



REGION 7

LENEXA, KS 66219

FILED

September 9, 2024

10:49AM

U.S. EPA REGION 7  
HEARING CLERK

## EXPEDITED SETTLEMENT AGREEMENT (ESA)

### DOCKET NO.: CAA-07-2024-0071

**This ESA is issued to:** Archer-Daniels-Midland Company

**At:** 1350 Waconia Avenue SW

Cedar Rapids, Iowa 52404

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

The United States Environmental Protection Agency, Region 7 (EPA or Complainant) and Archer-Daniels-Midland Company (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, as duly delegated by the Administrator of the EPA, is the Director of the Region 7 Enforcement and Compliance Assurance Division. Respondent is Archer-Daniels-Midland Company, an Illinois Company, with this facility located at 1350 Waconia Avenue, SW Cedar Rapids, Iowa 52404.

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 action.

### ALLEGED VIOLATIONS

On or about September 19, 2023, a representative of the EPA conducted a compliance inspection of Respondent's facility located at 1350 Waconia Avenue SW, Cedar Rapids, Iowa to determine compliance with the Chemical Accident Prevention Provisions (CAPP), commonly known as the Risk Management Program regulations, promulgated pursuant to Section 112(r) of the CAA and found at 40 C.F.R. Part 68. The EPA found that Respondent violated the CAPP regulations as noted on the enclosed 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 the ESA to settle the violations, described in the enclosed CAPP Inspection Findings, for the total penalty amount of **\$5,900**.

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, 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 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 **\$5,900**.

Penalty payment shall identify Respondent by name and docket number and shall be made 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 979078  
St. Louis, Missouri 63197-9000.

The electronically signed ESA, a scanned copy of the completed CAPP Inspection Findings, and a copy of the information confirming payment shall be sent via email to Tim Evans at [evans.timothy@epa.gov](mailto:evans.timothy@epa.gov). In lieu of email, the signed original ESA, a copy of the completed CAPP Inspection Findings, and a copy of the information confirming payment must be sent by certified mail to:

Tim Evans  
Chemical Accident Prevention Section | Air Branch  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

Copies of these items must also be sent via email to:

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

Regional Hearing Clerk  
*R7\_Hearing\_Clerk\_Filings@epa.gov*.

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 does not waive any other 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.

Respondent consents to receiving the filed ESA electronically at the following email address: *Brian.Mullins@adm.com*. Respondent understands that the ESA will become publicly available upon ratification and filing.

**FOR RESPONDENT:**  
Archer-Daniels-Midland Company

Signature:  Date 8/26/24

Name (print): Brian Mullins

Email Address: Brian.Mullins@adm.com

Title (print): Plant Manager

**FOR COMPLAINANT:**

U.S. Environmental Protection Agency

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David Cozad  
Director  
Enforcement and Compliance Assurance Division

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Date

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Jonathan Meyer  
Office of Regional Counsel

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Date

I hereby ratify the ESA and incorporate it herein by reference.

IT IS SO ORDERED.

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Karina Borromeo  
Regional Judicial Officer

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Date

**CERTIFICATE OF SERVICE**

*(To be completed by EPA)*

I certify that that a true and correct copy of the foregoing Expedited Settlement Agreement in the matter of Archer-Daniels-Midland Company, EPA Docket No. CAA-07-2024-0071, was sent this day in the following manner to the addressees:

Copy via e-mail to Complainant:

Jonathan Meyer, [meyer.jonathan@epa.gov](mailto:meyer.jonathan@epa.gov)

Tim Evans, [evans.timothy@epa.gov](mailto:evans.timothy@epa.gov)

Milady Peters, [peters.milady@epa.gov](mailto:peters.milady@epa.gov)

Copy via mail and e-mail to Respondent(s):

Brian Mullins

Plant Manager

Archer Daniels Midland Company Cedar Rapids

1350 Waconia Avenue, SW

Cedar Rapids, Iowa 52404

[Brian.Mullins@adm.com](mailto:Brian.Mullins@adm.com)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Signed