



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 5
 77 WEST JACKSON BOULEVARD
 CHICAGO, IL 60604-3590

OCT 14 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Shell J. Bleiweiss
 Law Office of Shell J. Bleiweiss
 Environmental and OSHA Law
 1 South Dearborn, Suite 2100
 Chicago, Illinois 60603-2307

Re: Van Keppel Redi-Mix, Inc., DeMotte, Indiana
 Consent Agreement and Final Order **EPCRA-05-2016-0001**

Dear Mr. Bleiweiss:

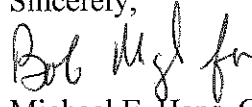
Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on October 14, 2015.

Please have your client pay the EPCRA civil penalty according to the chart below and in the manner prescribed in paragraphs 80 and 81 and reference your payment with the docket number **EPCRA-05-2016-0001**.

Payment #1	Within 30 days of effective date of CAFO	\$8,870.47	\$8,841	\$29.47
Payment #2	Within 140 days of effective date of CAFO	\$8,922.04	\$8,841	\$81.04
Payment #3	Within 250 days of effective date of CAFO	\$8,895.03	\$8,841	\$54.03
Payment #4	Within 360 days of effective date of CAFO	\$8,868.01	\$8,841	\$27.01

Please feel free to contact Ruth McNamara at mcnamara.ruth@epa.gov or by telephone at (312) 353-3193 if you have any questions regarding the enclosed documents. Please direct any legal questions to Jose DeLeon, Associate Regional Counsel, at deleon.jose@epa.gov or by telephone at (312) 353-7456. Thank you for your assistance in resolving this matter.

Sincerely,



Michael E. Hans, Chief
Chemical Emergency Preparedness
and Prevention Section

Enclosure

cc: Steve Tomlyanovich (w/ enclosure)
Division of Homeland Security
And Emergency Management
444 Cedar Street, Suite 223
St. Paul, Minnesota 55101

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

Van Keppel Redi-Mix, Inc.
DeMotte, Indiana

Respondent.



Docket Nos. EPCRA-05-2016-0001

Proceeding to Assess a Civil Penalty Under
Section 325(c)(1) and (c)(2) of the Emergency
Planning and Community Right-to-Know
Act of 1986

Consent Agreement and Final Order
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 325(c)(1) and (c)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c)(1), (c)(2), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is, by lawful delegation, the Chief of the Enforcement and Compliance Assurance Branch, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is Van Keppel Redi-Mix, Inc., a corporation doing business in the State of Indiana.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and the terms of the CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

Statutory and Regulatory Background

9. Section 311 of EPCRA, 42 U.S.C. § 11021, and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the Occupational Safety and Health Act (OSHA) to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical, to submit to the state emergency response commission (SERC), community emergency coordinator for the local emergency planning committee (LEPC) and the fire department with jurisdiction over the facility an MSDS for each such hazardous chemical present at the facility at any one time in an amount equal to or greater than 10,000 pounds, and for each extremely hazardous chemical present at the facility in an amount equal to or greater than 500 pounds, or the threshold planning quantity (TPQ), whichever is lower, or to submit a list of such chemicals. The owner or operator must submit the required MSDS or list within three months after the owner or operator is first required to have the MSDS available or after the hazardous chemical requiring an MSDS first becomes present at the facility in an amount exceeding the threshold level.

10. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the Occupational Safety and Health Act (OSHA) to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical, to submit to the state emergency response commission (SERC), community coordinator for the local emergency planning committee (LEPC) and fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter, an emergency and hazardous chemical inventory form (Tier I or Tier II as described in 40 C.F.R. Part 370). The form must contain the information required by Section 312(d) of EPCRA, covering all hazardous chemicals present at the facility at any one time during the preceding year in amounts equal to or exceeding 10,000 pounds and all extremely hazardous chemicals present at the facility at any one time in amounts equal to or greater than 500 pounds or the threshold planning quantity designated by U.S. EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

11. Sections 311 and 312(a) of EPCRA, 42 U.S.C. §§ 11021 and 11022(a), assist state and local committees in planning for emergencies and makes information on chemical presence and hazards available to the public. A delay in reporting could result in harm to human health and the environment.

