

**FILED**

**May 23, 2024**

**8:14AM**

**U.S. EPA REGION 7  
HEARING CLERK**

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219**

**BEFORE THE ADMINISTRATOR**

**In the Matter of** )  
 )  
**City of Cameron, Missouri,** ) **Docket No. MM-07-2024-0061**  
 )  
**Respondent.** )

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**CONSENT AGREEMENT AND FINAL ORDER**

**Preliminary Statement**

The U.S. Environmental Protection Agency, Region 7 (EPA or Complainant), and the City of Cameron, Missouri (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 and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

**Jurisdiction**

1. This proceeding is an administrative action for the assessment of civil penalties initiated pursuant to Section 113(d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d), and pursuant to Section 325(c)(1) of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11045(c)(1). 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, in which the first date of alleged violation occurred more than twelve months prior to the initiation of the administrative action, was appropriate for administrative penalty action.

2. This Consent Agreement and Final Order serves as notice that the EPA has reason to believe that Respondent has violated Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and Section 312 of EPCRA, 42 U.S.C. § 11022. Furthermore, this Consent Agreement and Final Order serves as notice pursuant to Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), of the EPA’s intent to issue an order assessing penalties for these violations.

**Parties**

3. Complainant is the Director of the Enforcement and Compliance Assurance Division, Region 7, as duly delegated by the Administrator of EPA.

4. Respondent is the City of Cameron, Missouri, a municipality in the state of Missouri, which owns and operates the Cameron Municipal Water Treatment Plant located at 1100 West Eighth Street in Cameron, Missouri.

### **Statutory and Regulatory Background**

#### **CAA**

5. On November 15, 1990, the President signed into law the CAA Amendments of 1990. The Amendments added Section 112(r) to Title I of the CAA, 42 U.S.C. § 7412(r), which requires the Administrator of the EPA to, among other things, promulgate regulations in order to prevent accidental releases of certain regulated substances. Section 112(r)(3), 42 U.S.C. § 7412(r)(3), mandates that the Administrator promulgate a list of regulated substances, with threshold quantities, and defines the stationary sources that will be subject to the chemical accident prevention regulations mandated by Section 112(r)(7). Specifically, Section 112(r)(7), 42 U.S.C. § 7412(r)(7), requires the Administrator to promulgate regulations that address release prevention, detection, and correction requirements for these listed regulated substances.

6. On June 20, 1996, the EPA promulgated a final rule known as the Risk Management Program, 40 C.F.R. Part 68, which implements Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7). This rule requires owners and operators of stationary sources to develop and implement a risk management program that includes a hazard assessment, a prevention program, and coordination of emergency response activities.

7. The regulations at 40 C.F.R. Part 68, titled Chemical Accident Prevention Provisions, set forth the requirements of a risk management program that must be established at each stationary source. The risk management program is described in a Risk Management Plan (RMP) that must be submitted to the EPA.

8. Pursuant to Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.150, an RMP must be submitted for all covered processes by the owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process no later than the latter of June 21, 1999, or the date on which a regulated substance is first present above the threshold quantity in a process.

9. The regulations at 40 C.F.R. § 68.10 set forth how the Chemical Accident Prevention Provisions apply to covered processes. Pursuant to 40 C.F.R. § 68.10(h), a covered process is subject to Program 2 requirements if the process does not meet the eligibility requirements of either Program 1 or Program 3, as described in 40 C.F.R. § 68.10(g) and (i), respectively.

10. 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 Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and its implementing regulations. The Debt

Collection Improvement Act of 1996, 31 U.S.C. § 3701, as amended, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$57,617 for violations that occur after November 2, 2015, and for which penalties are assessed on or after December 27, 2023.

## **EPCRA**

11. The Emergency Planning and Community Right-to-Know Act of 1986 was created to help communities plan for chemical emergencies. It requires industry to report on the storage, use and release of hazardous substances to federal, state, and local governments. EPCRA requires state and local governments and Tribal Nations to use this information to prepare for and protect their communities from potential risks.

