OHIO E.P.A.

DEC 31 2007

ENTERED DIRECTOR'S JOURNAL

BEFORE THE OHIO

ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Ro-Lin Farm Services, Inc.
8040 Conservancy Rd.
Germantown, Ohio 45327

Directors Final Findings and Orders

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: _____ Date: 12/31/07

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Ro-Lin Farm Services, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3753.01 and 3753.08.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent or of the facility identified below shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3753 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent owns and operates a retail fertilizer sales operation that unloads anhydrous ammonia from tank trucks for storage in pressurized tanks. The ammonia is then unloaded into smaller "nurse" tanks for eventual sale and use by farmers. Respondent stores up to approximately 80,000 pounds of ammonia, which is more than a threshold quantity of a "regulated substance," namely anhydrous ammonia, as defined in Ohio Administrative Code ("OAC") Rule 3745-104-01. The Risk Management Plan ("RMP") threshold amount of anhydrous ammonia is 10,000 pounds.

2. Pursuant to OAC Rule 3745-104-02, an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined by OAC Chapter 3745-104, shall comply with the requirements of this rule by submitting a RMP no later than June 21, 1999, to the U.S. EPA. Respondent did not submit a RMP plan until July 24, 2007.

3. On February 23, 2000, the Ohio EPA sent a letter to all anhydrous ammonia facilities that did not submit a RMP to the U.S. EPA by June 21, 1999. The letter stated that Ohio now has delegation of the Program, and they were required to submit a RMP by January 3, 2000, to the U.S. EPA, and to the Ohio EPA. It also stated that a RMP should be submitted to the U.S. EPA and the Ohio EPA immediately.

4. On July 19, 2000, Sherri Swihart and Tom Buchan of the Ohio EPA assisted Respondent and provided guidance for submitting the RMP and implementing the RMP Program. Respondent completed the RMP hard copy, but did not submit it to the U.S. EPA, and submitted an incomplete form to the Ohio EPA.

5. On September 6, 2005, Kimberly Joseph of Ohio EPA discovered that a RMP had not been submitted by Respondent. She telephoned the Respondent and informed him that a RMP was required to be submitted immediately to the U.S. EPA and the Ohio EPA. An e-mail was sent to Respondent with the U.S. EPA web sites for submitting a RMP.

6. On July 24, 2007, Ohio EPA, Division of Air Pollution Control ("DAPC") inspectors conducted a RMP audit at Respondent's facility, and assisted with submitting the RMP to the U.S. EPA. The inspectors also provided guidance for the RMP Program. Due to the fact that no RMP Program had been implemented, the following ten deficiencies were identified:

   (a) Respondent failed to submit a RMP by June 21, 1999, and did not submit a RMP until July 24, 2007, in violation of OAC Rule 3745-104-05.

   (b) Respondent failed to develop a management system, in violation of OAC Rule 3745-104-07.

   (c) Respondent failed to maintain hazard assessment documentation, in violation of 3745-104-15.

   (d) Respondent failed to compile and maintain the up-to-date safety information related to the regulated substances, processes, and equipment, in violation of OAC Rule 3745-104-17.

   (e) Respondent failed to conduct a review of the hazards associated with the regulated substances, processes, and equipment, in violation of

OAC Rule 3745-104-18.

(f) Respondent failed to prepare written operating procedures, in violation of OAC Rule 3745-104-19.

(g) Respondent failed to ensure that each employee attends training and refresher training, in violation of OAC Rule 3745-104-20.

(h) Respondent failed to establish and implement a written mechanical integrity program, in violation of OAC Rule 3745-104-21.

(i) Respondent failed to conduct a compliance audit, in violation of OAC Rule 3745-104-22.

(j) Respondent failed to develop an emergency response plan, in violation of OAC Rule 3745-104-36.

7. On August 22, 2007, the Ohio EPA auditor sent a deficiency letter to the Respondent's facility and required Respondent to submit the documentation within thirty days of receipt of the letter.

8. On August 28, 2007, Respondent submitted partial documentation to the Ohio EPA, correcting six of the ten deficiencies in Finding 6.

9. On September 4, 2007, a warning letter was sent to Respondent detailing the four remaining deficiencies in Finding 6, and requesting the documentation within ten days of receipt of the letter.

10. On September 12 and 14, 2007, Respondent submitted the remaining documentation. All of the deficiencies were corrected.

11. ORC § 3753.06 prohibits violations of provisions of ORC Chapter 3753 or any rule adopted or issued under it. Respondent violated rules adopted under ORC Chapter 3753, specifically, the rules cited in Finding 6.

12. The Director has given consideration to, and based on his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Pursuant to ORC § 3753.09, Respondent is assessed a civil penalty in the amount of three thousand six hundred fifty-seven dollars ($3,657) in settlement of Ohio EPA's claim for civil penalties. Within fourteen (14) days after the effective date of

these Orders, Respondent shall pay to Ohio EPA the amount of three thousand six hundred and fifty-seven dollars ($3,657) in settlement of Ohio EPA's claims for civil penalties, which will be deposited into the Risk Management Plan fund established pursuant to ORC § 3753.05. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for $3,657. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, attention Brenda Case, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the facility.

2. A copy of each of the above check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor at the following address:

Ohio EPA
Division of Air Pollution Control
P. O. Box 1049
Columbus, Ohio 43216

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official check, as required by section V of these Orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of the Respondent's facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, State and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Kimberly Joseph
Ohio Environmental Protection Agency
DAPC
P.O. Box 1049
Columbus, Ohio 43216-1049

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Chris Korleski
Director

12/31/07
Date

IT IS SO AGREED:

Ro-Lin Farm Services, Inc.

Signature

12-26-07
Date

RONALD GILBERT
Printed or Typed Name

Pres
Title