

U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219
BEFORE THE ADMINISTRATOR

2019 OCT -1 AM 11:29

In the Matter of)
)
C&R Plating, Inc.,) Docket No. RCRA-07-2019-0256
)
Respondent.)

CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

The U.S. Environmental Protection Agency, Region 7 (EPA or Complainant), and C&R Plating, 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, 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 3008(a) and (g) of the Solid Waste Disposal Act, as amended 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 (g), and in accordance with the Consolidated Rules of Practice.

2. This Consent Agreement and Final Order serves as notice that the EPA has reason to believe that Respondent has violated Sections 3001, 3002, 3004, 3005, and 3014 of RCRA, 42 U.S.C. §§ 6921, 6922, 6924, 6925, and 6935 (RCRA), the regulations promulgated thereunder, and the regulations found at Title 28, Article 31 of the Kansas Administrative Regulations (K.A.R.).

Parties

3. Complainant, by delegation from the Administrator of the EPA and the Regional Administrator, EPA Region 7, is the Director of the Enforcement and Compliance Assurance Division, EPA, Region 7.

4. Respondent is C&R Plating, Inc. a corporation operating under the laws of the state of Kansas.

Statutory and Regulatory Background

5. 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.

6. RCRA provides guidelines for a waste management program and provides the EPA with the authorities found in Sections 3001, 3002, 3004, 3005, and 3014 of RCRA, 42 U.S.C. §§ 6921, 6922, 6924, 6925, and 6935, to develop and promulgate specific requirements in order to implement the waste management program. Pursuant to these authorities, the EPA promulgated the waste management regulations found at 40 C.F.R. Parts 262, 265, and 279.

7. 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.

8. 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.

9. Section 3004 of RCRA, 42 U.S.C. § 6924, requires the Administrator to promulgate regulations establishing such performance standards, applicable to owners and operators of facilities for the treatment, storage, or disposal of hazardous waste identified or listed.

10. Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), requires the Administrator 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.

11. Section 3014 of RCRA, 42 U.S.C. § 6935, requires the Administrator to promulgate regulations establishing such performance standards and other requirements as may be necessary to protect the public health and the environment from hazards associated with recycled oil.

12. Pursuant to Section 3008(a)(1) of RCRA, 42 U.S.C. § 6928(a)(1), whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of RCRA, the Administrator may issue an order assessing a civil penalty for any past or current violation.

13. Section 1004(15) of RCRA, 7 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.

14. The regulation at 40 C.F.R. § 260.10 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).

15. The regulation at 40 C.F.R. § 260.10 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.

16. “Solid waste” is defined at 40 C.F.R. § 261.2.

17. “Hazardous waste” is defined at 40 C.F.R. § 261.3.

18. The regulation at 40 C.F.R. § 260.10 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.

19. The regulation at 40 C.F.R. § 260.10 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).

20. The regulation at 40 C.F.R. § 279.1 defines “used oil generator” as any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

21. The state of Kansas has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and Kansas has adopted by reference the federal regulations cited herein at pertinent parts of K.A.R. 28-31. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes the EPA to enforce the provisions of the authorized state program and the regulations promulgated thereunder. In the case of a violation of 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. The State of Kansas has been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

22. 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). The Debt Collection Improvement Act of 2008 and the Federal Civil Penalties Inflation Adjustment Improvements Act of 2015, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$37,500 for violations that occurred from January 12, 2009, through November 2, 2015, and to \$99,681 for violations that occur after November 2, 2015, and are assessed after February 6, 2019.

General Factual Allegations

23. Respondent is a “person” as defined by Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), which is adopted by reference at K.A.R. 28-31-260.
24. Respondent is the owner and operator of a plating facility located at: 1120 E. 10th Street, Minneapolis, Kansas 67467 (Respondent’s Facility).
25. On or about May 17 and 18, 2017, the EPA conducted a RCRA Compliance Evaluation Inspection (the inspection), under the authority of Section 3007(a) of RCRA, 42 U.S.C. § 6927, of the hazardous waste management practices at Respondent’s Facility.
26. Information gathered during the inspection revealed that Respondent was engaged in the storage of hazardous waste as defined by 40 C.F.R. § 260.10.
27. Information gathered during the inspection revealed that Respondent generated greater than 1,000 kilograms of non-acute hazardous waste listed in 40 C.F.R. § 261.31; and thus, was operating as a Large Quantity Generator of hazardous waste.
28. Information gathered during the inspection revealed that Respondent was a generator of hazardous waste, as defined by 40 C.F.R. § 260.10.
29. Information gathered during the inspection revealed that the process at the Facility resulted in the generation and storage of the following solid and hazardous wastes as defined at 40 C.F.R. § 261.2 and 261.3:
- a. Plating sludge (F006);
 - b. Unused chemicals (D002 and D007);
 - c. Spent polishing filters (F006);
 - d. Barrel line liquid waste (D007);
 - e. Etch bath skimmings (D002);
 - f. Non-operational sealing bath (D007);
 - g. Unused chromate additive (D002 and D007); and
 - h. Spent lamps (D009).

