



REGION 7

LENEXA, KS 66219

FILED

April 14, 2025

6:31AM

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

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO.: CAA-07-2025-0029

This ESA is issued to: Reeve Agri-Energy, Inc.

At: 5665 South Old Highway 83, Garden City, Kansas 67846

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

The United States Environmental Protection Agency, Region 7 (EPA or Complainant) and Reeve Agri-Energy, Inc. (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 Reeve Agri-Energy, Inc., a Kansas company, whose registered office in Kansas is located at S. Star Rt., Garden City, Kansas 67846.

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 July 10, 2024, an authorized representative of the EPA conducted a compliance inspection of Respondent's facility located at 5665 South Old Highway 83, Garden City, Kansas 67846 to determine compliance with the Chemical Accident Prevention Provisions (CAPP), commonly known as the Risk Management Program regulations, 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 **\$2,400**.

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; and (d) consents to the assessment of the penalty as stated above.

Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this Expedited Settlement Agreement and Final Order and its right to appeal this Expedited Settlement Agreement and Final Order.

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 Information Request Findings and has paid the penalty of **\$2,400**.

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 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 979078
St. Louis, Missouri 63197-9000.

The electronically signed ESA, a scanned copy of the completed CAPP Inspection Findings, and a copy of the information confirming payment shall be sent via email to Diana Chaney at chaney.diana@epa.gov. In lieu of email, the signed original ESA, a copy of the completed CAPP Inspection Findings, and a copy of the information confirming payment must be sent by certified mail to:

Diana Chaney
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: *lreeve@wbsnet.org*. Respondent understands that the Expedited Settlement Agreement will become publicly available upon ratification and filing.

FOR RESPONDENT:
Reeve Agri-Energy, Inc.

Signature:  Date 3/10/25
Name (print): Austin Aboldt
Email Address: aaboldt@rcc@gmail.com
Title (print): General Manager

FOR COMPLAINANT:
U.S. Environmental Protection Agency

David Cozad
Director
Enforcement and Compliance Assurance Division

Date: _____

Erin Weekley
Chief
Air and Cross-Cutting Issues Branch
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 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*
Diana Chaney, *chaney.diana@epa.gov*
Milady Peters, *peters.milady@epa.gov*

Copy via E-mail to Respondent:

lreeve@wbsnet.org.

Dated this _____ day of _____, 2025.

Signed