

U. S. ENVIRONMENTAL PROTECTION AGENCY 2017 DEC 21 PM 2: 33  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

In the Matter of: )  
 )  
City of Brentwood, Missouri, ) Docket Nos. EPCRA-07-2018-0003  
 ) CERCLA-07-2018-0075  
Respondent. )  
 )

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**CONSENT AGREEMENT AND FINAL ORDER**

**Preliminary Statement**

The U.S. Environmental Protection Agency (EPA or Complainant), Region 7 and the City of Brentwood, Missouri (Respondent) have agreed to a settlement of this action before 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 instituted pursuant to Section 325 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11045, and Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9609.

2. This Consent Agreement and Final Order serves as notice that EPA has reason to believe that Respondent has violated the emergency release notification requirements of Section 304 of EPCRA, 42 U.S.C. § 1104, and the regulations promulgated pursuant to Section 328 of EPCRA, 42 U.S.C. § 11048, and codified at 40 C.F.R. Part 355; and Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and the regulations promulgated pursuant to Section 102 of CERCLA, 42 U.S.C. § 9602, and codified at 40 C.F.R. Part 302.

**Parties**

3. Complainant, by delegation from the Administrator of EPA and the Regional Administrator, EPA, Region 7, is the Director of the Air and Waste Management Division, EPA, Region 7.

4. Respondent is the City of Brentwood, Missouri, a municipality formed under the laws of the State of Missouri. Respondent owns and operates the Brentwood Recreation Complex and Ice Arena, located at 2505 South Brentwood Boulevard, Brentwood, Missouri (the "Facility").

### **Statutory and Regulatory Background**

5. Section 304 of EPCRA, 42 U.S.C. § 11004, and the implementing regulations at 40 C.F.R. § 355.40, provide that if a release of an "extremely hazardous substance" occurs from a facility at which a hazardous chemical is produced, used, or stored, and such release requires notification under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), the owner or operator of the facility shall immediately give notice of the release to the State Emergency Response Commission ("SERC") of any state likely to be affected by the release and the community emergency coordinator for the Local Emergency Planning Committee ("LEPC") for any area likely to be affected by the release.

6. Section 312 of EPCRA, 42 U.S.C. § 11022, as implemented by 40 C.F.R. Part 370, requires the owner or operator of a facility that is required to prepare or have available a Material Data Safety Sheet ("MSDS") for a hazardous chemical in accordance with OSHA's Hazard Communication Standard, 29 U.S.C. § § 651 *et seq.*, and 29 C.F.R. § 1910.1200, and at which facility a hazardous chemical (including a hazardous chemical which also qualifies as an "extremely hazardous substance") is present at any one time during a calendar year in a quantity equal to or greater than its applicable threshold planning quantity ("TPQ") to submit on or before March 1, 1988, and by March 1st of each year thereafter, a completed Emergency and Hazardous Chemical Inventory Form ("Chemical Inventory Form") for the previous calendar year identifying the hazardous chemical and providing the information described in Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), to the appropriate SERC, LEPC, and local fire department with jurisdiction over the facility.

7. Pursuant to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2), extremely hazardous substances are listed in 40 C.F.R. Part 355, Appendices A and B.

8. Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), defines "facility" to mean 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).

9. Section 329(8) of EPCRA, 42 U.S.C. § 11049(8), defines "release" as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of any hazardous chemical, extremely hazardous substance, or toxic chemical.

10. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6, provide that any person in charge of a facility shall, as soon as he has knowledge of any release of a hazardous substance from such facility in quantities equal to or greater than the reportable

quantity (“RQ”) listed in 40 C.F.R. § 302.4, immediately notify the National Response Center (“NRC”) of such release.

11. Section 101(9)(A) of CERCLA, 42 U.S.C. § 9601(9)(A), defines “facility” as any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft.

12. Subject to certain exclusions, Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), defines “release” as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

13. Under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), and Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), “person” means, *inter alia*, a municipality.

14. Section 325(b)(1) of EPCRA, 42 U.S.C. § 11045(b)(1), authorizes the EPA Administrator to assess a civil penalty of up to \$25,000 for each violation of the requirements of Section 304 and 312 of EPCRA, 42 U.S.C. § 11004 and § 11022. The EPA has adjusted this figure upward for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by the Federal Civil Penalties Inflation Adjustment Act of 2015, and the implementing regulations found at 40 C.F.R. Part 19, so that a civil penalty of up to \$37,500 per day is authorized for violations of EPCRA that occur after December 6, 2013, and before November 2, 2015.

