



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAR 15 2010

REPLY TO THE ATTENTION OF:

SC-6J

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

Mr. Robert Quirin  
Owner  
Handy Fertilizer, Inc.  
5959 Floraville Road  
Millstadt, Illinois 62260

Re: Handy Fertilizer, Inc., Millstadt, Illinois, Consent Agreement and Final Order  
Docket Nos. MM-05-2010-0003 CERCLA-05-2010-0002 CAA-05-2010-0015

Dear Mr. Quirin:

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the other original CAFO with the Regional Hearing Clerk on MAR 15 2010

Please pay the Comprehensive Environmental Response, Compensation, and Liability Act civil penalty in the amount of \$4,455.00 in the manner prescribed in paragraph 51, and reference your check with the billing document number 2751030B002 and the docket number CERCLA-05-2010-0002.

Please pay the Clean Air Act (CAA) civil penalty in the amount of \$1,045.00 in the manner prescribed in paragraph 52, and reference your check with the billing document number 2751003A016 and the docket number CAA-05-2010-0015.

Your payments are due on APR 14 2010 [within 30 days of filing date].

Please feel free to contact James Entzminger at (312) 886-4062 if you have any questions regarding the enclosed documents. If you have questions about the CAA Risk Management Program please contact Silvia Palomo at (312) 353-2172. Please direct any legal questions to Maria Gonzalez, Associate Regional Counsel, at (312) 886-6630. Thank you for your assistance in resolving this matter.

Sincerely,

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

MM-05-2010-0003

CAA-05-2010-0015

In the Matter of: )  
)  
Handy Fertilizer, Inc. )  
Millstadt, Illinois )  
Respondent. )  
\_\_\_\_\_ )

Docket No. CERCLA-05-2010-0002

Proceeding to Assess a Civil Penalty Under  
Section 109(b) of the Comprehensive  
Environmental Response, Compensation,  
and Liability Act, and Section 113(d) of the  
Clean Air Act, 42 U.S.C. § 7413(d)

RECEIVED  
MAR 15 2010

Consent Agreement and Final Order  
Preliminary Statement

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

1. This is an administrative action commenced and concluded under Section 109(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. § 9609(b), Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules) as codified at 40 C.F.R. Part 22.
2. The Complainant is, by lawful delegation, the Director, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.
3. Respondent is Handy Fertilizer, Inc., a corporation doing business in the State of Illinois.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and the terms of the CAFO.

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

**Statutory and Regulatory Background**

9. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), requires any person in charge of a facility to immediately notify the National Response Center (NRC) as soon as that person has knowledge of any release of a hazardous substance from the facility in an amount equal to or greater than the hazardous substance's reportable quantity.

10. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), provides a mechanism to alert federal agencies that a response action may be necessary to prevent deaths or injuries to emergency responders, facility personnel and the local community. A delay or failure to notify could seriously hamper the governments' response to an emergency and pose serious threats to human health and the environment.

11. Section 109(b) of CERCLA, 42 U.S.C. § 9609(b), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of CERCLA Section 103. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$27,500 per day of violation that occurred from January 31, 1997 through March 15, 2004, to \$32,500 per day of violation for

violations that occurred after March 15, 2004 through January 12, 2009, and to \$37,500 per day of violation for the violations that occurred after January 12, 2009.

12. Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1) provides that it shall be the objective of the regulations and programs authorized under this subsection to prevent the accidental release, and to minimize the consequences of any such release of any substance listed pursuant to Section 112(r)(3), or any other extremely hazardous substance.

13. Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), provides that the Administrator shall promulgate, not later than 24 months after November 15, 1990, an initial list of 100 substances which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment.

14. Section 112(r)(7)(A) of the CAA, 42 U.S.C. § 7412(r)(7)(A), provides that in order to prevent accidental releases of regulated substances, the Administrator is authorized to promulgate release prevention, detection, and correction requirements which may include monitoring, record-keeping, reporting, training, vapor recovery, secondary containment, and other design, equipment, work practice, or operational requirements.

15. Section 112(r)(7)(B)(i) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(i), provides that within 3 years after November 15, 1990, the Administrator shall promulgate reasonable regulations and appropriate guidance to provide, to the greatest extent practicable, for the prevention and detection of accidental releases of regulated substances and for response to such releases by the owners or operators of the sources of such releases.

16. Section 112(r)(7)(B)(ii) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(ii), provides that the regulations under this subparagraph shall require the owner or operator of stationary sources at

which a regulated substance is present in more than a threshold quantity to prepare and implement a risk management plan to detect and prevent or minimize accidental releases of such substances from the stationary source, and to provide a prompt emergency response to any such release in order to protect human health and the environment.