Alleged Violations

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

Count 1

Hazardous Waste Determination

31. The facts stated in Paragraphs 23 through 29 above are herein incorporated.

32. The regulation at 40 C.F.R. § 262.11, and as adopted by reference at K.A.R. 28-31-262, requires a person who generates a solid waste as defined in 40 C.F.R. § 261.2, to determine if that waste is a hazardous waste using the methods prescribed in 40 C.F.R. § 262.11(a)–(d).

33. Information gathered during the inspection revealed that Respondent had generated the following solid waste streams:

- a. Plating sludge;
- b. Unused chemicals;
- c. Spent gloves;
- d. Floor sweepings;
- e. Spent polishing filters;
- f. Barrel line liquid waste;
- g. Etch bath skimmings;
- h. Non-operational sealing bath;
- i. Containers of unknown contents;
- j. Unused chromate additive; and
- k. Spent lamps.

34. At the time of the inspection, Respondent had not conducted hazardous waste determinations on any of the above-referenced solid waste streams.

35. Respondent's failure to perform a hazardous waste determination on the above-referenced solid waste streams, as required by 40 C.F.R. § 262.11 and K.A.R. 28-31-262, is a violation of Section 3001 of RCRA, 42 U.S.C. § 6921.

Count 2

Operating as TSDF Without a RCRA Permit or RCRA Interim Status

36. The facts stated in Paragraphs 23 through 29 above are herein incorporated.

37. Section 3005 of RCRA, 42 U.S.C. § 6925, requires 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.

38. The regulation at 40 C.F.R. § 262.34(a), and as adopted by reference at K.A.R. 28-31-262, provides that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the requirements of 40 C.F.R. § 262.34(a)(1) – (4) are met.

39. At the time of the inspection, and at all times referred to herein, Respondent did not have a permit or interim status to operate a treatment, storage, or disposal of hazardous waste facility and was subject to the requirements of 40 C.F.R. § 262.34(a)(1) – (4), and as adopted by reference at K.A.R. 28-31-262.

Weekly Inspections

40. The regulation at 40 C.F.R. § 262.34(a)(1)(i), and as adopted by reference at K.A.R. 28-31-262, requires that while being accumulated on-site, the hazardous waste must be placed in containers and the generator must comply with the applicable requirements of Subpart I of 40 C.F.R. Part 265. Pursuant to 40 C.F.R. § 265.174, as found in 40 C.F.R. Part 265, Subpart I, the owner or operator must inspect, at least weekly, areas where containers of hazardous waste are stored, looking for leaking containers and for deterioration of containers caused by corrosion or other factors.

41. Information gathered during the inspection revealed that Respondent was not conducting weekly inspections of the hazardous waste storage area at Respondent's Facility.

42. Respondent's failure to conduct weekly inspections pursuant to 40 C.F.R. § 265.174, as required by 40 C.F.R. § 262.34(a)(1)(i) and K.A.R. 28-31-262, is a violation of Section 3005 of RCRA, 42 U.S.C. § 6925.

Training

43. The regulation at 40 C.F.R. § 262.34(a)(4), and as adopted by reference at K.A.R. 28-31-262, requires, in part, that the generator comply with 40 C.F.R. § 265.16. Pursuant to 40 C.F.R. § 265.16, the owner and operator must establish a hazardous waste management training program as provided in 40 C.F.R. § 265.16(a)–(c) and maintain training records as provided in 40 C.F.R. § 265.16 (d) and (e).

44. Information gathered during the inspection revealed that Respondent had not established a hazardous waste management training program and as such was not able to provide the inspector with any records related to hazardous waste management training.

45. Respondent's failure to establish a hazardous waste management training program and maintain training records pursuant to 40 C.F.R. § 265.16, as required by 40 C.F.R. § 262.34(a)(4) and K.A.R. 28-31-262, is a violation of Section 3005 of RCRA, 42 U.S.C. § 6925.

