

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

In the Matter of)	
)	
Airosol Co., Inc.)	Docket No. CAA-07-2018-0181
)	
Respondent)	

ADMINISTRATIVE ORDER FOR COMPLIANCE ON CONSENT

PRELIMINARY STATEMENT

1. The United States Environmental Protection Agency, Region 7 (EPA or Complainant) and Airosol Co., Inc. (Respondent) have agreed to voluntarily enter into this Administrative Order for Compliance on Consent (Order) for the purpose of carrying out the goals of Section 112(r) of the Clean Air Act (CAA), 42 U.S.C. § 7412(r).

2. This Order requires Respondent to comply with the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the regulations promulgated thereunder and codified at 40 C.F.R. Part 68 as specified herein. All activities specified below shall be initiated and completed as soon as possible even though maximum time periods for their completion may be specified herein. The terms of this Order shall not be modified except by a subsequent written agreement between the parties.

3. By entering into this Order, Respondent (1) consents to and agrees not to contest EPA's authority or jurisdiction to issue or enforce this Order, (2) agrees to undertake all actions required by the terms and conditions of this Order, and (3) consents to be bound by the requirements set forth herein. Respondent also waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order, including, but not limited to, any right of judicial review of this Order under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1), or under the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

JURISDICTION

4. The following Order is entered into and issued pursuant to the authority of Section 113(a)(3) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(3)(B), as amended.

PARTIES

5. Complainant, by delegation from the Administrator of the EPA and the Regional Administrator, EPA, Region 7, is the Director of the Air and Waste Management Division, EPA, Region 7.

6. Respondent is Airosol Co., Inc., a business in good standing under the laws of the state of Kansas, and doing business in the state of Kansas, which owns and operates the facility located at: 1206 Illinois Street, Neodesha, Kansas 66757 (the Facility).

STATUTORY AND REGULATORY AUTHORITY

7. On November 15, 1990, the President signed into law the CAA Amendments of 1990. The Amendments added Section 112(r) to Title I of the CAA, 42 U.S.C. § 7412(r), which requires the Administrator of the EPA to, among other things, promulgate regulations in order to prevent accidental releases of certain regulated substances. Section 112(r)(3), 42 U.S.C. § 7412(r)(3), mandates that the Administrator promulgate a list of regulated substances, with threshold quantities, and defines the stationary sources that will be subject to the chemical accident prevention regulations mandated by Section 112(r)(7). Specifically, Section 112(r)(7), 42 U.S.C. § 7412(r)(7), requires the Administrator to promulgate regulations that address release prevention, detection, and correction requirements for these listed regulated substances.

8. On June 20, 1996, the EPA promulgated a final rule, the Chemical Accident Prevention Provisions found at 40 C.F.R. Part 68 (commonly known as the Risk Management Plan Rule), which implements Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7). This rule requires owners and operators of stationary sources to develop and implement a risk management program that includes a hazard assessment, a prevention program and an emergency response program.

9. The regulations at 40 C.F.R. Part 68 set forth the requirements of a risk management program that must be established at each stationary source. The risk management program is described in a Risk Management Plan (RMP) that must be submitted to the EPA.

10. Pursuant to Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.150, an RMP must be submitted for all covered processes by the owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process no later than the latter of June 21, 1999, or the date on which a regulated substance is first present above the threshold quantity in a process.

11. The regulations at 40 C.F.R. § 68.10 set forth how the Chemical Accident Prevention Provisions apply to covered processes. Pursuant to 40 C.F.R. § 68.10(d), a covered process is subject to Program 3 requirements if the process does not meet the eligibility requirements of Program 1, as described in 40 C.F.R. § 68.10(b), and it either falls under a specified North American Industry Classification System code or is subject to the OSHA process safety management standard, 29 C.F.R. § 1910.119.

12. Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9), defines “owner or operator” as any person who owns, leases, operates, controls, or supervises a stationary source.

13. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines “person” to include any individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency department, or instrumentality of the United States and any officer, agent, or employee thereof.

14. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), defines “stationary source” as any buildings, structures, equipment, installations or substance-emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.

15. The regulations at 40 C.F.R. § 68.3 define “regulated substance” as any substance listed pursuant to Section 112(r)(3) of the CAA, as amended, in 40 C.F.R. § 68.130.

16. Pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), EPA promulgated a list of regulated substances found at 40 C.F.R. § 68.130, Tables 1, 2, 3 and 4.

