

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)
)
)
) Docket No. CWA-07-2017-0036
THE BULL MOOSE TUBE CO.)
)
)
Gerald, Missouri)
)
) FINDINGS OF VIOLATION AND
Respondent) ORDER FOR COMPLIANCE
) ON CONSENT
)
)
Proceedings under Section 309(a)(3) of the)
Clean Water Act, 33 U.S.C. § 1319(a)(3))
)
_____)

Preliminary Statement

1. The following Findings of Violation and Administrative Order for Compliance on Consent (“Order”) are issued pursuant to Section 309(a)(3) of the Federal Water Pollution Control Act, commonly known as the Clean Water Act (“CWA”), 33 U.S.C. § 1319(a)(3), as amended. This Authority has been delegated by the Administrator of the U.S. Environmental Protection Agency (“EPA”) to the Regional Administrator, EPA, Region 7, and further delegated to the Director of Region 7’s Water, Wetlands and Pesticides Division.
2. Respondent is the Bull Moose Tube Company (“Bull Moose” or “Respondent”), a corporation under the laws of the state of Missouri. Respondent is the owner and/or operator of a facility located at 406 East Industrial Drive, Gerald, Missouri 63037 (“Facility”).
3. The EPA, together with the Respondent (hereafter collectively referred to as the “Parties”), enter into this Section 309(a)(3) Order for the purpose of carrying out the goals of the CWA, 33 U.S.C. § 1251 et seq., to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”
4. It is the Parties’ intent through entering into this Order to address Respondent’s alleged noncompliance with the CWA in violation of its National Pollutant Discharge Elimination System (“NPDES”) permit. As set forth in this Order, the Parties have amicably reached agreement regarding the timeframes for the Respondent to attain compliance with the CWA and its NPDES permit.

5. By entering into this agreement, Respondent (1) consents to and agrees not to contest the EPA's authority or jurisdiction to issue and enforce this Section 309(a) Order, (2) agrees to undertake all actions required by the terms and conditions of this Order, and (3) consents to be bound by the requirements set forth in this Order. Respondent neither admits nor denies the factual allegations asserted by EPA as set forth in this Order, except that Respondent admits the jurisdictional allegations contained in this Order. Respondent also waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order, and its right to administrative or judicial review of this Order under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

Statutory and Regulatory Framework

6. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), makes it unlawful for any person to discharge any pollutant from a point source to waters of the United States, except, *inter alia*, with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

7. "Person" is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), to include any individual, corporation, partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

8. "Pollutant" is defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to include, *inter alia*, garbage, chemical waste, and industrial waste discharged into water.

9. "Point source" is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to include any discernable, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, or rolling stock from which pollutants are or may be discharged.

10. "Navigable waters" are defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), as the "waters of the United States," which include tributaries to waters of the United States as defined by 40 C.F.R. § 122.2.

11. "Discharge of a pollutant" is defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12), in part, to include any addition of any pollutant to navigable waters from any point source.

12. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), sets forth requirements for the issuance of NPDES permits for the discharge of stormwater. That Section requires, in part, that a discharge of stormwater associated with an industrial activity must comply with the requirements of an NPDES permit issued pursuant to Sections 301 and 402 of the CWA.

13. Pursuant to Section 402(p) of the CWA, the EPA promulgated regulations setting forth the NPDES permit requirements for stormwater discharges at 40 C.F.R. § 122.26.

14. 40 C.F.R. §§ 122.26(a)(1)(ii) and 122.26(c) require dischargers of stormwater associated with industrial activity to apply for an individual permit or to seek coverage under a promulgated stormwater general permit.

15. 40 C.F.R. § 122.26(b)(14) defines “storm water discharge associated with industrial activity” as “the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw material storage areas at an industrial plant.” Included in the categories of facilities considered to be engaging in “industrial activity” are facilities under Standard Industrial Classification (“SIC”) 34, which includes establishments engaged in metal product fabrication. See 40 C.F.R. § 122.26(b)(14)(xi).