Required Equipment

46. The regulation at 40 C.F.R. § 262.34(a)(4), and as adopted by reference at K.A.R. 28-31-262, requires, in part, that the generator comply with subpart C of 40 C.F.R. Part 265. Pursuant to 40 C.F.R. § 265.32(b), as found in 40 C.F.R. Part 265, Subpart C, all facilities must be equipped with a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams.

47. Information gathered during the inspection revealed that Respondent's Facility was not equipped with a device capable of summoning emergency assistance from local police departments, fire departments, or state or local response teams.

48. Respondent's failure to equip Respondent's Facility with a device capable of summoning emergency assistance from local police departments, fire departments, or state or local response teams

pursuant to 40 C.F.R. § 265.32(b), as required by 40 C.F.R. § 262.34(a)(4) and K.A.R. 28-31-262, is a violation of Section 3005 of RCRA, 42 U.S.C. § 6925.

Arrangements with Local Authorities

49. The regulation at 40 C.F.R. § 262.34(a)(4), and as adopted by reference at K.A.R. 28-31-262, requires, in part, that the generator comply with subpart C of 40 C.F.R. Part 265. Pursuant to 40 C.F.R. § 265.37(a), as found in 40 C.F.R. Part 265, Subpart C, the owner or operator must attempt to make arrangements with local authorities, as appropriate for the type of waste handled at the facility and the potential need for services, to familiarize the authorities with the facility and to coordinate response efforts.

50. Information gathered during the inspection revealed that Respondent had not made arrangements with local authorities to familiarize them with Respondent's Facility and to coordinate response efforts.

51. Respondent's failure to make arrangements with local authorities pursuant to 40 C.F.R. § 265.37(a), as required by 40 C.F.R. § 262.34(a)(4) and K.A.R. 28-31-262, is a violation of Section 3005 of RCRA, 42 U.S.C. § 6925.

Violation

52. Because Respondent failed to comply with the requirements set forth in Paragraphs 36 through 51 above, and as required by 40 C.F.R. § 262.34(a) and K.A.R. 28-31-262, Respondent was not authorized to accumulate hazardous waste at Respondent's 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

Used Oil Requirements

53. The facts stated in Paragraphs 23 through 29 above are herein incorporated.

54. Information gathered during the inspection revealed that Respondent is a "used oil generator," as that term is defined by 40 C.F.R. § 279.1, because Respondent generates used oil from compressor and on-site truck maintenance activities.

Used Oil Storage Containment

55. The regulation at 40 C.F.R. § 279.22(a), and as adopted by reference at K.A.R. 28-31-279, prohibits used oil generators from storing used oil in units other than tanks, containers, or units subject to regulation under 40 C.F.R. Parts 264 or 265.

56. Information gathered during the inspection revealed that Respondent was storing spent and saturated used oil rags on top of spent oil filters.

57. Respondent's failure to store the spent and saturated used oil rags in a tank or container as required by 40 C.F.R. § 279.22(a) and K.A.R. 28-31-279, is a violation of Section 3014 of RCRA, 42 U.S.C. § 6935.

Used Oil Storage Labeling

58. The regulation at 40 C.F.R. § 279.22(c)(1), and as adopted by reference at K.A.R. 28-31-279, requires used oil generators to label or mark clearly containers and above-ground tanks used to store used oil at generator facilities with the words "Used Oil."

59. Information gathered during the inspection revealed that two full 5-gallon containers of used oil at Respondent's Facility were not labeled with the words "Used Oil."

60. Respondent's failure to label containers with the words "Used Oil" as required by 40 C.F.R. § 279.22(c)(1) and K.A.R. 28-31-279, is a violation of Section 3014 of RCRA, 42 U.S.C. § 6935.

Used Oil Fuel Marketers

61. The regulation at 40 C.F.R. § 279.70, and as adopted by reference at K.A.R. 28-31-279, requires any person who directs a shipment of off-specification used oil from their facility to a used oil burner to comply with the requirements of Subpart H, 40 C.F.R. § 279.70 – 279.75, including analysis of the used oil, notification, tracking, and record retention requirements.

62. Information gathered during the inspection revealed that Respondent shipped used oil to a local farmer for burning in an oil burner or furnace without first determining whether the used oil was on-specification. At the time of the inspection, Respondent was unable to provide documentation indicating the used oil met the on-specification requirements listed at 40 C.F.R. § 279.11, nor documentation for tracking shipments of the used oil.

63. Respondent's failure to comply with the Subpart H – Standards for Used Oil Fuel Marketers, as required by 40 C.F.R. § 279.70(a)(1) and K.A.R. 28-31-279, is a violation of Section 3014 of RCRA, 42 U.S.C. § 6935.

