

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF:)

Archimica, Inc.)

2460 West Bennett Street)
Springfield, MO 65807-1229)

RCRA I.D. No. MOD095038329)

Respondent.)

Proceeding under Sections 3008(a) and (g) of)
the Resource Conservation and Recovery Act,)
as amended, 42 U.S.C. §§ 6928(a) and (g))

**CONSENT AGREEMENT
AND FINAL ORDER**

Docket No. RCRA-07-2009-0010

**COMPLAINT AND
CONSENT AGREEMENT/FINAL ORDER**

The United States Environmental Protection Agency (EPA), Region 7 (Complainant) and Archimica, Inc. (Respondent) have agreed to a settlement of this action before the 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, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules of Practice), Title 40 Code of Federal Regulations (C.F.R.) §§ 22.13(b) and 22.18(b)(2).

Section I

Jurisdiction

1. This administrative action is being conducted pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. §§ 6928(a) and (g), and in accordance with the Consolidated Rules of Practice.

2. This Consent Agreement and Final Order (CA/FO) serves as notice that EPA has reason to believe that Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, Section

390.1(1) of Chapter 260 of the Revised Statutes of Missouri (R.S.Mo.), and the regulations found at 40 C.F.R. § 262, as incorporated in Title 10, Division 25 of the Missouri Code of State Regulations (10 C.S.R. 25) at Section 262(1) of Chapter 5.

Section II

Parties

3. The Complainant is the Chief of the RCRA Enforcement and State Programs Branch in the Air and Waste Management Division of EPA, Region 7, who has been duly delegated the authority to bring this action by the Administrator of EPA.

4. The Respondent is Archimica, Inc. (Archimica), a company incorporated under the laws of Delaware and licensed to do business in the state of Missouri.

Statutory and Regulatory Framework

5. The State of Missouri has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926. The State of Missouri has adopted by reference the federal regulations cited herein at pertinent parts in Title 10, Division 25 of the Missouri Code of State Regulations. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes EPA to enforce the provisions of the authorized State program and the regulations promulgated thereunder. When the EPA determines that any person has violated or is in violation of any RCRA requirement, EPA may issue an order assessing a civil penalty for any past or current violation and/or require immediate compliance or compliance within a specified time period pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. In the case of a violation of any RCRA requirement, where such violation occurs in a state which is authorized to implement a hazardous waste program pursuant to Section 3006 of RCRA, EPA shall give notice to the state in which such violation has occurred or is occurring prior to issuing an order. The State of Missouri has been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

6. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes a civil penalty of not more than \$25,000 per day for violations of Subchapter III of RCRA (Hazardous Waste Management). This figure has been adjusted upward for inflation pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, so that penalties of up to \$32,500 per day are now authorized for violations of Subchapter III of RCRA that occur after March 15, 2004, though January 12, 2009. For violations of Subchapter III of RCRA that occur after January 12, 2009, penalties of up to \$37,500 per day are now authorized.

General Factual Allegations

7. Respondent is a Delaware corporation authorized to conduct business in the State

of Missouri and is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

8. Respondent, located at 2460 West Bennett Street in Springfield, MO (Facility), is a producer of active ingredients and intermediates for use by pharmaceutical manufacturers. Respondent employs approximately 100 people.

9. As part of its operations, Respondent generates waste, including spent solvents from processing and equipment cleaning (D001, D002, F002, F003, F005), solvent contaminated solids and residues from processing and equipment cleaning (D001, F003, F005), solvent contaminated Personal Protective Equipment (F003, F005), solvent contaminated wastewater (D001, F003, F005), solvent contaminated process filters, solvent contaminated residue (sludge) from cleaning the wastewater stripper, and residues (sludge) from the groundwater remediation treatment system (D021, D022, D028, F002-F005, F020, F022). Respondent also generates used oil and universal waste.

10. The regulations for determining whether a waste is a solid and/or hazardous waste are set forth at 10 C.S.R. 25-4.261, which incorporate by reference the regulations at 40 C.F.R. Part 261. Each of the wastes listed in paragraph 9 is a "solid waste" and all of the wastes except the used oil and universal waste are also "hazardous wastes" within the meaning of these regulations.

