

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF:
Brown Transfer and Storage Company

)
) CONSENT AGREEMENT
) AND FINAL ORDER
)

) Docket No. RCRA-07-2010-0011
)

EPA ID Nos. MOD002886240
MOR000525204
MOR000525196
MOD981706427

) Proceeding under Sections 3008(a) and
) (g) of the Resource Conservation and
) Recovery Act, as amended, 42 U.S.C.
) §§ 6928(a) and (g)
)

Respondent.

PRELIMINARY STATEMENT

The United States Environmental Protection Agency (EPA), Region 7 (Complainant) and Brown Transfer and Storage Company (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), 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 of Practice), 40 Code of Federal Regulations (C.F.R.) §§ 22.13(b), 22.18(b)(2), and 22.18(b)(3). The Consent Agreement and Final Order (CAFO) is a complete and final settlement of all civil and administrative claims and causes of action for the violations set forth in this CAFO.

CONSENT AGREEMENT

The parties, in their own capacity or by their attorneys or other authorized representatives hereby stipulate:

Jurisdiction

1. This administrative action is being conducted pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA or the Act), and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42

United States Code (U.S.C.) § 6928(a) and (g), and in accordance with the Consolidated Rules of Practice.

2. This CAFO serves as notice that EPA has reason to believe that Respondent violated the Missouri Hazardous Waste Management Law, R.S.Mo. § 260.350 et. seq., and the implementing regulations found at Title 10, Division 25 of the Missouri Code of State Regulations (hereinafter "10 C.S.R. 25"), and section 3005 of RCRA, 42 U.S.C. § 6925, and the implementing regulations at 40 C.F.R. Parts 260 - 265.

Parties

3. The Complainant is the Chief of the Waste Enforcement and Materials Management Branch in the Air and Waste Management Division of EPA, Region 7.

4. The Respondent is Brown Transfer and Storage Company, a Missouri Corporation.

Statutory and Regulatory Framework

5. The State of Missouri (Missouri) has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926. The State of Missouri has adopted by reference the federal regulations cited herein at pertinent parts of 10 C.S.R. 25. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes EPA to enforce the provisions of the authorized State program and the regulations promulgated thereunder. When EPA determines that any person has violated or is in violation of any RCRA requirement, EPA may issue an order assessing a civil penalty for any past or current violation and/or require immediate compliance or compliance within a specified time period pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. In the case of a violation of any RCRA requirement, where such violation occurs in a state which is authorized to implement a hazardous waste program pursuant to Section 3006 of RCRA, EPA shall give notice to the state in which such violation has occurred or is occurring prior to issuing an order. Missouri has been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

6. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes a civil penalty of not more than \$25,000 per day for violations of Subchapter III of RCRA (Hazardous Waste Management). This figure has been adjusted upward for inflation pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, so that penalties of up to \$32,500 per day are now authorized for violations of Subchapter III of RCRA that occur between March 15, 2004, and January 12, 2009. For violations of Subchapter III of RCRA that occur after January 12, 2009, penalties of up to \$37,500 per day are now authorized.

Factual Background

7. Respondent is a Missouri Corporation authorized to conduct business in the State of Missouri, and is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

8. Respondent is the owner and operator, as those terms are defined in 10 CSR 25-3.260(3)(O)4 and 40 C.F.R. § 260.10, as incorporated by reference in 10 C.S.R. 25-3.260(1), of commercial warehousing space at the following four locations (hereinafter collectively "the Facilities") in St. Joseph Missouri:

Facility Address	RCRA ID Number
920 South 6th Street St. Joseph, Missouri	MOD002886240
1302 North 6th Street St. Joseph, Missouri	MOR000525204
2435 South 6th Street St. Joseph, Missouri	MOR000525196
1711 Penn Street St. Joseph, Missouri	MOD981706427

9. Respondent registered its 920 South 6th Street facility with the Missouri Department of Natural Resources (MDNR), initially on or about November 19, 1980, and subsequently on May 10, 1982, and January 28, 2008.