17. The regulations at 40 C.F.R. § 68.3 define “threshold quantity” as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, as amended, listed in 40 C.F.R. § 68.130 and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.

18. The regulations at 40 C.F.R. § 68.3 define “process” as any activity involving a regulated substance including any use, storage, manufacturing, handling or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

19. Section 112(r)(2)(A) of the CAA, 42 U.S.C. § 7412(r)(2)(A), and 40 C.F.R. § 68.3 define “accidental release” as an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

20. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), grants the Administrator the authority to make a finding of violation of a requirement or prohibition of Title I, and upon such a finding, to issue an order requiring a person to comply with such requirement or prohibition.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

21. Respondent is, and at all times referred to herein was, a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

22. Respondent is the owner or operator of the Facility.

23. The Facility is a “stationary source” as defined by Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C).

24. On or about August 22-23, 2017, EPA conducted an inspection (the inspection) of the Facility to determine compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. Part 68. Information collected as a result of the inspection revealed that Respondent failed to implement the risk management program at the Facility.

25. The following substances are a “regulated substance” pursuant to 40 C.F.R. § 68.3, with a threshold quantity 10,000 pounds, as listed in 40 C.F.R. § 68.130:

- a. Propane;
- b. Ethyl ether; and
- c. Isobutane.

26. Information gathered during the inspection revealed that Respondent had greater than 10,000 pounds of flammable mixtures comprised of ethyl ether (Ethane, 1,1'-oxybis- CAS # 60-29-7), propane (CAS # 74-98-6), and isobutane (propane, 2-methyl- CAS # 75-28-5) (the flammable mixtures) in a process at the Facility.

27. From the time Respondent first had onsite greater than 10,000 pounds of the flammable mixtures in a process, Respondent was subject to Program 3 prevention program requirements pursuant to 40 C.F.R. § 68.10(d) because the covered process at the Facility does not meet the eligibility requirements of Program 1 and is subject to the OSHA process safety management standard 29 C.F.R. § 1910.119.

28. From the time Respondent first had onsite greater than 10,000 pounds of the flammable mixtures in a process, Respondent was required pursuant to Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), to submit an RMP in accordance with 40 C.F.R. § 68.12(a) and comply with the Program 3 requirements provided at 40 C.F.R. § 68.12(d).

FINDINGS OF VIOLATIONS

29. The facts stated in Paragraphs 21 through 28 above are herein incorporated.

Risk Management Program

30. Pursuant to 40 C.F.R. § 68.12(a), the owner or operator of a stationary source shall submit a single RMP, as provided in 40 C.F.R. §§ 68.150 to 68.185.

31. 40 C.F.R. § 68.150(a) requires that the owner or operator shall submit a single RMP that includes the information required by 40 C.F.R. §§ 68.155 through 68.185.

32. 40 C.F.R. § 68.150(d) requires that RMPs submitted by the owner or operator of a stationary source shall be updated and corrected in accordance with 40 C.F.R. §§ 68.190 and 68.195.

33. 40 C.F.R. § 68.190(b)(1) requires that the owner or operator of a stationary source shall revise and update the RMP submitted under 40 C.F.R. § 68.150 at least once every five years from the date of its initial submission or most recent update.

34. The EPA RMP Reporting Center database revealed that Respondent failed to revise and update the RMP for the Facility at least once every five years from the date of the most recent update in that Respondent submitted an updated RMP on December 9, 2010, and again on October 3, 2016.

35. 40 C.F.R. § 68.195(a) requires that the owner or operator of a stationary source for which a RMP was submitted shall submit the data required under 40 C.F.R. §§ 68.168, 68.170(j), and 68.175(1) for any accidental release meeting the five-year accident history reporting criteria of 40 C.F.R. § 68.42 and occurring after April 9, 2004 within six (6) months of the release or by the time the RMP is updated under 40 C.F.R. § 68.190, whichever is earlier.

36. 40 C.F.R. § 68.42 requires that the owner or operator shall include in the five-year accident history all accidental releases from covered processes that resulted in deaths, injuries, or significant property damage on site, or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage.

37. An accidental release, as defined by Section 112(r)(2)(A) of the CAA, 42 U.S.C. § 7412(r)(2)(A), and 40 C.F.R. § 68.3, occurred at the Facility on November 22, 2016, resulting in employee injuries, impacts to the public water system, significant damage to the Facility, an issued shelter in place to the surrounding community, and the closure of nearby roads and railroad.

