10 AUG 25 AM 8:13
ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101

BEFORE THE ADMINISTRATOR

IN THE MATTER OF	)	
	)	Docket No.
BAYER CROPSCIENCE LP	)	CAA-07-2010-0021
	)	
Respondent	)	

CONSENT AGREEMENT AND FINAL ORDER

The United States Environmental Protection Agency, Region 7 (EPA) and Bayer CropScience LP (Respondent) have agreed to a settlement of this action before filing 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). This Consent Agreement and Final Order (CAFO) is a complete and final settlement of all civil and administrative claims and causes of action for the violations set forth herein.

EPA's FACTUAL ALLEGATIONS

Jurisdiction

1. This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act, (CAA), 42 U.S.C. § 7413(d). Pursuant to

Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that this matter, where the first date of alleged violation occurred more than 12 months prior to the initiation of the administrative action, is appropriate for administrative penalty action.

2. This CAFO serves as notice that EPA has reason to believe that Respondent has violated the provisions governing Chemical Accident Prevention, and specifically the requirement to implement a Risk Management Program as required by 40 C.F.R. Part 68 and Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

Parties

3. The Complainant, by delegation from the Administrator of the EPA , and the Regional Administrator, EPA, Region 7, is the Director of the Air and Waste Management Division, EPA, Region 7.

4. The Respondent is Bayer CropScience LP. Respondent owns a facility located at 8400 Hawthorn Road, Kansas City, Missouri, that produces crop protection chemicals (Respondent's Facility). Respondent is a limited partnership organized under the laws of Delaware, authorized to do business in the state of Missouri.

Statutory and Regulatory Requirements

CAA Section 112(r)

5. On November 15, 1990, the President signed into law the CAA Amendments of 1990. The Amendments added Section 112(r) to the CAA, 42 U.S.C. § 7412(r), which requires the Administrator of EPA to, among other things, promulgate regulations in order to prevent

accidental releases of certain regulated substances. Section 112(r)(3), 42 U.S.C. § 7412(r)(3) mandates the Administrator to promulgate a list of regulated substances, with threshold quantities, and defines the stationary sources that will be subject to the accident prevention regulations mandated by Section 112(r)(7). Specifically, Section 112(r)(7) requires the Administrator to promulgate regulations that address release prevention, detection and correction requirements for these listed regulated substances, 42 U.S.C. § 7412(r)(7).

6. On June 20, 1996, EPA promulgated a final rule known as the Risk Management Program, 40 C.F.R. Part 68, which implements Section 112(r)(7), 42 U.S.C. § 7412(r)(7), of the CAA. These regulations require owners and operators of stationary sources to develop and implement a risk management program that includes a hazard assessment, a prevention program and an emergency response program.

7. The regulations at 40 C.F.R. Part 68, set forth the requirements of a risk management program that must be established at each stationary source. The risk management program is described in a risk management plan (RMP) that must be submitted to EPA.

8. Pursuant to Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.150, the RMP must be submitted by an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process no later than the latter of June 21, 1999; or the date on which a regulated substance is first present above the threshold quantity in a process.

9. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), authorizes the United States to commence an action to assess civil administrative penalties of not more than $25,000 per day for

each violation of Section 112(r) of the CAA that occurs before January 30, 1997. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), as amended by the Debt Collection Improvement Act of 1996, authorizes the United States to commence an action to assess civil administrative penalties of not more than $27,500 per day for each violation that occurs after January 30, 1997 through March 15, 2004, and $32,500 per day for each violation that occurs after March 15, 2004.

Definitions

10. The regulations at 40 C.F.R. § 68.3 define "stationary source" in part, as any buildings, structures, equipment, installations or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control) and from which an accidental release may occur.

11. The regulations at 40 C.F.R. § 68.3 define "threshold quantity" as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, as amended, listed in 40 C.F.R. § 68.130, Tables 1, 2, 3, and 4, and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.

12. The regulations at 40 C.F.R. § 68.3 define "regulated substance" as any substance listed pursuant to Section 112(r)(3) of the CAA, as amended, in 40 C.F.R. § 68.130, Tables 1, 2, 3, and 4.

