



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

2017 JUN 19 AM 7:45  
ENVIRONMENTAL PROTECTION AGENCY REGION 7

**EXPEDITED SETTLEMENT AGREEMENT (ESA)**

**DOCKET NO.:** CAA-07-2017-0155

**This ESA is issued to:** CSM Bakery Products NA, Inc.

**At:** 2410 South Scheidt Road, Bonner Springs, Kansas 67801

**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 CSM Bakery Products NA, 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).

The Complainant, by delegation of the Administrator of EPA, is the Director of the Air and Waste Management Division. Respondent is CSM Bakery Products NA, Inc., 2410 South Scheidt Road, Bonner Springs, Kansas 67801.

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 action.

**ALLEGED VIOLATIONS**

On January 18-19, 2017, an authorized representative of the EPA conducted a compliance inspection of Respondent's facility located at 2410 South Scheidt Road, Bonner Springs, Kansas, to determine compliance with the Chemical Accident Prevention Provisions (CAPP), commonly known as the Risk Management Program regulations, promulgated at 40 C.F.R. Part 68 under Section 112(r) of the CAA. The EPA found that Respondent had violated regulations implementing Section 112(r) of the CAA by failing to comply with the regulations as noted on the enclosed Chemical Accident Prevention Provisions Inspection Findings (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 **\$7,500**.

This settlement is subject to the following terms and conditions:

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 CAPP Inspection 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 Respondent has corrected the violations listed in the enclosed CAPP Inspection Findings and has sent a cashier's check or certified check (payable to the "United States Treasury") in the amount of **\$7,500** 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-07-2017-0155, and must be included on the check.

This original ESA, a copy of the completed CAPP Inspection Findings, and a copy of the check must be sent by certified mail to:

Christine Hoard  
Chemical & Oil Release Prevention 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, EPA will take no further civil action against Respondent for the alleged violations of the CAA referenced in the CAPP Inspection 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 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 CAPP Findings.

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

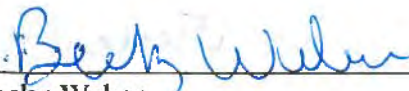
CSM Bakery Products NA, Inc.

Date: 06/06/2017


Name (print): Travis Gripenstrog

Title (print): Plant Director  
CSM Bakery Products NA, Inc.

FOR COMPLAINANT:

  
\_\_\_\_\_  
Becky Weber  
Director  
Air and Waste Management Division  
EPA Region 7

Date: 6/13/17

  
\_\_\_\_\_  
Erin Weekley  
Chemical Management Branch Chief  
Office of Regional Counsel  
EPA Region 7

Date: 6/14/17

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

Karina Borrromeo

Karina Borrromeo  
Regional Judicial Officer

Date: June 14, 2017

Chemical Accident Prevention Provisions Inspection Findings  
CAA § 112(r) Violations

CSM Bakery Products NA, Inc.  
2410 South Scheidt Road  
Bonner Springs, Kansas 67801  
Docket No. CAA-07-2017-0155

**COMPLETE THIS FORM AND RETURN IT WITH THE ESA.**

**VIOLATIONS**

**PENALTY AMOUNT**

Risk Management Plan Emergency Response Program [40 CFR 68.180] The owner or operator failed to submit an RMP that correctly included the information required regarding the emergency response program. (Section 9) <i>Facility addressed this post inspection.</i>	<i>No penalty assessed</i>
Risk Management Plan (RMP) Updates Risk Management Plan Submission [40 CFR 68.190(b)(3)] The owner or operator failed to submit a single RMP that includes information required by §68.155 through §68.185 for the covered process with the RMP being submitted no later than the date on which a regulated substance is first present above the threshold quantity in a process. <i>RMP certified August 2016.</i>	\$3,000
Hazard Assessment Review and Update [40 CFR 68.36(a)] The owner or operator failed to review and update the off-site consequence analyses at least once every five years. <i>Hazard Assessment dated July 2016</i>	\$1,200
Safety Information [40 CFR 68.65(d)(2)] The owner or operator failed to document that equipment complies with recognized and generally accepted good engineering practices. <i>Facility addressed this post inspection.</i>	\$1,500
Prevention Program Process Hazard Analysis [40 CFR 68.67(a)] The owner or operator failed to perform an initial process hazard Analysis. <i>PHA conducted by Facility September 2015</i>	<i>No penalty assessed</i>

Prevention Program

Process Hazard Analysis [40 CFR 68.67(e)]

*No penalty assessed*

The owner or operator failed to establish a system to promptly address the team's findings and recommendations and failed to communicate the actions to operating, maintenance, and other employees whose work assignments were in the process and who may be affected by the recommendations.

*Facility addressed this post inspection.*

Prevention Program

Management of Change [40 CFR 68.75(a)]

\$1,500

The owner or operator failed to establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures, and changes to stationary sources that affect a covered process.

*Facility addressed this post inspection.*

Prevention Program

Pre-startup Safety Review [40 CFR 68.77(a)]

\$300

The owner or operator failed to perform a pre-startup safety review prior to the introduction of a regulated substance to a process to confirm.

*Facility addressed this post inspection.*

TOTAL

\$7,500

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 > 100 employees and the row for 1-5 times the threshold quantity of 10,000 pounds of anhydrous ammonia as listed in 40 C.F.R. 68.130 for the amount in a process gives a multiplier factor of 0.6. Therefore, the multiplier for CSM Bakery Products NA, Inc. = 1.

*\*\*No adjusted penalty since multiplier is 1*

**Total Penalty**

**\$7,500**

This section must be also completed and signed by **CSM Bakery Products NA, Inc.:**

The approximate cost to correct the above items: \$ 50,000

Compliance staff name: Javis Gripenberg

Signed: [Signature] Date: 06/06/2017



IN THE MATTER Of CSM Bakery Products NA, Inc., Respondent  
Docket No. CAA-07-2017-0155

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 via Email to Complainant:

rosado-chaparro.wilfredo@epa.gov

Copy via First Class Mail to Respondent:

Travis Gripentrog  
Plant Director  
CSM Bakery Products NA, Inc.  
2410 South Scheidt Road  
Bonner Springs, Kansas 67801

Dated: 6/19/17



Kathy Robinson  
Hearing Clerk, Region 7

