



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

10 MAY -3 AM 9:03

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO.: CAA-07-2010-0015

This ESA is issued to: SD Fertilizer and Spraying

At: 2010 Road 11, Fairmont, Nebraska 68354

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

The United States Environmental Protection Agency, Region 7 (EPA) and SD Fertilizer and Spraying, 2010 Road 11, Fairmont, Nebraska 68354 (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, Issuance of Compliance or Corrective Action Orders, 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 Air, and Waste Management Division. The Respondent is SD Fertilizer and Spraying, 2010 Road 11, Fairmont, Nebraska 68354.

This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act. Pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), the Administrator and the Department of Justice jointly determined that in cases where the first alleged date of violation occurred more than one year before initiation of an administrative action and which meets the criteria set forth in EPA's policy entitled "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provision, 40 C.F.R. Part 68," dated January 5, 2004, are appropriate for administrative penalty action.

ALLEGED VIOLATIONS

Facilities that produce, handle, process, distribute, or store certain chemicals are required to develop a Risk Management Program, prepare a Risk Management Plan (RMP), and submit the RMP to EPA in accordance with 40 C.F.R. Part 68. Facilities must fully update and resubmit the RMP, at a minimum, every five years or deregister the RMP facility within 6 months that it is no longer covered by the regulation. The EPA Risk Management Database, RMPInfo, indicates that your facility has failed to resubmit or update the facility's Risk Management Plan by July 23, 2009. SD Fertilizer and Spraying's failure to update and resubmit the facility's RMP is a violation of 40 C.F.R. 68.190.

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 RMP Findings, for the total penalty amount of **\$600.00**.

This settlement is subject to the following terms and conditions:

The 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 RMP 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 Clean Air Act, 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 the Respondent has corrected the violations listed in the enclosed RMP Findings and has sent a cashier's check or certified check (payable to the "United States Treasury") in the amount of **\$600.00** in payment of the full penalty amount to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

The Docket Number of this ESA is CAA-07-2010-0015, and must be included on the check.

This original ESA, a copy of the completed RMP Findings, and a copy of the check must be sent by certified mail to:

Deanna Smith
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
901 North 5th Street
Kansas City, Kansas 66101.

A copy of the check must also be sent to:

Kathy M. Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
901 North 5th Street
Kansas City, Kansas 66101.

Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Clean Air Act referenced in the RMP Findings. The EPA does not waive any other enforcement action for any other violations of the Clean Air Act or any other statute.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region 7 office at the above address in correct form by the 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 RMP Findings.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

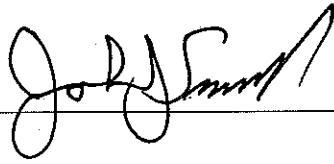
Marty Ostrander

Date: 3-30-10

Name (print): Marty Ostrander

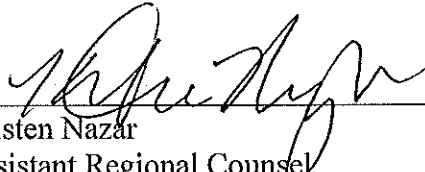
Title (print): Manager
SD Fertilizer and Spraying

FOR COMPLAINANT:



Date: 4/27/10

for
Becky Weber
Director
Air and Waste Management Division
EPA Region 7



Date: 4/20/2010

Kristen Nazar
Assistant Regional Counsel
Office of Regional Counsel
EPA Region 7

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

Karina Borroneo

Karina Borroneo
Regional Judicial Officer

Date: April 29, 2010

Risk Management Program Inspection Findings
CAA § 112(r) Violations

SD Fertilizer and Spraying
2010 Road 11
Fairmont, Nebraska 68354
Docket No. CAA-07-2010-0015

COMPLETE THIS FORM AND RETURN IT WITH THE ESA.

VIOLATIONS

PENALTY AMOUNT

Risk Management Plan Required Corrections [§ 68.190] \$2,000.00
The owner or operator failed to revise and update the RMP at least once every 5 years of its most recent submittal or deregistered within 6 months indicating the facility is no longer covered by the RMP regulations as required at § 68.190.

Please attach confirmation that the RMP resubmission/update has been received.

