

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

Received by  
EPA Region 7  
Hearing Clerk

**In the Matter of:** )  
 )  
United Industries Corporation, d/b/a ) **Docket No. RCRA-07-2021-0042**  
Chemsico, Inc., )  
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 )  
**Respondent.** )  
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**CONSENT AGREEMENT AND FINAL ORDER**

**PRELIMINARY STATEMENT**

The U.S. Environmental Protection Agency (EPA), Region 7 (“Complainant”) and United Industries Corporation, d/b/a Chemsico, Inc. (“Respondent”) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 Code of Federal Regulations (“C.F.R.”) §§ 22.13(b) and 22.18(b)(2).

**ALLEGATIONS**

**Jurisdiction**

1. This administrative action is being conducted pursuant to Sections 3008(a) and (g) 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 (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 violated Section 3005 of RCRA, 42 U.S.C § 6925, Missouri Revised Statute 260.390, and the regulations promulgated thereunder.

**Parties**

3. Complainant is the Chief of the Chemical Branch, Enforcement and Compliance Assurance Division, Region 7, as duly delegated by the Administrator of EPA.
4. Respondent is United Industries Corporation, d/b/a Chemsico, Inc., a corporation

incorporated in the state of Delaware and authorized to operate in the state of Missouri.

### **Statutory and Regulatory Framework**

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 EPA with the authorities found in Sections 3001, 3002 and 3005 of RCRA, 42 U.S.C. §§ 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.

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 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.

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

11. The regulation at 40 C.F.R. § 260.10 defines “operator” as the person responsible for the overall operation of a facility.

12. The regulation at 40 C.F.R. § 260.10 defines “owner” as the person who owns a facility or part of a facility.

13. 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).

14. 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.

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. 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 constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

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

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

19. 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.

20. 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).

21. The regulation at 40 C.F.R § 262.34(a)(1)(ii) requires a generator accumulating hazardous waste in tanks to comply with, in pertinent part the applicable requirements of subparts J, AA, BB, and CC of 40 CFR part 265 except §§265.197(c) and 265.200.

22. The regulation at 40 C.F.R. § 260.10 defines “tank” as a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials which provide structural support.

23. The regulation at 40 C.F.R. § 260.10 defines “tank system” to include a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

24. The regulation at 40 C.F.R. 265.1081 defines “fixed roof” as a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the material managed in the unit.

25. 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. When EPA determines that any person has violated or is in violation of any RCRA requirement, 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 pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

26. 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 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 \$76,764 for violations that occur after November 2, 2015, and for which penalties are assessed on or after December 23, 2020. 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), the Complainant and Respondent agree to the payment of a civil penalty pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), 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**

27. Respondent is a corporation 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).

28. Respondent operates a facility located at 8464 Chapin Industrial Drive, Vinita Park, Missouri. Respondent is a supplier of pest control products, and its operations involve the formulation, manufacturing, and packaging of products such as herbicides, plant food, pesticides, cleaners, and pest repellants for the consumer market.

29. On or about August 18, 1980, Respondent notified EPA, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, as a Large Quantity Generator (“LQG”) of hazardous waste pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930.

30. On or about July 10, 2018, EPA inspectors 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 LQG of hazardous waste, a Small Quantity Handler of universal waste, and a used oil generator.

31. At the time of the inspection, or within a month prior thereto, 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. Rinsate that was D016 listed hazardous waste contained in a tank in Plant 1 (“Tank W-8”);
- b. Rinsate that was D016 listed hazardous waste contained in a tank in Plant 1 (“Tank W-3”); and
- c. Rinsate that was D016 listed hazardous waste contained in a tank in Plant 1 (“Tank W-6”).

32. At all times relevant herein, Tanks W-3, W-6, and W-8 were all subject to Tank level 1 controls pursuant to 40 C.F.R. §§ 265.1085(b) and (c).

33. Respondent has been assigned the following EPA RCRA ID Number: MOD068527704.

### **Violations**

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

#### **Count 1**

#### **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 27 through 33 above, as if fully set forth herein.

36. Section 3005 of RCRA, 42 U.S.C. § 6925, Missouri Revised Statute 260.390.1(1), and the Missouri regulations at 10 C.S.R. 25-7.270 incorporating by reference 40 C.F.R. § 270.1(b), require each person owning or operating a facility for the treatment, storage, or disposal of a hazardous waste identified or listed under Subchapter C of RCRA to have a permit or interim status for such activities.

