



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

**EXPEDITED SETTLEMENT AGREEMENT (ESA)**

**DOCKET NO.:** CAA-07-2020-0156

**This ESA is issued to:** Sublette Cooperative, Inc. - Copeland North East Branch  
**At:** 2260 70<sup>th</sup> Road, Copeland, Kansas 67837  
**for violating Section 112(r)(7) of the Clean Air Act.**

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The United States Environmental Protection Agency, Region 7 (EPA) and Sublette Cooperative, Inc. - Copeland North East Branch (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 Sublette Cooperative, Inc. - Copeland North East Branch, 2260 70<sup>th</sup> Road, Copeland, Kansas 67837.

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 action.

ALLEGED VIOLATIONS

On February 12, 2020, an authorized representative of the EPA conducted a compliance inspection of Respondent's facility located at 2260 70<sup>th</sup> Road, Copeland, Kansas, 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 \$4,400.

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, 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 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 \$4,400. 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 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 63197-9000

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 e-mail to Jodi Harper at [harper.jodi@epa.gov](mailto:harper.jodi@epa.gov). In lieu of e-mail, this original ESA, a copy of the completed CAPP Inspection Findings, and a copy of the check or other information confirming payment must be sent by certified mail to:

Jodi Harper  
Chemical 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 e-mail or physical mail to:

Lisa Haugen  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 7  
haugen.lisa@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 the signed original ESA with an attached copy of the check or other information confirming payment is not returned to the EPA Region 7 at the above address or by e-mail 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.

FOR RESPONDENT:

Mark D. Horinek

Date: 8/17/20

Name (print): MARK D. HORINEK

Title (print): BRANCH MANAGER.  
Sublette Cooperative, Inc. - Copeland North East Branch

In the Matter of Sublette Cooperative, Inc. - Copeland North East Branch  
Docket No. CAA-07-2020-0156  
Page 5 of 6

FOR COMPLAINANT:

\_\_\_\_\_  
David Cozad  
Director  
Enforcement and Compliance Assurance Division  
EPA Region 7

Date: \_\_\_\_\_

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

Date: \_\_\_\_\_

In the Matter of Sublette Cooperative, Inc. - Copeland North East Branch  
Docket No. CAA-07-2020-0156  
Page 6 of 6

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

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Karina Borromeo  
Regional Judicial Officer

Date: \_\_\_\_\_