



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

DEC 20 2011

REPLY TO THE ATTENTION OF:

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

Kristopher Rossfeld  
Counsel  
3005 Rocky Mountain Avenue  
Loveland, Colorado 80538

Re: Agrium U.S., Inc., Meredosia, Illinois

Dear Mr. Rossfeld:

Enclosed is the Administrative Consent Order (ACO) entered into by Agrium U.S., Inc. and the U. S. Environmental Protection Agency. Please have your client retain this copy for their records.

The terms of this Order became effective on the date of signature by the Director, and are binding for two years from the effective date. Failure to comply with this Order may subject Agrium to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

Should you have any questions, please contact Mr. J. Matthew Moore, Assistant Regional Counsel, at (312) 886-5932, or Ms. Natalie Topinka, of my staff, at (312) 886-3853.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan Frank".

Nathan Frank, Chief  
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosures: ACO

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>EPA-5- 12-113(a)-IL-01</b>
	)	
<b>Agrium U.S., Inc.</b>	)	<b>Proceeding Under Sections 113(a)(1)</b>
<b>Meredosia, Illinois</b>	)	<b>of the Clean Air Act, 42 U.S.C. §§ 7413(a)(1)</b>
	)	
	)	
<b>Respondent.</b>	)	
	)	

**Administrative Consent Order**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Agrium U.S., Inc. under Section 113(a)(1) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(1).

**Statutory and Regulatory Background**

2. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the Act, 42 U.S.C. § 7410.
3. On May 31, 1972, EPA approved Illinois Pollution Control Board Rule 102 (35 Illinois Administrative Code (IAC) § 201.141) as part of the federally enforceable State Implementation Plan (SIP) for the State of Illinois. 37 Fed. Reg. 10842 (May 31, 1972).
4. The Illinois SIP at IAC § 201.141 requires that no person cause or threaten or allow the discharge or emission of any contaminant into the environment so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois.

5. Under Section 113(a)(1) of the Act, 42 U.S.C. § 7413 (a)(1), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating a SIP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

### **Findings**

6. Agrium U.S., Inc. (Agrium) owns and operates a fertilizer distribution facility at 1921 Old Naples Road, Meredosia, Illinois (facility).
7. The facility maintains a 20,000 ton low pressure anhydrous ammonia storage tank, and ammonia is an air contaminant and/or causes or tends to cause air pollution. Therefore, Agrium is subject to the Illinois SIP at IAC § 201.141.
8. On January 12, 2009, Agrium's low pressure anhydrous ammonia storage tank released 3,100 pounds of ammonia into the atmosphere.
9. At the time of the release, the ammonia tank was equipped with a safety flare to prevent the release of ammonia to the atmosphere. The flare ignites and burns off excess ammonia vapors whenever a) increased pressure is detected, or b) a power failure occurs.
10. On January 24, 2011, EPA issued to Agrium a Notice and Finding of Violation alleging that it violated the Illinois SIP at IAC § 201.141 by failing to properly activate several flow control, ignition, and alarm features on the ammonia flare, resulting in the release of 3,100 pounds of ammonia into the atmosphere.
11. On February 28, 2011, representatives of Agrium and EPA discussed the January 24, 2011 Notice and Finding of Violation in a meeting at the EPA Region 5 office in Chicago.

12. EPA alleges that the January 24, 2009 release of ammonia at the Agrium Meredosia facility violated the Illinois SIP at IAC § 201.141. Agrium denies that a violation occurred.
13. On June 29, 2011, one of Agrium's pressure safety valves (PSV) released approximately 55 pounds of ammonia into the atmosphere.

