

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**REGION VII
901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101**

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF)

River Cement Co.)

d/b/a Buzzi Unicem USA)

1000 River Cement Road)

Festus, Missouri 63028)

Respondent.)

Docket No. CAA-07-2008-0033

CONSENT AGREEMENT AND FINAL ORDER

The U.S. Environmental Protection Agency (EPA), Region VII and River Cement Co. d/b/a Buzzi Unicem USA (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), 22.18(b)(2) and 22.18(b)(3) 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), 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and 22.18(b)(3).

FACTUAL ALLEGATIONS

Jurisdiction

1. This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d).
2. This Consent Agreement and Final Order (CAFO) serves as notice that EPA has reason to believe that Respondent has violated the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for portland cement manufacturing facilities, 40 C.F.R. Part 63, Subpart LLL, promulgated pursuant to Section 112 of the CAA, 42 U.S.C. § 7412; and the Missouri State Implementation Plan (SIP), 10 C.S.R. § 10-6220 approved by EPA pursuant to Section 110 of the CAA, 42 U.S.C. § 7410. Furthermore, this CAFO serves as notice pursuant to Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), of EPA's intent to issue an order assessing penalties for this violation.
3. Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that this matter, where the first alleged date of violation occurred more than 12 months prior to the initiation of the administrative action, was appropriate for an administrative action.

Parties

4. The Complainant, by delegation from the Administrator of EPA and the Regional Administrator, EPA, Region VII, is the Director, Air and Waste Management Division, EPA, Region VII.

5. The Respondent is River Cement Co. d/b/a Buzzi Unicem USA. The Respondent operates a portland cement manufacturing facility located at 1000 River Cement Road in Festus, Jefferson County, Missouri.

Statutory and Regulatory Background

National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry

6. Section 112 of the CAA, 42 U.S.C. § 7412, authorizes the Administrator of EPA to regulate hazardous air pollutants (HAPs) which may have an adverse effect on health or the environment.

7. The Administrator established emission standards, codified at 40 C.F.R. Part 63, Subpart LLL: National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry, for each new and existing portland cement plant which is a major source or an area source as defined in 40 C.F.R. § 63.2.

8. Pursuant to 40 C.F.R. § 63.1343(a), the provisions of the portland cement manufacturing NESHAP applies to each kiln, each in-line kiln/raw mill, and any alkali bypass associated with that kiln or in-line kiln/raw mill.

9. Pursuant to 40 C.F.R. § 63.1343(b)(2), no owner or operator of an existing, reconstructed or new brownfield kiln or an existing, reconstructed or new brownfield in-line kiln/raw mill at a facility that is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these affected sources, any gases which exhibit opacity greater than twenty (20) percent.

10. Pursuant to 40 C.F.R. § 63.2, "owner or operator" is defined as "any person who owns, leases, operates, controls, or supervises a stationary source."

11. Section 112(a)(1) of the Clean Air Act, 42 U.S.C. § 7412(a)(1), defines "major source" as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, considering controls, in the aggregate, ten (10) tons per year or more of any hazardous air pollutant or twenty-five (25) tons per year or more of any combination of hazardous air pollutants.

12. Section 111(a)(3) of the Act, 42 U.S.C. § 7411(a)(3), and 40 C.F.R. § 63.2 defines a “stationary source” as “the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory for which a section 112(d) standard or other relevant standard is established pursuant to section 112 of the Act.”

13. Pursuant to 40 C.F.R. § 63.2, “affected source” is defined as “the stationary source, the group of stationary sources, or the portion of a stationary source that is regulated by a relevant standard or other requirement established pursuant to section 112 of the Act.”

14. Pursuant to 40 C.F.R. § 63.1340(b), the affected sources to which the provisions of the NESHAPs for the Portland Cement Manufacturing Industry, 40 C.F.R. Part 63, Subpart LLL, apply are:

- a) Each kiln and each in-line kiln/raw mill at any major or area source, including alkali bypasses, except for kilns and in-line kiln/raw mills that burn hazardous waste and are subject to and regulated under subpart EEE of this part;
- b) Each clinker cooler at any portland cement plant which is a major source;
- c) Each raw mill at any portland cement plant which is a major source;
- d) Each finish mill at any portland cement plant which is a major source;
- e) Each raw material dryer at any portland cement plant which is a major source and each greenfield raw material dryer at any portland cement plant which is a major or area source;
- f) Each raw material, clinker, or finished product storage bin at any portland cement plant which is a major source;
- g) Each conveying system transfer point including those associated with coal preparation used to convey coal from the mill to the kiln at any portland cement plant which is a major source; and
- h) Each bagging and bulk loading and unloading system at any portland cement plant which is a major source.