16. The Missouri Department of Natural Resources (“MDNR”) is the state agency with the authority to administer the federal NPDES program in Missouri pursuant to Section 402 of the CWA. The EPA maintains concurrent enforcement authority with authorized states for violations of the CWA.

EPA’s General Allegations

17. Respondent is a “person,” as defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

18. Respondent is and was at all times relevant to this action the owner and/or operator of a facility that manufactures steel tubing and sprinkler pipe, operating under SIC code 3499. The Facility site is comprised of approximately 5.5 acres located at 406 East Industrial Drive, Gerald, Missouri 63037.

19. Stormwater, snow melt, surface drainage, and runoff water leave Respondent’s Facility and discharge into an unnamed tributary of Cedar Fork, which is a tributary of Beouf Creek in the Missouri River Basin.

20. The runoff and drainage from Respondent’s Facility is “stormwater” as defined by 40 C.F.R. § 122.26(b)(13).

21. Stormwater from the Facility contains “pollutants” as defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

22. The Facility has “stormwater discharges associated with industrial activity” as defined by 40 C.F.R. § 122.26(b)(14), and is a “point source” as defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

23. Cedar Fork, Beouf Creek, and their tributaries are “navigable waters” as defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

24. Stormwater runoff from Respondent’s industrial activity results in the addition of pollutants from a point source to navigable waters, and thus is the “discharge of a pollutant” as defined by CWA Section 502(12), 33 U.S.C. § 1362(12).

25. Respondent's discharge of pollutants associated with an industrial activity, as defined by 40 C.F.R. § 122.26(b)(14)(xi), requires a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

26. MDNR first issued an NPDES stormwater permit to Bull Moose in 1998. Bull Moose's current stormwater permit, NPDES General Permit No. MOR203238 ("Permit"), became effective on October 1, 2014, and will expire on August 31, 2019. The Permit governs Bull Moose's stormwater discharges associated with industrial activity at the site.

27. On or about February 24, 2016, the EPA performed an Industrial Stormwater Compliance Evaluation Inspection ("EPA Inspection") of Bull Moose's Facility under the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), to evaluate Bull Moose's compliance with its Permit and the CWA.

28. At the conclusion of the EPA Inspection, the EPA inspector issued a Notice of Potential Violation to Bull Moose identifying potential violations of Bull Moose's Permit. A copy of the EPA Inspection Report was sent to Bull Moose by letter dated April 8, 2016. The inspection report identified potential violations, including those described below.

29. In a letter dated October 28, 2016, the EPA sent a request for additional information to Bull Moose under the authority of Section 308(a), 33 U.S.C. § 1318(a). Bull Moose sent a response to this information request dated November 17, 2016.

30. By correspondence dated April 19, 2017, MDNR informed Bull Moose that the Permit's quarterly sampling requirement was waived, effective immediately. MDNR did not waive any other Permit terms.

EPA's Findings

31. The facts stated above are incorporated by reference. All references to the Permit's terms and requirements regarding quarterly sampling, monitoring, and reporting are to the Permit prior to April 19, 2017.

Count 1 **Failure to Conduct and/or Report Quarterly Benchmark Monitoring**

32. The "Monitoring Requirements" section of Bull Moose's Permit requires permittees to take discharge samples quarterly from all stormwater outfalls with series numbers as specified in the application for the Permit, and to submit a report to MDNR by the specified deadline for each quarter. Permittees are required to sample at least once each for the months of January-March (1st Quarter), April-June (2nd Quarter), July-September (3rd Quarter), and October-December (4th Quarter). If no discharge occurs during the reporting period, permittees must submit a report to MDNR stating that fact.

33. Bull Moose's application for its Permit, received by MDNR on May 19, 2014, and Bull Moose's Stormwater Pollution Prevention Plan ("SWPPP"), dated February 14, 2014, state that the Facility has five outfalls: 001, 002, 003, 005, and 006.