15. Section 109 of CERCLA, 42 U.S.C. § 9609, authorizes the EPA Administrator to assess a civil penalty of up to \$25,000 for each violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a). The EPA has adjusted this figure upward for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by the Federal Civil Penalties Inflation Adjustment Act of 2015, and the implementing regulations found at 40 C.F.R. Part 19, so that a civil penalty of up to \$37,500 per day is authorized for violations of CERCLA that occur after December 6, 2013, and before November 2, 2015.

#### **General Factual Allegations**

16. The Facility is, and at all times referred to herein was, a “facility” as that term is defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and Section 101(9)(A) of CERCLA, 42 U.S.C. § 9601(9)(A).

17. Respondent is, and at all times referred to herein was, a “person” as that term is defined by Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and CERCLA Section 101(21), 42 U.S.C. § 9601(21).

18. Respondent is, and at all times referred to herein was, the “owner” and “operator” of the Facility and in the “person in charge” of the Facility, as those terms are used in EPCRA and CERCLA.

19. The appropriate SERC for the Facility is the Missouri Emergency Response Commission; the LEPC for the Facility is the St. Louis Missouri Local Emergency Planning Committee; and the local fire department with jurisdiction over the Facility is the City of Brentwood Fire Department.

20. Respondent was, at all times referred to herein, storing and using anhydrous ammonia, a CERCLA regulated hazardous substance listed in 40 C.F.R. § 302.4 with an RQ of 100 pounds and TPQ of 500 pounds. It is also an extremely hazardous substance, as defined by Section 329(3) of EPCRA, 42 U.S.C. § 11049(3), and designated pursuant to Section 302(a) of EPCRA, 42 U.S.C. § 11002(a), and listed in 40 C.F.R. Part 355, Appendix A, with a reportable quantity of 100 pounds.

21. At all times referred to herein, Respondent had more than the TPQ for ammonia at the Facility.

22. Respondent failed to submit to the SERC a Chemical Inventory Form for calendar year 2014 by March 1, 2015, identifying anhydrous ammonia as present at the Facility in a quantity equal to or greater than its TPQ of 500 pounds, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d).

23. On or about September 15, 2015, a “release”, as that term is defined by Section 329(8) of EPCRA, 42 U.S.C. § 11049(8), and Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), of anhydrous ammonia in excess of 100 pounds, occurred at the Facility (the “Release”). Respondent had knowledge of the Release on September 15, 2015.

24. The Release required notification to the National Response Center under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and to the LEPC and the SERC under Section 304 of EPCRA, 42 U.S.C. § 1104.

25. In response to the Release, the EPA requested information from Respondent concerning the Release to determine Respondent followed the reporting requirements of Section 103 of CERCLA, 42 U.S.C. § 9603(a) and Section 304 of EPCRA, 42 U.S.C. § 1104. Complainant received Respondent’s completed response on September 1, 2016.

26. As a result of the information obtained by the EPA and subsequent investigation, Complainant has determined that Respondent failed to report the release immediately to the National Response Center as required by Section 103 of CERCLA, 42 U.S.C. § 9603(a).

27. As a result of the information obtained by the EPA and subsequent investigation, Complainant has determined that Respondent failed to immediately notify the SERC of the release, as required by Section 304 of EPCRA, 42 U.S.C. § 1104.

### **Allegations of Violation**

28. The Complainant hereby states and alleges that Respondent has violated CERCLA and EPCRA as follows:

Count 1

29. The facts stated in Paragraphs 15 through 27 above are herein incorporated.

30. As a result of the Release at the Facility, Respondent was required to immediately provide notice to the National Response Center in accordance with Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), but failed to do so.

31. Respondent's failure to immediately notify the National Response Center upon the discovery of the release over the reportable quantity is a violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and of the requirements of 40 C.F.R. § 302.6; as a result, Respondent is subject to a civil penalty under Section 109 of CERCLA, 42 U.S.C. § 9609.

Count 2

32. The facts stated in Paragraphs 15 through 27 above are herein incorporated.

33. As a result of the Release at the Facility, Respondent was required to immediately provide notice in accordance with Section 304(b)(1) of EPCRA, 42 U.S.C. § 11004(b)(1), to any affected SERC, which Respondent failed to do.

34. Respondent's failure to immediately notify the SERC in accordance with Section 304(b)(1) of EPCRA, 42 U.S.C. § 11004(b)(1), is a violation of Section 304(a)(1) of EPCRA, 42 U.S.C. § 1104(a)(1), and of the requirements of 40 C.F.R. § 355.40(b); as a result, Respondent is subject to a civil penalty under Section 325(b)(1) of EPCRA, 42 U.S.C. § 11045(b)(1).