38. The EPA RMP Reporting Center database revealed that Respondent failed to revise and update the RMP to include accidental release information resulting from the November 22, 2016 accidental release by May 23, 2017.

39. Respondent's failure to comply with the RMP requirements of 40 C.F.R. § 68.12(a), as described above, is a violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

Management System

40. Pursuant to 40 C.F.R. § 68.12(d)(1), the owner or operator of a stationary source with a process subject to Program 3 shall develop and implement a management system as provided in 40 C.F.R. § 68.15.

41. 40 C.F.R. § 68.15(a) requires that the owner or operator shall develop a management system to oversee the implementation of the risk management program elements.

42. The inspection revealed that Respondent had not developed a management system.

43. Respondent's failure to comply with the management system requirement of 40 C.F.R. § 68.12(d)(1), as described above, is a violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

Hazard Assessment

44. Pursuant to 40 C.F.R. § 68.12(d)(2), the owner or operator of a stationary source with a process subject to Program 3 shall conduct a hazard assessment as provided in 40 C.F.R. §§ 68.20 through 68.42.

45. 40 C.F.R. § 68.36(a) requires that the owner or operator shall review and update the offsite consequence analysis every five (5) years.

46. The inspection revealed that Respondent had not reviewed nor updated the offsite consequence analysis since approximately late 1999, early 2000.

47. 40 C.F.R. § 68.39(e) requires that the owner or operator shall maintain records of the data used to estimate population and environmental receptors potentially affected for the offsite consequence analyses.

48. The inspection revealed that Respondent failed to maintain the data used to estimate population and environmental receptors potentially affected for the offsite consequence analyses.

49. Respondent's failure to comply with the hazard assessment requirements of 40 C.F.R. § 68.12(d)(2), as described above, is a violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

Program 3 Prevention Requirements

50. Pursuant to 40 C.F.R. § 68.12(d)(3), the owner or operator of a stationary source with a process subject to Program 3 shall implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87.

51. 40 C.F.R. § 68.65(a) requires that the owner or operator shall complete a compilation of written process safety information including information pertaining to the technology of the process, as provided in 40 C.F.R. § 68.65(c), and information pertaining to the equipment in the process, as provided in 40 C.F.R. § 68.65(d).

52. The inspection revealed that Respondent failed to have written information on the technology of the process and pertaining to the equipment in the process.

53. 40 C.F.R. § 68.67(a) requires that the owner or operator shall perform an initial process hazard analysis (hazard evaluation) on the processes covered by 40 C.F.R. Part 68.

54. The inspection revealed that Respondent had not completed an initial process hazard analysis.

55. 40 C.F.R. § 68.71(c) requires that the owner or operator shall ascertain that each employee involved in operating a process has received and understood the training required by 40 C.F.R. §§ 68.71(a) and (b) and shall prepare a record which contains the identity of the employee, the date of the training, and the means used to verify that the employee understood the training.

56. The inspection revealed that Respondent had no documentation or record verifying employee training as required by 40 C.F.R. § 68.71(c).

57. 40 C.F.R. § 68.73(b) requires that the owner or operator shall establish and implement written procedures to maintain the ongoing integrity of process equipment.

58. The inspection revealed that Respondent had failed to establish and implement a written procedure for maintaining process equipment.

59. 40 C.F.R. § 68.75(a) requires that the owner or operator shall establish and implement written procedures to manage changes (except for “replacements in kind”) to process chemicals, technology, equipment, and procedures; and, change to stationary sources that affect a covered process.

60. The inspection revealed that Respondent had not established nor implemented written procedures to manage changes that affect the covered process.

61. 40 C.F.R. § 68.79(a) requires that the owner or operator shall certify that they have evaluated compliance with the provisions of 40 C.F.R. Part 68, Subpart D, at least every

three years to verify that procedures and practices developed under Subpart D are adequate and are being followed.

62. The inspection revealed that Respondent failed to conduct any compliance audits for the purpose of evaluating compliance with Subpart D.

63. 40 C.F.R. § 68.81(d) requires that the owner or operator shall prepare an incident investigation report for each incident which resulted in or could reasonably have resulted in a catastrophic release of a regulated substance that includes at a minimum: (1) date of incident; (2) date investigation began; (3) a description of the incident; (4) the factors that contributed to the incident; and (5) any recommendations resulting from the investigation.

64. 40 C.F.R. § 68.81(e) requires that the owner or operator shall establish a system to promptly address and resolve the incident report findings and recommendations and that the resolutions and corrective actions be documented.