13. The regulations at 40 C.F.R. § 68.3 define "process" as any activity involving a regulated substance including any use, storage, manufacturing, handling or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group

of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

Alleged Violations

14. EPA alleges that Respondent has violated CAA Section 112(r), as follows:

CAA Section 112(r)

15. Respondent is, and at all times referred to herein was, a "person" as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

16. Respondent's Facility is a "stationary source" pursuant to 40 C.F.R. § 68.3.

17. Ethyl mercaptan is a regulated substance pursuant to 40 C.F.R. § 68.3. The threshold quantity for ethyl mercaptan, as listed in 40 C.F.R. § 68.130, Table 3, is 10,000 pounds.

18. Vinyl chloride is a regulated substance pursuant to 40 C.F.R. § 68.3. The threshold quantity for vinyl chloride, as listed in 40 C.F.R. § 68.130, Table 3, is 10,000 pounds.

19. Phosphorus trichloride is a regulated substance pursuant to 40 C.F.R. § 68.3. The threshold quantity for phosphorus trichloride, as listed in 40 C.F.R. § 68.130, Table 1, is 15,000 pounds.

20. Formaldehyde is a regulated substance pursuant to 40 C.F.R. § 68.3. The threshold quantity for formaldehyde, as listed in 40 C.F.R. § 68.130, Table 1, is 15,000 pounds.

21. 2-Methyl-1-butene is a regulated substance pursuant to 40 C.F.R. § 68.3. The threshold quantity for 2-Methyl-1-butene, as listed in 40 C.F.R. § 68.130, Table 3, is 10,000 pounds.

22. Carbon disulfide is a regulated substance pursuant to 40 C.F.R. § 68.3. The

threshold quantity for carbon disulfide, as listed in 40 C.F.R. § 68.130, Table 1, is 20,000 pounds.

23. Chlorine is a regulated substance pursuant to 40 C.F.R. § 68.3. The threshold quantity for chlorine, as listed in 40 C.F.R. § 68.130, Table 1, is 2,500 pounds.

24. Hydrogen chloride is a regulated substance pursuant to 40 C.F.R. § 68.3. The threshold quantity for hydrogen chloride, as listed in 40 C.F.R. § 68.130, Table 1, is 5,000 pounds.

25. On August 30, 2007, EPA conducted an inspection (hereinafter the EPA inspection) of Respondent's Facility to determine compliance with Section 112(r) of the CAA and 40 C.F.R. Part 68.

26. Records collected during the EPA inspection showed that Respondent's Facility exceeded the threshold quantity for the eight substances listed above at the time of the EPA inspection.

27. Respondent is subject to the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. Part 68, Subparts A through H, because it is an owner and operator of a stationary source that had more than a threshold quantity of a regulated substance in a process.

28. Respondent was required under Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. Part 68, to develop and implement a risk management program that fulfills the requirements of 40 C.F.R. Part 68, Subparts A through H, which includes a hazard assessment, a prevention program and an emergency response program.

29. The EPA inspection revealed that Respondent's Facility had not satisfied the requirements of 40 C.F.R. Part 68 as follows:

i. Annual certifications of Standard Operating Procedures in some instances were not made, in violation of 40 C.F.R. 68.69(c);

ii. Maintenance employee training lacked documentation of process overview, in violation of 40 C.F.R. 68.73(c);

iii. There was no historic certification of the Subpart D (Prevention Program) Compliance Evaluation, in violation of 40 C.F.R. 68.79(a);

iv. Documentation of Incident Investigations resolutions/corrective actions was inadequate, because even though Respondent noted that corrective action was taken, the specific corrective actions taken in response were not identified, in violation of 40 C.F.R. 68.81(e);

v. The Emergency Response Plan, although it did include adequate procedures for Missouri entities, did not include adequate procedures for informing Kansas emergency response agencies with regard to accidental releases, in violation of 40 C.F.R. 68.95(a)(1)(i);

vi. The Emergency Response Plan did not adequately cross-reference first-aid and emergency medical treatment for exposures;

vii. The documentation for the delegation of responsibility for RMP implementation was not up-to-date, in violation of 40 C.F.R. 68.15(a),(c);

viii. Additional worst-case release scenarios for flammable substances (i.e. vinyl chloride, ethyl mercaptan), or unique public receptors, although prepared by Respondent, were not provided, in violation of 40 C.F.R. 68.25(a)(2)(iii);

ix. Quantities of regulated substances in disengaged railcars were not included in maximum process quantities, in violation of Subpart G, specifically 40 C.F.R. 68.160(a)(7);

x. The resolution and documentation of Process Hazard Analysis findings and recommendations, as well as the corresponding documentation, was inadequate, in violation of 40 C.F.R. 68.67(e); and

xi. The facility did not maintain documentation of partial pressure measurements or estimates for hydrazine, as required by 40 C.F.R. 68.115(b)(1).