12. Under 29 C.F.R. § 1910.1200(b)(1), all employers are required to provide information to their employees about the hazardous chemicals to which they are exposed including, but not limited to, MSDSs.

13. Under Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), with certain exceptions, the term "hazardous chemical" has the meaning given such term by 29 U.S.C. § 1910.1200(c).

14. Under 29 C.F.R. § 1910.1200(c), a hazardous chemical is any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

15. Section 109(b) of CERCLA, 42 U.S.C. § 9609(b), Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of EPCRA Section 312. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$32,500 per day of violation that occurred after March 15, 2004 through January 12, 2009 and to \$37,500 per day of violation for violations that occurred after January 12, 2009.

16. Section 325(c)(2) of EPCRA, 42 U.S.C. § 11045(c)(2), authorizes U.S. EPA to assess a civil penalty of up to \$10,000 for each EPCRA Section 311 violation. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$11,000 per day of violation for EPCRA 311 violations that occurred after March 15, 2004 through January 12, 2009 and to \$16,000 per day of violation for violations that occurred after January 12, 2009.

Factual Allegations and Alleged Violations

17. Respondent is a "person" as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

18. At all times relevant to this Complaint, Respondent was an owner or operator of the facility located at 200 5th Avenue NE, DeMotte, Indiana.

19. At all times relevant to this Complaint, Respondent was an employer at Van Keppel Redi-Mix, Inc., DeMotte, Indiana.

20. Van Keppel Redi-Mix, Inc., is a "facility" as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

21. The facility consists of buildings, equipment, structures and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person.

22. Crystalline silica CAS# 14808-60-7 is a granular solid that is tasteless and odorless. Sand contains crystalline silica which is a known carcinogen. Sand can cause damage to the lungs and upper respiratory tract, and may cause silicosis, a form of lung scarring that can cause shortness of breath and reduced lung function.

23. Crystalline silica CAS# 14808-60-7 is classified as a health hazard.

24. OSHA requires Respondent to prepare, or have available, an MSDS for crystalline silica.

25. Crystalline silica CAS# 14808-60-7 is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

26. Crystalline silica CAS# 14808-60-7 has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

27. Limestone CAS# 1317-65-3 contains crystalline silica which may cause silicosis or lung cancer from repeated breathing of crystalline silica dust.

28. Limestone CAS# 1317-65-3 is classified as a health hazard.

29. OSHA requires Respondent to prepare, or have available, an MSDS for limestone.

30. Limestone CAS# 1317-65-3 is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

31. Limestone CAS# 1317-65-3 has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

32. Fly Ash CAS# 68131-74-8 is a byproduct of the combustion of coal. Fly Ash may cause eye, skin, and inhalation irritation. Breathing dust may cause nose, throat or lung irritation, including choking. This product also contains crystalline silica. Prolonged or repeated inhalation of respirable crystalline silica from this product can cause silicosis, a seriously disabling and fatal lung disease. In addition, crystalline silica is a known human carcinogen. Exposure to respirable crystalline silica may be associated with the increased incident of several auto immune disorders such as scleroderma, systemic lupus erythematosus, rheumatoid arthritis and diseases affecting the kidneys.

33. Fly Ash CAS# 68131-74-8 is classified as a health hazard.

34. OSHA requires Respondent to prepare, or have available, an MSDS for Fly Ash.

35. Fly Ash CAS# 68131-74-8 is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

36. Fly Ash CAS# 68131-74-8 has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

37. Calcium chloride CAS# 10043-52-4 is a liquid that causes eye irritation. Prolonged exposure may cause skin burns. Mists may cause irritation of the upper respiratory tract (e.g. the nose and throat).

