UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF	)	
	)	
S.E.K. Grain, Inc.	)	Docket No. CERCLA-07-2002-0208
	)	
	)	CONSENT AGREEMENT
Respondent	)	AND FINAL ORDER
	)	

PRELIMINARY STATEMENT

This proceeding for the assessment of a civil penalty was initiated pursuant to Section 109 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended 42 U.S.C. § 9609. The Complainant in this proceeding issued a Complaint and Notice of Opportunity to Request a Hearing to Respondent, said Complaint, being a part of the record in this matter. The Complaint alleged Respondent was in violation of Section 103 of CERCLA and 40 C.F.R. § 302. A proposed penalty was set forth in the Complaint for such violations.

The parties subsequently entered into negotiations to attempt to resolve this matter. The Consent Agreement set forth below is the result of the negotiations.

CONSENT AGREEMENT

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations of the Complaint, and neither admits nor denies the factual allegations of the Complaint, including Count 1.

2. Respondent hereby explicitly waives its right to contest the factual allegations and to appeal the Final Order accompanying this Consent Agreement.

3. For purposes of this proceeding only, Respondent consents to the issuance of the Order set forth below and consents to the payment of a civil penalty in the amount hereinafter recited.

4. No portion of any civil penalty, interest or penalties paid by Respondent pursuant to the requirements of this Consent Agreement and Final Order may be claimed by Respondent as deductions for federal, state, or local income tax purposes.

5. Failure to pay the civil penalty may result in commencement of a civil penalty action in Federal District Court to recover the full amount due, together with interest and penalties.

6. If the full amount of the penalty is not paid within the terms of the Final Order, additional interest may commence to be charged. Said interest shall be calculated at a rate of 6% per annum on the balance of the unpaid penalty, costs and accumulated interest until fully paid.

7. The execution of this Consent Agreement and Final Order resolves all of the allegations set forth in the Complaint.

8. Each signatory of this Consent Agreement certifies that he or she is fully authorized to enter into the terms of this Consent Agreement and Final Order.

FINAL ORDER

1. Respondent shall pay a mitigated civil penalty of Seven Thousand Five Hundred Dollars ($7,500) within thirty (30) days of the effective date of this Order.

2. Payment shall be by cashier's or certified check made payable to the United States Treasury, and shall bear the docket number for this matter, and shall be mailed to:

EPA-Region VII
Regional Hearing Clerk
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251

3. Each party shall bear its own costs and attorney's fees in connection with this action.

RESPONDENT:
S.E.K. Grain, Inc.

By: _____

Title: President

Date: 2-9-12

COMPLAINANT:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: _____
Henry F. Rompage
Office of Regional Counsel
EPA, Region VII

Date: 9-16-02

IT IS SO ORDERED. This Order shall become effective immediately.

_____
Robert L. Patrick
Regional Judicial Officer

Date: September 23, 2002

IN THE MATTER OF S.E.K. Grain, Inc., Respondent
Docket No. CERCLA-07-2002-0208

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Henry F. Rompage
Senior Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Steve O'Brian, General Manager
S.E.K. Grain, Inc.
P.O. Box 718
Coffeyville, Kansas 67337

Dated: 9/23/02

Kathy Robinson
Kathy Robinson
Regional Hearing Clerk