



**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-07-2023-0062

This ESA is issued to: Ray-Carroll County Grain Growers, Inc.

At: 26274 Hwy 24, Carrollton, Missouri 64633

for violating Section 112(r)(7) of the Clean Air Act.

The United States Environmental Protection Agency, Region 7 (EPA), and Ray-Carroll County Grain Growers, 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).

Complainant, by delegation of the Administrator of EPA, is the Air Branch Chief of Region 7's Enforcement and Compliance Assurance Division. Respondent is Ray-Carroll County Grain Growers, Inc., a Missouri company registered to do business in Missouri and whose registered office in Missouri is located at 807 W Main, Richmond, Missouri 64085.

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 or about September 8, 2022, an authorized representative of the EPA conducted a compliance inspection of Respondent's facility located at 26274 Hwy 24, Carrollton, Missouri, 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 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 One Thousand Five Hundred Dollars (\$1,500).

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, consents to the assessment of the penalty as stated above, and consents to receiving the filed Agreement electronically at the following e-mail address: *davidh@ray-carroll.com*. Respondent understands that the Expedited Settlement Agreement will become publicly available upon ratification and filing.

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 paid the penalty of \$1,500.

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 electronically signed ESA, a copy of the completed CAPP Inspection Findings, and a copy of the check or other information confirming payment shall be sent via email to Christine Hoard at *hoard.christine@epa.gov*. In lieu of email, this original signed ESA, a copy of the completed CAPP Inspection Findings, and a copy of the check or other information confirming payment must be sent by certified mail to:

Christine Hoard
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 these items must also be sent via email or physical mail to:

Milady Peters
Office of Regional Counsel
peters.milady@epa.gov
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219, and

Regional Hearing Clerk
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 Inspection Findings. The EPA reserves the right to take any enforcement action for any other violations of the CAA or any other statute.

This ESA is binding on the parties signing below.

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

FOR RESPONDENT:

Ray-Carroll County Grain Growers, Inc.

Signature: Troy Tague Date 4-7-2023
Name (print): Troy Tague
Email Address: troyt@ray-carroll.com
Title (print): Location Manager

FOR COMPLAINANT:
U.S. Environmental Protection Agency

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

Date: _____

Erin Weekley
Air and Cross-Cutting Issues Branch Chief
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 issued to Ray-Carroll County Grain Growers, Inc., EPA Docket No. CAA-07-2023-0062, was sent this day in the following manner to the following addresses:

Copy via e-mail to Complainant:

Erin Weekley, Office of Regional Counsel
Weekley.erin@epa.gov

Christine Hoard, Enforcement and Compliance Assurance Division
Hoard.christine@epa.gov

Milady Peters, Office of Regional Counsel
peters.milady@epa.gov

Copy via e-mail to Respondent:

Mr. David Heddings
Ray-Carroll County Grain Growers, Inc. – Carrollton
26274 Hwy 24
Carrollton, Missouri 64633
davidh@ray-carroll.com

Copy via e-mail to the State of Missouri:

Richard Swartz
Richard.swartz@dnr.mo.gov

Dated this _____ day of _____, _____.