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

### **Generator Requirements**

38. The regulations at 40 C.F.R. § 262.34(a), incorporated by reference in the State of Missouri's regulations at 10 C.S.R. 25-5.262, state that an LQG may accumulate hazardous waste on-site for ninety (90) days or less without a permit or without interim status, provided the conditions listed in 40 C.F.R. § 262.34(a)(1)-(4) are met. If a generator fails to comply with any of these conditions, the generator is not allowed to accumulate hazardous waste at their facility for any length of time. Respondent failed to comply with the following conditions:

#### *Failure to operate secondary containment free of cracks and gaps for Tank W-8*

39. In order to be conditionally exempt from the hazardous waste storage permitting and operating requirements, the regulations at 40 C.F.R. § 262.34(a)(1)(ii), incorporated by reference at 10 C.S.R. 25-5.262(1), require that a generator comply with the applicable requirements of Subpart J of 40 C.F.R. Part 265.

40. Pursuant to 40 C.F.R. § 265.193(e)(1)(iii), as found in 40 C.F.R. Part 265, Subpart J, an owner or operator that uses tank systems for storing or treating hazardous waste must ensure that all such tanks have secondary containment free of gaps and cracks.

41. The inspection revealed that the secondary containment system for Plant 1 (which housed Tank W-8), the concrete floor, had a crack several feet in length, and therefore the secondary containment system was not free of cracks and gaps. Testing conducted by Respondent at the request of and under the direction of Complainant indicated that hazardous waste did not penetrate through the crack to soils beneath Plant 1.

#### *Failure to conduct daily inspections of Tank W-8*

42. Pursuant to 40 C.F.R. § 265.195(b), as found in 40 C.F.R. Part 265, Subpart J, an owner or operator that uses tank systems for storing or treating hazardous waste must inspect, at least once each operating day, above ground portions of the tank system to detect corrosion or releases of waste.

43. At and before the time of the inspection, Respondent's personnel were unable to access portions of the back side of Tank W-8, due to the way the tank was situated within Plant 1, and therefore Respondent was unable to fully inspect that portion of the tank daily.

#### *Failure to document daily tank inspections*

44. Pursuant to 40 C.F.R. § 265.195(g), as found in 40 C.F.R. Part 265, Subpart J, an owner or operator that uses tank systems for storing or treating hazardous waste must document in the operating record of the daily tank inspections required under 40 C.F.R §§ 265.195(a) and (b).

45. At the time of inspection, Respondent was unable to provide documentation of daily tank inspections on at least 9 days in 2018.

*Failure to mark equipment*

46. In order to be conditionally exempt from the hazardous waste storage permitting and operating requirements, the regulations at 40 C.F.R. § 262.34(a)(1)(ii), incorporated by reference at 10 C.S.R. 25-5.262(1), require that a generator comply with the applicable requirements of Subpart BB of 40 C.F.R. Part 265.

47. Pursuant to 40 C.F.R. § 265.1050(c), as found in 40 C.F.R. Part 265, Subpart BB, an owner or operator of a facility that uses equipment that contains or contacts hazardous waste with organic concentrations of at least 10 percent by weight must mark each piece of equipment to which Subpart BB applies in such a manner that it can be distinguished readily from other pieces of equipment.

48. At and before the time of the inspection, Respondent used equipment such as pumps, valves, and connectors that contained or contacted hazardous waste with organic concentrations of at least 10 percent by weight to fill and empty the tanks in Plants 1 and 2. Respondent did not mark such equipment in such a manner that it can be easily distinguished readily from other pieces of equipment.