10. Respondent registered its 1711 Penn Street facility with MDNR on or about March 12, 2008.

11. On or about February 7, 2008, the EPA administratively issued RCRA facility identification numbers for the 1302 North 6th Street and 2435 South 6th Street facilities.

12. On or about January 8-9, 2008, EPA conducted a RCRA compliance evaluation at Respondent's four facilities (hereinafter "the January 2008 inspection").

13. Based on information obtained during the January 2008 inspection, Respondent was issued a Notice of Violation for failing to make a hazardous waste determination on at least one waste stream and failing to label used oil containers and a tank.

14. The wastes stored by Respondent at the 1711 Penn Street location along with their waste codes are: Xylene (D001), Epichlorohydrin (U041), Hydrochloric acid (D002), Sodium Hydroxide (D002), Paint wastes (F003/D003), Petroleum Distillates (D001), and various Waste Flammable liquids (D001/D002). The above waste was approximately 3,795 pounds.

15. The wastes stored by Respondent at the 920 South 6th Street location along with their waste codes are: Xylene (D001/F003), Sodium Hydroxide (D002), and Polyamine (D002). The above waste was approximately 1,065 pounds.

16. The wastes stored by Respondent at the 1302 North 6th Street location along with their waste codes are: Sodium Hydrosulfite (D001/D003). The above waste was approximately 150 pounds.

17. The wastes stored by Respondent at the 2435 South 6th Street location along with their waste codes are: Sodium Hydroxide (D002), Waste aerosols (D001), Paint related liquid wastes (F003/D001), and broken fluorescent bulbs (D009). The above waste was approximately 35 pounds.

18. The regulations for determining whether a waste is a solid and/or hazardous waste are set forth at 10 C.S.R. 25-3.260 and 10 C.S.R. 25-4.261, which incorporate by reference 40 C.F.R. Parts 260 and 261, respectively. Each of the wastes listed in paragraphs 14 through 17 are solid wastes and hazardous wastes within the meaning of these regulations.

19. Based on the information collected during the January 2008 inspection, it was determined that Respondent is the owner and operator of facilities that store hazardous wastes, and is therefore, subject to the requirements of 40 C.F.R. Part 264.

Violations

COUNT I

FAILURE TO CONDUCT A HAZARDOUS WASTE ANALYSIS

20. Complainant hereby incorporates the allegations contained in Paragraphs 1 through 19 above, as if fully set forth herein and states and alleges that Respondent has violated RCRA and federal and state regulations promulgated thereunder, as follows:

21. Pursuant to 40 C.F.R. § 264.13, as incorporated by reference at 10 C.S.R. 25-7.264(1), before storing any hazardous waste, an owner or operator must obtain a chemical and physical analysis of a representative sample of that waste. The purpose of the analysis is to ensure proper storage of the waste.

22. At the time of the January 2008 inspection, Respondent indicated that it had been storing the hazardous wastes listed in paragraphs 14 through 17, above, for over a year but had failed to perform any chemical or physical analysis of the wastes.

23. Respondent's failure to make a waste analysis on these wastes is a violation of 40 C.F.R. § 264.13.

COUNT II
OPERATION OF A HAZARDOUS WASTE FACILITY WITHOUT
A RCRA PERMIT OR INTERIM STATUS

24. Complainant hereby incorporates the allegations contained in Paragraphs 1 through 23 above, as if fully set forth herein.

II.a. Storing Hazardous Waste without a Permit

25. Section 3005 of RCRA, 42 U.S.C. § 6925, R.S.Mo. 260.390.1(1), and the regulations at 10 C.S.R. 25-7.270, incorporating by reference 40 C.F.R. § 270.1(b), require each person who owns or operates a facility or the treatment, storage, or disposal of hazardous waste identified or listed under Subchapter C of RCRA to have a permit for such activities.

26. At the time of the inspection of the Facilities, Respondent was storing approximately 5,045 pounds of hazardous waste.