34. Based on the EPA Inspection and EPA's review of relevant documents, Bull Moose failed to conduct and/or report quarterly benchmark monitoring of Outfalls 002, 003, 005, and 006 for the 4th Quarter of 2014 (October – December), 2nd Quarter of 2015 (April – June), and the 4th Quarter of 2015 (October – December). Bull Moose also did not submit a report to MDNR for those quarters stating no discharge occurred.

35. The EPA's review of Bull Moose's benchmark monitoring records beginning in October 2014 indicate that it failed to conduct and/or report any quarterly benchmark monitoring for Outfall 001 from the 4th Quarter of 2014 through the 3rd Quarter of 2016.

36. Bull Moose's failure to perform and/or document quarterly benchmark monitoring is a violation of the terms and conditions of the Permit, and is a violation of Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and implementing regulations.

Count 2
Failure to Conduct and/or Document Corrective Actions

37. Item 3 in the "Monitoring Requirements" section of Bull Moose's Permit states that a Corrective Action Report ("CAR") must be completed and documented in the SWPPP any time a benchmark exceedance occurs. That item defines a CAR as "a document that records the efforts undertaken by the Facility to improve Best Management Practices ("BMPs") to meet benchmarks in future samples."

38. Item 2 in the Permit's "Monitoring Requirements" section states that "[f]ailure to improve BMPs or take corrective action to address a benchmark exceedance and failure to make tangible progress towards achieving a benchmark is a permit violation."

39. During the EPA Inspection, the inspector examined Bull Moose's benchmark monitoring records from the time the Permit went into effect in October 2014 to the date of the inspection on February 24, 2016. The EPA obtained Bull Moose's benchmark monitoring reports submitted to MDNR for the first three quarters of 2016 from Bull Moose through the 308 Information Request and from MDNR.

40. In its benchmark sampling for outfalls 002, 003, 005, and 006, Bull Moose regularly exceeded benchmark concentrations for total recoverable zinc, aluminum, copper and iron, and has also exceeded benchmark levels for oil and grease. The table below shows Bull Moose's reported concentrations for the quarters for which it submitted reports to MDNR from the 4th Quarter 2014 to the 3rd Quarter 2016. For the 1st Quarter 2015, Bull Moose submitted two benchmark reports to MDNR. Benchmark exceedances are displayed in bold.

Parameter	Benchmark Concentration	Outfall	Reported Concentrations (µg/L)				
			1 st Qtr 2015 (2 reports)	3 rd Qtr 2015	1 st Qtr 2016	2 nd Qtr 2016	3 rd Qtr 2016
Aluminum	750 µg/L*	002	1,400	360	--	520	998
		003	--***	100	--	332	383
		005	--	120	--	234	259
		006	--	100	--	345	--
Copper	21.2 µg/L	002	--	--	62.3	10.4	22.6
		003	--	--	15	--	21.8
		005	--	--	--	10.7	--
		006	--	--	--	--	--
Iron	1,000 µg/L	002	930	490	1,660	543	4,020
		003	--	550	104	283	3,300
		005	--	200	157	719	908
		006	--	110	--	210	188
Oil & Grease	10 mg/L**	002	--	6.3	--	--	55.6
		003	--	^	21.9	--	--
		005	--	5.8	6.63	12.7	--
		006	--	5.6	--	--	--
Zinc	176.7 µg/L	002	140	140	6,640	235	55.6
		003	590	340	218	210	11.8
		005	200	170	526	495	259
		006	180	280	302	347	251
						283	192

* Micrograms per Liter; ** Milligrams per Liter; *** Reported as not detectable;

^ Reported as broken sample

41. At the time of the EPA Inspection, the inspector found that Bull Moose had not completed and or documented any CARs following benchmark exceedances since October 2014.

