erin Weekley
Chemical Management Branch Chief
Office of Regional Counsel
EPA Region 7

Date: _____

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Docket No. CAA-07-2022-0025
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I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

Karina Borromeo
Regional Judicial Officer

Date: _____