38. Calcium chloride CAS# 10043-52-4 is classified as a health hazard.

39. OSHA requires Respondent to prepare, or have available, an MSDS for calcium chloride.

40. Calcium chloride CAS# 10043-52-4 is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

41. Calcium chloride CAS# 10043-52-4 has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

42. Diesel fuel CAS# 68476-30 is a flammable liquid. Exposure to high vapor concentrations can cause headaches, dizziness, drowsiness, and nausea and may lead to unconsciousness. Prolonged or repeated contact can cause skin irritation and or dermatitis.

43. Diesel fuel CAS# 68476-30 is classified as a health and physical hazard.

44. OSHA requires Respondent to prepare, or have available, an MSDS for diesel fuel.

45. Diesel fuel CAS# 68476-30 is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

46. Diesel fuel CAS# 68476-30 has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

47. NewCem Slag CAS# 65996-69-2 is a solid, grey/black or brown/tan, odorless powder, formed when molten blast furnace slag is rapidly chilled. It is then pulverized. Exposure to the material may cause irritation to skin and eyes. This material may cause dry skin, discomfort, irritation, and dermatitis of the skin. Breathing in this material may cause nose, throat, or lung irritation, including choking. Prolonged or repeated inhalation of this material may cause silicosis, a seriously disabling and fatal lung disease. Although this material is not listed as a carcinogen, it does contain crystalline silica. Crystalline silica has been classified as a known human carcinogen.

48. NewCem Slag CAS# 65996-69-2 is classified as a health hazard.

49. OSHA requires Respondent to prepare, or have available, an MSDS for NewCem Slag.

50. NewCem Slag CAS# 65996-69-2 is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

51. NewCem Slag CAS# 65996-69-2 has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

52. Redi-Mix Concrete CAS# 65997-15-1 dust may irritate the nose, throat, and respiratory tract by mechanical abrasion, and may cause coughing, sneezing, and shortness of breath, prolonged exposure may cause lung cancer or silicosis.

53. Redi-Mix Concrete CAS# 65997-15-1 7 is classified as a health hazard.

54. OSHA requires Respondent to prepare, or have available, an MSDS for Redi-Mix Concrete.

55. Redi-Mix Concrete CAS# 65997-15-1 is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

56. Redi-Mix Concrete CAS# 65997-15-1 has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

57. LaFarge Blended Concrete CAS# 65997-15-1 dust may irritate the nose, throat, and respiratory tract by mechanical abrasion, and may cause coughing, sneezing, and shortness of breath, prolonged exposure may cause lung cancer or silicosis.

58. LaFarge Blended Concrete CAS# 65997-15-1 7 is classified as a health hazard.

59. OSHA requires Respondent to prepare, or have available, an MSDS for LaFarge Blended Concrete.

60. LaFarge Blended Concrete CAS# 65997-15-1 is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

61. LaFarge Blended Concrete CAS# 65997-15-1 has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

62. During at least one period of time in calendar year 2011 limestone, crystalline silica, LaFarge Blended Concrete, NewCem Slag, fly ash, diesel fuel, calcium chloride, and Redi-Mix Concrete were present at the facility in an amount equal to or greater than the minimum threshold level.

63. During at least one period of time in calendar year 2012 limestone, crystalline silica, LaFarge Blended Concrete, NewCem Slag, fly ash, diesel fuel, calcium chloride, and Redi-Mix Concrete were present at the facility in an amount equal to or greater than the minimum threshold level.

64. During at least one period of time in calendar year 2013 limestone, crystalline silica, LaFarge Blended Concrete, NewCem Slag, fly ash, diesel fuel, calcium chloride, and Redi-Mix Concrete were present at the facility in an amount equal to or greater than the minimum threshold level.

65. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility on or before March 1, 2012 a completed emergency and hazardous chemical inventory form including limestone, crystalline silica, LaFarge Blended Concrete, NewCem Slag, fly ash, diesel fuel, calcium chloride, and Redi-Mix Concrete for calendar year 2011.