12. 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 Administration (OSHA) to prepare or have available a SDS for a hazardous chemical, to prepare and submit to the State Emergency Response Commission, community emergency coordinator for the Local Emergency Planning Committee, and the fire department with jurisdiction over the facility annually by March 1, an emergency and hazardous chemical inventory form (“Tier I” or “Tier II” as described in 40 C.F.R. Part 370) for the previous calendar year. 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 EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

13. 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, MSDS or SDS.

14. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorize the Administrator to assess a civil penalty of up to \$25,000 per day of violation for violations of Section 312 of EPCRA. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, as amended, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$67,544 for violations that occur after November 2, 2015, and for which penalties are assessed on or after January 6, 2023.

## **Definitions**

### **CAA**

15. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines “person” to include any individual, corporation, partnership, association, State, municipality, political subdivision of a

State, and any agency department, or instrumentality of the United States and any officer, agent, or employee thereof.

16. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and the regulations at 40 C.F.R. § 68.3 define “stationary source,” in part, as any buildings, structures, equipment, installations or substance-emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.

17. The regulations at 40 C.F.R. § 68.3 define “regulated substance” as any substance listed pursuant to Section 112(r)(3) of the CAA, as amended, in 40 C.F.R. § 68.130.

18. The regulations at 40 C.F.R. § 68.3 define “threshold quantity” as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, as amended, listed in 40 C.F.R. § 68.130 and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.

19. The regulations at 40 C.F.R. § 68.3 define “process” as any activity involving a regulated substance including any use, storage, manufacturing, handling or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

### **EPCRA**

20. Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 372.3 define “facility” as all 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 (or by any person which controls, is controlled by, or under common control with such person). A facility may contain more than one establishment.

21. Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), defines “person” as any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or interstate body.

22. Section 329(3) of EPCRA, 42 U.S.C. § 11049(3), defines “extremely hazardous substance” as any substance on the list described in Section 302 of EPCRA, which is codified in 40 C.F.R. Part 355.

23. Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), with certain exceptions, defines the term “hazardous chemical” as having the meaning given such term by 29 C.F.R. § 1910.1200(c).

24. 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.

### **General Factual Allegations**

25. Respondent is, and at all times referred to herein was, a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

26. Respondent owns and operates a municipal water treatment plant located at 1100 West Eighth Street in Cameron, Missouri (Respondent’s Facility), which is a “stationary source” pursuant to 40 C.F.R. § 68.3.

27. Respondent’s Facility consists of buildings, equipment, structures and other stationary items which are located on a single site or on contiguous or adjacent sites and are owned or operated by the same person, and therefore, is a “facility” as defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4). Respondent is the “owner or operator” of the Facility within the meaning of Section 312 of EPCRA, 42 U.S.C. § 11022.

28. Chlorine is a “regulated substance” pursuant to 40 C.F.R. § 68.3. The threshold quantity for chlorine, as listed in 40 C.F.R. § 68.130, is 2,500 pounds.

29. Chlorine, CAS No. 7782-50-5, is a “hazardous substance” as defined by Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2). For purposes of EPCRA reporting requirements, chlorine has a minimum threshold level of 10 pounds, as listed at 40 C.F.R. Part 355, Appendix A.

30. On December 15, 2022, EPA conducted an inspection of Respondent’s facility.

31. Information gathered during the EPA inspection revealed that Respondent had greater than 2,500 pounds of chlorine in a process at its facility.

32. Information gathered during the EPA inspection revealed that Respondent utilizes a chlorine treatment system at its facility, and therefore is engaged in a process at its facility.

33. From the time Respondent first had onsite greater than 2,500 pounds of chlorine in a process, Respondent was subject to the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. Part 68 because it was an owner and operator of a stationary source that had more than a threshold quantity of a regulated substance in a process.

34. From the time Respondent first had onsite greater than 2,500 pounds of chlorine in a process, Respondent was subject to Program 2 prevention program requirements because, pursuant to 40 C.F.R. § 68.10(h), the process does not meet the eligibility requirements of either Program 1 or Program 3, as described in 40 C.F.R. § 68.10(g) and (i), respectively.

35. From the time Respondent first had onsite greater than 2,500 pounds of chlorine in a process, Respondent was required under Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), to submit an RMP pursuant to 40 C.F.R. § 68.12(a) and comply with Program 2 requirements provided at 40 C.F.R. § 68.12(c) and detailed in Subpart C.