42. Bull Moose's failure to complete and/or document adequate CARs following benchmark exceedances is a violation of the terms and conditions of the Permit, and is a violation of Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and implementing regulations.

Count 3 Inadequate SWPPP and Failure to Periodically Amend the SWPPP

43. Item 2 of the "Monitoring Requirements" section of the Permit requires permittees to review their SWPPP and BMPs if a sample exceeds a benchmark concentration to determine what improvements or additional controls are needed to reduce that pollutant in stormwater discharges. Any time a benchmark exceedance occurs, permittees must update their SWPPP to document the CAR that was completed in response to the benchmark exceedance.

44. At the time of the EPA Inspection, the inspector found that Bull Moose had not completed and or documented CARs in the SWPPP following any of the benchmark exceedances noted in the table above for the 4th Quarter 2014 and all of 2015.

45. Item 1(f) of the “Requirements” section of the Permit states that all facilities must include a provision for evaluating benchmarks established in the Permit in their SWPPPs.

46. Bull Moose’s SWPPP does not contain any provision for evaluating the benchmarks established in the Permit.

47. Item 1 in the “Requirements” section of Bull Moose’s Permit states that the purpose of the SWPPP and the BMPs is to prevent water pollution. This item requires permittees to review and revise their SWPPP on an ongoing basis to incorporate any site condition changes and to ensure BMPs continue to be appropriate and all provisions of the Permit continue to be implemented. Facilities must list their BMPs and include a narrative of how the BMPs will be implemented to control and minimize the amount of potential contaminants that enter stormwater.

48. Bull Moose’s SWPPP does not include a narrative that adequately explains how BMPs will be implemented to control and minimize contaminants.

49. Item 2(c) of the “Requirements” section of the Permit requires all facilities to implement a minimum BMP to ensure that all paints, solvents, petroleum products, petroleum waste products (except fuels), and storage containers (such as drums, cans or cartons) are stored in such a way that they are not exposed to stormwater, or other BMPs are used that prevent the commingling of stormwater with container contents.

50. Section 5.0 of Bull Moose’s SWPPP addresses the storage of paints, solvents, petroleum products, and storage containers to prevent commingling with or exposure to stormwater, although this is not listed as a BMP. Lubricants and other fluids and storage containers are to be stored in either an oil shed or a manufacturing building on site to prevent commingling with stormwater.

51. During the EPA Inspection, the inspector found a pool of green fluid, which appeared to be a lubricant or coolant, outside near the loading area in an area potentially exposed to stormwater. The inspector also observed a sheen in the weir box at Outfall 002, indicating the presence of oil. The inspector’s observations indicate the minimum BMP for paints, solvents, petroleum products, and storage containers was not being successfully implemented at the Facility.

52. Item 2(f) of the “Requirements” section of the Permit requires all facilities to implement a minimum BMP to provide good housekeeping practices on-site to keep solid waste from entering waters of the state.

53. Section 8.0 of the SWPPP requires Bull Moose to implement a “Grounds Maintenance” BMP, although it does not contain a schedule to ensure regular inspections and removal of potential contaminants.

54. During the EPA Inspection, the inspector observed litter below several of the outfalls, indicating that the good housekeeping BMP was not being successfully implemented.

55. Bull Moose's failure to maintain and/or update an adequate SWPPP are violations of the terms and conditions of the Permit, and are violations of Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and implementing regulations.

Count 4
Failure to Perform and/or Document All Monthly Site Inspections

56. The "Requirements" section of Bull Moose's Permit requires permittees to perform monthly site inspections. The inspections must include the name of the inspector, the signature of the inspector, the date, observation and analysis of BMP effectiveness, BMP deficiencies, and corrective actions that will be taken. BMP deficiencies must be corrected within seven days and documented in the monthly inspection report. Inspection reports must be kept on-site with the permittee's SWPPP and available upon request.