27. Respondent does not have a RCRA Permit or Interim Status to operate as a storage facility and is therefore, in violation of Section 3005 of RCRA, 42 U.S.C. § 6925, R.S.Mo. 260.390.1(1), and the regulations at 10 C.S.R. 25-7.270.

II.b. Failure to Comply with Owner/Operator Requirements

28. At the time of the January 2008 inspection, Respondent failed to perform the following regulatory requirements:

Weekly Inspections

29. The regulations at 10 C.S.R. 25-7.264(1), incorporating by reference 40 C.F.R. § 264.15, requires owners and operators to inspect their facilities for malfunctions and deterioration, operator errors, and potential discharges of hazardous waste. Further, owners and operators must conduct weekly inspections of areas of hazardous waste container storage areas. See 40 C.F.R. § 264.174, incorporated by reference at 10 C.S.R. 25-7-264(1).

30. At the time of the January 2008 inspection, Respondent failed to conduct weekly inspections at the Facilities.

31. Respondent's failure to conduct weekly inspections of hazardous waste containers is a violation of 40 C.F.R. § 264.174, incorporated by reference at 10 C.S.R. 25-7-264(1).

Train Employees

32. The regulations at 10 C.S.R. 25-7.264(1), incorporating by reference 40 C.F.R. § 264.16, requires that facility personnel successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way to ensure compliance with the RCRA regulations.

33. At the time of the January 2008 inspection, none of Respondent's employees had received the required training necessary for the management of hazardous waste at the Facilities.

34. Respondent's failure to adequately train its employees is a violation of 40 C.F.R. § 264.16, incorporated by reference at 10 C.S.R. 25-7-264(1).

Make Arrangements with Local Authorities

35. The regulations at 10 C.S.R. 25-7.264(1), incorporating by reference 40 C.F.R. § 264.37, requires that owners or operators of hazardous waste treatment, storage, or disposal facilities must attempt to make arrangements with and familiarize local authorities (local hospitals, police, fire departments, and emergency response teams, etc.) with the type of waste handled at the facility and the services that may be needed.

36. At the time of the January 2008 inspection, Respondent had not attempted to make any of the required arrangements with local authorities for Facilities.

37. Respondent's failure to attempt to make arrangements with the various local authorities is a violation of 40 C.F.R. § 264.37, incorporated by reference at 10 C.S.R. 25-7-264(1).

Presence of a Contingency Plan and Required Emergency Procedures

38. The regulations at 10 C.S.R. 25-7.264(1), incorporating by reference 40 C.F.R. § 264.51 require that owners or operators of hazardous waste treatment, storage, or disposal facilities have a contingency plan and emergency procedures in place for each facility.

39. At the time of the January 2008 inspection, Respondent had no contingency plan or emergency procedures in place at the Facilities.

40. Respondent's failure to have contingency plan or emergency procedures in place is a violation of 40 C.F.R. § 264.51, incorporated by reference at 10 C.S.R. 25-7-264(1).

General Provisions

41. Respondent consents to the issuance of this CAFO. 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.

42. 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 set forth below.

43. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above, and its right to appeal the proposed Final Order portion of the CAFO.

44. Respondent and Complainant agree to conciliate the matters set forth in this CAFO without the necessity of a formal hearing and to bear their respective costs and attorney's fees.

45. This CAFO addresses all civil administrative claims for the RCRA violations identified above. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

46. 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.

47. Respondent certifies that by signing this CAFO that to best of its knowledge, Respondent's facility is in compliance with all requirements of RCRA, 42 U.S.C. § 6901 *et. seq.* and all regulations promulgated thereunder.

48. The effect of settlement described in Paragraph 45 above is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in Paragraph 47, above, of this CAFO.

49. 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.

50. The parties agree that Respondent shall pay a penalty of zero dollars (\$0) because it has certified to EPA, under penalty of perjury, that it has an inability to pay any penalty for the violations cited above.

51. This CAFO shall be effective upon entry of the Final Order by the Regional Judicial Officer for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

52. This CAFO shall remain in full force and effect until Complainant provides Respondent with written notice, in accordance with Paragraph 11 of the Final Order, that all requirements hereunder have been satisfied.