Count 3

35. The facts stated in Paragraphs 15 through 27 above are herein incorporated.

36. Respondent failed to submit to the SERC a Chemical Inventory Form for calendar year 2014 by March 1, 2015, identifying anhydrous ammonia as present at the Facility in a quantity equal to or greater than its TPQ of 500 pounds, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d).

37. Respondent's failure to submit to the SERC a Chemical Inventory Form for the Facility for calendar year 2014 constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and of 40 C.F.R. Part 370; as a result, Respondent is subject to a civil penalty under Section 325(b)(1) of EPCRA, 42 U.S.C. § 11045(b)(1).

**CONSENT AGREEMENT**

38. Respondent and EPA agree to the terms of this CAFO. This CAFO and its attachments shall constitute the complete agreement between the parties respecting the subject matter hereof. Respondent agrees to comply with the terms set forth in the Final Order.

39. 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 this CAFO.

40. Respondent neither admits nor denies the factual allegations set forth in this CAFO.

41. Respondent waives its right to contest any issue of fact or law set forth above and its right to appeal the Final Order accompanying this Consent Agreement.

42. 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.

43. 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.

44. Full payment of the penalty proposed in this CAFO shall only resolve Respondent's liability for the violations alleged in this CAFO. Complainant reserves the right to take any enforcement action with respect to other violations of EPCRA and CERCLA or any other applicable law.

45. Full payment of the penalty proposed in this CAFO shall not affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This CAFO does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of EPCRA 42 U.S.C. § 11001, *et seq.* and CERCLA, 42 U.S.C. § 9601, *et seq.*, and regulations promulgated thereunder.

46. Respondent certifies that, to the best of its knowledge, the Facility is in compliance with EPCRA and CERCLA, and all regulations promulgated thereunder.

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

48. The effect of settlement is conditioned upon the completion of all of the requirements 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. Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty specified herein and to completion of the SEP described below.

**Payment of Civil Penalty**

51. Within thirty (30) days of the effective date of this CAFO, Respondent will pay a mitigated civil penalty of Thousand Dollars (\$10,000), as set forth below.

52. Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Any 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  
P. O. Box 979077  
St. Louis, Missouri 63197-9000,

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

53. A copy of the payment documentation shall also be mailed to:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219

and to:

Raymond C. Bosch  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, KS 66219.

54. Respondent understands that its failure to timely pay any portion of the civil penalty or any portion of a stipulated penalty specified below 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).

### **Supplemental Environmental Project**

55. In response to the violations of EPCRA and CERCLA alleged in this CAFO and in settlement of this matter, although not required by EPCRA and CERCLA or any other federal, state, or local law, Respondent shall complete the SEP described in this CAFO, which the parties agree is intended to secure significant environmental or public health protection and improvement. Respondent shall spend a minimum of Twenty-Four Thousand Two Hundred Thirty-Seven Dollars (\$24,237) on the SEP.

56. Respondent shall complete the following SEP:

Respondent shall provide the following chemical emergency response equipment to the City of St. Louis, Missouri and to St. Louis County, Missouri respectively:

City of St. Louis, Missouri:  
MSA Altair Gas Detectors (5)  
MSA XCELL LEL Sensor for Altair  
MSA XCELL O2 Sensor for Altair  
MSA XCELL CO/H2S Duo-Tox Sensor

St. Louis County, Missouri:  
X3 Air-Paks, 4500 PSI (2)  
AV-3000 SCBA Facepieces (15)  
CPF3 Tan Coverall Garment (1 case)

57. This SEP shall be performed in accordance with the requirements of this CAFO.

58. Within sixty (60) days of the completion of the SEP, Respondent shall submit a SEP Completion Report to EPA. The SEP Completion Report shall conform to the requirements of this CAFO and shall contain the following information:

- a. A detailed description of the SEP as implemented, including itemized costs;
- b. Description of any problems encountered in implementation of the project and solution thereto;
- c. A description of the specific environmental and/or public health benefits resulting from implementation of this SEP; and
- d. Certification that the SEP has been fully implemented pursuant to the provisions of this CAFO.

