

**FILED**

In the matter of Essex Industries, Inc.  
Docket No.: RCRA-07-2025-0077

**May 15, 2025**

**8:27AM**

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

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

<b>In the Matter of:</b>	)	
	)	
Essex Industries, Inc.,	)	
	)	
<b>Respondent</b>	)	<b>Docket No. RCRA-07-2025-0077</b>
	)	
_____	)	

**CONSENT AGREEMENT AND FINAL ORDER**

**PRELIMINARY STATEMENT**

The U.S. Environmental Protection Agency (EPA), Region 7 (“Complainant”) and Essex Industries, Inc. (“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 (“Consolidated Rules of Practice”), 40 Code of Federal Regulations (“C.F.R.”) §§ 22.13(b) and 22.18(b)(2).

**ALLEGATIONS**

**Jurisdiction**

1. This administrative action is being conducted pursuant to Section 3008(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (“RCRA”), and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6928(a), and in accordance with the Consolidated Rules of Practice.

**Parties**

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

3. Respondent is Essex Industries, Inc., a corporation authorized to operate under the laws of Missouri.

### **Statutory and Regulatory Framework**

4. RCRA was enacted to address the volumes of municipal and industrial solid waste generated nationwide in order to protect human health and the environment from potential hazards of waste disposal, conserve energy and natural resources, reduce the amount of waste generated, and ensure that wastes are managed in an environmentally sound manner.

5. RCRA provides guidelines for a waste management program and provides EPA with the authorities found in Sections 3001, 3002, and 3005 of RCRA, 42 U.S.C. §§ 6912, 6921, 6922, and 6925, to develop and promulgate specific requirements in order to implement the waste management program. Pursuant to these authorities, EPA promulgated the waste management regulations, relevant to this matter, at 40 C.F.R. Parts 262 and 265.

6. Section 3001 of RCRA, 42 U.S.C. § 6921, requires the Administrator to develop and promulgate criteria for identifying the characteristics of hazardous waste, and for listing hazardous waste, which should be subject to the provisions of this subchapter, taking into account toxicity, persistence, and degradability in nature, potential for accumulation in tissue, and other related factors such as flammability, corrosiveness, and other hazardous characteristics.

7. Section 3002 of RCRA, 42 U.S.C. § 6922, requires the Administrator to promulgate regulations establishing such standards applicable to generators of hazardous waste identified or listed under this subchapter, as may be necessary to protect human health and the environment.

8. Section 3005 of RCRA, 42 U.S.C. § 6925, requires the Administrator of EPA to promulgate regulations requiring each person owning or operating an existing facility or planning to construct a new facility for the treatment, storage, or disposal of hazardous waste identified or listed under this subchapter to have a permit.

9. The State of 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 in the Missouri Code of State Regulations (C.S.R.) in Title 10, Division 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.

10. Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), defines “person” as an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body and shall include each department, agency, and instrumentality of the United States.

11. The regulation at 40 C.F.R. § 260.10, which is incorporated by reference at 10 CSR 25-3.260, defines “facility” to include all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste, or for managing hazardous secondary materials prior to reclamation. A facility

may consist of several treatment, storage or disposal operational units (e.g. one or more landfills, surface impoundments, or combinations of them).

12. The regulation at 40 C.F.R. § 260.10, which is incorporated by reference at 10 CSR 25-3.260, defines “storage” as the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

13. “Solid waste” is defined at 40 C.F.R. § 261.2, which is incorporated by reference at 10 CSR 25-4.261.

14. “Hazardous waste” is defined at 40 C.F.R. § 261.3, which is incorporated by reference at 10 CSR 25-4.261.

15. The regulation at 40 C.F.R. § 260.10, which is incorporated by reference at 10 CSR 25-3.260, defines “generator” as any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.

16. The regulation at 40 C.F.R. § 260.10, which is incorporated by reference at 10 CSR 25-3.260, defines “large quantity generator” as a generator who generates greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste or greater than 1 kilogram (2.2 pounds) of acute hazardous waste listed in 40 C.F.R. §§ 261.31 or 261.33(e).

17. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), whenever on the basis of any information the EPA determines that any person has violated or is in violation of any requirement of RCRA, the 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.

18. Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), authorizes a civil penalty of not more than \$25,000 per day for each violation. 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 \$37,500 for violations that occurred before November 2, 2015, and to \$121,275 for violations that occur after November 2, 2015, and for which penalties are assessed on or after December 27, 2023. In assessing any such penalty, EPA must take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. Based upon the facts alleged in this Consent Agreement and Final Order, and upon those factors which Complainant must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant and Respondent agree to the payment of a civil penalty pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and to take the actions required by the Final Order, for the violations of RCRA alleged in this Consent Agreement and Final Order.