*Failure to keep records to determine exemptions under 40 C.F.R. Part 265, Subpart BB*

49. Pursuant to 40 C.F.R. § 265.1064(k)(3) as found in 40 C.F.R. Part 265, Subpart BB, an owner or operator of a facility that uses equipment that contains or contacts hazardous waste with organic concentrations of at least 10 percent by weight must record in its operating log an up-to-date analysis and the supporting information and data used to determine whether the equipment is subject to the requirements of 40 C.F.R. §§ 265.1052 through 265.1060, or whether it is exempt from such requirements pursuant to 40 C.F.R. § 265.1050(e).

50. At and before the time of the inspection, Respondent used equipment such as pumps, valves, and connectors that contained or contacted hazardous waste with organic concentrations of at least 10 percent by weight to fill and empty the tanks in Plants 1 and 2. Respondent failed to keep records documenting whether such equipment is subject to the requirements of 40 C.F.R. §§ 265.1052 through 265.1060, or whether it is exempt from such requirements pursuant to 40 C.F.R. § 265.1050(e).

*Failure to equip Tank W-8 with a fixed roof*

51. In order to be conditionally exempt from the hazardous waste storage permitting and operating requirements, the regulations at 40 C.F.R. § 262.34(a)(1)(ii), incorporated by reference at 10 C.S.R. 25-5.262(1), require that a generator comply with the applicable requirements of Subpart CC of 40 C.F.R. Part 265.

52. Pursuant to 40 C.F.R. §§ 265.1085(c)(2)(i) and (ii), as found in 40 C.F.R. Part 265, Subpart CC, owners and operators of facilities that use tanks subject to either subpart I, J, or K and control emissions from a tank using Tank Level 1 controls shall ensure the tank is equipped with a fixed roof designed to meet the following specifications:

- a. The fixed roof and its closure devices shall be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank; and
- b. The fixed roof shall be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.

53. At and before the time of the inspection, Tanks W-3, W-4, and W-8 each had holes on the top where pipes entered with diameters smaller than the diameters of the holes in the tank, thereby potentially allowing vapors to pass through the gap between the pipes and holes when material was added or removed from the tanks.

54. Because Respondent failed to comply with the conditions for exemption from hazardous waste storage permitting and operating requirements as set forth in Paragraphs 34 through 53 above, Respondent was not authorized to store hazardous waste at the facility, and therefore was operating a hazardous waste storage facility without a permit in violation of Section 3005 of RCRA, 42 U.S.C. § 6925, and Missouri Revised Statute 260.390.

### **CONSENT AGREEMENT**

55. 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.

56. 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.

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



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

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

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

### **Penalty Payment**

60. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of Ninety-Five Thousand Dollars (\$95,000).

61. 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>.

62. 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

Britt Bieri, Attorney  
[bieri.britt@epa.gov](mailto:bieri.britt@epa.gov).

63. 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).

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

64. 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. Upon payment of the penalty as specified in Paragraphs 60-61, Respondent is fully released from liability for federal civil penalties for the violations alleged herein and this Consent Agreement shall be deemed to have been satisfied.

65. The effect of the release and 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.

66. 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.

67. 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.

68. 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 Sixty One Thousand Eight Hundred Twenty Dollars (\$61,820) 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.

69. 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.

70. 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.

71. Nothing contained in the Final Order portion of 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**

72. 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.

73. 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.

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

75. 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.

76. 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.

77. The provisions of this Consent Agreement and Final Order shall be deemed satisfied upon payment by Respondent of the penalty in accordance with Paragraphs 60-61.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

\_\_\_\_\_  
Date

\_\_\_\_\_  
Candace Bednar  
Chemical Branch Chief  
Enforcement and Compliance Assurance Division

\_\_\_\_\_  
Date

\_\_\_\_\_  
Britt Bieri  
Office of Regional Counsel

RESPONDENT:

United Industries Corporation d/b/a Chemsico, Inc.

06/16/2021  
Date

  
Signature

Stephen Keller  
Printed Name

VP, Operations  
Title

**FINAL ORDER**

Pursuant to Sections 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  
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:

*bieri.britt@epa.gov*

Copy via Email to Respondent's Attorney:

*jokeefe@atllp.com*

Copy via Email to the State of Missouri:

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

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

Nicole Eby, Unit Chief (e-copy)  
Waste Management Program  
Missouri Department of Natural Resources  
*nicole.eby@dnr.mo.gov*

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

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Signed