Total Unadjusted Penalty \$2,000.00

Calculation of Adjusted Penalty

1st Reference the multipliers for calculating proposed penalties for violations found during RMP inspection matrix. Finding the row for number of employees 1-5 and column for >10 times the threshold quantity of 10,000 pounds of anhydrous ammonia as listed in 40 C.F.R. Part 68.130 for the amount in a process gives a multiplier factor of 0.3.

Therefore, the multiplier for SD Fertilizer and Spraying = 0.3
2nd Adjusted Penalty = \$2,000.00 (Unadjusted Penalty) X 0.3 (Size-Threshold Multiplier)
Adjusted Penalty = \$600.00

3rd An Adjusted Penalty of \$600.00 would be assessed to SD Fertilizer and Spraying for the violations found during the RMP submittal data review. This amount will be found in the Expedited Settlement Agreement (ESA).

Total Adjusted Penalty \$600

The approximate cost to correct the above items: \$ 600

Compliance staff name: SD Fertilizer & Spraying

Signed: Marty Osterander Date: 3-30-10

Section 1. Registration Information

Reason for Resubmission	5-year update (40 CFR 3.190(b)(1))
1.1 Source Identification	
1.1.a. Facility Name	SD Fertilizer and Spraying
1.1.b. Parent Company #1 Name	Superior Deshler Inc.
1.1.c. Parent Company #2 Name	
1.2 EPA Facility Identifier	100000043892
1.3 Other EPA Systems Facility Identifier	
1.4 Dun and Bradstreet Numbers (DUNS)	
1.4.a. Facility DUNS	
1.4.b. Parent Company #1 DUNS	51955714
1.4.c. Parent Company #2 DUNS	
1.5 Facility Location	
1.5.a. Street - Line 1	2010 Road 11
1.5.b. Street - Line 2	
1.5.c. City	Fairmont
1.5.d. State	NE
1.5.e. Zip Code - Zip +4 Code	68354
1.5.f. County	FILLMORE
1.5.g. Facility Latitude (in decimal degrees)	40.633333
1.5.h. Facility Longitude (in decimal degrees)	-097.616389
1.5.i. Method for determining Lat/Long	Interpolation - Other
1.5.j. Description of location identified by Lat/Long	Other
1.5.k. Horizontal Accuracy Measure (meters)	3
1.5.l. Horizontal Reference Datum Code	North American Datum of 1983
1.5.m. Source Map Scale Number	
1.6 Owner or Operator	
1.6.a. Name	Superior-Deshler, Inc.
1.6.b. Phone	(402) 365-7216
1.6.c. Street - Line 1	P.O. Box 619
1.6.d. Street - Line 2	
1.6.e. City	Deshler
1.6.f. State	NE
1.6.g. Zip Code - Zip +4 Code	68340
Foreign Country	
Foreign State/Province	
Foreign Zip/Postal Code	
1.7 Name, title and email address of person or position responsible for RMP (part 68) implementation	
1.7.a. Name of person	Martin Ostrander
1.7.b. Title of person or position	Manager
1.7.c. Email address of person or position	mostrander@windstream.net

Section 1. Registration Information

1.8 Emergency Contact	
1.8.a. Name	Martin Ostrander
1.8.b. Title of person or position	Manager
1.8.c. Phone	(402) 268-3841
1.8.d. 24-Hour Phone	(402) 366-7503
1.8.e. 24-Hour Phone Extension/PIN #	
1.8.f. Email address for emergency contact	mostrander@windstream.net
1.9 Other Points of Contact	
1.9.a. Facility or Parent Company E-mail Address	
1.9.b. Facility Public Contact Phone Number	
1.9.c. Facility or Parent Company WWW Homepage Address	
1.10 Local Emergency Planning Committee (LEPC)	Fillmore County LEPC
1.11 Number of full-time equivalent (FTEs) employees of site	5
1.12 Covered by	
1.12.a. OSHA PSM	
1.12.b. EPCRA section 302	Y
1.12.c. CAA Title V Air Operating Permit Program	
1.12.d. Air Operating Permit ID #	
1.13 OSHA Star or Merit Ranking	
1.14 Last Safety Inspection (by an External Agency) Date	07/30/2009
1.15 Last Safety Inspection Performed by an External Agency	Compass, Inc. site visit
1.16 Will this RMP involve Predictive Filing?	
1.18 RMP Preparer Information	
1.18.a. Name	Compass, Inc.
1.18.b. Phone	(319) 462-5942
1.18.c. Street - Line 1	507 S. Linn Street
1.18.d. Street - Line 2	P.O. Box 397
1.18.e. City	Anamosa
1.18.f. State	IA
1.18.g. Zip	52205-0397
Foreign Country	
Foreign State/Province	
Foreign Zip Code	