15. Pursuant to 40 C.F.R. § 1351(a) the compliance date for an owner or operator of an existing affected source subject to the provisions of the National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry is June 14, 2002.

Missouri State Implementation Plan

16. The State of Missouri promulgated the Missouri Air Quality Regulations which were adopted as part of the Missouri State Implementation Plan (SIP). The Missouri SIP is codified at 10 C.S.R. § 10-6.220, Restriction of Emission of Visible Air Contaminants.

17. EPA approved the Missouri SIP pursuant to Section 110 of the CAA, 42 U.S.C. § 7410. 65 Fed. Reg. 64145 (October 26, 2000).

18. The Missouri SIP creates maximum visible emissions limitations for existing sources and new sources, and states that unless specified otherwise in the rule, no owner or other person shall cause or permit to be discharged into the atmosphere from any source, not exempted under this rule, any visible emissions greater than twenty (20) percent in the St. Louis Metropolitan area and Kansas City Metropolitan Area, or forty (40) percent in the Springfield-Greene County Area and Outstate Area. 10 C.S.R. § 10-6.6220(3)(A).

19. The St. Louis Metropolitan area encompasses Jefferson County, Missouri. 10 C.S.R. § 10-6.220(2)(D).

20. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), states that the Administrator may issue an administrative order against any person assessing a civil administrative penalty of up to \$25,000 per day of violation whenever, on the basis of any available information, the Administrator finds that such person has violated or is violating any requirement or prohibition of the CAA referenced therein, including Sections 110 and 112. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), as amended by the Debt Collection Improvement Act of 1996, authorizes the United States assess civil administrative penalties of not more than \$27,500 per day for each violation that occurs after January 30, 1997 through March 15, 2004 and \$32,500 per day for each violation that occurs after March 15, 2004.

Violations

21. EPA hereby states and alleges that Respondent has violated the CAA and federal regulations, promulgated pursuant to the CAA, and Missouri SIP as follows:

General Allegations

22. Respondent is the owner and/or operator of a portland cement manufacturing facility located at 1000 River Cement Road, Festus, Jefferson County, Missouri.

23. Respondent's portland cement manufacturing facility was a major source of hazardous air pollutants on or before June 14, 2002, and continued to be a major source at all times relevant to this Consent Agreement and Final Order.

24. Respondent manufactures portland cement, operating two long-dry kilns designated as Kiln 4001 and Kiln 4002. Effluent from the two kilns discharge through a single stack which is an affected source.

25. Respondent is subject to 40 C.F.R. Part 63, Subpart LLL.

26. Respondent is, and at all times referred to herein, was a "person" as defined at 42 U.S.C. § 7602(e).

27. On November 1, 2006, EPA issued Respondent an information request letter pursuant to Section 114(a)(1), 42 U.S.C. § 7414. The information request letter required that the Respondent provide EPA the semiannual summary report for reporting years 2005 and 2006 which were delinquent.

28. On November 9, 2006, Respondent submitted the semiannual summary reports for reporting years 2005 and 2006 to EPA.

29. The semiannual summary reports identify the following discharges of gases into the atmosphere from Kiln 4001 and Kiln 4002 monostack which exhibit opacity greater than twenty percent:

2005	Minutes of opacity greater than 20%
1 st Quarter	14,399
2 nd Quarter	9,904
3 rd Quarter	12,194
4 th Quarter	12,846

2006	Minutes of opacity greater than 20%
1 st Quarter	7,066
2 nd Quarter	8,199
3 rd Quarter	5,829

30. On April 11, 2007, EPA issued Respondent a Notice and Finding of Violation pursuant to Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1).

Count 1

31. The facts alleged in Paragraphs 6 through 30 are realleged and incorporated herein as if fully stated.

32. Pursuant to 40 C.F.R. § 63.1343(b)(2) Respondent shall not cause to be discharged into the atmosphere gases from an affected source that exhibit opacity greater than twenty percent.

33. The information collected in response to the information request letter revealed that Respondent discharged gases from an existing long-dry kiln that exhibit opacity greater than 20 percent.

34. Each emission exceedance of the opacity emission limits set forth in Paragraph 29, above, is a violation of the CAA and its implementing regulations. 42 U.S.C. § 7412 and 40 C.F.R. Part 63, Subpart LLL.

Count 2

35. The facts alleged in Paragraphs 6 through 30 are realleged and incorporated herein as if fully stated.

36. Pursuant to the Missouri SIP, Respondent shall not cause to be discharged into the atmosphere any gas from an affected source that exhibit opacity greater than twenty percent.