65. The inspection revealed that Respondent completed an incident investigation report for the fire occurring at the Facility on November 22, 2016, that did not include all the minimum components. Specifically, the incident investigation report did not include the date the investigation began and any recommendations resulting from the investigation. Further, the inspection revealed that Respondent did not document any resolutions or corrective actions.

66. 40 C.F.R. § 68.83(a) requires that the owner or operator shall develop a written plan of action regarding the implementation of the employee participation required by 40 C.F.R. §§ 68.83(b) and (c).

67. The inspection revealed that Respondent failed to develop a written plan regarding employee participation.

68. 40 C.F.R. § 68.87(b) requires that the owner or operator shall evaluate contractor safety and performance services as well as assuring that each contract employee is informed of the known and potential hazards related to the contractor's work and the process, and all the applicable provisions of 40 C.F.R. Part 68, Subpart E.

69. The inspection revealed that Respondent failed to evaluate contractor safety and performance services and failed to assure that each contract employee was informed of the known and potential hazards related to the contractor's work and the process, and all the applicable provisions of 40 C.F.R. Part 68, Subpart E.

70. Respondent's failure to implement the Program 3 prevention requirements of 40 C.F.R. § 68.12(d)(3), as described above, is a violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

ORDER FOR COMPLIANCE

71. Based upon the Findings of Fact and Conclusion of Law, and Findings of Violations set forth above, and pursuant to the authority of Section 113(a)(3)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(B), it is hereby ordered and agreed that Respondent shall comply with the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the regulations promulgated thereunder and codified at 40 C.F.R. Part 68. Specifically, EPA and Respondent agree that Respondent shall, as expeditiously as possible, but in no event later than sixty (60) days after the effective date of this Order, complete the following compliance actions:

- a. If the Facility will, from the effective date of this Order, continue to have present more than the threshold quantity of any regulated substance, Respondent shall develop a Risk Management Program that complies with the appropriate Program level, as set out in the eligibility requirements in 40 C.F.R. § 68.10; submit an RMP to the EPA RMP Reporting Center that includes the information required by 40 C.F.R. §§ 68.155 through 68.185; maintain records supporting the implementation of the Risk Management Program in accordance with 40 C.F.R. § 68.200; and submit documentation to EPA demonstrating corrective actions taken to address the violations listed in paragraphs 30 through 70.
- b. If the Facility will, from the effective date of this Order, limit the presence of all regulated substances to less than the threshold quantity, Respondent must complete the following:
 - i. Submit a plan to EPA that utilizes administrative or engineering controls to maintain the quantity of the flammable mixture below the threshold quantity. The plan must include a description, basis for design, implementation schedule and a statement, certified according to Paragraph 73, stating that the Facility is no longer subject to the requirements of developing a Risk Management Program and submitting an RMP based on recognized and generally accepted good engineering practices. EPA will review and may comment on the plan.
 - ii. Submit a de-registration to EPA within six (6) months as required pursuant to 40 C.F.R. § 68.190(c).
 - iii. Submit a statement describing how the facility intends to comply with the obligations of CAA § 112(r)(1)'s General Duty Clause. The statement must specifically identify hazards which could result from a release of the chemicals used at the facility and specify the hazard assessment technique(s) used to identify those hazards; describe how facility is designed and maintained to be safe, including the measures the facility takes to prevent releases; and describe the measures the facility takes to minimize the consequences of accidental releases which do occur.

Submissions

72. Respondent must provide documentation of completion of the tasks set forth above to the EPA within ninety (90) days of the effective date of this Order.

73. All submissions to EPA required by this Order shall contain the following certification signed by an officer of the Respondent:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment. (Signature)

74. All submissions to EPA required by this Order shall be sent to:

Dave Hensley
Chemical Risk Information Branch
United States Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

75. All documents submitted by Respondent to EPA in the course of implementing this Order shall be available to the public unless identified as confidential by Respondent pursuant to 40 C.F.R. Part 2, Subpart B, and determined by EPA to merit treatment as confidential business information in accordance with applicable law.

Stipulated Penalties

76. Respondent shall be liable for stipulated in the amounts set forth for failure to comply with the requirements of this Order. The following stipulated penalties shall accrue per violation per day for failure to come into compliance and to comply with the requirements of Paragraphs 37 and 38 of this Order:

<u>Penalty per Violation per Day</u>	<u>Period of Noncompliance</u>
\$1,000	1st through 30th day
\$2,500	31st day and beyond

77. All penalties shall begin to accrue on the day after the complete performance is due or the day a violation occurs, and shall continue to accrue through the final day of the correction of the noncompliance or completion of the activity.