17. Under Section 112(r) of the CAA, 42 U.S.C. § 7412(r), the Administrator initially promulgated a list of regulated substances, with threshold quantities for applicability, at 59 Fed. Reg. 4478 (January 31, 1994), which have since been codified, as amended, at 40 C.F.R. § 68.130.

18. Under Section 112(r) of the CAA, 42 U.S.C. § 7412(r), the Administrator promulgated “Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7)” 61 Fed. Reg. 31668 (June 20, 1996), which were codified, and amended, at 40 C.F.R. Part 68, Chemical Accident Prevention Provisions.

19. “Stationary source” is defined to mean “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.” 40 C.F.R. § 68.3.

20. “Process” is defined to mean “any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities.” 40 C.F.R. § 68.3.

21. 40 C.F.R. § 68.195 requires the owner or operator of a stationary source for which an Risk Management Plan (RMP) was submitted to submit the data required under §§ 68.168, 68.170(j), and 68.175(l) within six months of the release or by the time the RMP is updated

under § 68.190, whichever is earlier, for any accidental release meeting the five-year accident history reporting criteria of § 68.42 and occurring after April 9, 2004.

22. 40 C.F.R. § 68.42 requires the owner or operator to 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.

23. “Covered process” is defined to mean “a process that has a regulated substance present in more than a threshold quantity as determined under 68.115.” 40 C.F.R. § 68.3.

24. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation up to a total of \$200,000 for each violation of Section 112(r) of the CAA. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$27,500 per day of violation up to a total of \$220,000 for each violation of Section 112(r) of the CAA that occurred from January 31, 1997 through March 15, 2004, to \$32,500 per day of violation up to a total of \$270,000 for each violation of Section 112(r) of the CAA that occurred from March 15, 2004 through January 12, 2009, and to \$37,500 per day violation up to a total of \$295,000 for each violation of Section 112(r) of the CAA that occurred after January 12, 2009.

#### **Factual Allegations and Alleged Violations**

25. Respondent is a “person” as that term is defined under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), and under Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

26. At all time relevant to this CAFO, Respondent was in charge of the facility located at 5959 Floraville Road, Millstadt, Illinois (facility).

27. Respondent's facility consists of a building, structure, installation, equipment, storage container, rolling stock, or any site or area where a hazardous substance has been deposited, stored, placed, or otherwise come to be located.

28. Respondent's facility is a "facility" as that term is defined under Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), and is a "stationary source" as defined at 40 C.F.R. § 68.3.

29. Respondent is an "owner or operator" of Respondent's facility as defined in Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9).

30. Anhydrous ammonia (CAS #7664-41-7) is a "hazardous substance" as that term is defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

31. Anhydrous ammonia (CAS #7664-41-7) has a reportable quantity of 100 pounds, as indicated at 40 C.F.R. Part 302, Table 302.4.

32. Under Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), the Administrator has listed anhydrous ammonia as a substance regulated under Section 112(r) of the CAA, 42 U.S.C. § 7412(r), identifying a threshold quantity of 10,000 pounds as indicated at 40 C.F.R. § 68.130, Table 1.

33. On June 24, 2004, under Section 112(r) of the CAA, 42 U.S.C. § 7412, and implementing regulations, 40 C.F.R. Part 68, Respondent submitted to U.S. EPA an RMP for the storage and handling of anhydrous ammonia in a process.

34. The RMP submitted to U.S. EPA by Respondent includes the following:

- a. the facility stores and handles anhydrous ammonia in a storage tank and nurse tanks at the facility;
- b. the storage tanks and nurse tanks is "process" subject to the Program 2 requirements; and

c. at the time it submitted its Risk Management Plan, it held at its facility 280,000 lbs. of anhydrous ammonia.

35. The process at Respondent's facility is a covered process as defined in 40 C.F.R. § 68.3.

36. On September 23, 2008, at or about 8:31 p.m., a release occurred from Respondent's facility of approximately 4,096 pounds of anhydrous ammonia (the release).

37. In a 24 hour time period, the release of anhydrous ammonia exceeded 100 pound reportable quantity.

38. During the release, approximately 4,096 pounds spilled, leaked, poured, emitted, emptied, discharged, or escaped into the land surface or subsurface strata, or ambient air.

39. The release is a "release" as that term is defined under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

40. The release was one for which notice was required under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

41. The release was an 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.

42. Respondent had knowledge of the release of a reportable quantity of anhydrous ammonia on September 23, 2008, at approximately 8:31 p.m.

