



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

Received by
EPA Region 7
Hearing Clerk

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO.: CAA-07-2023-0061

This ESA is issued to: O.K. Cooperative Grain and Mercantile Company

At: 300 N. Avenue D, Hazelton, Kansas 67061

For: Alleged violations of Section 112(r)(7) of the Clean Air Act.

The United States Environmental Protection Agency, Region 7 (EPA), and O.K. Cooperative Grain and Mercantile Company (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).

Complainant, as duly delegated by the Administrator of EPA, is the Air Branch Chief of Region 7's Enforcement and Compliance Assurance Division. Respondent is O.K. Cooperative Grain and Mercantile Company, a company registered to do business in Kansas.

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 or about August 23, 2022, the U.S. Environmental Protection Agency conducted an inspection of Respondent's facility located at 300 N. Avenue D, Hazelton, Kansas 67061 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 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 Two Thousand, One Hundred Dollars, \$2,100.00.

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: dgaddis@okcoops.com. Respondent understands that the Expedited Settlement Agreement will become publicly available upon ratification and filing.

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 \$2,100.

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.

The electronically signed 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 Lorenzo Sena at sena.lorenzo@epa.gov. In lieu of email, this original signed 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:

Lorenzo Sena
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 these items must also be sent via email or physical mail to:

Milady Peters

peters.milady@epa.gov

Office of Regional Counsel

U.S. Environmental Protection Agency, Region 7

11201 Renner Boulevard

Lenexa, Kansas 66219, and

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 Inspection Findings. The EPA reserves the right to take any enforcement action for any other violations of the CAA or any other statute.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:



Signature

Date: 3/17/2023

Name (print): DAVID GADDIS

Email address: dgaddis@okcoops.com

Title (print): CEO / GM
O.K. Cooperative Grain and Mercantile Company

FOR COMPLAINANT:

Tracey Casburn
Air Branch Chief
Enforcement and Compliance Assurance Division
EPA Region 7

Date: _____

Erin Weekley
Air and Cross-Cutting Issues Branch Chief
Office of Regional Counsel
EPA Region 7

Date: _____

I hereby ratify the ESA and incorporate it herein by reference.

It is so ORDERED.

Karina Borromeo
Regional Judicial Officer

Date: _____

**CERTIFICATE OF SERVICE
(to be completed by EPA)**

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order in the matter of O.K. Cooperative Grain and Mercantile Company, EPA Docket No. CAA-07-2023-0061, was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Erin Weekley
Office of Regional Counsel
weekley.erin@epa.gov

Lorenzo Sena
Enforcement and Compliance Assurance Division
sena.lorenzo@epa.gov

Milady Peters
Office of Regional Counsel
peters.milady@epa.gov

Copy via Email to Respondent:

David Gaddis
O.K. Cooperative Grain and Mercantile Company
130 North Main
Kiowa, Kansas 67070
dgaddis@okcoops.com

Copy via e-mail to the State of Missouri:

Richard Swartz
Richard.swartz@dnr.mo.gov

Dated this _____ day of _____, _____.

Signed