53. The headings in this CAFO are for convenience of reference only and shall not affect interpretation of this CAFO.

54. Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this CAFO, but agrees to settle all claims alleged by Complainant under the terms set forth herein without further cost or delay.

C. Reservation of Rights

55. Notwithstanding any other provision of this CAFO, EPA reserves the right to enforce the terms of the Final Order portion of this CAFO by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondent in an amount not to exceed Thirty-seven Thousand Five Hundred Dollars (\$37,500.00) per day per violation pursuant to Section 3008(c) of RCRA and 40 C.F.R. Part 19, for each day of non-compliance with the terms of the Final Order, or to seek any other remedy allowed by law.

56. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and its implementing regulations and to enforce the terms and conditions of this CAFO.

57. Except as expressly provided herein, nothing in this CAFO shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facility.

58. Notwithstanding any other provisions of the CAFO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the future handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health and the environment.

FINAL ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and according to the terms of this CAFO, IT IS HEREBY ORDERED THAT:

A. Compliance Actions

1. Respondent shall take the following actions within the time periods specified, according to the terms and conditions specified below:

2. Selection of contractor: Within fourteen (14) days of the effective date of this Order, Respondent shall select a contractor, subject to EPA approval, to carry out all activities set forth herein. EPA retains the right to disapprove of the selected contractors and/or subcontractors retained by the Respondent.

a. Respondent shall also notify EPA of the name and qualifications of its selected Project Manager within fourteen (14) days of the effective date of this Order. All work performed under the required compliance action shall be under the direction and supervision of a professional engineer or geologist with expertise in hazardous waste clean-up. Respondent's Project Manager shall be responsible for administration of all the Respondent's actions required by the Order. To the greatest extent possible, Respondent's Project Manager shall be readily available during all work to be performed hereunder.

b. Respondent shall also notify EPA of the name and qualifications of any other contractors or subcontractors retained to perform work under the required compliance action at least seven (7) days prior to commencement of such work. If EPA disapproves of a selected Project Manager or contractor, Respondent shall retain a different Project Manager or contractor within five (5) business days following EPA's disapproval and shall notify EPA of the new Project Manager's or contractor's name and qualifications within seven (7) business days of EPA's disapproval. If EPA still disapproves of the selected contractor or Respondent fails to select a new contractor, then EPA reserves the right to perform any or all of the work required by this Order and to seek reimbursement of its costs from Respondent pursuant to applicable statutory authorities.

3. Site Characterization: Within thirty (30) days of the execution of this CAFO, Respondent shall submit to EPA's Project Manager identified in Paragraph 5 below, a Site Characterization Work Plan to investigate the extent of contamination in the soils of the areas where these wastes were stored and/or where releases of solid and hazardous wastes have occurred. Respondent's Site Characterization investigation must include 920 South 6th Street and 1711 Penn Street.

The Site Characterization Work Plan shall include a Field Sampling Plan, Quality Assurance Project Plan (QAPP), and Health and Safety Plan (HASP) to assess off-site migration of waste and provide a plan for decontamination of the building and any surrounding area.

a. The Site Characterization Work Plan shall include a schedule for completion of activities including the ultimate clean-up of any contaminated areas. It shall also include:

i. a diagram of the facility and its structures, a narrative and pictorial description of the locations to be sampled (including a background sample), and the materials or media to be sampled;

ii. a list of the hazardous constituents for which each sample shall be analyzed, based on the composition of the chemicals that were used and stored at the facility; and

iii. a statement of the action levels proposed for the hazardous constituents (i.e., EPA Region 6 Human Health Medium-Specific Screening Levels) described in paragraph ii above that shall indicate whether contamination from hazardous wastes stored at the facility is present.