### **General Factual Background**

19. Respondent is a corporation and authorized to conduct business within the State of Missouri. Respondent is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C.

§ 6903(15).

20. Respondent owns and operates a facility located at 6 Sunnen Drive St. Louis, Missouri 63143 (“facility”). Respondent is an aerospace manufacturer and employs approximately 300 people.

21. On or about February 28, 2022, Respondent notified EPA of its regulated waste activity as a Large Quantity Generator (LQG). Respondent obtained the following RCRA ID number: MOD981508526.

22. On or about September 27, 2023, and September 28, 2023, an EPA inspector conducted a RCRA Compliance Evaluation Inspection (hereinafter “the inspection”) of the hazardous waste management practices at Respondent’s facility. Based on a review of the inspection report and the information provided during the inspection by facility personnel, it was determined that Respondent was operating, at the time of the inspection, as a Large Quantity Generator of hazardous waste, a Small Quantity Handler of universal waste, and used oil generator.

23. At the time of the inspection, the following wastes, among others, were present. These are solid and hazardous wastes as defined at 40 C.F.R. § 261.2 and 261.3, and incorporated by reference at 10 CSR 25-4.261:

- a. One ¼ full 55-gallon satellite accumulation drum outside and north of the paint booth.
- b. Twelve 5-gallon red metal step cans throughout the facility.
- c. Twenty-five 2-40 gallon trash cans throughout the facility.
- d. One 5-gallon metal can labeled “Trichloroethane” in the flammable storage cabinet in the fuel test equipment room.
- e. One unlabeled 1-gallon metal can in the flammable storage cabinet in the fuel test equipment room.
- f. One 5-gallon metal can labeled “Braycote 120” in the flammable storage cabinet in the fuel test equipment room.
- g. An unknown clear liquid covering a 2 by 2 foot area on the bottom of the flammable cabinet shelf in the fuel test equipment room.

24. At the time of the inspection, the following universal waste containers were present:

- a. One 8-foot fiber drum containing approximately 20 8-foot lamps and 20 4-foot spent fluorescent lamps outside of the paint booth.
- b. One 4-foot fiber drum containing approximately 60 fluorescent lamps outside the paint booth.
- c. One white 5-gallon poly bucket containing approximately 7 small lithium-ion batteries.

### Violations

25. Complainant hereby states and alleges that Respondent has violated RCRA and the federal regulations promulgated thereunder, as follows:

#### Count 1

##### Failure to Conduct Hazardous Waste Determinations

26. Complainant hereby incorporates the allegations contained in Paragraphs 19 through 24 above, as if fully set forth herein.

27. Pursuant to 40 C.F.R. §§ 261.2, 261.3, and 262.11, as incorporated by reference at 10 C.S.R. 25-4.261(1) and 10 C.S.R. 25-5.262(1), a generator of solid waste must determine if that waste is a hazardous waste using methods prescribed in the regulations.

28. At the time of the inspection, it was determined that Respondent was generating the following solid waste streams:

- a. One ¼ full 55-gallon satellite accumulation drum outside and north of paint booth.
- b. Twelve 5-gallon red metal step cans.
- c. Twenty-five 2-40 gallon trash cans.
- d. One 5-gallon metal can labeled “Trichloroethane”.
- e. One unlabeled metal can.
- f. One 5-gallon metal can labeled “Braycote 120”.
- g. An unknown clear liquid covering a 2 by 2 floor area.

29. At the time of the inspection, Respondent had not conducted hazardous waste determinations on any of the solid waste streams described in the immediately preceding paragraph.

30. Respondent’s failure to perform a hazardous waste determination on the above-referenced solid waste streams is a violation of 10 C.S.R. 25-5.262, which incorporates 40 C.F.R. § 262.11 by reference.

#### Count 2

##### Operating as a Treatment, Storage or Disposal Facility Without a RCRA Permit or RCRA Interim Status

31. Complainant hereby incorporates the allegations contained in Paragraphs 19 through 24 above, as if fully set forth herein.

32. Missouri Revised Statutes 260.390.1(1), Section 3005 of RCRA, 42 U.S.C. § 6925, and the regulations at 10 C.S.R. 25-7.270, which incorporate 40 C.F.R. Part 270 by reference, require each person owning or operating a facility for the treatment, storage, or

disposal of hazardous wastes identified or listed under Subchapter C of RCRA to have a permit or interim status for such activities.

33. The regulation at 40 C.F.R. § 262.34(a), which is incorporated by reference at 10 C.S.R. 25-5.262(1), states that a generator may accumulate hazardous waste on-site for ninety (90) days or less without a permit or without interim status, provided the conditions listed in 40 C.F.R. § 262.34(a)(1)-(4) are met. If a generator fails to comply with any of these conditions, the generator is not allowed to accumulate hazardous waste at its facility for any length of time.