37. The information collected in response to the information request letter revealed that Respondent discharged gases from an existing long-dry kiln that exhibit opacity greater than 20 percent.

38. Each emission exceedance of the emission limits set forth in Paragraph 29, above, is a violation of the Missouri SIP, 10 C.S.R. § 10-6.220, and Section 110 of the CAA.

CONSENT AGREEMENT

39. Respondent and EPA agree to the terms of this CAFO and Respondent agrees to comply with the terms of the Final Order portion of this CAFO.

40. For purposes of this proceeding, Respondent admits the jurisdictional allegations of this CAFO, 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 CAFO.

41. Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this CAFO.

42. Respondent waives its right to a judicial or administrative hearing as to the Complainant and the state of Missouri, and retains its right to judicial or administrative hearing as to others on any issue of fact or law set forth above and its right to appeal the Final Order portion of this Consent Agreement and Final Order.

43. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorney's fees incurred as a result of this action.

44. This CAFO addresses all civil and administrative claims for the CAA violations

identified above, existing through the effective date this CAFO. EPA reserves the right to take any enforcement action with respect to any other violations of the CAA or any other applicable law.

45. Respondent certifies by signing this CAFO that, to the best of its knowledge, Respondent's facility is presently in compliance with the CAA, 42 U.S.C. § 7401 *et. seq.* and all regulations promulgated thereunder, with the possible exception of minimal, short duration opacity exceedances.

46. The effect of settlement described in paragraph 44 above is conditioned upon the accuracy of the Respondent's representations to EPA, as memorialized in paragraph 45 above.

47. Respondent agrees that, in settlement of the claims alleged in this CAFO, Respondent shall pay a penalty of Twenty-Two Thousand Two Hundred Twenty-One Dollars (\$22,221) as set forth in Paragraph 1 of the Final Order. Respondent additionally agrees to complete the following Supplemental Environmental Project (SEP).

48. In response to the violations of the CAA alleged in this CAFO and in settlement of this matter, although not required by the CAA or any other federal, state or local law, Respondent shall complete the Supplemental Environmental Project (SEP) described in Paragraph 49 of the Consent Agreement portion of this Consent Agreement and Final Order, which the parties agree is intended to secure significant environmental or public health protection and improvement.

49. Within twelve (12) months of the effective date of this CAFO, Respondent shall develop, order, install, and initiate start-up of PulsePleat Spunbound Polyester filter elements on the finish mill system control device, numbers 2240 and 2273. The value of the project which shall include cost of PulsePleat Spunbound Polyester filter elements, site preparation, and electrical installations shall not be less than One Hundred Ninety-Seven Thousand Eight Hundred Sixteen Dollars (\$197,816). Specifically, Respondent shall:

- a) Within nine (9) weeks of the effective date of this CAFO, apply for any necessary construction permits or permitting applicability concurrence from the Missouri Department of Natural Resources (MDNR) to modify the pollution control devices;
- b) Within twelve (12) weeks of the effective date of this CAFO, order and request PulsePleat Spunbound Polyester filter elements be shipped from its supplier to replace the current polyesyter bags and associated equipment on the finish mill system control device, numbers 2240 and 2273;
- c) Within eleven (11) months of the effective date of this CAFO, complete installation and initial start-up and shakedown of equipment;

- d) Within twelve (12) months, be fully operating the PulsePleat Spunbound Polyester filter elements on the finish mill system control device.

50. Within six (6) months of the effective date of this CAFO Respondent shall submit an Interim SEP Report to EPA. The Interim SEP Report shall at a minimum confirm: 1) that any necessary construction permits or permitting applicability concurrence from MDNR have been applied for and identify any issues associated with the application; 2) that the PulsePleat Spunbound Polyester filter elements referenced in paragraph 49(b) have been ordered and received from Respondent's supplier; and 3) what progress has been made towards site preparation and electrical installation. The Interim SEP Report shall also include an anticipated schedule of remaining activities necessary to complete the SEP, and any anticipated problems.

51. Within fourteen (14) months of the effective date of this CAFO, Respondent shall submit a final SEP Completion Report to EPA. The SEP Completion Report shall contain the following information:

- a) A detailed description of the SEP as implemented and associated costs;
- b) A description of any problems encountered in implementation of the project and the solution thereto;
- c) A description of the specific environmental and/or public health benefits resulting from implementation of the SEP, including but not limited to emission reductions realized through implementation of the SEP; and
- d) Certification that the SEP has been fully implemented pursuant to the provisions of the CAFO.