57. During the EPA Inspection, the inspector found that Bull Moose failed to perform and/or document the monthly inspections for the following months: October and December 2014; and February, June, July, and November 2015. In addition, the monthly site inspections for January, September, and October 2015 were missing the date and/or the name and signature of the inspector, as required by the Permit.

58. Bull Moose's failure to perform and/or document monthly site inspections is a violation of the terms and conditions of the Permit, and is a violation of Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and implementing regulations.

Count 5
Failure to Follow Proper Sampling Procedures

59. Standard Conditions Part I of Bull Moose's Permit requires permittees to comply with the requirements of 40 C.F.R. 122.41, which incorporates by reference the monitoring test procedures approved under 40 C.F.R. Part 136. *See* 40 C.F.R. 122.41(j)(4).

60. Table A-1 in the "Monitoring Requirements" section of the Permit requires permittees to collect and report a grab sample for pH once per quarter.

61. Table 2 of 40 C.F.R. § 136.3 requires that all pH grab samples be analyzed within 15 minutes.

62. The EPA Inspection and Bull Moose's benchmark sampling reports indicate that Bull Moose sends its quarterly benchmark samples, including its pH grab samples, to ESC Lab Sciences, an outside contractor, for analysis. The pH samples are often not analyzed until at least the following day after they are collected, beyond the 15-minute time limit for pH grab sample analysis.

63. Bull Moose's failure to follow proper sampling and analysis procedures in accordance with 40 C.F.R. Part 136 is a violation of the terms and conditions of the Permit, and is a violation of Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and implementing regulations.

Order for Compliance on Consent

64. Based on the EPA findings set forth above, and pursuant to the authority of Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), the EPA hereby ORDERS and Respondent hereby AGREES to take the actions described below.

65. Within sixty (60) days of this Order, Respondent must develop and submit to the EPA, with a copy to MDNR, a written plan ("Compliance Plan") to correct all deficiencies identified in this Order and to come into compliance with all requirements of the Permit. The Compliance Plan must describe in detail the specific actions to be taken, why such actions are sufficient to bring Respondent into compliance with the Permit, and include a detailed schedule for completing the proposed actions. The EPA will review and may provide comments on the Compliance Plan. All such actions shall be completed as expeditiously as possible, but no later than six (6) months after the later of: 1) the date of submittal of the Compliance Plan to the EPA; or 2) Bull Moose's receipt of EPA's comments on the Compliance Plan.

66. The Compliance Plan must address the following:

- a. A revised SWPPP that describes:
 - i. BMPs that are intended to reduce pollutants in stormwater discharges to below benchmark concentrations;
 - ii. Procedures for evaluating and implementing BMPs;
 - iii. Locations of installed BMPs identified on the site map;
 - iv. Documentation of CARs if benchmark concentrations of pollutants are exceeded; and
 - v. Updated sampling procedures that ensure all Permit requirements are being met, including ensuring all pH samples are tested within 15 minutes;
- b. A detailed plan for how to bring Bull Moose Tube into full compliance with its Permit, including an estimated schedule of all planned actions and estimated completion dates;
- c. A plan to clearly mark and identify all stormwater outfalls in the field as required by Item 6 of the "Requirements" section of the Permit; and
- d. A commitment to perform quarterly stormwater sampling, as required by the Permit prior to April 19, 2017, and notwithstanding MDNR's waiver of quarterly sampling as of that date, commencing in the 3rd quarter of 2017, and to report the results of such monitoring (including on-site pH sample results, sampling from all discharging outfalls, and "no discharge" reports, if required) to the EPA as part of the quarterly progress reports required by Paragraph 67, below.

67. Beginning July 28, 2017, Respondent shall begin submitting quarterly progress reports to the EPA, with a copy to MDNR, that include a detailed description, with dates, of activities completed under this Order during the reporting period, results achieved and any follow-up actions anticipated. Progress reports must also include copies of the quarterly sampling reports required by Paragraph 66, above, and copies of CARs generated as the result of

any benchmark exceedances during the reporting period. Subsequent progress reports must be submitted at least quarterly, and no later than October 27, January 26, April 27, and July 27, until this Order terminates pursuant to Paragraph 76.