Section 1. Registration Information**Section 1.17 Process Specific Information**

Process 1

Process ID #	1000016774		
Process Description	Product storage only		
1.17.a. Program Level	2		
1.17.b. NAICS Code(s)	42491 (Farm Supplies Merchant Wholesalers)		
1.17.c. Chemical(s)			
	Chemical Name	CAS Number	Quantity
	Ammonia (anhydrous)	7664-41-7	396425

Section 2. Toxics: Worst Case

Scenario 1

Process Name	Product storage only
2.1 Chemical	
2.1.a. Name	Ammonia (anhydrous)
2.1.b. Percent Weight of Chemical	99
2.2 Physical State	Gas liquified by pressure
2.3 Model Used	EPA's RMP*Comp(TM)
2.4 Scenario	Liquid spill and vaporization
2.5 Quantity Released (lbs)	83950
2.6 Release Rate (lbs/min)	8400
2.7 Release Duration (mins)	10
2.8 Wind Speed (meters/sec)	1.5
2.9 Atmospheric stability class	F
2.10 Topography	Urban
2.11 Distance to endpoint (miles)	3.3
2.12 Estimated residential population within distance to endpoint (numbers)	800
2.13 Public receptors within distance to endpoint	
2.13.a. Schools	Y
2.13.b. Residences	Y
2.13.c. Hospitals	
2.13.d. Prison/Correctional Facilities	
2.13.e. Recreational Areas	Y
2.13.f. Major commercial, office or industrial areas	Y
2.13.g. Other	
2.14 Environmental receptors within distance to endpoint	
2.14.a. National or State Parks, Forests or Monuments	
2.14.b. Officially Designated Wildlife Sanctuaries, Preserves or Refuges	
2.14.c. Federal Wilderness Area	
2.14.d. Other	
2.15 Passive mitigation considered	
2.15.a. Dikes	
2.15.b. Enclosures	
2.15.c. Berms	
2.15.d. Drains	
2.15.e. Sumps	
2.15.f. Other	
2.16 Graphics file	

Section 3. Toxics: Alternative Release

Scenario 1

Process Name	Product storage only
3.1 Chemical	
3.1.a. Name	Ammonia (anhydrous)
3.1.b. Percent Weight of Chemical	99
3.2 Physical State	Gas liquified by pressure
3.3 Model Used	EPA's RMP*Comp(TM)
3.4 Scenario	Transfer hose failure
3.5 Quantity Released (lbs)	2800
3.6 Release Rate (lbs/min)	280
3.7 Release Duration (mins)	10
3.8 Wind Speed (meters/sec)	3
3.9 Atmospheric stability class	D
3.10 Topography	Urban
3.11 Distance to endpoint (miles)	0.1
3.12 Estimated residential population within distance to endpoint (numbers)	10
3.13 Public receptors within distance to endpoint	
3.13.a. Schools	
3.13.b. Residences	
3.13.c. Hospitals	
3.13.d. Prison/Correctional Facilities	
3.13.e. Recreational Areas	
3.13.f. Major commercial, office or industrial areas	
3.13.g. Other	SD Fertilizer & Spraying personnel and customers
3.14 Environmental receptors within distance to endpoint	
3.14.a. National or State Parks, Forests or Monuments	
3.14.b. Officially Designated Wildlife Sanctuaries, Preserves or Refuges	
3.14.c. Federal Wilderness Area	
3.14.d. Other	
3.15 Passive mitigation considered	
3.15.a. Dikes	
3.15.b. Enclosures	
3.15.c. Berms	
3.15.d. Drains	
3.15.e. Sumps	
3.15.f. Other	
3.16 Active mitigation considered	
3.16.a. Sprinkler systems	
3.16.b. Deluge systems	
3.16.c. Water curtain	
3.16.d. Neutralization	
3.16.e. Excess flow valve	Y
3.16.f. Flares	

Section 3. Toxics: Alternative Release

3.16.g. Scrubbers	
3.16.h. Emergency shutdown systems	Y
3.16.i. Other	Breakaway couplers at the riser and remote emergency shutoff valve at storage tanks
3.17 Graphics file	

Section 8. Prevention Program: Program Level 2

Program 1.