36. During calendar years 2020 and 2021, Respondent stored chlorine, a hazardous chemical, in a quantity that exceeded the minimum threshold level of 500 pounds for EPCRA Tier 2 reporting set forth in 40 C.F.R. § 370.10.

37. During at least one period of time in calendar year 2020, chlorine, CAS No. 7782-50-5, was present at the Facility in an amount equal to or greater than the minimum threshold level.

38. During at least one period of time in calendar year 2021, chlorine, CAS No. 7782-50-5, was present at the Facility in an amount equal to or greater than the minimum threshold level.

39. OSHA requires Respondent to prepare, or have available, a MSDS or SDS for chlorine, CAS No. 7782-50-5.

40. At all times relevant to this CAFO, the Missouri Emergency Response Commission was the SERC for Missouri, the Dekalb County Local Emergency Planning Committee was the LEPC for Dekalb County, and the Cameron Fire Department was the fire department with jurisdiction over Respondent's Facility.

### **Allegations of Violation**

41. Complainant hereby states and alleges that Respondent has violated the CAA, EPCRA, and federal regulations promulgated thereunder as follows:

#### **Count 1**

42. The facts stated in Paragraphs 25 through 40 above are herein incorporated.

43. The regulation at 40 C.F.R. § 68.12(c) requires the owner or operator of a stationary source with a process subject to Program 2 to implement the Program 2 prevention requirements of 40 C.F.R. §§ 68.48 through 68.60.

44. 40 C.F.R. § 68.48(b) requires the owner or operator to ensure that the process is designed in compliance with recognized and generally accepted good engineering practices.

45. The EPA inspection revealed that Respondent failed to ensure the process was designed in compliance with recognized and generally accepted good engineering practices, including the failure to label the entrances to the chlorine storage room, chlorine feed room, and chemical storage/feed building with labeling that indicated the hazards with the chemical stored therein, as required by the Chlorine Institute Pamphlet 155 edition 3, Section 4.4; and the failure

to timely replace the chlorine detection sensor in the chlorine feed room, as required by the instructions for the Acutec 35 Gas Detector.

46. Respondent's failure to ensure the process was designed in compliance with recognized and generally accepted good engineering practices, as required by 40 C.F.R. § 68.12(c), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Count 2

47. The facts stated in Paragraphs 25 through 40 above are herein incorporated.

48. The regulation at 40 C.F.R. § 68.12(c) requires the owner or operator of a stationary source with a process subject to Program 2 to implement the Program 2 prevention requirements of 40 C.F.R. §§ 68.48 through 68.60.

49. 40 C.F.R. § 68.52(b)(3) and (6) require the owner or operator to prepare written procedures that address temporary operations and startup following a normal or emergency shutdown or a major change that requires a hazard review.

50. The EPA inspection revealed that Respondent's operating procedures failed to include temporary operations and startup following a normal or emergency shutdown.

51. Respondent's failure to include temporary operations and startup following a normal or emergency shutdown in its written procedures, as required by 40 C.F.R. § 68.12(c), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Count 3

52. The facts stated in Paragraphs 25 through 40 above are herein incorporated.

53. The regulation at 40 C.F.R. § 68.12(c) requires the owner or operator of a stationary source with a process subject to Program 2 to implement the Program 2 prevention requirements of 40 C.F.R. §§ 68.48 through 68.60.

54. 40 C.F.R. § 68.58(a) requires the owner or operator to certify that it has evaluated compliance with the provisions of 40 C.F.R. §§ 68.48 through 68.60 at least every three years to verify that the procedures and practices developed under these sections are adequate and being followed.

55. The EPA inspection revealed that Respondent had not ever conducted a compliance audit.

56. Respondent's failure to conduct a compliance audit every three years, as required by 40 C.F.R. § 68.12(c), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Counts 4-5

57. The facts stated in Paragraphs 25 through 40 above are herein incorporated.

58. The regulation at 40 C.F.R. § 68.12(c)(2) requires the owner or operator of a stationary source with a process subject to Program 2 to conduct a hazard assessment as provided in §§ 68.20 through 68.42.

