



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

NOV 10 2009

REPLY TO THE ATTENTION OF:

SC-6J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Brian R. Spencer,  
CF Industries, Inc.  
4 Parkway North  
Deerfield, IL 60015

RE: Expedited Settlement Agreement  
ESA Docket No. RMP-09-ESA-013  
Docket No.

**CAA-05-2010-0001**

Dear Mr. Spencer:

Enclosed please find a copy of the fully executed Risk Management Plan Expedited Settlement Agreement (ESA). The ESA is binding on EPA and Respondent. EPA will take no further action against Respondent for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact Mr. Greg Chomycia at (312)353-8217, or [chomycia.greg@epa.gov](mailto:chomycia.greg@epa.gov), if you have any questions regarding the enclosed document or if you have any other question about the program. Thank you for your assistance in resolving this matter.

Sincerely,

A handwritten signature in black ink that reads "Mark J. Horwitz".

Mark J. Horwitz, Chief  
Chemical Emergency  
Preparedness & Prevention Section

Enclosure

61#

2751003A002

**EXPEDITED SETTLEMENT  
AGREEMENT (ESA)**

**RECEIVED**  
NOV 10 2009  
REGIONAL HEARING CLERK  
USEPA  
REGION 5

**DOCKET NO: RMP-09-ESA-013**

**This ESA is issued to:** CF Industries, Inc.

**At:** Pine Bend Terminal, 13040 Pine Bend Trail, Rosemount, Minnesota  
**for violating Section 112(r)(7) of the Clean Air Act.**

**CAA-05-2010-0001**

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 5, by its duly delegated official, the Director, Superfund Division, and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On November 13, 2007, EPA obtained the concurrence of the U.S. Department of 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**

On September 18, 2007, an authorized representative of the EPA conducted a compliance inspection of the subject facility (Respondent) to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with the regulations as noted on the attached ESA ALLEGED VIOLATIONS SHEET (FORM), which is hereby incorporated by reference.

**SETTLEMENT**

In consideration of Respondent's 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 attached FORM for the total penalty amount of **\$1350.00**

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 FORM, 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 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 attached FORM and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$1350.00** 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 DOCKET NUMBER OF THIS ESA **must be included on the check.** (The DOCKET NUMBER is located at the top left corner of this ESA.)

This original ESA and a copy of the check must be sent by certified mail to:

Greg Chomycia  
Chemical Emergency  
Preparedness and Prevention Section (SC-6J)  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Act referenced in the FORM. 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 5 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 FORM.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Signature: W. Anthony Will Date: 10/16/09

Name (print): W. ANTHONY WILL

Title (print): Vice President, Manufacturing and Distribution

COMPANY NAME CF Industries

FOR COMPLAINANT:

for Richard C. Karl, Director  
Superfund Division

Date: 11/3/09

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

Bharat Mathur  
Bharat Mathur  
Acting Regional Administrator

Date: 11/4/09

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REGION 5



4 Parkway North Suite 400  
Deerfield, Illinois 60015-2590

HARRIS CENTRAL N.A.  
RoseJle, Illinois

149645

70-1558/719

Date 10/22/2009

Pay Amount \$1,350.00\*\*\*

Pay \*\*\*\*\*ONE THOUSAND THREE HUNDRED FIFTY AND XX/100 US DOLLAR\*\*\*\*\*

To The  
Order Of

\*\*\*\*\*  
\*\*\*TREASURER, UNITED STATES OF AMERICA\*\*\*  
US Environmental Protection Agency Fines an  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

Authorized Signature

RMP-09-ESA-013

⑈ 149645⑈ ⑆ 071915580⑆ 04⑈ 200⑈ 588⑈ 2⑈

CAA-05-2010-0001

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RECEIVED

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REGIONAL HEARING CLERK  
USEPA  
REGION 5