



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101
**EXPEDITED SETTLEMENT
AGREEMENT(ESA)**

06 MAR -7 PM 4:24
ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

DOCKET NO: CAA-07-2006-0072

This ESA is issued to: CTL Farm Services Inc.

At: 28762 West U.S. Highway 69, Bethany, Missouri 64424

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

The United States Environmental Protection Agency, Region 7 (EPA) and CTL Farm Services Inc., 28762 West U.S. Highway 69, Bethany, Missouri (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, RCRA and Toxics Division. The Respondent is CTL Farm Services Inc., 28762 West U.S. Highway 69, Bethany, Missouri.

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 Attorney General jointly determined that this matter, where the total penalty exceeds \$270,000 or where the first alleged date of violation occurred more than 12 months prior to the initiation of the administrative action, was appropriate for administrative penalty action.

ALLEGED VIOLATIONS

On June 7, 2005, an authorized representative of the EPA conducted a compliance inspection of the Respondent's facility located at 28762 West U.S. Highway 69, Bethany, Missouri, to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Clean Air Act. EPA found that the Respondent had violated regulations implementing Section 112(r) of the Clean Air Act by failing to comply with the regulations as noted on the enclosed Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet (RMP 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 RMP Findings for the total penalty amount of \$ 800.00.

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 in 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 "Treasurer, United States of America") in the amount of \$ 800.00 in payment of the full penalty amount to the following address:

U.S. EPA Region 7
P.O. Box 371099M
Pittsburgh, Pennsylvania 15251.

The DOCKET NUMBER OF THIS ESA, is CAA-07-2006-0072, 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:

Julie M. Van Horn
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
901 North Fifth Street
Kansas City, Kansas 66101.

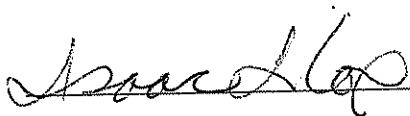
Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Clean Air Act referenced in the RMP Findings. EPA does not waive any other enforcement action for any other violations of the Clean Air Act or any other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



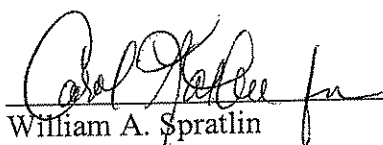
Date: 2/24/06

Name (print): ISAAC L COX

Title (print): PRESIDENT

CTL Farm Services Inc.

FOR COMPLAINANT:



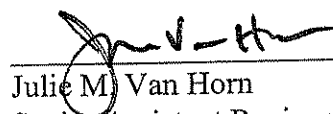
Date: 3/3/06

William A. Spratlin

Director

Air, RCRA, and Toxics Division

EPA Region 7



Date: 6 March 2006

Julie M. Van Horn

Senior Assistant Regional Counsel

EPA Region 7

CTL Farm Services Inc.
Expedited Settlement Agreement
Page 4 of 4

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

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

Date: 3/7/06

Risk Management Program Inspection Findings

CTL Farm Services, Inc

Bethany, Missouri

Instructions to the Owner/Operator:

- 1) PLEASE COMPLETE THIS FORM.
- 2) MAKE A COPY OF THIS COMPLETED FORM FOR YOUR FILES.
- 3) RETURN THIS COMPLETED FORM WITH THE SIGNED ORIGINAL SETTLEMENT AGREEMENT.

VIOLATION

PENALTY AMOUNT

- 1) [40 CFR 68.190(b)(1)] Owner or operator shall review and update the facility's Risk Management Plan within 5-years of the initial submission. The updated Risk Management Plan shall then be submitted to the Environmental Protection Agency. \$2000

How was this addressed? UNABLE TO COMPLETE RMP
ON COMPUTER, STILL WAITING ON UPDATED FIGURES
FROM HERB - GAVE UP - SOLD OUT
FACILITY DEMANTLED

Penalty multiplier based on quantity of chemical and number of employees = 0.4
 $\$2000 \times 0.4 = \800

TOTAL PENALTY

\$800

IN THE MATTER OF CTL Farm Services Inc., Respondent
Docket No. CAA-07-2006-0072

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:

Julie M. Van Horn
Senior Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Federal Express to:

Isaac Cox, President
CTL Farm Services, Inc.
28762 West U.S. Highway 69
Bethany, Missouri 64424

3/8/06
Dated

Kathy Robinson
Kathy Robinson
Regional Hearing Clerk