52. In itemizing its costs in the Interim SEP Report and the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all eligible SEP costs. Where the report includes costs not eligible for SEP credit, those costs must be clearly identified as such. For purposes of this Paragraph, "acceptable documentation" includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Canceled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

53. The Interim SEP Report and the SEP Completion Report shall include the statement of Respondent, through an officer, signed and certifying under penalty of law the following:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my

inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

54. The Interim SEP Report and the SEP Completion Report shall be submitted on or before the due date to:

Lisa Hanlon, AWMD
Environmental Protection Agency, Region VII
901 North 5th Street
Kansas City, Kansas 66101.

55. After receipt of the SEP Completion Report described in Paragraph 51 above, EPA will notify the Respondent, in writing, regarding:

- a) Any deficiencies in the SEP Report itself along with a grant of an additional thirty (30) days for Respondent to correct any deficiencies; or
- b) Indicate that EPA concludes that the project has been completed satisfactorily; or
- c) Determine that the project has not been completed satisfactorily and seek stipulated penalties in accordance with Paragraph 62 herein.

If EPA elects to exercise option (a) above, i.e., if the SEP Report is determined to be deficient but EPA has not yet made a final determination about the adequacy of SEP completion itself, EPA shall permit Respondent the opportunity to object in writing to the notification of deficiency given pursuant to this paragraph within ten (10) days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement on changes necessary to the SEP Report. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision on adequacy of the completion of the SEP to Respondent, which decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any failure to comply with the terms of this Consent Agreement and Order. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with Paragraph 62 herein.

56. Respondent agrees that failure to submit the SEP Completion Report required by Paragraph 51 above, shall be deemed a violation of this Consent Agreement and Final Order and Respondent shall become liable for stipulated penalties pursuant to Paragraph 62 below.

57. Any public statement, oral or written, in print, film, internet, or other media, made by

Respondent making reference to the SEP shall include the following language:

This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for alleged violations of the Clean Air Act and its implementing regulations, and Missouri State Implementation Plan.

58. Respondent agrees that EPA may inspect the facility at any time in order to confirm that the SEP is being undertaken in conformity with the representations made herein.

59. Respondent shall continuously use or operate the systems installed as the SEP in accordance with routine and customary equipment maintenance and parts replacement, for not less than five (5) years subsequent to installation.

60. Respondent hereby certifies that, as of the date of this CAFO, Respondent is not required to perform or develop the SEP by any federal, state or local law or regulation; nor is Respondent required to perform or develop the SEP by any other agreement, grant or as injunctive relief in this or any other case. Respondent further certifies that it has not received, and is not presently negotiating to receive credit in any other enforcement action for the SEP.

61. Respondent agrees not to claim any funds expended in the performance of the SEP as a deductible business expense for the purpose of federal, state, or local taxes.

62. Respondent agrees to the payment of stipulated penalties as follows:

a) In the event Respondent fails to comply with any of the terms or provisions of this Consent Agreement relating to the performance of the SEP as set forth in Paragraph 49 above and/or to the extent that the actual expenditures for the SEP does not equal or exceed the cost of the SEP described in Paragraph 49 above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

i) Except as provided in subparagraph (ii) through (v) immediately below, if the SEP is not completed satisfactorily and timely pursuant to the agreement set forth in Paragraph 49 above, Respondent shall be liable for and shall pay a stipulated penalty to the United States in the amount of Sixty-Seven Thousand Three Hundred Dollars (\$67,300).

ii) If Respondent fails to timely and completely submit the Interim SEP Report or the SEP Completion Report required by Paragraphs 50 and 51, Respondent shall be liable for and shall pay a stipulated penalty in the amount of One Hundred Dollars (\$ 100.00) for each day after the due date until a complete report is submitted.

iii) If the SEP is not completed in accordance with Paragraph 49 above, but EPA determines that the Respondent: (a) made good faith and timely efforts to complete the project; and (b) certifies, with supporting documentation, that at least ninety (90) percent of the amount of money which was required to be spent

was expended on the SEP, Respondent shall not be liable for any stipulated penalty.

iv) If the SEP is completed in accordance with Paragraph 49 above, but the Respondent spent less than ninety (90) percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to the United States in the amount of Thirteen Thousand Four Hundred and Fifty Dollars (\$13,450).

v) If the SEP is completed in accordance with Paragraph 49 above, and the Respondent spent at least ninety (90) percent of the amount of money required to be spent for the project, Respondent shall not be liable for any stipulated penalty.

b) The determination of whether the SEP has been satisfactorily completed and whether the Respondent has made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA.

c) Stipulated penalties shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity.

d) Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of Paragraph 1 of the Final Order portion of this CAFO, below.

