

**FILED**

**April 8, 2025**

**12:57PM**

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

501501 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

**In the Matter of:** )  
 )  
The Lighthouse for the Blind, )  
 )  
 )  
**Respondent** ) **Docket No. RCRA-07-2025-0015**  
 )  
 )  
\_\_\_\_\_ )

**CONSENT AGREEMENT AND FINAL ORDER**

**PRELIMINARY STATEMENT**

The U.S. Environmental Protection Agency (EPA), Region 7 (“Complainant”) and The Lighthouse for the Blind (“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 The Lighthouse for the Blind is a 501(c) organization 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, 3005, and 3008 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 found at 40 C.F.R. Part 239 through Part 282.

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. 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.

10. 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).

11. The regulation at 40 C.F.R. § 260.10 defines “treatment” as any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amendable for recovery, amendable for storage, or reduced in volume.

12. 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.

13. The regulation at 40 C.F.R. § 260.10 defines “disposal” as the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constitute thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

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

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

16. 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.

17. The regulation at 40 C.F.R. § 260.10 defines “small quantity generator” as a generator who generates less than 1,000 kilograms of hazardous waste in a calendar month.

18. 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).

19. 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.

20. 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.

21. 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

22. Respondent is a 501(c) non-profit organization 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).

23. Respondent owns and operates a liquid and aerosol manufacturing plant located at 8833 Fleischer Place, St. Louis, Missouri 63134 (“facility”). At this facility, Respondent fills, assembles, and packages commercial and government products including but not limited to, liquid and aerosol cleaners, hand soaps, paints, and coatings. Respondent employs approximately 50 people.

24. Respondent notified EPA of its regulated waste activity as a Large Quantity Generator (LQG) of hazardous waste, a Small Quantity Generator (SGQ) of universal waste, and a Used Oil Generator, last notifying on April 17, 2023. Respondent obtained the following RCRA ID number: MOD981712425.

25. On or about July 5-6, 2023, the EPA 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 a used oil generator.

26. 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:

- a. Two white 5-gallon containers in the Distillation Unit secondary containment.
- b. Two black 5-gallon containers in the Distillation Unit secondary containment.
- c. One 1-gallon of liquid material on the concrete floor of the Large Mixing Room.
- d. Absorbent pads in the Large Mixing Room.
- e. Two gray 5-gallon capacity totes in the Large Mixing Room.
- f. One 55-gallon drum described as D001, F002, and F005 hazardous waste solids containing flammable liquid in the Aerosol Filling Room.
- g. One green metal 55-gallon satellite accumulation area drum containing paint related liquid hazardous waste in the Paint Mix Room.

- h. One white metal 55-gallon satellite accumulation area drum containing hazardous waste solvent-contaminated absorbent pads.
- i. One metal 5-gallon satellite accumulation area bucket containing ½-gallon of still bottoms identified as D001, F003, and F005 hazardous waste in the Distillation Unit.
- j. Two 55-gallon satellite accumulation area drums in the Aerosol Filling Room.
- k. Twelve 55-gallon drums in the Finished Product Warehouse.
- l. Eight drums of Waste Aerosols
- m. Four drums of Waste Paint Related Materials.

27. At the time of the inspection, the following used oil containers were present:

- a. Three 55-gallon black metal drums containing compressor used oil and water mixture in the Large Mix Room.
- b. Two metal drums containing compressor used oil and water mixture in the Compressor Room.
- c. One 2-gallon capacity plastic container, containing compressor used oil in the Compressor Room.

28. At the time of the inspection, the following universal waste container was present:

- a. One 5-gallon white polyethylene bucket containing two NiCad scale batteries and two Li-Ion power tool batteries in the facility Maintenance area.

### Violations

29. 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

30. Complainant hereby incorporates the allegations contained in Paragraphs 22 through 28 above, as if fully set forth herein.