43. Respondent notified the NRC of the release on September 24, 2008, at 8:00 a.m.

44. Respondent did not submit the information required under 40 C.F.R. § 68.195 until June 19, 2009.



*Count 1 (CERCLA § 103)*

45. Respondent did not immediately notify the NRC as soon as Respondent had knowledge of the release.

46. Respondent's failure to immediately notify the NRC of the release is a violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

*Count 2 (CAA § 112(r))*

47. The September 23, 2008 release met the five-year accident history reporting criteria under 40 C.F.R. § 68.42.

48. Respondent did not submit the data required by 40 C.F.R. § 68.195 within the earlier of six months of the release or the time the RMP is updated under § 68.190, as required under 40 C.F.R. § 68.195.

49. Respondent's failure to submit the information within the time-frame required by 40 C.F.R. § 68.195 is a violation of 40 C.F.R. § 68.195(a), and Section 112(r) of the CAA.

**Civil Penalties**

50. In consideration of Respondent's cooperation, willingness to quickly resolve this matter, agreement to perform a supplemental environmental project, and other matters as justice may require, U.S. EPA has determined that an appropriate civil penalty to settle this action is \$5,500.00.

51. Within 30 days after the effective date of this CAFO, Respondent must pay a \$4,455.00 civil penalty for the CERCLA violation. Respondent must pay the penalty by sending a cashier's or certified check, payable to "EPA Hazardous Substance Superfund," to:  
**for checks sent by regular U.S. postal service**

U.S. Environmental Protection Agency  
Superfund Payments  
Cincinnati Finance Center  
P.O. Box 979076  
St. Louis, MO 63197-9000

**for checks sent by express mail**

U.S. Bank  
Government Lockbox 979076 U.S. EPA Superfund Payments  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

The check must note the following: Handy Fertilizer, Inc., the docket number of this CAFO and the billing document number 2751030B002.

**for electronic funds transfer**

Respondent must pay the penalty by electronic funds transfer, payable to "EPA Hazardous Substance Superfund," and sent to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire should read "D68010727  
Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state the following: Handy Fertilizer, Inc., the docket number of this CAFO and the billing document number 2751003A016.

52. Within 30 days after the effective date of this CAFO, Respondent must also pay a \$1,045.00 civil penalty for the CAA violation. Respondent must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

**for checks sent by regular U.S. postal service**

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

**for checks sent by express mail**

U.S. Bank  
Government Lockbox 979077 U.S. EPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

The check must note the following: Handy Fertilizer, Inc., the docket number of this CAFO and the billing document number 2751030 B002.

**for electronic funds transfer**

Respondent must pay the penalty by electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire should read "D68010727  
Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state the following: Handy Fertilizer, Inc., the docket number of this CAFO and the billing document number 2751003A016.

**for online payments using debit or credit card**

Respondent must pay online using ACH debit or credit card. For payments online using ACH debit or credit card please visit [www.pay.gov](http://www.pay.gov). Using the Search Public Forms option on the tool bar (left side of page), enter SFO 1.1 in the search field. Open the form and complete the information requested.

53. A transmittal letter, stating Respondent's name, the case title, Respondent's complete address, the case docket number and the billing document number must accompany each payment. Respondent must send a copy of the checks and transmittal letter to:

Regional Hearing Clerk, (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

James Entzminger and Silvia Palomo, (SC-6J)  
Chemical Emergency Preparedness  
and Prevention Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Maria Gonzalez, (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

54. These civil penalties not deductible for federal tax purposes.

55. If Respondent does not timely pay the civil penalties, or any stipulated penalties due under paragraph 68, below, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalties are not reviewable in a collection action.

56. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In

addition, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

**Supplemental Environmental Project**

57. Respondent must complete a supplemental environmental project (SEP) designed to protect the environment or public health by installing a site security system.

58. At its Millstadt, Illinois facility, Respondent must complete the SEP as follows:

Within 30 days of the effective date of the CAFO, Respondent will install (one) Speco Technologies NVR IP Based Digital Recorder with 2tb Hard Drive, (seven) 3 Megapixel cameras, (seven) Computer IR Day/Night Lens, (one) Power Supply, (one) 19 inch LCD Monitor, and other miscellaneous components.

59. Respondent must spend at least \$22,855.00 to purchase and install the equipment.

60. Respondent certifies that it is not required to perform or develop the SEP by any law, regulation, grant, order, or agreement, or as injunctive relief as of the date it signs this CAFO. Respondent further certifies that it has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

61. U.S. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

62. Respondent must maintain copies of the underlying data for all reports submitted to U.S. EPA according to this CAFO. Respondent must provide the documentation of any underlying data to U.S. EPA within seven days of U.S. EPA's request for the information.

63. Within 30 days of the effective date of the CAFO, Respondent must submit a SEP completion report to U.S. EPA. This report must contain the following information:

- a. Detailed description of the SEP as completed, including pictures of the site security components as installed;

- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders, or canceled checks that specifically identify and itemize the individual costs of the goods and services;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

64. Respondent must submit all notices and reports required by this CAFO by first class mail to James Entzminger of the Chemical Emergency Preparedness and Prevention Section at the address specified in paragraph 53, above.

65. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information; it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

66. Following receipt of the SEP completion report described in paragraph 63, above, U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 68.

67. If U.S. EPA exercises option b, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 68, below.

68. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. If Respondent has spent less than the amount set forth in paragraph 59, above, Respondent must pay a stipulated penalty equal to the difference between the amount it spent on the SEP and the amount set forth in paragraph 59.
- b. If Respondent has completed the SEP, but the SEP is not satisfactory, Respondent must pay \$4,571.00 in addition to any penalty required under subparagraph a, above.
- c. If Respondent halts or abandons work on the SEP, Respondent must pay a stipulated penalty of \$11,427.00 in addition to the penalty required under subparagraph a, above. Such penalties will accrue as of the date for completing the SEP or the date performance ceases, whichever is earlier.
- d. If Respondent fails to comply with the schedule in paragraph 58 for implementing the SEP, or fails to submit timely the SEP completion report, Respondent must pay stipulated penalties for each failure to meet an applicable milestone, as follows:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$ 500.00	1st through 14th day
\$1,000.00	15th through 30th day
\$1,500.00	31st day and beyond

These penalties will accrue from the date Respondent was required to meet each milestone, until it achieves compliance with the milestone.

69. U.S. EPA's determination of whether Respondent satisfactorily completed the SEP will bind Respondent.

70. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraphs 51-53, above, with 80% to the "EPA Hazardous Substance Superfund" and 20% to the "Treasurer, United States of America", and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

71. Any public statement that Respondent makes referring to the SEP must include the following language, "Respondent undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Respondent for violations of CERCLA Section 103 and Section 112(r) of the CAA."

72. Nothing in this CAFO is intended to nor will be construed to constitute U.S. EPA's approval of the equipment or technology installed by Respondent in connection with the SEP under the terms of this CAFO.

73. For Federal Income Tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

#### **General Provisions**

74. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

75. This CAFO does not affect the right of the U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

76. Respondent certifies that it is complying fully with Section 103(a) of CERCLA, and with 40 C.F.R. Part 68.



77. This CAFO does not affect Respondent's responsibility to comply with CERCLA, the CAA, and other applicable federal, state and local laws, and regulations.

78. This CAFO is a "final order" for purposes of U.S. EPA's Enforcement Response Policy for Section 103 of CERCLA and U.S. EPA's Combined Enforcement Policy for CAA Section 112(r) Risk Management Program.

79. The terms of this CAFO bind Respondent and its successors, and assigns.

80. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

81. Each party agrees to bear its own costs and fees, including attorneys' fees, in this action.

82. This CAFO constitutes the entire agreement between the parties.

**In the Matter of:**  
**Handy Fertilizer, Inc., Millstadt, Illinois**  
**Docket Nos.** \_\_\_\_\_

**Handy Fertilizer, Inc., Respondent**

3-1-10  
Date

Rob O Quirin  
Robert Quirin, Owner  
Handy Fertilizer, Inc.

**U.S. Environmental Protection Agency, Complainant**

3-10-10  
Date

Richard C Karl  
Richard C. Karl  
Director  
Superfund Division

**In the Matter of:**  
**Handy Fertilizer, Inc., Millstadt, Illinois**  
**Docket Nos.** \_\_\_\_\_

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

3-12-10  
Date

*for* Jukka Apple  
Bharat Mathur  
Acting Regional Administrator  
U.S. Environmental Protection Agency  
Region 5

**RECEIVED**  
MAR 15 2010

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

**In the Matter of:**  
**Handy Fertilizer, Inc., Millstadt, Illinois**  
**Docket Nos.** \_\_\_\_\_

**Certificate of Service**

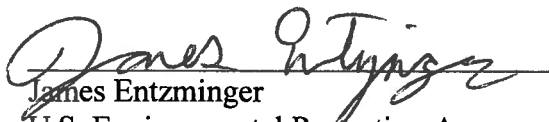
I, James Entzminger, certify that I hand delivered the original of the Consent Agreement and Final Order, to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, personally served a copy on the Regional Judicial Officer, and mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Respondent by placing them in the custody of the United States Postal Service addressed as follows:

Robert Quirin, Owner  
Handy Fertilizer, Inc.  
5959 Floraville Road  
Millstadt, Illinois 62260

**RECEIVED**  
**MAR 15 2010**

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY.**

on the 15 day of March, 2010

  
James Entzminger  
U.S. Environmental Protection Agency  
Region 5

U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
MAR 15 2010  
OFFICE OF REGIONAL  
COURSE