78. The payment of penalties shall not alter in any way Respondent's obligation to comply with the provisions of this Order.

79. All penalties accruing under this section shall be due and payable to the United States within thirty (30) days of Respondent's receipt from EPA of a demand for payment of penalties. Such payments shall identify Respondent by name and docket number and shall be paid by certified or cashier's check made payable to "United States Treasury" and sent to:

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

80. A copy of the payment set forth in this section shall be sent to

Clarissa Howley Mills
Assistant Regional Counsel
United States Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219;

and to

Dave Hensley
Chemical Risk Information Branch
United States Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

81. Failure to pay any portion of the stipulated penalties on the date upon which they are due will result in the accrual of interest on the unpaid portion of the stipulated penalties. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on a stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys' fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 4 C.F.R. §§ 102.13(d) and (e).

General Provisions

82. By entering into this Order, Respondent: (1) consents to and agrees not to contest EPA's authority or jurisdiction to issue or enforce this Order; (2) agrees to undertake all actions

required by the terms and conditions of this Order; and (3) consents to be bound by the requirements set forth herein.

83. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order, including, but not limited to, any right of judicial review of this Order under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1), or under the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

84. Failure to comply with any of the provisions of this Order may result in an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413. Under Section 113(a) of the CAA, the Administrator is authorized to address such a violation as follows:

- a. Issue an administrative penalty order assessing a civil penalty not to exceed \$45,268 per day of violation;
- b. Bring a civil action for permanent or temporary injunction, or to recover a penalty not to exceed \$45,268 per day of violation, or both; or
- c. Request the Attorney General to commence a criminal action pursuant to Section 113(c) of the CAA.

85. In accordance with Section 113(a)(4) of the CAA, 42 U.S.C. § 7413(a)(4), issuance of this Order does not preclude EPA or any state from assessing penalties or taking any other action authorized under the CAA. This Order does not affect the obligation of Respondent to comply with all federal, state and local statutes, regulations and permits.

86. EPA may subsequently amend this Order, in writing, in accordance with the authority of the CAA. Any amendment will be transmitted to Respondent. In the event of any such subsequent amendment to this Order, all requirements for performance of this Order not affected by the amendment shall remain as specified by the original Order.

87. If any provision or authority of the Order or the application of the Order to Respondent is held by federal judicial authority to be invalid, the application to Respondent of the remainder of the Order shall remain in full force and effect and shall not be affected by such a holding.

88. Nothing in this Order shall limit EPA's right to obtain access to, and/or inspect Respondent's facility, and/or to request additional information from Respondent pursuant to the authority of Section 114 of the CAA, 42 U.S.C. § 7414.

89. This Order shall become effective on the date that it is signed by the authorized EPA representative.

90. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.


91. This Order shall remain in effect until a written notice of termination is issued by an authorized representative of EPA. Such notice shall not be given until all of the requirements of this Order have been met.

92. Pursuant to Section 113(a)(4), 42 U.S.C. § 7413(a)(4), the state of Kansas has been provided notice of this action.

93. This Order is binding on the Parties signing below. This Order shall apply to and be binding upon Respondent, its agents, successors and assigns. Respondent shall ensure that any directors, officers, employees, contractors, consultants, firms or other persons or entities acting under or for it with respect to matters included herein comply with the terms of this Order.

**RESPONDENT
AIROSOL CO., INC.**

Date: 4-16-18

By: 

CARL STRATEMEIER
Print Name

CHIEF OPERATING OFFICER
Title

COMPLAINANT
U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: 4/26

Becky Weber
Becky Weber
Director
Air and Waste Management Division
U.S. Environmental Protection Agency, Region 7

CH Mills
Clarissa Howley Mills
Associate Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7

CERTIFICATE OF SERVICE

I certify that on the date noted below I hand delivered the original and one true copy of this Administrative Order for Compliance on Consent to the Regional Hearing Clerk, United States Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219.

I further certify that on the date noted below, I sent by certified mail, return receipt requested, a true and correct copy of the signed original Order for Compliance on Consent, to:

Carl G. Stratemeier
Registered Agent
Airosol Co., Inc.
525 N. 11th Street
Neodesha, Kansas 66757

04/30/2018
Name

CH Mills
Date