30. Respondent's alleged failure to comply with 40 C.F.R. Part 68, as set forth above, are violations of Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

CONSENT AGREEMENT

31. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth above.

32. Respondent does not admit nor deny the factual allegations, EPA's determinations of alleged violations, and any legal conclusions set forth herein.

33. EPA and Respondent agree that this CAFO has been negotiated in good faith to avoid costly and protracted litigation and that any actions undertaken by Respondent hereunder do not constitute an admission of any liability by Respondent.

34. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above.

35. This CAFO along with the corresponding Administrative Order on Consent resolves the alleged violations set forth above. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorney's fees.

36. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of the civil penalty as set forth below.

37. Respondent understands that the failure to pay any portion of the civil penalty assessed herein in accordance with the provisions of this order may result in commencement of a civil action in Federal District Court to recover the total penalty, together with interest at the applicable statutory rate.

38. Respondent certifies by the signing of this CAFO that to the best of its knowledge, Respondent's Facility is presently in compliance with all requirements of Section 112(r) of the CAA, and all regulations promulgated thereunder.

39. Based on the nature of the violations, Respondent's agreement to perform a Supplemental Environmental Project (SEP) and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of Thirty-Seven Thousand Seven Hundred and Ninety ($37,790) dollars.

40. The penalty specified in Paragraph 39, above, shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal taxes.

41. Respondent consents to the issuance of this Consent Agreement and consents for the purposes of settlement to the payment of the civil penalty cited in Paragraph 39 above, and to the performance of the SEP.

42. In settlement of this matter, Respondent agrees to complete the following SEP, which the parties agree is intended to secure significant environmental and/or public health benefits.

43. Respondent shall complete the SEP for the purpose of improving emergency planning and preparedness at Respondent's Facility and in the Kansas City metropolitan area through the acquisition of emergency response equipment that will assist with the response to potential releases of hazardous chemicals from Respondent's Facility. The SEP is more specifically described in the scope of work (hereinafter the "SEP Scope of Work"), attached hereto as Appendix A and incorporated herein by reference. All work required to complete the SEP shall be performed in compliance with all federal, state, and local laws and regulations.

44. In completing the SEP, Respondent shall spend no less than $100,000 dollars, nor is Respondent required to spend any more than $100,000 dollars. The SEP shall be completed within two hundred and ten (210) days after the effective date of this CAFO, in accordance with the specifications set forth in the SEP Scope of Work. Respondent shall include documentation of the expenditures made in connection with the SEP as part of the SEP completion report. Costs incurred by Respondent associated with any of the expenditures specified in the Appendix A SEP Scope of Work shall be eligible for SEP credit.

45. Respondent certifies that it is not required to perform or develop the SEP by any federal, state, or local law or regulation; nor is Respondent required to perform or develop the

SEP by agreement, grant, or as injunctive relief in this or any other case or to comply with state or local requirements. Respondent further certifies that Respondent has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

46. For federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP.

47. Within ninety (90) days of completion of the SEP, Respondent shall submit a SEP Completion Report to EPA. The SEP Completion Report shall contain the following:

(i) A detailed description of the SEP as implemented;

(ii) Itemized costs;

(iii) A description of any problems encountered and the solutions thereto;

(iv) A certification that the SEP has been fully implemented pursuant to the provisions of this Consent Agreement and Final Order; and

(v) A description of the environmental and public health benefits resulting from implementation of the SEP.

(vi) The report shall be submitted via first class mail to:

Christine Hoard
Chemical Risk Information Branch
United States Environmental Protection Agency, Region 7
901 North Fifth Street
Kansas City, Kansas 66101.

48. In itemizing its costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all eligible SEP costs. Where the SEP Completion Report includes costs not eligible for SEP credit, those costs must be clearly identified as such. For purposes of this paragraph, "acceptable documentation" includes

invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Cancelled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

49. After receipt of the SEP Completion Report described in Paragraph 47, above, EPA will notify Respondent, in writing, regarding:

i. any deficiencies in the SEP report itself along with a grant of an additional thirty (30) days for Respondent to correct any deficiencies;

ii. indicate that EPA concludes that the project has been completed satisfactorily; or

iii. determine that the project has not been completed satisfactorily and seek stipulated penalties in accordance with this Paragraph and Paragraph 50 herein.

