

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

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ENVIRONMENTAL PROTECTION AGENCY
REGION VII
KANSAS CITY, MISSOURI 64101

IN THE MATTER OF:)
)
US Army Corps of Engineers, Chemistry and)
Material Quality Assurance Laboratory)
420 S. 118th Street)
Omaha, Nebraska)
)
EPA ID No. NE7210890029)
)
Respondent.)
)
Proceeding under Section 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-07-2006-0233

I. PRELIMINARY STATEMENT

This proceeding was initiated on or about September 26, 2006, when the United States Environmental Protection Agency, Region VII (Complainant or EPA) issued a Complaint, Compliance Order and Notice of Opportunity for Hearing (Complaint) to the US Army Corps of Engineers, Chemistry and Material Quality Assurance Laboratory (COE or Respondent) in Omaha, Nebraska. The Complaint was based on the findings of a Compliance Evaluation Inspection conducted by EPA at this COE laboratory on November 2, 2005. Pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984 (hereinafter known as RCRA), Title 42 United States Code (U.S.C.), Section 6901 et seq., the Complainant sought civil penalties for alleged violations of Section 3005 of RCRA.

The Complainant and Respondent subsequently entered into negotiations in an attempt to settle the allegations contained in the Complaint. This Consent Agreement and Final Order (CAFO) is the result of such negotiations and resolves the liability of Respondent for matters alleged in the Complaint.

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