



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY-REGION 7

2015 OCT 26 AM 10: 52

**EXPEDITED SETTLEMENT AGREEMENT (ESA)**

**DOCKET NO.:** CAA-07-2015-0038

**This ESA is issued to:** Independent Farm Services

**At:** 351 E 300 Road, Overbrook, Kansas 66524

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

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The United States Environmental Protection Agency, Region 7 (EPA) and Independent Farm Services (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 the EPA, is the Director of the Air and Waste Management Division. The Respondent is Independent Farm Services, 351 E 300 Road, Overbrook, Kansas 66524.

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 policy entitled "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provision, 40 C.F.R. Part 68," dated January 5, 2004, are appropriate for administrative penalty action.

**ALLEGED VIOLATIONS**

On March 19, 2015, an authorized representative of the EPA conducted a compliance inspection of the Respondent's facility located at 351 E 300 Road, Overbrook, Kansas, to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the CAA. The EPA found that the Respondent had violated regulations implementing Section 112(r) of the CAA by failing to comply with the regulations as noted on the enclosed Risk Management Program Inspection Findings (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 **\$3,180**.

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 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 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 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 "United States Treasury") in the amount of **\$3,180** in payment of the full penalty amount to the following address:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

The Docket Number of this ESA is CAA-07-2015-0038, 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:

Christine Hoard  
Chemical Risk Information Branch  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

A copy of the check must also be sent to:

Kathy M. Robinson  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

Upon Respondent's submission of the signed original ESA, the EPA will take no further civil action against Respondent for the alleged violations of the CAA referenced in the RMP

Findings. The EPA does not waive any other enforcement action for any other violations of the CAA 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:

Jeral Crist

Date: 10/16/15

Name (print): Jeral Crist

Title (print): Partner  
Independent Farm Services

FOR COMPLAINANT:



Date: 10/20/15

*B* Becky Weber  
Director  
Air and Waste Management Division  
EPA Region 7



Date: 10-22-15

~~Kent Johnson~~  
Assistant Regional Counsel  
Office of Regional Counsel  
EPA Region 7

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

Karina Borromeo  
Karina Borromeo  
Regional Judicial Officer

Date: 10-26-15

Risk Management Program Inspection Findings  
CAA § 112(r) Violations

Independent Farm Services  
351 E 300 Road  
Overbrook, Kansas 66524  
Docket No. CAA-07-2015-0038

COMPLETE THIS FORM AND RETURN IT WITH THE ESA.

**VIOLATIONS**

**PENALTY AMOUNT**

Risk Management Plan [68.190(b)(1)] \$2,000  
The owner or operator failed to revise and update the RMP at least once every five years from the date of its initial submission or most recent update.  
*RMP submitted March 25, 2015*

Executive Summary [68.155(f)] *No penalty assessed*  
The owner or operator failed to include in the Executive Summary a brief description of the planned changes to improve safety.  
*Facility addressed this post inspection.*

Registration [68.160(b)(6)] *No penalty assessed*  
The owner or operator failed to include the email address of the emergency contact in the RMP registration information.  
*Facility addressed this post inspection.*

Management [68.15(a)] \$1,200  
The owner or operator shall develop a management system to oversee the implementation of the risk management program elements.

*How was this addressed:*

Independent Farm Services has developed a maintenance schedule to address  
maintenance items

Prevention Program  
Safety Information [68.48(a)(5)] \$300  
The owner or operator failed to maintain a copy of the codes and standards used to design, build, and operate the process.  
*Facility addressed this post inspection.*

Safety Information [68.48(b)] \$1,500  
The owner or operator failed to ensure the process is designed in compliance with recognized and generally accepted and good engineering practices.

How was this addressed:

Storage tank was elevated above grade to a distance of at least 18"

Break away valves were installed in the plumbing at transfer lines

Collision protection has been installed around plumbing

Prevention Program

Compliance Audits [68.58(d)] \$300  
The owner or operator failed to document an appropriate response to each of the findings of the Compliance audit and documented that deficiencies had been corrected.

How was this addressed:

A new compliance audit was conducted after the corrections were made

Total Unadjusted Penalty \$5,300

Calculation of Adjusted Penalty

1<sup>st</sup> Reference the Multipliers for calculating proposed penalties for violations found during RMP inspection matrix. Finding the column for 0-9 employees and the row for >5-10 times the threshold quantity of 10,000 pounds of anhydrous ammonia as listed in 40 C. F. R. Part 68.130 for the amount in a process gives a multiplier factor of 0.6. Therefore, the multiplier for Independent Farm Services = 0.6

2<sup>nd</sup> Adjusted Penalty = \$5,300 (Unadjusted Penalty) X 0.6 (Size-Threshold Multiplier)  
Adjusted Penalty = \$3,180

3<sup>rd</sup> An Adjusted Penalty of \$3,180 would be assessed to Independent Farm Services for Violations found during the RMP Compliance Inspection. This amount will be found in the Expedited Settlement Agreement (ESA)

**Total Adjusted Penalty**

**\$3,180**

**This section must be also be completed and signed by Independent Farm Services:**

The approximate cost to correct the above items: \$ 4660

Compliance staff name: Jerel Crist

Signed: Jerel Crist Date: 10/16/15



IN THE MATTER OF Independent Farm Services, Respondent  
Docket No. CAA-07-2015-0038

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy by email to Attorney for Complainant:

bosch.raymond@epa.gov

Copy by email to:

Jerel Crist, Partner  
Independent Farm Services  
351 E 300 Road  
Overbrook, Kansas 66524

10/20/15



Kathy Robinson  
Kathy Robinson  
Hearing Clerk, Region 7