b. The QAPP shall address quality assurance, quality control, and chain of custody procedures in accordance with "EPA Requirements for Quality Assurance Project Plans" (EPA QA/R-5, EPA/240/B-01/003, March 2001) and "EPA Guidance for Quality Assurance Project Plans" (EPA QA/G-5, EPA/240/R-02/009, December 2002, as well as other such applicable guidance identified by EPA. The QAPP shall describe the proposed sampling procedures that will be employed to ensure that samples are collected and analyzed using EPA-approved protocols. In addition, the QAPP shall describe the number and type of samples to be collected, the method(s) of collection and analysis, and criteria for determining sampling locations.

c. The HASP will be implemented during field activities. The HASP shall be consistent with applicable Occupational Safety and Health Administration regulations.

4. EPA shall review and approve, disapprove or require modification of these plans as set forth in Paragraph 5 below. Respondent shall carry out all activities required pursuant to the EPA-approved plan in accordance with the schedules contained therein. Failure to timely complete activities shall be a violation of this Order. Within sixty (60) days of Respondent's completion of the field work, Respondent shall provide a Site Characterization Final Report to

EPA's Project Manager identified in Paragraph 5 below.

5. All plans submitted pursuant to this section of this Order shall be reviewed in accordance with the procedures outlined in this paragraph. EPA will review the plan and may approve the plan, approve the plan with modifications, or disapprove the plan and provide comments to Respondent. If the plan is disapproved with comments, Respondent shall incorporate EPA's comments and resubmit the plan within fourteen (14) days of receipt of EPA's comments. If Respondent fails to revise the plan in accordance with EPA's comments, then EPA may unilaterally modify the work plan or report and Respondent shall implement such work plan or report as necessary to complete the work pursuant to this Order. If the plan is approved either upon initial submission or resubmission, Respondent shall commence implementation of the plan immediately upon receipt of EPA's written approval of the plan. Upon approval of the plan by EPA, the plan, including all activities and schedules for such activities, shall be incorporated into and made an enforceable part of this Order, and failure to implement any plan in accordance with the scheduled contained therein shall be deemed a violation of this Order. The EPA representative to whom all plans must be submitted is:

Kevin Snowden
Environmental Scientist
AWMD/RESP
U.S. EPA Region 7
901 N. 5th St.
Kansas City, Kansas 66101
snowden.kevin@epa.gov.

6. As a result of the Site Characterization required in Paragraph 3 above, EPA may determine that certain additional tasks are necessary to achieve the purpose of this Order. These include, but are not limited to: expanded investigatory sampling of the air, soil, surface water, and/or groundwater to determine the nature and extent of contamination, excavation and disposal of contaminated materials, or other activities as determined necessary to protect human health or the environment. In the event such a determination is made, EPA will notify Respondent in writing that Respondent must perform the additional work and will specify the basis and reasons for its determination that the additional work is necessary. Within fifteen (15) days of the receipt of such request, Respondent may request a meeting with EPA to discuss the additional work. Within thirty (30) days of notification of the need for additional work, or according to an alternative schedule agreed to by the parties, Respondent shall submit a work plan for such additional work to EPA. The plan will be reviewed by EPA in accordance with the procedures set forth herein. Upon approval by EPA, Respondent shall perform the additional work according to the EPA-approved plan. The EPA-approved plan shall be incorporated into and become an enforceable part of this Order. All additional work performed by Respondent under this subparagraph shall be performed in a manner consistent with this Order.

7. Split samples: Upon request by EPA, Respondent shall allow EPA or its authorized

representatives to take split and/or duplicate samples of any samples collected by Respondent while performing work under this Order. Respondent shall notify EPA not less than thirty (30) calendar days in advance of any sample collection activity. In addition, EPA shall have the right to take any additional samples that it deems necessary.

