



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

Received by  
EPA Region 7  
Hearing Clerk

**EXPEDITED SETTLEMENT AGREEMENT (ESA)**

**DOCKET NO.:** CAA-07-2022-0070

**This ESA is issued to:** Cooperative Association No. 130

**At:** 206 Bluff Street, Rhineland, Missouri 65069

**For:** Alleged Violations of Section 112(r)(7) of the Clean Air Act.

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The United States Environmental Protection Agency, Region 7 (EPA or Complainant) and Cooperative Association No. 130 (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, as duly delegated by the Administrator of the EPA, is the Air Branch Chief of the Enforcement and Compliance Assurance Division. Respondent is Cooperative Association No. 130, a company registered to do business in Missouri.

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 April 13, 2021, the EPA sent an Information Request Letter (Letter) to Respondent at 206 Bluff Street, Rhineland, Missouri 65069 to determine compliance with the Chemical Accident Prevention Provisions (CAPP), commonly known as the Risk Management Program regulations, promulgated pursuant to Section 112(r) of the CAA and codified at 40 C.F.R. Part 68. The Letter was directed to Respondent's facility located at 206 Bluff Street, Rhineland, Missouri 65069. The EPA received a response to the Letter on December 24, 2020. Based on the response, the EPA found that Respondent had violated the CAPP by failing to comply with the regulations as noted on the enclosed Chemical Accident Prevention Provisions Information Request Review Findings (CAPP Review 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 Review Findings, for the total penalty amount of **\$12,500**.

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 Review Findings, consents to the assessment of the penalty as stated above, and consents to receiving the filed Agreement electronically at the following e-mail address:  
*jruth@ncrpc.com*.

Respondent waives its right 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 Review Findings and has paid the penalty of \$12,500. 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 979077  
St. Louis, Missouri 63197.

The original "wet signature" ESA must be mailed to the address below. A copy of the signed ESA, a copy of the completed CAPP Review Findings, and a copy of the check or other information confirming payment should be sent via email to Lorenzo Sena at *senalorenzo@epa.gov*. In lieu of email, the original ESA, a copy of the completed CAPP Review Findings, and a copy of the check or other information confirming payment must be sent by certified mail to:

Lorenzo Sena  
Chemical Accident Prevention Section | Air Branch  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard

Lenexa, Kansas 66219.

A copy of the check or other information confirming payment must also be sent via email or physical mail to:

Amy Gonzales  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 7  
*R7\_Hearing\_Clerk\_Filings@epa.gov*  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

Full payment of the ESA penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged in the CAPP Review Findings. The EPA reserves the right to take any enforcement action for any other violations of the CAA or any other statute.

If either a copy of the signed original ESA and accompanying documents described above, or the signed original ESA with an attached copy of the check or other information confirming payment, is not returned to Lorenzo Sena or the EPA Region 7 office at the above email or physical addresses in correct form within 45 days of the date of Respondent's receipt of this ESA (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 Review Findings.

This ESA is binding on the parties signing below.

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

In the Matter of Cooperative Association No. 130  
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FOR RESPONDENT:



Date: 7-8-22

Name (print): Curtis Brueckerhoff

Title (print): General Manager  
Cooperative Association No. 130

FOR COMPLAINANT:

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Tracey Casburn  
Air Branch Chief  
Enforcement and Compliance Assurance Division  
EPA Region 7

Date: \_\_\_\_\_

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Kasey Barton  
Office of Regional Counsel  
EPA Region 7

Date: \_\_\_\_\_

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

\_\_\_\_\_  
Karina Borrromeo  
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:

Kasey Barton, Office of Regional Counsel  
*barton.kasey@epa.gov*

Lorenzo Sena, Enforcement and Compliance Assurance Division  
*Sena.Lorenzo@epa.gov*

Copy via e-mail to Respondent:

John A. Ruth, Attorney  
Counsel for Cooperative Association No. 130  
*jruth@ncrpc.com*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signed