Prevention Program Description		<p>The plan is to minimize those hazards to human health and to the environment that are associated with accidental releases of anhydrous ammonia. Employees working at the bulk storage plant make routine observations prior to and during transfer operations of the anhydrous ammonia from the storage vessel to the nurse tanks. In so doing they are able to detect problems that are readily visible and easily identifiable before they arise. This routine inspection identifies external portions of the system which may be under stress or about to fail. Repairs can be made before they become problematic. Employees are annually trained to recognize hazards associated with storage and handling of anhydrous ammonia. In addition to annual training for employees who have been on the job for a number of years, the company conducts training for new hires. This training includes classroom instruction, on-site training at the plant, and follow-up observation to determine the comprehension and understanding of the new hire. Finally, the company routinely invites local fire department personnel to visit the site. In the event that the local fire department requests assistance in training its employees on anhydrous ammonia the company cooperates fully in their endeavors.</p>
8.1 NAICS Code for process		
8.1.a. Process Name	1000016774 (Product storage only)	
8.1.b. NAICS	42491 (Farm Supplies Merchant Wholesalers)	
8.2 Chemicals		
Ammonia (anhydrous)		
8.3 Safety Information		
8.3.a. Date on which the safety information was last reviewed or revised	02/23/2009	
8.3.b. Federal/State regulations or industry-specific design codes and standards used to demonstrate compliance with safety information requirement		
8.3.b.1. NFPA 58 (or state law based on NFPA 58)		
8.3.b.2. OSHA (29 CFR 1910.111)	Y	
8.3.b.3. ASTM Standards		
8.3.b.4. ANSI Standards	Y	
8.3.b.5. ANSME Standards	Y	
8.3.b.6. None		
8.3.b.7. Other	Applicable building, electrical, and plumbing codes. This facility complies with Nebraska Fertilizer Laws.	
8.3.b.8. Comments	We utilize those portions of these codes which are deemed applicable by the jurisdictional authority	
8.4 Hazard Review		
8.4.a. Date of completion of most recent hazard review or update	11/10/2007	
8.4.b. Expected or actual date of completion of all changes resulting from the hazard review	05/31/2008	
8.4.c. Major hazards identified		

Section 8. Prevention Program: Program Level 2

8.4.c.1. Toxic release	Y
8.4.c.2. Fire	
8.4.c.3. Explosion	
8.4.c.4. Runaway reaction	
8.4.c.5. Polymerization	
8.4.c.6. Overpressurization	Y
8.4.c.7. Corrosion	Y
8.4.c.8. Overfilling	Y
8.4.c.9. Contamination	
8.4.c.10. Equipment failure	
8.4.c.11. Loss of cooling, heating, electricity, instrument air	
8.4.c.12. Earthquake	
8.4.c.13. Floods	
8.4.c.14. Tornado	Y
8.4.c.15. Hurricanes	
8.4.c.16. Other	Vandalism/theft; vehicular protection; potential leaking from underground piping
8.4.d. Process controls in use	
8.4.d.1. Vents	
8.4.d.2. Relief valves	Y
8.4.d.3. Check valves	Y
8.4.d.4. Scrubbers	
8.4.d.5. Flares	
8.4.d.6. Manual shutoffs	Y
8.4.d.7. Automatic shutoffs	
8.4.d.8. Interlocks	
8.4.d.9. Alarms and procedures	Y
8.4.d.10. Keyed bypass	
8.4.d.11. Emergency air supply	
8.4.d.12. Emergency power	
8.4.d.13. Backup pump	
8.4.d.14. Grounding equipment	
8.4.d.15. Inhibitor additions	
8.4.d.16. Rupture disks	
8.4.d.17. Excess flow device	Y
8.4.d.18. Quench system	
8.4.d.19. Purge system	
8.4.d.20. None	
8.4.d.21. Other	Breakaway couplers at riser and remote emergency shutoff valve at storage tanks
8.4.e. Mitigation systems in use	
8.4.e.1. Sprinkler system	
8.4.e.2. Dikes	
8.4.e.3. Fire walls	
8.4.e.4. Blast walls	
8.4.e.5. Deluge system	
8.4.e.6. Water curtain	