63. Late Payment Provisions: Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the date required. Interest will be assessed at a rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b). A charge will be assessed to cover the costs of debt collection including processing and handling costs and attorneys fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 31 C.F.R. §§ 901.9(c) and (d).

64. Nothing in this CAFO shall be construed as a release from any other action under any law and/or regulation administered by EPA. Nothing contained in the Final Order portion of

this CAFO shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state and local environmental statutes and regulations and applicable permits.

65. Failure to pay the assessed penalty may result in the referral of this matter to the United States Department of Justice for collection. If payment is not received on or before the due date, interest will be assessed at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. The interest will be assessed on the overdue amount from the due date through the date of payment.

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

67. Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty cited in Paragraph 47, above.

68. This CAFO shall not relieve Respondent of its obligation to comply with all applicable federal, state, and local laws, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

69. This Final Order portion of this CAFO shall apply to and be binding upon 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 CAFO.

FINAL ORDER

Pursuant to the provisions of the CAA, 42 U.S.C. § 7401 *et. seq.*, and based upon the information set forth in this Consent Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a civil penalty of Twenty-Two Thousand Two Hundred Twenty-One Dollars (\$22,221), within thirty (30) days of entry of this Final Order. Payment shall be made: a) on-line at www.pay.gov by entering 'SFO 1.1' into the 'Find Public Forms' search field, and completing the EPA Miscellaneous Payment Form, or b) by cashier or certified check which shall reference Docket Number CAA-07-2008-0033, and made payable to "United States Treasury" and remitted to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000.

2. A copy of the check shall simultaneously be sent to the following:

Kelley Catlin
Office of Regional Counsel
United States Environmental Protection Agency - Region VII
901 North Fifth Street
Kansas City, Kansas 66101

and to:

Regional Hearing Clerk
United States Environmental Protection Agency - Region VII
901 North Fifth Street
Kansas City, Kansas 66101.

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

4. The effective date of this Order shall be the date on which it is signed by the Regional Judicial Officer.


5. Respondent shall complete the Supplemental Environmental Project in accordance with the provisions set forth in the Consent Agreement and shall be liable for any stipulated penalty for failure to complete such a project as specified in the Consent Agreement.

In the Matter of River Cement Co. d/b/a Buzzi Unicem USA
Docket No. CAA-07-2008-0033

COMPLAINANT:

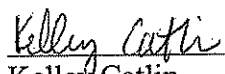
U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: 9/16/08

By: 
Becky Weber
Director
Air and Waste Management Division

*Smith
For*

Date: 9/15/08

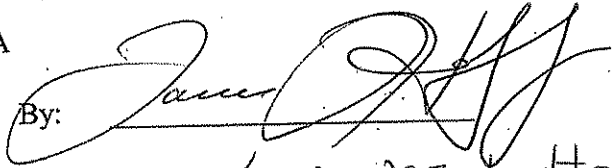
By: 
Kelley Catlin
Assistant Regional Counsel

In the Matter of River Cement Co. d/b/a Buzzi Unicem USA
Docket No. CAA-07-2008-0033

RESPONDENT:

River Cement Co. d/b/a Buzzi Unicem USA

Date: 9/12/08

By: 

Printed Name: LAWRENCE L HOFFIS

Title: SR. VP, OPERATIONS

In the Matter of River Cement Co. d/b/a Buzzi Unicem USA
Docket No. CAA-07-2008-0033

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

Date: Sept. 18, 2008

Karina Borromeo
Karina Borromeo
Regional Judicial Officer
U.S. Environmental Protection Agency
Region VII

IN THE MATTER OF River Cement CO. D/b/a Buzzi Unicem USA, Respondent
Docket No. CAA-07-2008-0033

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:

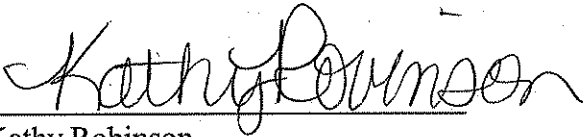
Copy hand delivered to
Attorney for Complainant:

Kelley Catlin
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Original by Certified Mail Return Receipt to:

David S. Rifkind
Deputy General Counsel
Buzzi Unicem USA
100 Brodhead Road
Bethlehem, Pennsylvania 18017

Dated: 9/18/08


Kathy Robinson
Hearing Clerk, Region 7