If EPA elects to exercise option (i) above, i.e., if the SEP report is determined to be deficient, but EPA has not yet made a final determination about the adequacy of SEP completion itself, EPA shall permit Respondent the opportunity to object in writing to the notification of deficiency given pursuant to this paragraph within ten (10) days from the receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objections to reach agreement on changes necessary to the SEP report. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision on adequacy of the completion of the SEP to Respondent, which decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any failure to comply with the

terms of this CAFO. In the event the SEP is not completed as contemplated herein, as determined by EPA, and after EPA has provided Respondent notice of its decision and permitted Respondent the opportunity to object in writing within ten (10) days from the receipt of such notice, stipulated penalties shall be due and payable by Respondent to EPA in accordance with Paragraph 50 herein.

50. In the event that Respondent fails to comply with any of the terms or provisions of this Agreement relating to performance of the SEP described in Paragraphs 43 and 44 above and/or to the extent that the actual expenditures for the SEP do not equal or exceed the cost of the SEP described in Paragraph 44 above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

(i) Except as provided in subparagraph (ii) immediately below, for a SEP which has not been completed satisfactorily pursuant to this CAFO, Respondent shall pay a stipulated penalty in the amount of $45,000 dollars.

(ii) If the SEP is not completed in accordance with Paragraphs 43 and 44, but the Complainant determines that the Respondent a) made good faith and timely efforts to complete the project; and b) certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not be liable for any stipulated penalty.

(iii) If the SEP is completed in accordance with Paragraphs 43 and 44, but the Respondent spent less than 90 percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to the United States in the amount of $6,000 dollars.

(iv) If the SEP is completed in accordance with Paragraphs 43 and 44, but the Respondent spent at least 90 percent of the amount of money required to be spent for the project, Respondent shall not be liable for any stipulated penalty.

(v) For failure to submit the SEP Completion Report required by Paragraph 45 above, Respondent shall pay a stipulated penalty in the amount of $100 dollars for each day after the report was originally due for the first through the thirtieth day and $150 for the thirty-first day and beyond until the report is submitted.

51. The determination of whether the SEP has been satisfactorily completed and whether the Respondent has made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA.

52. Stipulated penalties shall begin to accrue the day after performance is due, and shall continue to accrue through the final day of the completion of the activity.

53. Respondent shall pay stipulated penalties not more than fifteen days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the

provisions of Paragraph 1 of the Final Order, below. Interest and late charges shall be paid as stated in Paragraph 56 herein.

54. Nothing in this agreement shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision or law.

55. Respondent understands that the failure to pay any portion of the mitigated civil penalty as stated in Paragraph 39, in accordance with the provisions of this order may result in commencement of a civil action in Federal District Court to recover the total penalty, together with interest at the applicable statutory rate.

56. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and charge to cover the costs of processing and handling delinquent claims. Interest will therefore begin to accrue on a civil penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States tax and loan rate in accordance with 31 C.F.R. § 901.9(b). A charge will be assessed to cover the debt collection, including processing and handling costs and administrative costs. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty becomes due and is not paid, 31 C.F.R. §§ 901.9(c) and (d).

57. Any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the SEP shall clarify that the project was voluntarily undertaken in connection with the settlement of an enforcement action taken by the Untied States Environmental Protection Agency.

FINAL ORDER

Pursuant to the provisions of the CAA, 42 U.S.C. § 7401 *et seq.*, and based upon the information set forth in this Consent Agreement, IT IS HEREBY ORDERED THAT:

1. Within sixty (60) days of entry of this Final Order, Respondent shall pay a mitigated civil penalty of Thirty-Seven Thousand Seven Hundred and Ninety ($37,790) dollars. Payment shall be made by cashier's or certified check and made payable to the "United States Treasury" and shall be remitted to:

United State Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
Post Office Box 979077
St. Louis, Missouri 63197-9000.

2. A copy of the check should be sent to:

Kristen Nazar
EPA-Region 7
Office of Regional Counsel
901 North Fifth Street
Kansas City, Kansas 66101

and

Kathy Robinson

Regional Hearing Clerk
EPA-Region 7
Office of Regional Counsel
901 North Fifth Street
Kansas City, Kansas 66101.