Section 8. Prevention Program: Program Level 2

8.4.e.7. Enclosure	
8.4.e.8. Neutralization	
8.4.e.9. None	
8.4.e.10. Other	Regular plant inspection / Routine preventive maintenance & repair
8.4.f. Monitoring/detection systems in use	
8.4.f.1. Process area detectors	
8.4.f.2. Perimeter monitors	
8.4.f.3. None	
8.4.f.4. Other	Routine visual inspections
8.4.g. Changes since last hazard review or hazard update	
8.4.g.1. Reduction in chemical inventory	
8.4.g.2. Increase in chemical inventory	
8.4.g.3. Change in process parameters	
8.4.g.4. Installation of process controls	
8.4.g.5. Installation of process detection systems	
8.4.g.6. Installation of perimeter monitoring systems	
8.4.g.7. Installation of mitigation systems	
8.4.g.8. None recommended	
8.4.g.9. None	Y
8.4.g.10. Other	
8.5 Date of most recent review or revision of operating procedures	02/23/2009
8.6 Training	
8.6.a. Date of most recent review or revision of training programs	02/04/2010
8.6.b. Type of training provided	
8.6.b.1. Classroom	Y
8.6.b.2. On the job	Y
8.6.b.3. Other	
8.6.c. Type of competency testing used	
8.6.c.1. Written test	Y
8.6.c.2. Oral test	Y
8.6.c.3. Demonstration	Y
8.6.c.4. Observation	Y
8.6.c.5. Other	
8.7 Maintenance	
8.7.a. Date of most recent review or revision of maintenance procedures	02/23/2009
8.7.b. Date of most recent equipment inspection or test	03/15/2010
8.7.c. Equipment most recently inspected or tested (equipment list)	Pump, pump seals, pipes and plumbing, valves, electrical & safety equipment. The breakaway couplers, pressure relief valves and hoses are also inspected and replaced as necessary.
8.8 Compliance audits	
8.8.a. Date of most recent compliance audits	11/15/2007
8.8.b. Expected or actual date of completion of all changes resulting from the compliance audits	05/31/2008

Section 8. Prevention Program: Program Level 2

8.9 Incident investigation	
8.9.a. Date of most recent incident investigation	
8.9.b. Expected or actual date of completion of all changes resulting from the incident investigation	
8.10 Date of most recent change that triggered a review or a revision of safety information, the hazard review, operating or maintenance procedures, or training	

Section 9. Emergency Response

9.1 Written emergency response (ER) plan	
9.1.a. Is your facility included in the written community emergency response plan?	Y
9.1.b. Does your facility have its own written emergency response plan?	
9.2 Does your facility's ER plan include specific actions to be taken in response to accidental releases of regulated substances?	
9.3 Does your facility's ER plan include procedures for informing the public and local agencies responding to accidental releases?	
9.4 Does your facility's ER plan include information on emergency health care?	
9.5 Date of most recent review or update of your facility's ER plan	
9.6 Date of most recent ER training for your facility's employees	
9.7 Local agency with which your facility's ER plan or response activities are coordinated	
9.7.a. Name of agency	LEPC
9.7.b. Phone number	(402) 268-6061
9.8 Subject to	
9.8.a. OSHA Regulations at 29 CFR 1910.38	Y
9.8.b. OSHA Regulations at 29 CFR 1910.120	
9.8.c. Clean Water Act Regulations at 40 CFR 112	
9.8.d. RCRA Regulations at 40 CFR 264, 265, 279.52	
9.8.e. OPA-90 Regulations at 40 CFR 112, 33 CFR 154, 49 CFR 194, 30 CFR 254	
9.8.f. State EPCRA Rules of Laws	Y
9.8.g. Other	Nebraska Dept. of Agriculture Fertilizer Laws