11. Respondent is a Large Quantity Generator (LQG) of hazardous waste by both monthly generation (over 1000 kg) and accumulation. 10 C.S.R. 25-5.262, incorporating by reference the regulations at 40 C.F.R. Part 262.

12. Respondent has been assigned a RCRA facility identification number of MOD095038329.

13. Respondent operates two less-than-90 day hazardous waste container storage areas at the facility. One is located within a warehouse and the second is located outside, adjacent to a building. Additionally, Respondent operates five above-ground less-than-90 day hazardous waste storage tanks. All of Respondent's less-than-90 day hazardous storage areas and tanks have containment structures.

14. On or about October 22, 2008, an EPA representative conducted a Compliance Evaluation Inspection at Respondent's facility (hereinafter the October 2008 inspection).

15. Based on a review of the inspection report and the information provided during the inspection by facility personnel, it was determined that Respondent was operating, at the time of inspection, as a LQG of hazardous wastes, pursuant to 10 C.S.R. 25-5.262.

Violations

16. Complainant hereby states and alleges that Respondent has violated RCRA and federal and state regulations promulgated thereunder, as follows:

Count 1

**Operation of a Hazardous Waste Treatment, Storage or Disposal Facility
Without a Permit**

17. The allegations stated in paragraphs 7 through 16 are realleged and incorporated as if fully set forth herein.

18. Section 3005 of RCRA, 42 U.S.C. § 6925, R.S.Mo. 260.390.1(1), and the regulations at 10 C.S.R. 25-7.270 incorporating by reference 40 C.F.R. § 270.1(b), require each person owning or operating a facility for the treatment, storage, or disposal of a hazardous waste identified or listed under Subchapter C of RCRA to have a permit for such activities.

19. The regulations at 10 C.S.R. 25-5.262(1), which incorporate by reference 40 C.F.R. § 262.34(a), allow a generator to accumulate hazardous waste in containers on-site for ninety days without a permit or without interim status, provided the conditions listed in 40 C.F.R. §§ 262.34(a)(1)-(4) are met. These conditions include compliance with other hazardous waste regulatory requirements.

20. At the time of the October 2008 inspection, Respondent was not complying with various hazardous waste regulatory requirements, described below.

21. Respondent does not have a RCRA Permit or Interim Status to operate as a storage facility and is therefore in violation of Section 3005 of RCRA, 42 U.S.C. § 6925, R.S.Mo. 260.390.1(1), and the regulations at 10 C.S.R. 25-7.270.

Failure to Comply with Generator Requirements

22. At the time of the October 2008 inspection, Respondent was not complying with the following regulatory requirements:

Accumulation Time

23. The regulations at 40 C.F.R. § 262.34, incorporated by reference at 10 C.S.R. 25-5.262, state that, except for paragraphs (d), (e), and (f) of this section, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status if certain generator requirements are met.

24. At the time of the October 2008 inspection, Respondent had a 55-gallon drum of

hazardous waste located within one of its less-than-90 day hazardous waste storage areas. The drum was incorrectly being handled as a satellite accumulation container and was labeled "Hazardous Waste" and dated "10 May 08."

25. Based on the date on the drum, it had been in storage for 184 days as of the date of the October 2008 inspection, or 94 days beyond the 90 days allowed for a LQG.

26. At the time of the October 2008 inspection, Respondent was not meeting all of the generator requirements of 40 C.F.R. § 262.34, incorporated by reference at 10 C.S.R. 25-5.262(2).

27. Respondent's storage of hazardous waste for greater than 90 days is a violation of the regulations at 40 C.F.R. § 262.34, incorporated by reference at 10 C.S.R. 25-5.262(2).

Accumulation Start Date

28. The regulations at 40 C.F.R. § 262.34(a)(2), incorporated by reference at 10 C.S.R. 25-5.262(2)(C)1., require a generator to clearly mark the date upon which the period of accumulation begins for each container of hazardous waste.

29. At the time of the October 2008 inspection, Respondent had failed to mark the accumulation start date on several storage containers of hazardous waste aerosol cans located in various locations at the facility.

30. Respondent's failure to date when the period of accumulation begins for each container of hazardous waste aerosol cans is a violation of 10 C.S.R. 25-5.262(2)(C)1. and 40 C.F.R. § 262.34(a)(2).