59. 40 C.F.R. §§ 68.30(a) and 68.33(a) require the owner or operator to define offsite consequences in the risk management plan by estimating the population and listing environmental receptors within a circle with its center at the point of the release and a radius determined by the distance to the endpoint defined in § 68.22(a).

60. The EPA inspection revealed that Respondent's risk management plan failed to estimate the population and list environmental receptors within a circle with its center at the point of release.

61. Respondent's failure to comply with the offsite consequences requirements, as required by 40 C.F.R. § 68.12(c)(2), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Count 6

62. The facts stated in Paragraphs 25 through 40 above are herein incorporated.

63. The regulation at 40 C.F.R. § 68.12(c)(2) requires the owner or operator of a stationary source with a process subject to Program 2 to conduct a hazard assessment as provided in §§ 68.20 through 68.42.

64. 40 C.F.R. § 68.36(a) requires the owner or operator to review and update the offsite consequence analyses at least once every five years.

65. The EPA inspection revealed that Respondent had not updated its offsite consequence analyses in its Hazard Assessment since 2014.

66. Respondent's failure to update the offsite consequence analyses in its Hazard Assessment, as required by 40 C.F.R. § 68.12(c)(2), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Count 7

67. The facts stated in Paragraphs 25 through 40 above are herein incorporated.

68. The regulation at 40 C.F.R. § 68.12(c)(2) requires the owner or operator of a stationary source with a process subject to Program 2 to conduct a hazard assessment as provided in §§ 68.20 through 68.42.

69. 40 C.F.R. § 68.39 requires the owner or operator to maintain records on the offsite consequence analyses, including, for worst-case and alternative release scenarios, assumptions and parameters used and the rationale for selection; the methodology used to determine distance to endpoints; and the data used to estimate population and environmental receptors potentially affected.

70. The EPA inspection revealed that the offsite consequence analyses in the Hazard Assessment did not contain records of the assumptions and parameters used and the rationale for selection for worst-case and alternative release scenarios, the methodology used to determine distance to endpoints, or the data used to estimate population and environmental receptors potentially affected.

71. Respondent's failure to maintain the required records pertaining to the offsite consequence analyses in its Hazard Assessment, as required by 40 C.F.R. § 68.12(c)(2), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Count 8

72. The facts stated in Paragraphs 25 through 40 above are herein incorporated.

73. The regulation at 40 C.F.R. § 68.12(a) requires the owner or operator of a stationary source subject to the Chemical Accident Prevention Provisions at 40 C.F.R. Part 68 to submit a single RMP as provided in 40 C.F.R. §§ 68.150 to 68.185.

74. 40 C.F.R. § 68.150(d) requires that RMPs be updated in accordance with 40 C.F.R. § 68.190.

75. 40 C.F.R. § 68.190(b)(1) requires the owner or operator of a stationary source to revise and update the RMP submitted under Section 68.150 at least once every five years from the date of its initial submission or most recent update.

76. The EPA inspection revealed that Respondent's revised and updated RMP was submitted five months after the January 12, 2021, submission deadline.

77. Respondent's failure to revise and update its RMP within the five-year deadline, as required by 40 C.F.R. § 68.190(b)(1), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Count 9

78. The facts stated in Paragraphs 25 through 40 above are herein incorporated.

79. Respondent was required to submit to the SERC, LEPC, and local fire department on or before March 1, 2021, a completed emergency and hazardous chemical inventory form including chlorine, CAS No. 7782-50-5, for calendar year 2020, pursuant to Section 312(a) of

EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370.

80. Respondent did not submit a completed emergency and hazardous chemical inventory form including chlorine, CAS No. 7782-50-5, for calendar year 2020 to the Missouri Emergency Response Commission.

81. Respondent's failure to submit to the SERC a completed emergency and hazardous chemical inventory form including chlorine for calendar year 2020 is a violation of 40 C.F.R. § 370.40(a) and of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

Count 10

82. The facts stated in Paragraphs 25 through 40 above are herein incorporated.

83. Respondent was required to submit to the SERC, LEPC, and local fire department on or before March 1, 2022, a completed emergency and hazardous chemical inventory form including chlorine, CAS No. 7782-50-5, for calendar year 2021, pursuant to Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370.