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

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

- a. Two white 5-gallon containers in the Distillation Unit secondary

- containment.
- b. Two black 5-gallon containers in the Distillation Unit secondary containment.
- c. One 1-gallon of liquid material on the concrete floor of the Large Mixing Room.
- d. Absorbent pads in the Large Mixing Room.
- e. Two gray 5-gallon capacity totes in the Large Mixing Room.

33. 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.

34. 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. § 261.2, 261.3, and 262.11 by reference.

### Count 2

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

35. Complainant hereby incorporates the allegations contained in Paragraphs 22 through 28 above, as if fully set forth herein.

36. Section 3005 of RCRA, 42 U.S.C. § 6925, Missouri Revised Statutes 260.390.1(1), and the regulations at 40 C.F.R. Part 270 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.

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

#### **Generator Requirements**

##### *Satellite Accumulation*

38. The regulation at 10 C.S.R. 25-5.262(1)(c)(1), which incorporates 40 C.F.R. § 262.34(c)(1) by reference, allows a generator to accumulate as much as fifty-five (55) gallons of hazardous waste or one quart of acutely hazardous waste listed in § 261.33(e) in containers at or near any point of generation where waste initially accumulates, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with § 262.34(a) provided the generator comply with various handling requirements. This type of accumulation is known as "satellite accumulation." Respondent failed to comply with the following conditions:

*Failure to keep hazardous waste satellite accumulation containers closed*

39. The regulation at 10 C.S.R. 25-5.262(1), which incorporates 40 C.F.R. § 265.173(a) by reference, requires a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

40. At the time of the inspection, the following hazardous waste satellite accumulation area containers were open:

- a. Aerosol Filling Room, one 55-gallon drum described as D001, F003, and F005 hazardous waste solids containing flammable liquid;
- b. Paint Mix Room, one green metal 55-gallon drum containing paint related liquid hazardous waste;
- c. Paint Mix Room, one white 55-gallon drum containing hazardous waste solvent-contaminated absorbent pads with grounding clamps attached to the rims; and
- d. Distillation Unit, a metal 5-gallon satellite accumulation area bucket containing still bottoms, managed as D001, F003, and F005 hazardous waste, was observed as not closed.

41. Therefore, the Respondent failed to keep hazardous waste satellite accumulation containers closed in violation of 40 C.F.R. § 265.173(a).

*Failure to move satellite accumulation containers to Less Than 90-day accumulation area within three days of becoming full*

42. At the time of the inspection, the inspector observed two 55-gallon drums. One drum was three-quarters full and the other was full. The full drum had an accumulation start date of June 14, 2023; and the three-quarter full drum had an accumulation start date of June 21, 2023.

43. At the time of the inspection, on July 5, 2023, the start date on the second drum would have been the date of the first drum became full and would need to be moved to the 90-day area on June 24. Therefore, the container was out of compliance for 11 days in violation of 40 C.F.R. § 262.34(c).

*Failure to label satellite accumulation containers*

44. The regulation at 10 C.S.R. 25-5.262 (1), which incorporates 40 C.F.R. § 262.34(c)(1)(ii) by reference, states a generator must mark its containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.

45. At the time of the inspection, the inspector observed the following:

- a. One green metal 55-gallon drum from the Paint Mix Room containing paint related liquid hazardous waste that did not have a label with the words “Hazardous Waste”; and

- b. One metal 5-gallon bucket of still bottoms from the Distillation Unit that did not have a label with the words "Hazardous Waste."

46. Therefore, the Respondent failed to label satellite accumulation containers in violation of 40 C.F.R § 262.34(c)(1)(ii).

*Failure to conduct weekly inspections*

47. The regulation at 10 C.S.R. 25-5.262 (1), which incorporates 40 C.F.R. § 265.174, requires least weekly, the owner or operator must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See § 265.171 for remedial action required if deterioration or leaks are detected.