8. Compliance Action Report: The Respondent shall submit a final Compliance Action Report that details all activities conducted at the site in conjunction with the Order within forty-five (45) days after completion of all activities. The report shall include, but is not limited to, the following:

- A description of the actions that have been taken to comply with each element of the Order;
- Copies of all results of chemical or physical analyses conducted during this action, including the results of field screening or other "on-site" analyses;
- Copies of all hazardous waste manifests or other appropriate shipping papers (i.e., Land Disposal Restriction Notifications) that describe origin and destination, dates, amount, and the description of the materials being transported off-site;
- Copies of certificates of disposal from the selected disposal facilities; and
- Written certification that all hazardous waste leaks and spills have been cleaned up in accordance with the requirements of this Order. The certification statement shall be signed by a responsible official and shall contain the following language:

I certify under penalty of law that the information contained in or accompanying this document is true, accurate, and complete.

As to the identified portions of this document for which I cannot personally verify the accuracy, I certify that based on my inquiry of the person or persons directly responsible for gathering the information, the information is true, accurate, and complete.

- A "responsible official" for purposes of this provision means a president, secretary, treasurer or vice-president of the corporation or legal entity, or any person who performs similar policy or decision-making functions for the corporation or legal entity.

9. Until ten (10) years after Respondent's receipt of EPA's notification pursuant to

Paragraph 11 of this Order, Respondent shall preserve and retain all non-identical copies of records and documents (including those in electronic form) which relate in any manner to the performance of the work required under this Order. Respondent shall also instruct its contractors and agents to preserve all such documents for a period of ten (10) years.

10. EPA and/or its authorized representatives shall have access to the facility at all reasonable times for the purpose of reviewing the progress of Respondent in carrying out the provisions of this Order and for purposes including, but not limited to, inspecting and copying records, collecting samples, and verifying data. Nothing in this Order shall restrict EPA's rights under Section 3007 of RCRA, 42 U.S.C. § 6927 or other statutory authority.

11. EPA may modify or revoke this Order based upon information discovered during the course of implementation of the Order. Any modification shall be incorporated into a revised Order and issued to the Respondent in the form of a modified Final Order. The provisions of this Order shall remain in full force and effect until all actions required by this Order have been completed and EPA has notified the Respondent, in writing, that the actions required by this Order have been completed. Respondent shall notify EPA in writing at such time as it believes that all such actions have been completed. EPA shall have sole discretion in determining whether or not all such actions have in fact been completed. Failure to complete all activities required hereunder as directed by EPA shall be deemed a violation of this Order. EPA's provision of written notice to Respondent pursuant to this paragraph shall not be construed as a waiver of any of EPA's rights to take further enforcement action under RCRA or any other laws.

B. Parties Bound

12. 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.

In the matter of Brown Transfer and Storage Company
Docket No. RCRA-07-2010-0011

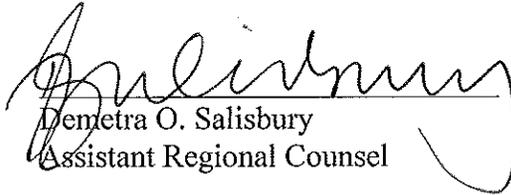
For the Complainant:
The United States Environmental Protection Agency

4-13-10
Date



Donald Toensing
Chief, Waste Enforcement and Materials Management
Air and Waste Management Division

4-14-10
Date



Demetra O. Salisbury
Assistant Regional Counsel

*In the matter of Brown Transfer and Storage Company
Docket No. RCRA-07-2010-0011*

For Respondent:
Brown Transfer and Storage Company

4/9/10
Date



Signature

Craig Greer
Printed Name

President
Title

In the matter of Brown Transfer and Storage Company
Docket No. RCRA-07-2010-0011

IT IS SO ORDERED. This Final Order is effective upon its final entry by the Regional Judicial Officer.

April 8, 2010
Date


Robert Patrick
Regional Judicial Officer

IN THE MATTER OF Brown Transfer and Storage Company, Respondent
Docket No. RCRA-07-2010-0011

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:

Demetra O. Salisbury
Assistant Regional Counsel
Region 7
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Tom Watkins
Watkins Law Office
3715 Beck Rd. Bldg D, Ste 401
St. Joseph, Missouri 64506

Dated: 4/28/10



Kathy Robinson
Hearing Clerk, Region 7