



REGION 7
LENEXA, KS 66219

FILED

September 14, 2026

6:47AM

**U.S. EPA REGION 7
HEARING CLERK**

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO.: CAA-07-2026-0069

This ESA is issued to: Growmark, Inc., d/b/a AgVantage FS

At: 1880 Highway 18 West, Garner, Iowa 50438; and 2131 Old Highway Road, Charles City, Iowa 50616

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

The United States Environmental Protection Agency, Region 7 (EPA or Complainant) and Growmark, Inc., d/b/a AgVantage FS (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 the EPA, is the Director of the Region 7 Enforcement and Compliance Assurance Division. Respondent is Growmark, Inc., d/b/a AgVantage FS, an Illinois company registered to do business in Iowa, and whose registered office in Iowa is located at 505 5th Avenue, Suite 729 Des Moines, IA, 50309.

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 that 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 June 24, and July 21, 2025, authorized representatives of the EPA conducted compliance inspections of Respondent's facilities located at 1880 Highway 18 West, Garner, IA 50438; and 2131 Old Highway Road, Charles City, IA 50616, respectively, to determine compliance with the Chemical Accident Prevention Provisions (CAPP, commonly known as the Risk Management Program), promulgated pursuant to Section 112(r)(7) of the CAA and found at

40 C.F.R. Part 68. The EPA found that Respondent violated the CAPP as noted on the enclosed 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 \$4,800.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, (a) admits that it is subject to the CAA and its implementing regulations; (b) admits that the EPA has jurisdiction over Respondent and Respondent's conduct; (c) neither admits nor denies the specific factual allegations contained herein and in the CAPP Inspection Findings; (d) consents to the assessment of the penalty as stated above; and (e) waives any and all remedies, claims for relief and other available rights to judicial or administrative review Respondent may have with respect to any issue of fact or law set forth in this ESA, including any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order ratifying 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 \$4,800.

Penalty payment shall identify Respondent by name and docket number and shall be made using any payment method provided at <http://www.epa.gov/financial/makepayment>. For instructions for wire transfers and additional information, see <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

The electronically signed ESA, a scanned copy of the completed CAPP Inspection Findings, and confirmation of payment shall be sent via email to Tim Evans at evans.timothy@epa.gov. In lieu of email, the signed original ESA, a copy of the completed CAPP Inspection Findings, and confirmation of payment must be sent by certified mail to:

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

Copies of these items must also be sent via email to:

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

Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov.

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.

Respondent consents to receiving the finalized ESA electronically at the following email address: *LDurbin@growmark.com*. Respondent understands that the ESA will become publicly available upon ratification and filing.

FOR RESPONDENT:
Growmark, Inc., d/b/a AgVantage FS

Signature: _____ Date _____

Name (print): _____

Email Address: _____

Title (print): _____

FOR COMPLAINANT:
U.S. Environmental Protection Agency

Alyse Stoy
Acting Director
Enforcement and Compliance Assurance Division

Date: _____

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

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 a true and correct copy of the foregoing Expedited Settlement Agreement was sent this day in the following manner to the addressees:

Copy via E-mail to Complainant:

Erin Weekley, *weekley.erin@epa.gov*

Tim Evans, *evans.timothy@epa.gov*

Milady Peters, *peters.milady@epa.gov*

Copy via E-mail to Respondent:

Luke Durbin, *LDurbin@growmark.com*

Dated this _____ day of _____, _____.

Signed