Executive Summary

ACCIDENTAL RELEASE PREVENTION/EMERGENCY RESPONSE AT S & D FERTILIZER AND SPRAYING, FAIRMONT, NEBRASKA:

This facility complies with the ANSI Standard 61.1 requirements for anhydrous ammonia storage. It is our policy to adhere to applicable Federal, State, and local regulations. If an emergency were to occur, it is our policy to immediately notify the Fairmont Fire Department (via 911 call) and request that it respond to the emergency. Incidental to the notification to the fire department, a call to the Fillmore County, Nebraska Emergency Management Agency and the Nebraska Department of Environmental Quality will be made. If there is a reportable quantity (RQ) release a call will also be made to the National Emergency Response Center.

While we have planned for an emergency it is acknowledged that a real emergency will be unexpected and may very well be much different and cannot be ensured to duplicate what may have been planned. In reality the situation that develops may not happen in the manner in which it was planned. In that event what may have been planned will serve only as a guideline to follow.

The Emergency Action Plan for this facility describes certain procedures that are intended to minimize hazards associated with human health and the environment from fires, explosions, the sudden and unexpected release of chemicals (i.e., anhydrous ammonia), tornadoes, bomb threats, or other accident or acts of God which might occur on our premises.

The primary emergency coordinator for S & D Fertilizer and Spraying is Marty Ostrander, location manager. His work and 24-hour emergency response telephone numbers are provided in the Registration Section of this document. In addition, the following individuals (with associated work and 24-hour emergency response numbers) are to be contacted in order:

Marty Ostrander, location manager

WORK: (402) 268-3841

Home: (402) 773-4191

Cell: (402) 366-7503

Jeff Lux, operations

WORK: (402) 268-3841

Home: (402) 759-3828

Cell: (402) 366-9254

Tom Zuhlke, driver

WORK: (402) 268-3841

Home: (402) 268-3541

Cell: (402) 759-1890

DESCRIPTION OF THE ANHYDROUS AMMONIA STORAGE/DISTRIBUTION PLANT AND THE REGULATED SUBSTANCE HANDLED AT S & D FERTILIZER AND SPRAYING:

This facility is a bulk anhydrous ammonia storage and distribution plant. The anhydrous ammonia that is stored at this facility is distributed to agricultural producers in the surrounding area who utilize the anhydrous ammonia for crop nutrient purposes.

The system consists of two (2) storage tanks with associated piping, valves, liquid pump, and other miscellaneous equipment. From time-to-time throughout the year numerous portable nurse tanks may also be present at the site. The anhydrous ammonia plant is only operated on a seasonal basis (Spring and Fall). Full-time equivalent employee numbers were computed on this basis. At a maximum, the plant operates a total of three months (1/4 of the year). The FTEs for this company location is five (5).

THE WORST CASE AND ALTERNATIVE RELEASE SCENARIOS:

The worst case scenario is the failure of the largest storage tank when filled to the greatest amount allowed (85% of capacity), resulting in the release of the total volume in a gaseous (hazardous ammonia vapor cloud) form. According to EPAs RMP*Comp Program (Version 1.07), the distance to endpoint is 3.3 miles.

The alternative release scenario involves the transport delivery vehicle pulling away from the intake lines into the storage tank without disconnecting the transfer hoses. The resulting release, according to EPAs RMP*Comp Program has a distance to endpoint of 0.1 mile.

The system is protected from major releases by internal excess flow valves, check valves, relief valves, manual shut-off valves, and remote emergency shut-off valves. The loadout risers used in filling nurse tanks

IN THE MATTER OF SD Fertilizer and Spraying, Respondent
Docket No. CAA-07-2010-0015

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Expedited Settlement Agreement (ESA) was sent this day in the following manner to the addressees:


Copy hand delivered to
Attorney for Complainant:

Kristen Nazar
Assistant Regional Counsel
Region 7
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Marty Ostrander, Manager
SD Fertilizer and Spraying
2010 Road 11
Fairmont, Nebraska 68354

Dated: 5/3/10


Kathy Robinson
Hearing Clerk, Region 7