59. In itemizing its costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all SEP costs. For purposes of this paragraph, "acceptable documentation" includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which



payment is being made. Cancelled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

60. The SEP Completion Report shall include the statement of Respondent, through an officer, signed and certifying under penalty of law the following:

*I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.*

61. The SEP Completion Report shall be submitted on or before the due date specified above to:

Krystal Stotts  
Chemical & Oil Release Prevention Branch  
Air and Waste Management Division  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219  
*Stotts.krystal@epa.gov.*

62. Any public statement, oral or written, in print, film, internet, or other media, made by Respondent making reference to the SEP shall include the following language:

*This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency to enforce federal environmental laws.*

63. With regard to the SEP, Respondent certifies the truth and accuracy of each of the following:

- a. That all cost information provided to the EPA in connection with the EPA's approval of the SEP is complete and accurate and that Respondent in good faith estimates that the cost to implement the SEP is at least \$24,237;
- b. That, as of the date of executing this CAFO, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;

- c. That the SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CAFO;
- d. That Respondent has not received and will not receive credit for the SEP in any other enforcement action;
- e. That Respondent will not receive reimbursement for any portion of the SEP from another person or entity; and
- f. Respondent is not a party to any open federal financial assistance transaction that is funding or could fund the same activity as the SEP described in this CAFO.

64. Respondent agrees to the payment of stipulated penalties as follows: In the event the Respondent fails to comply with any of the terms or provisions of this Consent Agreement relating to the performance of the SEP as set forth above and/or to the extent that the actual expenditures of the SEP does not equal or exceed the cost of the SEP set forth in this CAFO, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

- a. If the SEP is not completed satisfactorily and timely, as required by this CAFO, Respondent shall be liable for and shall pay a stipulated penalty to the United States in the amount of Twenty-Five Thousand Dollars (\$25,000), minus any documented expenditures determined by EPA to be acceptable for the SEP.
- b. If Respondent fails to timely and completely submit the SEP Completion Report required by this CAFO, Respondent shall be liable and shall pay a stipulated penalty in the amount of Two Hundred Fifty Dollars (\$250) per day for each day said report is not submitted.
- c. Where all elements of a SEP have been satisfactorily completed, but Respondent has expended less than the agreed-upon amount on the SEP, the EPA may, in its discretion, choose to reduce or waive stipulated penalties otherwise due under the settlement agreement.

65. The determinations of whether the SEP has been satisfactorily completed and whether the Respondent has made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA.

66. Stipulated penalties shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity. Complainant in its unreviewable discretion may waive or reduce any stipulated penalties.

67. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of this CAFO.

68. Nothing in this agreement shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

69. The United States may, in the unreviewable exercise of its discretion, reduce or waive stipulated penalties otherwise due under this CAFO.

#### **Effective Date**

70. In accordance with 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the EPA Regional Hearing Clerk.

#### **Reservation of Rights**

71. Except as expressly provided in 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 325 of EPCRA, 42 U.S.C. § 11045, or Section 109 of CERCLA, 42 U.S.C. § 9609, and to seek penalties against Respondent in an amount not to exceed Thirty-seven Thousand Five Hundred Dollars (\$37,500) per day per violation for non-compliance with the terms of the Final Order, or to seek any other remedy allowed by law.

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

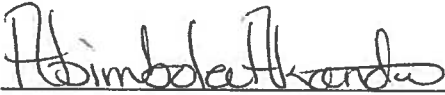
73. Except as expressly provided herein, nothing in this CAFO shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity, or corporation for any liability it may have arising out of 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.

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

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

**RESPONDENT**  
**CITY OF BRENTWOOD, MISSOURI**

Date: 12/20/2017

By: 

Abimbola Akande  
Print Name

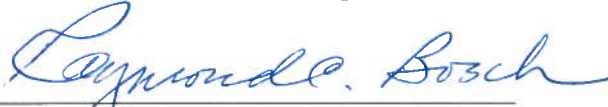
City Administrator  
Title

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

Date: 12/20/17

  
\_\_\_\_\_  
Becky Weber  
Director, Air and Waste Management Division

Date: 12/20/2017

  
\_\_\_\_\_  
Raymond C. Bosch  
Office of Regional Counsel

**FINAL ORDER**

Pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, and Section 109 of CERCLA, 42 U.S.C. § 9609, 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.



Kathleen Clever  
Regional Judicial Officer

12-21-17  
Date

IN THE MATTER Of City of Brentwood, Missouri, Respondent  
Docket Nos. EPCRA-07-2018-0003  
CERCLA-07-2018-0075

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy emailed to Attorney for Complainant:

Bosch.Raymond@epa.gov

Copy by First Class Mail to Attorney for Respondent:

Marissa Curran, Esq.  
Polsinelli Law Firm  
100 S Fourth Street, Suite 1000  
St. Louis, MO 63102

Dated: \_\_\_\_\_

12/21/17

for



\_\_\_\_\_  
Lisa Haugen  
Hearing Clerk, Region 7