#### **Compliance Program**

14. Agrium achieved and demonstrated compliance with IAC § 201.141 by installing the following equipment and implementing the following compliance measures:
  - a. installed a new actuator with a self-contained limit switch;
  - b. installed a manual on/off switch, which manually ignites the flare when placed in the off position;
  - c. added a new ammonia flow control sensor in the pipe leading to the flare, which ignites the flare if ammonia flow is detected;
  - d. maintained its uninterrupted power supply (UPS) system to serve as a third power source in the event of primary and secondary power loss;
  - e. replaced the existing switch used to test the flare;
  - f. reviewed critical systems defeat procedures with all employees; and
  - g. reviewed procedures and importance of knowing how to transition from manual operation to automatic operation.
15. Agrium must continue to maintain the ammonia flare, ignition systems, and associated safety equipment as referenced in paragraphs 9 and 14 (a-d) above, unless Agrium has provided EPA with written notification of any proposed modification(s) to the flare system and received prior written approval of such modification(s) from EPA.

16. Agrium must conduct employee training on proper operation of the flare and associated equipment at least once per year, as referenced in paragraph 14 (e)-(g) above.
17. Within 30 days of June 30, 2012, December 31, 2012, June 30, 2013, and December 31, 2013, Agrium shall submit to EPA copies of any and all weekly checklists pertaining to the ammonia flare and related safety equipment, log sheets documenting monthly inspections of the flare, documentation of any and all employee training on proper operation of the flare, and any changes to flare operating procedures that have been implemented after each individual preceding submittal to EPA. The June 30, 2012 production shall include all relevant documents collected or generated since the effective date of this Order. Each subsequent production shall include all relevant documents collected or generated since the immediately preceding submittal.
18. Agrium must send all reports required by this Order to:  

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

#### **General Provisions**

19. This Order does not affect Agrium's responsibility to comply with other federal, state and local laws.
20. This Order does not restrict EPA's authority to enforce the Illinois SIP or any other section of the Act.
21. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the Act, 42 U.S.C. § 7413, for Agrium's violation of the Illinois SIP at IAC § 201.141.

22. Failure to comply with this Order may subject Agrium to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.
23. The terms of this Order are binding on Agrium, its assignees and successors. Agrium must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.
24. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.
25. Agrium agrees to the terms of this Order.
26. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate two years from the effective date, provided that Agrium has complied with all terms of the Order throughout its duration.

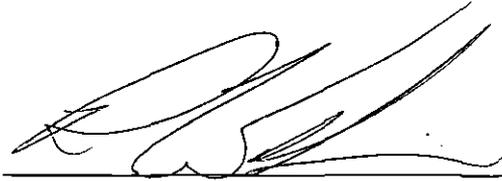
In the Matter of: Agrium U.S., Inc., Meredosia, Illinois  
Docket No. \_\_\_\_\_

AGREED AS STATED ABOVE:

AGRIUM U.S., INC.

12/07/11

\_\_\_\_\_  
Date



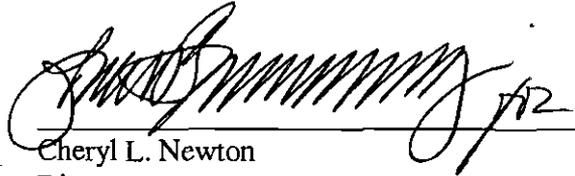
\_\_\_\_\_  
Ron Wilkinson  
President Agrium Wholesale  
Agrium U.S., Inc.

AGREED AND SO ORDERED:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

12/21/11

\_\_\_\_\_  
Date



\_\_\_\_\_  
Cheryl L. Newton  
Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

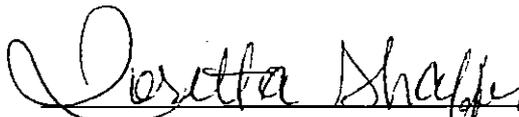
I, Tracy Jamison, certify that I sent the Administrative Consent Order, EPA Order No. EPA-5-12-113(a)-IL-01 by certified mail, return receipt requested, to:

Mr. Kristopher Rossfeld, Attorney  
Counsel to Agrium  
3005 Rocky Mountain Avenue  
Loveland, Colorado 80538

I also certify that I sent a copy of the Administrative Consent Order, EPA Order No. EPA-5-12-113(a)-IL-01, by first-class mail to:

Ray Pilapil, Manager  
Bureau of Air  
Compliance and Enforcement Section  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62702

On the 21 day of December 2011.



Tracy Jamison, Administrative Program Assistant  
AECAB, Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7673 8934