84. Respondent did not submit a completed emergency and hazardous chemical inventory form including chlorine, CAS No. 7782-50-5, for calendar year 2021 to the Missouri Emergency Response Commission.

85. Respondent's failure to submit to the SERC a completed emergency and hazardous chemical inventory form including chlorine for calendar year 2021 is a violation of 40 C.F.R. § 370.40(a) and of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**CONSENT AGREEMENT**

86. For the purposes of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- i. admits the jurisdictional allegations set forth herein;
- ii. neither admits nor denies the specific factual allegations stated herein;
- iii. consents to the assessment of a civil penalty, as stated herein;
- iv. consents to the issuance of any specified compliance or corrective action order;
- v. consents to any conditions specified herein;
- vi. consents to any stated Permit Action;
- vii. waives any right to contest the allegations set forth herein; and

viii. waives its rights to appeal the Final Order accompanying this Consent Agreement.

87. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein.

88. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

89. The parties consent to service of this Consent Agreement and Final Order electronically at the following e-mail addresses: *palumbo.antonette@epa.gov* (for Complainant) and *pcorcoran@publiclawfirm.com* (for Respondent). Respondent understands that the Consent Agreement and Final Order will become publicly available upon filing.

### **Penalty Payment**

90. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of thirty-seven thousand five hundred seventy-five dollars (\$37,575).

91. Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. 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:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979078  
St. Louis, Missouri 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

92. A copy of the check or other information confirming payment shall simultaneously be sent to the following:

Regional Hearing Clerk  
*R7\_Hearing\_Clerk\_Filings@epa.gov*; and

Antonette Palumbo, Attorney  
*palumbo.antonette@epa.gov*.

Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9(b)(1). Interest will be

assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and 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. 31 U.S.C. § 3717(e)(2).

### **Effect of Settlement and Reservation of Rights**

93. Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of the CAA, EPCRA, or any other applicable law.

94. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to the EPA, as memorialized in the paragraph directly below.

95. Respondent certifies by the signing of this Consent Agreement that it is presently in compliance with all requirements of the CAA, EPCRA, and their implementing regulations.

96. Full payment of the penalty proposed in this Consent Agreement shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of the CAA, EPCRA, and regulations promulgated thereunder.

97. This Consent Agreement and Final Order constitutes an "enforcement response" as that term is used in EPA's *Clean Air Act Combined Enforcement Response Policy for Clean Air Act Sections 112(r)(1), 112(r)(7) and 40 C.F.R. Part 68* to determine Respondent's "full compliance history" under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

98. Complainant reserves the right enforce the terms and conditions of this Consent Agreement and Final Order.

### **General Provisions**

99. By signing this Consent Agreement, the undersigned representative of Respondent certifies that they are fully authorized to execute and enter into the terms and conditions of this Consent Agreement and have the legal capacity to bind the party they represent to this Consent Agreement.

100. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order 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.

101. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State, or local taxes.

102. This Consent Agreement and Final Order 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 Consent Agreement and Final Order.

**RESPONDENT:**  
**CITY OF CAMERON, MISSOURI**

*Step Rasmusen*

Signature

*MAY 16, 2024*

Date

*STEPHEN RASMUSSEN*

Printed Name

*CITY MANAGER*

Title

**COMPLAINANT:  
U.S. ENVIRONMENTAL PROTECTION AGENCY**

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Jodi Bruno  
Acting Director  
Enforcement and Compliance Assurance Division

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Date

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Antonette Palumbo  
Assistant Regional Counsel

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Date

**FINAL ORDER**

Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

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Karina Borromeo  
Regional Judicial Officer

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Date

**CERTIFICATE OF SERVICE**

*(to be completed by EPA)*

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order in the matter of the City of Cameron, Missouri, EPA Docket No. MM-07-2024-0061, was sent this day in the following manner to the addressees:

Copy via E-mail to Complainant:

Antonette Palumbo, *palumbo.antonette@epa.gov*

Diana Chaney, *chaney.diana@epa.gov*

Dave Hensley, *hensley.david@epa.gov*

Milady Peters, *peters.milady@epa.gov*.

Copy via E-mail to Respondent:

Padraic Corcoran, *pcorcoran@publiclawfirm.com*

Zac Johnson, *zjohnson@cameronmo.com*.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signed