66. Respondent submitted to the SERC, LEPC, and fire department a completed Emergency and Hazardous Chemical Inventory Form including crystalline silica, limestone, fly

ash, calcium chloride, diesel fuel, NewCem Slag, Redi-Mix Concrete, and LaFarge Blended Concrete on September 7, 2012, for calendar year 2011.

67. Each day Respondent failed to submit to the SERC, LEPC, and fire department a completed Emergency and Hazardous Chemical Inventory Form including crystalline silica, limestone, fly ash, calcium chloride, diesel fuel, NewCem Slag, Redi-Mix Concrete, and LaFarge Blended Concrete by March 1, 2012 for calendar year 2011 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

68. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility on or before March 1, 2013 a completed emergency and hazardous chemical inventory form including limestone, crystalline silica, LaFarge Blended Concrete, NewCem Slag, fly ash, diesel fuel, calcium chloride, and Redi-Mix Concrete for calendar year 2012.

69. As of March 13, 2014, Respondent had not submitted to the SERC, LEPC, and fire department a completed Emergency and Hazardous Chemical Inventory Form including crystalline silica, limestone, fly ash, calcium chloride, diesel fuel, NewCem Slag, Redi-Mix Concrete, and LaFarge Blended Concrete for calendar year 2012.

70. Each day Respondent failed to submit to the SERC, LEPC, and fire department a completed Emergency and Hazardous Chemical Inventory Form including crystalline silica, limestone, fly ash, calcium chloride, diesel fuel, NewCem Slag, Redi-Mix Concrete, and LaFarge Blended Concrete by March 1, 2013 for calendar year 2012 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

71. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility on or before March 1, 2014 a completed emergency

and hazardous chemical inventory form including limestone, crystalline silica, LaFarge Blended Concrete, NewCem Slag, fly ash, diesel fuel, calcium chloride, and Redi-Mix Concrete for calendar year 2013.

72. As of March 13, 2014 Respondent had not submitted to the SERC, LEPC, or fire department with jurisdiction over the facility a completed Emergency and Hazardous Chemical Inventory Form including crystalline silica, limestone, fly ash, calcium chloride, diesel fuel, NewCem Slag, Redi-Mix Concrete, and LaFarge Blended Concrete for calendar year 2013.

73. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including crystalline silica, limestone, fly ash, calcium chloride, diesel fuel, NewCem Slag, Redi-Mix Concrete, and LaFarge Blended Concrete by March 1, 2014 for calendar year 2013 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

74. Each day Respondent failed to submit to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including crystalline silica, limestone, fly ash, calcium chloride, diesel fuel, NewCem Slag, Redi-Mix Concrete, and LaFarge Blended Concrete by March 1, 2014 for calendar year 2013 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

75. Each day Respondent failed to submit the fire department a completed Emergency and Hazardous Chemical Inventory Form including crystalline silica, limestone, fly ash, calcium chloride, diesel fuel, NewCem Slag, Redi-Mix Concrete, and LaFarge Blended Concrete by March 1, 2014 for calendar year 2013 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

76. At all times relevant to this Complaint, the Indiana State Emergency Response Commission was the SERC for Indiana under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

77. At all times relevant to this Complaint, the Jasper County Local Emergency Planning Committee was the LEPC for DeMotte, Indiana under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

78. At all times relevant to this Complaint, the Keener Volunteer Fire Department was the fire department with jurisdiction over the facility.

Civil Penalty

79. Complainant has determined that an appropriate civil penalty to settle this action is \$35,364 for the EPCRA violations. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violations and any other matters as justice may require. Complainant also considered U.S. EPA's Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy).