3. Respondent and EPA shall bear their own costs and attorneys' fees incurred as a result of this matter.

COMPLAINANT:
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

By _____
Becky Weber
Director
Air and Waste Management Division
EPA Region 7

Date: 8/13/10

By _____
Kristen Nazar
Assistant Regional Counsel

Date 8/11/2010

RESPONDENT:
BAYER CROPSCIENCE LP

By _____

PAUL E. NAGY

Title HEAD OF KANSAS CITY SITE

Date 08/09/2010

IT IS SO ORDERED. This Final Order shall become effective immediately.

By Karina Borromeo
Karina Borromeo
Regional Judicial Officer

Date Aug. 24, 2010

APPENDIX A

SUPPLEMENTAL ENVIRONMENTAL PROJECT – SCOPE OF WORK

In satisfaction of its obligations under this Consent Agreement and Final Order (CAFO), Bayer CropScience LP (Respondent) will complete the following supplemental environmental project (SEP) at its Kansas City, Missouri facility (Respondent's Facility). A SEP is a beneficial project that Respondent has voluntarily agreed to undertake as part of the settlement of this matter, but one which the Respondent is not otherwise legally required to perform, and that primarily benefits the public health or the environment. EPA has approved the following SEP, in addition to the mitigated administrative penalty set forth in this CAFO, for the settlement of this matter.

1. The SEP described below is designed to improve emergency planning and preparedness at Respondent's Facility and in the Kansas City metropolitan area through the acquisition of emergency response equipment that will assist with the prevention of and response to potential releases of hazardous chemicals from Respondent's Facility.

2. Respondent agrees to purchase AreaRAE monitors capable of detecting toxic gases and flammable gases, among other chemicals. The AreaRAE monitors (Model 039-W1-TBD) have detection capabilities based on five different sensors. The AreaRAE monitors to be acquired by Respondent will include two electrochemical sensors (one for Chlorine and one for Hydrogen Chloride), a general-purpose photoionization detector (PID) for volatile organic compounds, a lower explosive limit (LEL) sensor, and an oxygen sensor.

3. In conjunction with the acquisition of the AreaRAE monitors, Respondent will retain Safer Systems, L.L.C., to conduct a Monitor Siting Study at Respondent's Facility. The precise number of AreaRAE monitors to be acquired and the location of those monitors (fixed-mounting along the perimeter or portable monitors ready for rapid deployment) will be dependent upon the results of the Monitor Siting Study.

4. Respondent will complete the Monitor Siting Study within sixty (60) days of the effective date of the CAFO.

5. Respondent will then order and acquire the AreaRAE monitors from Safer Systems, L.L.C. so that they may be ready for use one hundred and fifty (150) days after completion of the Monitor Siting Study. Respondent will conduct the necessary training and installation, as applicable, within this 150-day time period. If the AreaRAE monitors cannot be delivered to Respondent within ninety (90) days of the completion of the Monitor Siting Study, Respondent will advise EPA and request such time as is reasonably necessary to complete the SEP.

6. Subject to the availability of the AreaRAE monitors noted above, Respondent will complete the SEP within two hundred and ten (210) days of the effective date of the CAFO.

7. Within ninety (90) days from the completion of the SEP, Respondent will submit to EPA a SEP Completion Report. The SEP Completion Report shall provide a description of the SEP as implemented, the costs incurred, and the completion date of the SEP.

8. In completing the SEP, Respondent shall spend no less than One Hundred Thousand Dollars ($100,000), nor is Respondent required to spend any more than One Hundred Thousand Dollars ($100,000). The expected costs associated with this SEP are: (1) Monitor Siting Study (approximately $10,000); (2) AreaRAE Monitors (approximately $7,000 per unit); (3) Housing for fixed-mounting of AreaRAE Monitors if fixed-mounting locations are selected following the Monitor Siting Study (approximately $3,000 to $5,000 per housing unit plus additional installation costs); and (4) Training ($3,230 for a one-day course and $4,860 for a two-day course). Costs incurred by Respondent associated with any of the foregoing expenditures are eligible for SEP credit.

IN THE MATTER OF Bayer CropScience LP, Respondent
Docket No. CAA-07-2010-0021

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order 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:

Mr. Andrew Brought
Spencer Fane Britt & Browne
1000 Walnut Street
Kansas City, Missouri 64106-2140

Dated: 8/25/10

Kathy Robinson

Kathy Robinson
Hearing Clerk, Region 7