



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION IX
 75 Hawthorne Street
 San Francisco, CA 94105

FILED

2012 SEP 26 AM 9: 58

DOCKET NO: CAA (112r)-09--2012-0015
 This ESA is issued to: Cyanco
 At: 5505 Cyanco Drive, Winnemucca, NV 89445
 For: Violating Section 112(r)(7) of the Clean Air Act

U.S. EPA, REGION IX
 REGIONAL HEARING CLERK

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region IX, by its duly delegated official, Jane Diamond, Superfund Director, and by Cyanco, ("Respondent") pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(a)(3) and by 40 CFR § 22.13(b). EPA has obtained the concurrence of the U.S. Department Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

The owner or operator failed to conduct a compliance audit in 2006 and retain the last two compliance audits, as required by 40 C.F.R. § 68.79(a) and (e). The owner or operator must certify that the stationary source has evaluated compliance with the provisions of the prevention program at least every three years to verify that the developed procedures and practices are adequate and are followed.

SETTLEMENT

In consideration of the Respondent's size of business, its full compliance history, any previous penalties assessed, its good faith effort to comply, the duration and seriousness of the violation, the economic impact of the penalty, economic benefit, and other factors as justice may require, the parties enter into this ESA in order to settle the violations described above for the total penalty amount of \$1,200.

This settlement is subject to the following terms and conditions:

The Respondent by signing below admits to jurisdiction, neither admits nor denies the specific factual allegations contained above, 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 Act, 42 U.S.C §7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own attorney's fees and costs, 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 above and have sent an **Online Payment through the Department of Treasury: WWW.PAY.GOV** (Enter SFO 1.1 in search field. Open form and complete required fields) **or alternatively send a cashier's check or certified check** (payable to the Treasurer, United States of America) in the amount of \$1,200 in payment of the full penalty amount to the following address:

US Environmental Protection Agency
 Fines and Penalties
 Cincinnati Finance Center
 PO Box 979077
 St. Louis, MO 63197-9000

The check or online payment should reference Respondent's name and a copy of this ESA must be included with the check/online payment going to the Cincinnati Finance Center. This original ESA and a copy of the check or online receipt must also be sent by certified mail to:

Travis L. Cain (SFD-9-3)
 U.S. Environmental Protection Agency
 Region IX
 75 Hawthorne Street
 San Francisco, CA 94105

* *NOTE: THERE WAS NOT A WAY TO INCLUDE A COPY OF THIS ESA WITH THE ONLINE PAYMENT.*
 TBK

Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above. This ESA shall not be construed as a covenant not to sue, a

release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region IX office at the above address in correct form by the Respondent within 30 days of the date of Respondent's receipt of the proposed ESA, the ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT – Cyanco

Signature: Thomas E. Karres

Date: 8/16/12

Name (print): THOMAS E. KARRS

Title (print): ENGINEERING MANAGER

FOR COMPLAINANT:

For Jane Diamond

Date: 9-11-12

Jane Diamond
Superfund Director
U.S. EPA Region IX

It is hereby ORDERED that this ESA be entered and Respondent pays the above penalty.

Steven L. Jawglet
Steven L. Jawglet
Chief Judicial Officer
U.S. EPA Region IX

Date: 09/25/12

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order in the matter of CYANCO (**Docket #: CAA(112r)-09-2012-0015**) was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

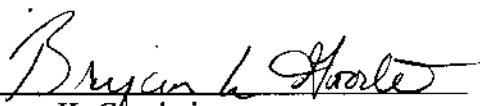
A copy was mailed via CERTIFIED MAIL to:

Mr. Tom Karres
Engineering Manager
Cyanco
5505 Cyanco Drive
Winnemucca, NV 89445

CERTIFIED MAIL NUMBER: 7011 0470 0002 9197 7371

And additional copy was hand-delivered to the following U.S. EPA case attorney:

Thanne Cox, Esq.
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105



Bryan K. Goodwin
Regional Hearing Clerk
U.S. EPA, Region IX

9/26/12

Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 9
75 Hawthorne Street, San Francisco, CA 94105

CERTIFIED MAIL NO: 7011 0470 0002 9197 7371
Return Receipt Requested

SEP 26 2012

Mr. Tom Karres
Engineering Manager
Cyanco
5505 Cyanco Drive
Winnemucca, NV 89445

Re: Cyanco, Winnemucca, NV 89445
RMP Facility ID # 1000 0013 7862

Dear Mr. Karres,

This letter transmits a copy of the fully executed Expedited Settlement Agreement that resolves the alleged violations of Clean Air Act (CAA) Section 112(r)(7) at Cyanco, 5505 Cyanco Drive, Winnemucca, Nevada 89081. The violation is for failure to conduct a compliance audit in 2006.

Thank you for your prompt attention to this matter. If you have any questions or need additional information about the CAA Section 112(r)(7) requirements, please feel free to contact Travis Cain of my staff at (415) 972-3161.

Sincerely,


Jane Diamond
Director, Superfund Division

Enclosures