34. At the time of the inspection, Respondent did not have a permit or interim status.

#### **Generator Requirements**

35. Respondent failed to comply with the following conditions:

##### *Emergency Procedures: Documentation and reports*

36. The regulation at 40 C.F.R. § 262.34(a)(4), which is incorporated by reference at 10 C.S.R. 25-5.262(1), requires the generator to comply with the provisions in Subparts C and D in 40 C.F.R. Part 265, et. seq.

37. The regulation at 40 C.F.R. § 265.16(d)(4) states that the owner or operator must maintain records at the facility which document that annual training was completed by facility personnel.

38. At the time of the inspection, the records demonstrating RCRA personnel training for one of the primary emergency coordinators was not available at the facility.

##### *Emergency Procedures: Required aisle space*

39. The regulation at 40 C.F.R. § 262.34(a)(4), which is incorporated by reference at 10 C.S.R. 25-5.262(1), requires the generator to comply with the provisions in Subparts C and D in 40 C.F.R. Part 265.

40. Pursuant to 40 C.F.R. § 265.35, the owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

41. At the time of the inspection, the EPA inspector observed insufficient aisle space in the central accumulation area.

42. Because Respondent failed to comply with the generator requirements as set forth in Paragraphs 31 through 41 above, Respondent was not authorized to accumulate hazardous waste at its facility for any length of time, and therefore was operating a hazardous waste storage facility without a permit in violation of Section 3005 of RCRA, 42 U.S.C. § 6925.

**Count 3**  
**Failure to Comply with Universal Waste Management Requirements**

43. Complainant hereby incorporates the allegations contained in Paragraphs 19 through 24 above, as if fully set forth herein.

*Failure to date universal waste containers*

44. The regulation at 40 C.F.R. § 273.15(c), which is incorporated by reference at 10 C.S.R. 25-16.273(1), requires small quantity handlers of universal waste to demonstrate the length of time that the universal waste has accumulated from the date it becomes a waste or is received.

45. At the time of the inspection, Respondent failed to demonstrate the length of time that the following universal waste had accumulated from the date it became a waste or was received:

- a. One 8-foot fiber drum containing approximately 20 8-foot lamps and 20 4-foot spent fluorescent lamps.
- b. One 4-foot fiber drum containing approximately 60 fluorescent lamps.
- c. One white 5-gallon poly bucket containing approximately seven lithium-ion batteries within the maintenance area.

46. Respondent's failure to demonstrate the length of time the universal waste containers described above accumulated from the earliest date that any universal waste in the container became a waste or was received is a violation of 10 C.S.R. 25-16.273(1), which incorporates 40 C.F.R. § 273.15(c) by reference.

**CONSENT AGREEMENT**

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

- a. admits the jurisdictional allegations set forth herein;
- b. neither admits nor denies the specific factual allegations stated herein;
- c. consents to the assessment of a civil penalty, as stated herein;
- d. consents to the issuance of any specified compliance or corrective action order;
- e. consents to any conditions specified herein;
- f. consents to any stated Permit Action;
- g. waives any right to contest the allegations set forth herein; and

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

48. By signing this consent agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

49. 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.

50. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms specified herein.

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

52. Respondent consents to receiving an electronic copy of the filed Consent Agreement and Final Order at the following email address: *pbarker@lewisrice.com*.

#### **Penalty Payment**

53. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of seventeen thousand four hundred and ninety-nine dollars (\$17,499) as set forth below.

54. 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>.

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

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

Kelley Catlin, Attorney  
*catlin.kelley@epa.gov*.

56. 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. 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).

### **Compliance Actions**

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

58. Within thirty (30) days of the Effective Date of this Consent Agreement and Final Order, Respondent shall submit documentation to EPA, in accordance with Paragraph 60 below, demonstrating how solvent contaminated wipes will be managed (either pursuant to the solvent contaminated wipes exclusion at 40 C.F.R. § 261.4(a)(26) or 40 C.F.R. § 261.4(b)(18), or pursuant to the hazardous waste generator requirements at 40 C.F.R. § 262.34(c)). This documentation will include, but is not limited to, the following information:

- a. A confirmation of the legal authority Respondent intends to follow to manage the solvent contaminated wipes;
- b. A map identifying each container that accumulates solvent contaminated wipes;
- c. Photographic documentation demonstrating compliance with each element of the authority cited in Paragraph 58(a) above for each container identified in the map (i.e. closed and labeled, as applicable); and
- d. A narrative description of how each container will be managed.