48. The Respondent conducted approximately 115 inspections in the last three years. Three years of inspections would require 156-weekly inspections conducted. Therefore, the Respondent failed to conduct weekly inspections in violation of 40 C.F.R. § 265.174.

*Failure to label Less Than 90-day Accumulation Area with Accumulation start dates and the words "Hazardous Waste"*

49. The regulation at 10 C.S.R. 25-5.262(1), which incorporates 40 C.F.R. § 262.34(a)(2) and (3), require the generator to mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating and label the container with the words "Hazardous Waste."

50. At the time of the inspection, the inspector observed the following drums without accumulation start dates or the words "Hazardous Waste":

- a. Twelve 55-gallon drums located in less than 90-day accumulation area, within the southwest corner of the Finished Product Warehouse;
- b. Eight drums of Waste Aerosols; and
- c. Four drums of Waste Paint related material (i.e., Paint, Mineral Spirits, Acetone, and Toluene).

51. Therefore, the Respondent failed to label less than 90-day accumulation area with accumulation start dates and the words "Hazardous Waste" in violation of 40 C.F.R § 262.34(a)(2) and (3).

*Failure to provide annual training*

52. The regulation at 10 C.S.R. 25-5.262(1), which incorporates 40 C.F.R. § 265.16(c), requires facility personnel to take part in an annual review of the initial training.

53. At the time of the inspection, there were no records of annual training for the past three years.

54. Therefore, the Respondent failed to provide annual training in violation of 40 C.F.R. § 265.16(c).

*Failure to update contingency plan*

55. The regulation at 10 C.S.R. 25-5.262(1), which incorporates 40 C.F.R. § 265.152(d), the contingency plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator, and others must be listed in the order in which they will assume responsibility as alternates.

56. At the time of the inspection, Mike Schaub was listed as the Alternate Incident Commander and Emergency Response Team Specialist. However, the facility representative stated that Tonia Walters replaced Mr. Schaub as an Alternate Incident Commander. Mr. Schaub's employment with the Respondent ended in October of 2021.

57. Therefore, the Respondent failed to update its contingency plan in violation of 40 C.F.R. § 265.152.

*Failure to label a container with an indication of the hazard class*

58. The regulation at 10 C.S.R. 25-5.262(1), which incorporates 40 C.F.R. § 262.15(a)(5)(ii) requires an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).

59. At the time of the inspection, the inspector observed one 5-gallon satellite accumulation area bucket containing still bottoms, in the Distillation Unit, that was not labeled with an indication of the hazard class.

60. Therefore, the Respondent failed to label a container with an indication of the hazard class in violation of 40 C.F.R. § 265.15(a)(5)(ii).

*Failure to mark a container with the beginning date of Satellite Accumulation*

61. The regulation at 10 C.S.R. 25-5.262(1), which incorporates 40 C.F.R. § 262.15(a)(6)(iii) requires during the three-consecutive-calendar-day period the generator must continue to comply with paragraphs (a)(1) through (5) of this section. The generator must mark or label the container(s) holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

62. At the time of the inspection, the inspector observed one 5-gallon satellite accumulation area bucket containing still bottoms not labeled with the satellite accumulation start date. Therefore, the Respondent failed to mark a container with the beginning date of satellite accumulation is in violation of 40 C.F.R. § 265.15(a)(6)(iii).

63. Because Respondent failed to comply with the generator requirements set forth above, Respondent was not authorized to store hazardous waste at the 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**

64. Complainant hereby incorporates the allegations contained in Paragraphs 22 through 28 above, as if fully set forth herein.

#### *Failure to date universal waste containers*

65. The regulation at 10 C.S.R. 25-5.262(1), which incorporates 40 C.F.R. 40 C.F.R. § 273.15(c)(1) requires small quantity handlers of universal waste to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

66. At the time of the inspection, Respondent failed to label the following containers with the earliest date that any universal waste in the container became a waste or was received:

- a. One 5-gallon white polyethylene bucket containing two NiCad scale batteries and two Li-Ion power tool batteries in the facility Maintenance area.