Count 4

Recordkeeping and Reporting

64. The facts stated in Paragraphs 23 through 29 above are herein incorporated.

65. The regulation at 40 C.F.R. § 262.40(a), and as adopted by reference at K.A.R. 28-31-262, requires generators to keep a copy of each manifest signed in accordance with 40 C.F.R. § 262.23(a) for three years or until receipt of a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter. The regulation at 40 C.F.R. § 262.23(a) requires the manifest to be signed by the generator and the transporter. The regulation at 40 C.F.R. § 262.42(a)(2) requires a generator of hazardous waste to submit an Exception Report to the EPA Regional Administrator if the generator has not received a copy of the manifest with the handwritten signature of the owner or

operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

66. Information gathered during the inspection revealed that four manifests for shipments of hazardous waste, dated January 4, 2016, March 14, 2016, July 22, 2016, and May 3, 2017, were not signed by the designated facility and Respondent did not submit an Exception Report to the EPA Regional Administrator.

67. Respondent's failure to maintain manifest documentation, as required by 40 C.F.R. § 262.40(a) or file an exception report, as required by 40 C.F.R. § 262.42 and K.A.R. 28-31-262, is a violation of Section 3002 of RCRA, 42 U.S.C. § 6922.

CONSENT AGREEMENT

68. 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.

69. 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.

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

Penalty Payment

71. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of Sixty Thousand Six Hundred Twenty-One Dollars (\$60,621.00), as set forth below.

72. 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 979077
St. Louis, Missouri 63197-9000

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

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

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

Clarissa Howley Mills, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

74. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9(b)(1). Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

Compliance Actions

75. Respondent shall take the following actions according to the terms and conditions identified below.

76. Within one hundred and twenty days (120) of the Effective Date of this Consent Agreement and Final Order, Respondent shall submit a Final Compliance Report to EPA. The Final Report shall include the following information:

- a. For the ninety (90) day period after the Effective Date of this CAFO, a narrative description with supporting documentation, including photographs, to show that all waste streams with corresponding hazardous waste determinations or listings are properly managed and disposed.

77. Respondent shall submit the Final Compliance Report and all supporting documentation to:

Rebecca Wenner
wenner.rebecca@epa.gov
or

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

Effect of Settlement and Reservation of Rights

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

79. 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.

80. Respondent certifies by the signing of this Consent Agreement that it is presently in compliance with all requirements of the RCRA and its implementing regulations.

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

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

General Provisions

83. By signing this Consent Agreement, the undersigned representative of Respondent certifies that he or she is fully authorized to execute and enter into the terms and conditions of this Consent Agreement and has the legal capacity to bind the party he or she represents to this Consent Agreement.

84. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon the filing of the Final Order by the

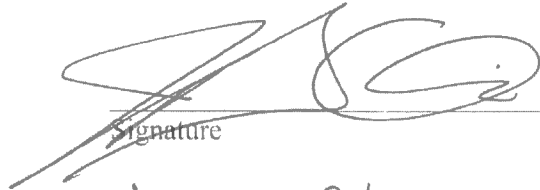
Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

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

86. This Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

**RESPONDENT:
C&R PLATING, INC.**

Date: 9/27/19

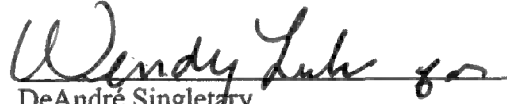

Signature

Jacob Cline
Name

Director Daily Operations
Title

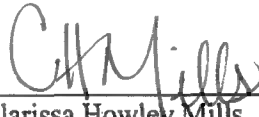
**COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY**

Date: 9/27/19



DeAndré Singletary
Acting Director, Enforcement and Compliance Assurance
Division
U.S. Environmental Protection Agency, Region 7

Date: 09/27/19



Clarissa Howley Mills
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 7

FINAL ORDER

Pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), 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
Karina Borromeo
Regional Judicial Officer

Oct. 1, 2019
Date

CERTIFICATE OF SERVICE

I certify that 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:

mills.clarissa@epa.gov

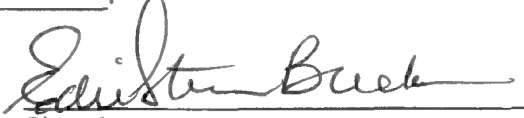
Copy via Email to Respondent's Attorney:

vdittman@shb.com

Copy via Email to the State of Kansas

Julie Coleman, Director (e-copy)
Bureau of Waste Management
Kansas Department of Health and Environment

Dated this 1st day of October, 2019.


Signed
for Lisa Haugen
Region 7 Hearing Clerk