

- 1) The U.S. Environmental Protection Agency (“EPA”) is authorized to enter into this Expedited Settlement Agreement (“Agreement” or “ESA”) pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a), and 40 C.F.R. § 22.13(b).
- 2) The EPA has provided the State of Kansas with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2).
- 3) TCC Materials (“Respondent”) is the owner or operator of the facility located at 636 S. 66th Terrace, Kansas City, Kansas 66111 (“Facility”). The EPA inspected the Facility, on March 25, 2025. As a result of the findings during the inspection and additional investigation, the EPA alleges that Respondent violated the following requirements of the RCRA hazardous waste management program:
 - a. 40 C.F.R. § 262.34(a) – Storing hazardous waste for greater than 90 days.
 - b. 40 C.F.R. § 262.34(a)(2) – Failure to mark the accumulation start date on a hazardous waste storage container.
 - c. 40 C.F.R. § 262.34(a)(3) – Failure to label a hazardous waste storage container with the words “Hazardous Waste.”
 - d. 40 C.F.R. § 265.15(d) – Failure to document two weeks of weekly hazardous waste inspections.
 - e. 40 C.F.R. § 265.53(a) – A copy of the contingency plan and any revisions not maintained at the facility.
 - f. 40 C.F.R. § 265.54 – Failure to immediately amend the contingency plan when there is an applicable change to the facility.
 - g. 40 C.F.R. § 265.173(a) – Failure to close a hazardous waste storage container except when necessary to add or remove waste.
 - h. 40 C.F.R. § 279.22(c) – Failure to clearly label totes of used oil with the words “Used Oil.”

- 4) In determining the amount of the penalty to be assessed, EPA has taken into account the factors specified in Section 3008 of RCRA, 42 U.S.C. § 6928. After considering these factors, EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of ten thousand dollars (\$10,000.00) is in the public interest.
- 5) 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>.


- 6) 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

Milady Peters, Paralegal
peters.milady@epa.gov.
- 7) In signing this Agreement, Respondent: (a) admits that Respondent is subject to RCRA and its implementing regulations; (b) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; and (e) consents to electronic service of the filed ESA to the following email address: jwinters@tccmaterials.com and vdelavegameza@cemstone.com. Respondent understands that the ESA will become publicly available upon filing.
- 8) By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (a) the alleged violations have been corrected, and (b) 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.
- 9) By signing this 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 Expedited Settlement Agreement.

- 10) The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Expedited Settlement Agreement and to execute and legally bind Respondent to it.
- 11) Full payment of the civil penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. The EPA reserves the right to take any enforcement action with respect to any other past, present, or future violations of RCRA or any other applicable law.
- 12) The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.
- 13) Each party shall bear its own costs and fees, if any.
- 14) This Agreement is binding on the parties signing below.

IT IS SO AGREED,

Tim Becken	
_____ Name (print)	
President, COO	
_____ Title (print)	
 _____ Signature	<u>8/11/25</u> _____ Date

APPROVED BY EPA:

David Cozad
Director
Enforcement and Compliance Assurance Division

Date

Christopher Muehlberger, Attorney
Office of Regional Counsel

Date

FINAL ORDER

Pursuant to the authority of 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 Expedited Settlement 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 Expedited Settlement Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Expedited Settlement 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
To be completed by EPA

I certify that that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order, in the matter of TCC Materials, EPA Docket No. RCRA-07-2025-0120, was sent this day in the following manner to the following addressees:

Copy via e-mail to Complainant:

Christopher Muehlberger, Office of Regional Counsel
Muehlberger.christopher@epa.gov

Marc Matthews, Enforcement and Compliance Assurance Division
Matthews.marc@epa.gov

Milady Peters, Office of Regional Counsel
peters.milady@epa.gov

Copy via e-mail to Respondent:

Jerry Winters, Plant Manager
jwinters@tccmaterials.com

Vanessa De La Vega Meza, Senior Environmental Specialist
vdelavegameza@cemstone.com

Joe Dom (*joe.dom@ks.gov*)
Bureau of Waste Management
Kansas Department of Health and Environment

Jeff Walker (*jeff.walker@ks.gov*)
Compliance and Enforcement, Waste Reduction, and Assistance Section
Kansas Department of Health and Environment

Dated this _____ day of _____, _____.

Signed