*Labeling and Marking
Hazardous Waste Containers*

31. The regulation at 40 C.F.R. § 262.34(a)(3), incorporated by reference at 10 C.S.R. 25-5.262(2)(C)1., requires a generator to clearly label or mark each container of hazardous waste with the words "Hazardous Waste."

32. At the time of the October 2008 inspection, Respondent had failed to label or mark the words "Hazardous Waste" on several containers of hazardous waste aerosol cans located in various locations at the facility.

33. Respondent's failure to label or clearly mark the words "Hazardous Waste" on each container of hazardous waste aerosol cans is a violation of 10 C.S.R. 25-5.262(2)(C)1. and 40 C.F.R. § 262.34(a)(3).

Condition of Containers

34. The regulation at 40 C.F.R. § 261.7(a)(2), incorporated by reference at 10 C.S.R. 25-4.261, states that any hazardous waste in a container that is not empty, as defined in paragraph (b) of 40 C.F.R. § 261.7, is subject to regulation under parts 261 through 265, and other specific regulations.

35. The regulation at 40 C.F.R. § 261.7(b)(1), incorporated by reference at 10 C.S.R. 25-4.261, states that a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste listed in §§ 261.31, 261.32 or 261.33(e) of this chapter, is empty if 40 C.F.R. § 261.7(b)(1)(i) and 40 C.F.R. § 261.7(b)(1)(ii) or (iii) are met.

36. The regulation at 40 C.F.R. § 261.7(b)(1)(i) states that a container is empty if all wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating, and 40 C.F.R. § 261.7(b)(1)(ii) or (iii) are met.

37. The regulation at 40 C.F.R. § 261.7(b)(1)(ii) states, in part, that no more than 2.5 centimeters (one inch) of residue remain on the bottom of the container.

38. At the time of the October 2008 inspection, Respondent had a metal 55-gallon drum, labeled as "Hazardous Waste," which contained more than one inch of spent solvent. The spent solvent contained listed hazardous wastes, F002 and F005, pursuant to 40 C.F.R. § 261.31.

39. The regulation at 40 C.F.R. § 262.34(a)(1)(i), incorporated by reference at 10 C.S.R. 25-5.262(2)(C)1., states that generators of hazardous waste must place the waste in containers which comply with the requirements subpart I of 40 C.F.R. Part 265.

40. The regulations at 40 C.F.R. § 265.171 fall under subpart I of 40 C.F.R. Part 265 and require a container to be in good condition.

41. At the time of the October 2008 inspection, Respondent's 55-gallon drum identified in Paragraph 38 above had extensive corrosion on its side with pinholes verified to be completely through the metal.

42. Respondent's failure to store hazardous waste in a container that was in good condition is a violation of 10 C.S.R. 25-5.262(2)(C)1., 40 C.F.R. § 262.34(a)(1)(i), and 40 C.F.R. § 265.171.

Hazardous Waste Containment Structure

43. The regulation at 10 C.S.R. 25-5.262(2)(C)2.D.(III)(a) requires generators to store hazardous waste in containers that have containment structures free of cracks and gaps.

44. At the time of the October 2008 inspection, Respondent was storing approximately 54 drums, over 1,000 kilograms, of liquid solvent (D001, D022, F002, F003, F005) in a hazardous waste storage area where there was significant gapping between the concrete base of the containment structure and the adjacent building, as well as significant cracks in the concrete base.

45. Respondent's failure to store hazardous waste in containers that have containment structures free of cracks and gaps is a violation of 10 C.S.R. 25-5.262(2)(C)2.D.(III)(a).

*Hazardous Waste Storage Tank
Containment Structure*

46. The regulation at 40 C.F.R. § 262.34(a)(1)(ii), incorporated by reference at 10 C.S.R. 25-5.262(1), states that generators of hazardous waste must place the waste in tanks with containment structures that comply with the requirements specific subparts of 40 C.F.R. § 265, including subpart J.

47. The regulation at 40 C.F.R. § 265.193(c)(4) is found in subpart J of 40 C.F.R. § 265 and requires containment structures to be emptied of accumulated precipitation within 24 hours.

48. At the time of the October 2008 inspection, standing water was observed in the containment structures for Respondent's hazardous waste storage tanks SS3000, GL1008, and SS2900.

49. At the time of the October 2008 inspection, the inspector was informed that the last rain event had occurred one week prior to the October 2008 inspection.