59. Respondent shall submit Quarterly Compliance Reports to EPA, in accordance with Paragraph 60 below. The first submission is due within thirty (30) days of the Effective Date of this Consent Agreement and Final Order. The subsequent four (4) submissions shall be submitted within ninety (90) days of the previous submission. Items with an asterisk (\*) shall be submitted in each quarterly report. Items without an asterisk must be provided in the quarterly report when these obligations become due. The Quarterly Compliance Reports shall include the following:

- a. Documentation demonstrating that all current emergency coordinators and backup emergency coordinators received training in 2025 as required by 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.16.
- b. \*Photographs of each satellite hazardous waste accumulation container demonstrating how the containers are properly managed pursuant to the relevant container management requirements selected in Paragraph 58(a).

- c. \*Photographs of each hazardous waste accumulation container to show all containers are properly managed pursuant to 40 C.F.R. § 262.34(a).
- d. \*Photographs showing that all universal waste containers are properly managed pursuant to 40 C.F.R. §§ 273.13, 273.14, and 273.15.
- e. Documentation verifying universal waste containers are timely and properly shipped off-site.
- f. A narrative description with supporting documentation to show current compliance with the universal waste training requirements set forth at 40 C.F.R. § 273.16.

60. Respondent shall submit all documentation generated to comply with the requirements as set forth in the immediately preceding paragraphs to the following:

Tiffany DeLong, RCRA Section  
[delong.tiffany@epa.gov](mailto:delong.tiffany@epa.gov)

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

61. 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 RCRA or any other applicable law.

62. 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 paragraph directly below.

63. Respondent certifies by the signing of this Consent Agreement and Final Order that, to the best of its knowledge, it is presently in compliance with all requirements of RCRA, 42 U.S.C. § 6901 *et. seq.*, its implementing regulations, and any permit issued pursuant to RCRA.

64. 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 RCRA and regulations promulgated thereunder.

65. Notwithstanding any other provision of this Consent Agreement and Final Order, EPA reserves the right to enforce the terms and conditions of this Consent Agreement and Final Order 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 Seventy Thousand Seven Hundred Fifty-Two Dollars (\$70,752) per day, per violation, pursuant to Section 3008(c) of RCRA, for each day of non-compliance with the terms of this Consent Agreement and Final Order, or to seek any other remedy allowed by law.

66. Except as expressly provided herein, nothing in this Consent Agreement and Final

Order 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.

67. Notwithstanding any other provisions of the Consent Agreement and Final Order, 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 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.

68. Nothing contained in this Consent Agreement and Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

69. Nothing in this Consent Agreement and Final Order shall be construed as an admission by Respondent as to any liability, fact, finding, issue of law, or alleged violation of law. Respondent's compliance with this Consent Agreement and Final Order shall not constitute or be construed as an admission by Respondent of any liability, fact, finding, conclusion, issue of law, or alleged violation of law.

#### **General Provisions**

70. 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 has the legal capacity to bind the party they represent to this Consent Agreement.

71. 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 filing 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.

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

73. 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.

74. The headings in this Consent Agreement and Final Order are for convenience of reference only and shall not affect interpretation of this Consent Agreement and Final Order.

75. The provisions of this Consent Agreement and Final Order shall be deemed satisfied upon a written determination by Complainant that Respondent has fully implemented the actions required in the Final Order.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

\_\_\_\_\_  
Date

\_\_\_\_\_  
David Cozad  
Director  
Enforcement and Compliance Assurance Division

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kelley Catlin  
Office of Regional Counsel

RESPONDENT:

Essex Industries, Inc.

5/2/2025  
Date

Seth Voelker  
Signature

Seth Voelker  
Printed Name

Vice President of Manufacturing Operations  
Title

**FINAL ORDER**

Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), 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.

\_\_\_\_\_  
Karina Borromeo  
Regional Judicial Officer

\_\_\_\_\_  
Date

**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 via Email to Complainant:

Kelley Catlin  
Office of Regional Counsel  
*catlin.kelley@epa.gov*

Tiffany DeLong  
Enforcement and Compliance Assurance Division  
*delong.tiffany@epa.gov*

Anna Rock  
Office of Regional Counsel | Paralegal  
*Rock.Anna@epa.gov*

Copy via Email to Respondent:

Pam Barker, Esq.  
Lewis Rice  
*pbarker@lewisrice.com*

Copy via Email to the State of Missouri:

Charlene Fitch, Director (e-copy)  
Waste Management Program  
Missouri Department of Natural Resources  
*Charlene.Fitch@dnr.mo.gov*

Michael Parris, Compliance/Enforcement Chief (e-copy)  
Waste Management Program  
Missouri Department of Natural Resources  
*Michael.Parris@dnr.mo.gov*

Brandon Backus, (e-copy)  
Environmental Program Supervisor, Compliance and Enforcement Section  
Waste Management Program  
Missouri Department of Natural Resources  
*Brandon.Backus@dnr.mo.gov*

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

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Signed