80. Within 360 days after the effective date of this CAFO, Respondent must pay a \$35,364 civil penalty in four installments with interest as follows:

<u>Installment</u>	<u>Due by</u>	<u>Payment</u>	<u>Principal</u>	<u>Interest (4%)</u>
Payment #1	Within 30 days of effective date of CAFO	\$8,870.47	\$8,841	\$29.47
Payment #2	Within 140 days of effective date of CAFO	\$8,922.04	\$8,841	\$81.04

Payment #3	Within 250 days of effective date of CAFO	\$8,895.03	\$8,841	\$54.03
Payment #4	Within 360 days of effective date of CAFO	\$8,868.01	\$8,841	\$27.01

Respondent must pay the installments by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Environmental Protection Agency
 Fines and Penalties
 Cincinnati Finance Center
 P.O. Box 979077
 St. Louis, MO 63197-9000

The check must note the following: Van Keppel Redi-Mix, Inc., and the docket numbers of this CAFO.

81. A transmittal letter, stating Respondent's name, the case name, Respondent's complete address, and the case docket numbers must accompany each payment. Respondent must send a copy of the checks and transmittal letters to:

Regional Hearing Clerk, (E-19J)
 U.S. EPA, Region 5
 77 West Jackson Blvd.
 Chicago, IL 60604-3511

Ruth McNamara, (SC-5J)
 Chemical Emergency Preparedness
 and Prevention Section
 U.S. EPA, Region 5
 77 West Jackson Blvd.
 Chicago, IL 60604

Jose DeLeon, (C-14J)
 Office of Regional Counsel
 U.S. EPA, Region 5
 77 West Jackson Blvd.
 Chicago, IL 60604

82. This civil penalty is not deductible for federal tax purposes.

83. If Respondent does not timely pay any installment payment as set forth in paragraph 80 above, the civil penalties in paragraph 80 above, and any amount required by paragraph 84, below, shall become due and owing upon written notice by U.S. EPA to Respondent of the delinquency. U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

84. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

85. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

86. This CAFO does not affect the rights of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

87. Respondent certifies that it is complying with Sections 311 and 312(a) of EPCRA, 42 U.S.C. §§ 11021 and 11022(a).

88. This CAFO does not affect Respondent's responsibility to comply with EPCRA and other applicable federal, state and local laws and regulations.

89. This CAFO is a "final order" for purposes of U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

90. The terms of this CAFO bind Respondent and its successors and assigns.

91. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

92. Each party agrees to bear its own costs and attorney's fees in this action.

93. This CAFO constitutes the entire agreement between the parties.

Van Keppel Redi-Mix, Inc., Respondent

September 29, 2015
Date

Dave Van Keppel
Dave Van Keppel
President
Van Keppel Redi-Mix, Inc.

U.S. Environmental Protection Agency, Complainant

October 6, 2015

Date

M. Cecilia Moore

M. Cecilia Moore, Chief
Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5

10/7/2015
Date

Richard C. Karl

Richard C. Karl, Director
Superfund Division
U.S. Environmental Protection Agency
Region 5

In the Matter of: Van Keppel Redi-Mix, Inc., DeMotte, Indiana
Docket No. EPCRA-05-2016-0001

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

9 October 2015

Date



Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

In the Matter of: Van Keppel Redi-Mix, Inc., DeMotte, Indiana
Docket No. EPCRA-05-2016-0001

Certificate of Service

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, which was filed on October 14, 2015, this day in the following manner to the addressees:

Copy by Certified Mail

Return Receipt Requested: Shell J. Bleiweiss
Law Office of Shell J. Bleiweiss
Environmental and OSHA Law
1 South Dearborn, Suite 2100
Chicago, Illinois 60603-2307

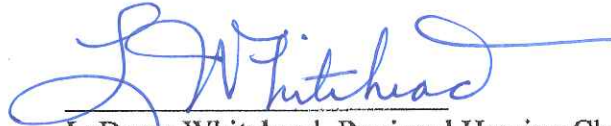
Copy by E-mail to

Attorney for Complainant: Jose DeLeon
deleon.jose@epa.gov

Copy by E-mail to

Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: October 14, 2015



LaDawn Whitehead, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER(S):

7011 1150 0000 2640 4314