50. Respondent's failure to remove the accumulated precipitation within 24 hours from its hazardous waste storage tank containment structures is a violation of 10 C.S.R. 25-5.262(1), 40 C.F.R. § 262.34(a)(1)(ii), and 40 C.F.R. § 265.193(c)(4).

*Labeling and Marking Hazardous Waste Drums
Per Department of Transportation (DOT) Regulations*

51. 10 C.S.R. 25-5.262(2)(C)1. requires, in part, that during the entire time hazardous waste is accumulated in storage on-site, generators must package, mark, and label hazardous waste containers in compliance with the requirements of 40 C.F.R. § 262.32.

52. The regulations at 40 C.F.R. § 262.32 state that:
a generator must mark each package of hazardous waste in accordance with the applicable DOT regulations on hazardous materials under 49 C.F.R. part 172; . . . [and] mark each container of 119 gallons or less . . . with the following words and information in accordance with the requirements of 49 C.F.R. § 172.304:

HAZARDOUS WASTE-Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Generator's Name and Address _____

Generator's EPA Identification Number _____

Manifest Tracking Number _____

53. At the time of the October 2008 inspection, none of the drums being stored in either of Respondent's two less-than-90 days hazardous waste storage areas were marked or labeled with the appropriate DOT markings or labels.

54. Respondent's failure to label and mark hazardous waste drums per DOT requirements is a violation of 10 C.S.R. 25-5.262(2)(C)1. and 40 C.F.R. § 262.32.

CONSENT AGREEMENT

1. Respondent and Complainant agree to the terms of this CA/FO and Respondent agrees to comply with the terms of the Final Order portion of this CA/FO.
2. Respondent admits the jurisdictional allegations of this CA/FO and agrees not to contest EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of the Final Order portion of this CA/FO set forth below.
3. Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this CA/FO.
4. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above, and its right to appeal the proposed Final Order portion of the CA/FO.
5. Respondent and Complainant agree to conciliate the matters set forth in this CA/FO without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.
6. This CA/FO addresses all civil administrative claims for the RCRA violations identified above. Complainant reserves the right to take any enforcement action with respect to

any other violations of RCRA or any other applicable law.

7. Nothing contained in the Final Order portion of this CA/FO shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

8. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this CA/FO and to execute and legally bind Respondent to it.

9. Respondent agrees that, in settlement of the claims alleged in this CA/FO, Respondent shall pay a penalty of \$39,134, as set forth in Paragraph 1 of the Final Order.

10. Respondent understands that failure to pay any portion of the civil penalty on the date the same is due may result in the commencement of a civil action in Federal District Court to collect said penalty, along with interest thereon at the applicable statutory rate.

11. Respondent understands that failure to complete the Compliance Actions described in the Final Order within the designated timeframes may, among other things, subject Respondent to civil penalties of up to \$32,500 per day of non-compliance. Pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, penalties of up to \$32,500 per day are now authorized for violations of Subchapter III of RCRA that occur after March 15, 2004, though January 12, 2009. For violations of Subchapter III of RCRA that occur after January 12, 2009, penalties of up to \$37,500 per day are now authorized.

12. This CA/FO shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

13. By signing this CAFO, Respondent certifies that, to best of its knowledge, Respondent's facility is in compliance with all requirements of RCRA, 42 U.S.C. § 6901 *et. seq.* and all regulations promulgated thereunder.

14. The effect of settlement described in Paragraph 6 above is conditional upon the accuracy of the Respondent's representations to EPA, as memorialized in Paragraph 13 of this consent agreement and final order.

15. This CA/FO shall remain in full force and effect until Complainant provides Respondent with written notice, in accordance with Paragraph 21 of the Consent Agreement, that all requirements hereunder have been satisfied.

Reservation of Rights

16. Notwithstanding any other provision of this CA/FO, EPA reserves the right to enforce the terms of the Final Order portion of this CA/FO by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondent in an amount not to exceed Thirty-two Thousand Five Hundred Dollars (\$32,500) per day per violation pursuant to Section 3008(c) and/or Section 3008(g) of RCRA, for each day of non-compliance with the terms of the Final Order, or to seek any other remedy allowed by law. Pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, penalties of up to \$32,500 per day are now authorized for violations of Subchapter III of RCRA that occur after March 15, 2004, through January 12, 2009. For violations of Subchapter III of RCRA that occur after January 12, 2009, penalties of up to \$37,500 per day are now authorized.

17. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and its implementing regulations and to enforce the terms and conditions of this CA/FO.

18. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facility.

19. Notwithstanding any other provisions of the CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the future handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health and the environment.

20. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.

21. The provisions of this CA/FO shall be deemed satisfied upon a written determination by Complainant that Respondent has fully implemented the actions required in the Final Order.

FINAL ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and according to the terms of this CA/FO, IT IS HEREBY ORDERED THAT:

A. Payment of Civil Penalty

1. Within thirty (30) days of the effective date of this CA/FO, Respondent will pay a civil penalty of \$39,134. Such payment shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, Missouri 63197-9000.

2. Wire transfers should be directed to the Federal Reserve Bank of New York:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045

Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

3. A copy of the payment documentation shall also be mailed to:

Regional Hearing Clerk
U.S. EPA Region 7
901 N. 5th Street
Kansas City, Kansas 66101

and to:

Jennifer Trotter, CNSL/CMBR
U.S. EPA Region 7
901 N. 5th Street
Kansas City, Kansas 66101.

4. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CA/FO shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

B. Compliance Actions

5. Within thirty (30) days of the effective date of the Final Order, Respondent shall

provide written documentation demonstrating that it has trained its employees on the use of satellite accumulation containers, and that the Quality Control Laboratory waste is being managed in compliance with federal and state regulations.

6. Within thirty (30) days of the effective date of the Final Order, Respondent shall provide photographic documentation that Respondent is properly labeling and dating all hazardous waste storage containers per DOT requirements in compliance with 40 C.F.R. § 262.32 and 10 C.S.R. 25-5.262(2)(C)1.

7. Within thirty (30) days of the effective date of the Final Order, Respondent shall provide written documentation stating how Respondent will ensure that all hazardous waste storage drums are stored for no longer than 90 days per 40 C.F.R. § 262.34, incorporated by reference at 10 C.S.R. 25-5.262.

8. Within ninety (90) days of the effective date of the Final Order, Respondent shall provide documentation showing that the cracks and gaps, existing in the containment structure of the outside hazardous waste storage area at the time of the October 2008 Inspection, have been corrected per federal, state, and local regulations.

9. Such documentation shall be sent to:

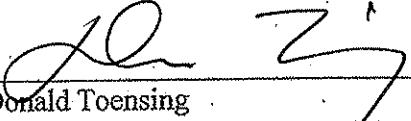
Deborah Finger
Compliance Officer, AWMD/RESP
U.S. EPA, Region 7
901 N. 5th Street
Kansas City, Kansas 66101.

B. Parties Bound

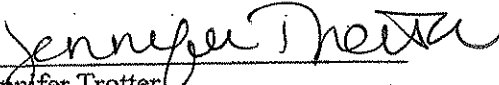
10. This Final Order portion of this CA/FO shall apply to and be binding upon Complainant and Respondent, and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this CA/FO.

FOR COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

9-25-09
Date


Donald Toensing
Chief, RCRA Enforcement and State Programs Branch
Air and Waste Management Division
U.S. Environmental Protection Agency
Region 7

9-25-09
Date


Jennifer Trotter
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 7

FOR RESPONDENT
ARCHIMICA, INC.

24 Sept 09
Date

Frank N. Gori
Signature

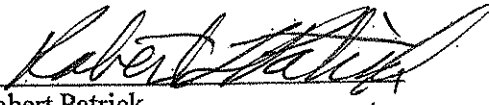
FRANK N. GORI
Printed Name

President of GM
Title

Frank N. Gori
President & General Manager
Archimica, Inc.

IT IS SO ORDERED. This Final Order is effective upon its final entry by the Regional Judicial Officer.

September 25, 2009
Date


Robert Patrick
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 7

IN THE MATTER OF Archimica, Inc., Respondent
Docket No. RCRA-07-2009-0010

CERTIFICATE OF SERVICE

I certify that a true and correct copy of 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:

Jennifer Trotter
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:

Frank N. Gori
President and General Manager
Archimica, Inc.
2460 West Bennett Street
Springfield, Missouri 65807

Dated: 9/28/09



Kathy Robinson
Hearing Clerk, Region 7