67. Respondent's failure to label the universal waste containers described above with the earliest date that any universal waste in the container became a waste or was received is a violation of 40 C.F.R. § 273.15(c)(1).

### **Count 4**

#### **Failure to Comply with Used Oil Regulations**

68. Complainant hereby incorporates the allegations contained in Paragraphs 22 through 28 above, as if fully set forth herein.

#### *Failure to label used oil containers*

69. The regulation at 10 C.S.R. 25-5.262(1), which incorporates 40 C.F.R. § 279.22(c)(1) require used oil generators to label or clearly mark containers and above ground tanks used to store used oil at generator facilities with the words "Used Oil."

70. At the time of the inspection, Respondent failed to label or clearly mark the following used oil containers:

- a. Three 55-gallon black metal drums containing compressor used oil and water mixture in the Large Mix Room;
- b. Two metal drums containing compressor used oil and water in the Compressor Room; and
- c. One 2-gallon capacity plastic container containing compressor used oil in the Compressor Room.

71. Respondent's failure to label the containers of used oil described above is a violation of 40 C.F.R. § 279.22(c)(1).

### CONSENT AGREEMENT

72. 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.

73. 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.

74. 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.

75. Respondent and EPA agree to the terms of this Consent Agreement and Final

Order and Respondent agrees to comply with the terms specified herein.

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

77. Respondent consents to receiving an electronic copy of the filed Consent Agreement and Final Order at the following email address: [ccruse@lhbindustries.com](mailto:ccruse@lhbindustries.com).

### Penalty Payment

78. Respondent agrees that, in settlement of the claims alleged herein, shall pay a mitigated civil penalty of One Hundred Fifty-Four Thousand and Sixty Dollars (\$154,060), as set forth below.

79. 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>,

80. 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](mailto:R7_Hearing_Clerk_Filings@epa.gov); and

Anna Landis, Attorney  
[landis.anna@epa.gov](mailto:landis.anna@epa.gov).

81. 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).

82. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements) that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Center at [weidner.lori@epa.gov](mailto:weidner.lori@epa.gov) within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the Effective Date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall notify EPA of this fact within 30 days after the Effective Date of this Consent Agreement and Final Order, and email EPA with Respondent’s TIN within 5 days of Respondent’s issuance and receipt of the TIN.

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

83. 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.

84. 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.

85. 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.

86. 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.

87. 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.

88. 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.

89. 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.

90. 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.

#### **General Provisions**

91. 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.

92. 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.

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

94. 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.

95. 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.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Anna Landis  
Office of Regional Counsel

RESPONDENT:

Clint A. Cruse  
Vice President, Operations/COO  
The Lighthouse for the Blind  
8833 Fleischer Place  
St. Louis, Missouri 63134  
[ccruse@lhindustries.com](mailto:ccruse@lhindustries.com)

3/27/2025  
Date

  
Signature

Clint A. Cruse  
Printed Name

Vice President / Chief Operating Officer  
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 Borrromeo  
Regional Judicial Officer

\_\_\_\_\_  
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:

Anna Landis  
Office of Regional Counsel  
[landis.anna@epa.gov](mailto:landis.anna@epa.gov)

Marc Matthews  
Enforcement and Compliance Assurance Division  
[matthews.marc@epa.gov](mailto:matthews.marc@epa.gov)

Carrie Venerable  
Office of Regional Counsel  
[venerable.carrie@epa.gov](mailto:venerable.carrie@epa.gov)

Copy via Email to Respondent:

Clint A. Cruse  
Vice President, Operations/COO  
The Lighthouse for the Blind  
8833 Fleischer Place  
St. Louis, Missouri 63134  
[ccruse@lhbindustries.com](mailto:ccruse@lhbindustries.com)

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

\_\_\_\_\_  
Signed

Copy delivered to the State of Missouri:

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