Submittals

68. All documents required to be submitted to the EPA by this Order, shall, whenever possible, be submitted electronically to and meet the following requirements 1) **only copies**, and not original documents, should be submitted pursuant to this Order, and 2) documents and data may be submitted via electronic mail, on a compact disk, or flash drive and in PDF, Word, Excel, or any other widely available electronic file format, to:

draper.seth@epa.gov

Documents or files that cannot be submitted via e-mail to the EPA shall be sent to:

Seth Draper, or his successor
Water, Wetlands and Pesticides Division
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

Electronic submissions will be deemed submitted on the date they are transmitted electronically.

69. All submissions made by Respondent to the EPA pursuant to the requirements of this Order shall contain the following certification signed by an authorized official, as described at 40 C.F.R. § 122.22:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

70. All documents required to be submitted to MDNR pursuant to this Order shall be submitted to:

Paul Dickerson, Environmental Manager
Water Protection Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102.

General Provisions

Effect of Compliance with the Terms of This Order for Compliance

71. Compliance with the terms of this Order shall not relieve Respondent of liability for, or preclude the EPA from initiating, an enforcement action to recover penalties for any violations of the CWA, or to seek additional injunctive relief, pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

72. This Order does not constitute a waiver or a modification of any requirement of the CWA, 33 U.S.C. § 1251 *et. seq.*, all of which remain in full force and effect. The EPA retains the right to seek any and all remedies available under Section 309 of the CWA, 33 U.S.C. § 1319, for any violation cited in this Order. Issuance of this Order shall not be deemed an election by the EPA to forgo any civil or criminal action to seek penalties, fines, or other appropriate relief under the CWA for any violation whatsoever.

Access and Requests for Information

73. Nothing in this Order shall limit the EPA's right to obtain access to, and/or to inspect Respondent's Facility, and/or to request additional information from Respondent, pursuant to the authority of Section 308 of the CWA, 33 U.S.C. § 1318 and/or any other authority.

Severability

74. If any provision or authority of this Order, or the application of this Order to Respondent, is held by federal judicial authority to be invalid, the application to Respondent of the remainder of this Order shall remain in full force and effect and shall not be affected by such a holding.

Effective Date

75. The terms of this Order shall be effective and enforceable against Respondent upon its receipt of an executed copy of the Order.

Termination

76. This Order shall remain in effect until a written notice of termination is issued by an authorized representative of the EPA. Upon successful completion of all compliance activities identified in this Order, Respondent may request in writing that the EPA terminate this Order pursuant to the applicable provisions of this Order.

For the Complainant, United States Environmental Protection Agency, Region 7:

Issued this 3rd day of July, 2017.

Dionne Hupp
for Jeffery Robichaud
Acting Director
Water, Wetlands and Pesticides Division

Katherine Reitz
Katherine Reitz
Attorney Advisor
Office of Regional Counsel

For the Respondent, The Bull Moose Tube Company:

Jeffrey L. Osierman
Signature

7-11-17
Date

Jeffrey L. Osierman
Name

Plant Manager
Title

CERTIFICATE OF SERVICE

I certify that on the date noted below I hand delivered the original and one true copy of this Administrative Order for Compliance on Consent to the Regional Hearing Clerk, United States Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219.

I further certify that on the date noted below I sent a copy of the foregoing Order for Compliance on Consent by first class certified mail, return receipt requested to:

Jeff Ostermann
Plant Manager
The Bull Moose Tube Company
406 East Industrial Drive
Gerald, Missouri 63037

and via first class mail to:

James E. Charmley, President
The Bull Moose Tube Company
1819 Clarkson Road, Suite 100
Chesterfield, Missouri 63017

Paul Dickerson, Environmental Manager
Water Protection Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102

8/2/17

Date

Loral A. Moreno

Signature