



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 5
 77 WEST JACKSON BOULEVARD
 CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Advanced Concrete, Inc.
 c/o P. Duncan Moss
 One East Main Street, Suite 500
 P.O. Box 2719
 Madison, Wisconsin 53701

Re: Advanced Concrete, Inc., Waunakee, Wisconsin
 Consent Agreement and Final Order – Docket No: **EPCRA-05-2012-0027**

Dear Mr. Moss:

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on **AUG 08 2012**.

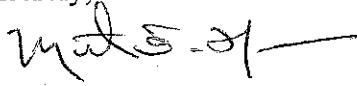
Please pay the EPCRA civil penalty in the amount of \$16,594 in the manner prescribed in paragraphs 53 and 54, and reference each check with the number BD 2751264E002 and docket number **EPCRA-05-2012-0027**. Your payments are due:

- Installment 1 (within 30 days of the effective date of the CAFO) SEP 07 2012
- Installment 2 (within 90 days of the effective date of the CAFO) NOV 06 2012
- Installment 3 (within 180 days of the effective date of the CAFO) JAN 07 2013

Please feel free to contact Ruth McNamara at (312) 353-3193 if you have any questions regarding the enclosed documents. Please direct any legal questions to Robert Peachey, Assistant Regional Counsel, at (312) 353-4510.

Thank you for your assistance in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "m.e. hans", followed by a horizontal line extending to the right.

Michael E. Hans, Chief
Chemical Emergency Preparedness
and Prevention Section

Enclosure

cc: Ian Ewusi-Wilson
Indiana State Emergency Response Commission

RECEIVED

AUG - 8 2012

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)
)
Advanced Concrete, Inc.)
Waunakee, Wisconsin)
Respondent.)
_____)
)

Docket No. EPCRA-05-2012-0027
Proceeding to Assess a Civil Penalty
Under Section 325(c)(1) of the Emergency
Planning and Community Right-to-Know
Act of 1986, 42 U.S.C. § 11045(c)(1)

Consent Agreement and Final Order
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 325(c)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c)(1), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.
2. The Complainant is, by lawful delegation, the Chief of the Enforcement and Compliance Assurance Branch, United States Environmental Protection Agency (U.S. EPA), Region 5.
3. Respondent is Advanced Concrete, Inc. a corporation doing business in the State of Wisconsin.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the

issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

9. Respondent certifies that it is complying with Section 312 of EPCRA, 42 U.S.C. § 11022.

Statutory and Regulatory Background

10. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370 require the owner or operator of a facility, which is required by the Occupational Safety and Health Act (OSHA) to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical, to prepare and submit to the state emergency response commission (SERC), community emergency coordinator for the local emergency planning committee (LEPC) and fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter on March 1, an emergency and hazardous chemical inventory form (Tier I or Tier II as described in 40 C.F.R. Part 370). The form must contain the information required by Section 312(d) of EPCRA, covering all hazardous chemicals present at the facility at any one

time during the preceding year in amounts equal to or exceeding 10,000 pounds and all extremely hazardous chemicals present at the facility at any one time in amounts equal to or greater than 500 pounds or the threshold planning quantity designated by U.S. EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

11. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), assists state and local committees in planning for emergencies and makes information on chemical presence and hazards available to the public. A delay in reporting could result in harm to human health and the environment.

12. Under 29 C.F.R. § 1910.1200(b)(1), all employers are required to provide information to their employees about the hazardous chemicals to which they are exposed including, but not limited to, MSDS.

13. Under 29 C.F.R. § 1910.1200(d)(3), chemicals listed in 29 C.F.R. Part 1910, Subpart Z are hazardous.

14. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 for each EPCRA Section 312 violation. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty for period of violation to \$32,500 per day of violation for violations that occurred after March 15, 2004 through January 12, 2009 and to \$37,500 per day of violation for violations that occurred after January 12, 2009.

Factual Allegations and Alleged Violations

15. Respondent is a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

16. At all times relevant to this CAFO, Respondent was an owner or operator of the

facility located at 6075 County Road K, Waunakee, Wisconsin (facility).

17. At all times relevant to this CAFO, Respondent was an employer at the facility.

18. Respondent's facility consists of buildings, equipment, structures and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person.

19. Respondent's facility is a "facility" as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

20. Portland Cement CAS# 65997-15-1 is listed as a toxic and hazardous substance under OSHA regulations at 29 C.F.R. Part 1910, Subpart Z, and 29 C.F.R. § 1910.1000, Table Z-1.

21. Portland Cement CAS# 65997-15-1 is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

22. Portland Cement has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

23. Sand CAS# 14808-60-7 is listed as a toxic and hazardous substance under OSHA regulations at 29 C.F.R. Part 1910, Subpart Z, and 29 C.F.R. § 1910.1000, Table Z-1. Sand is a granular solid that is tasteless and odorless. Sand contains crystalline silica, which is a known human carcinogen. Sand can cause damage to the lungs and upper respiratory tract, and may cause silicosis, a form of lung scarring that can cause shortness of breath and reduced lung function.

24. Sand CAS# 14808-60-7 is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

25. Sand has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

26. Slag CAS# 65996-69-2 is a solid, grey/black or brown/tan, odorless powder, formed when molten blast furnace slag is rapidly chilled. It is then pulverized. Exposure to the material may cause irritation to the skin and eyes. This material may cause dry skin, discomfort, irritation, and dermatitis of the skin. Breathing in this material may cause nose, throat, or lung irritation, including choking. Prolonged or repeated inhalation of this material may cause silicosis, a seriously disabling and fatal lung disease. Although this material is not listed as a carcinogen, it does contain crystalline silica, a known human carcinogen.

27. Slag CAS# 65996-69-2 is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

28. Slag has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

29. Fly Ash CAS# 68131-74-8 is a byproduct of the combustion of coal. Fly Ash may cause eye, skin, and inhalation irritation. Breathing dust may cause nose, throat or lung irritation, including choking. This product also contains crystalline silica. Prolonged or repeated inhalation of respirable crystalline silica from this product can cause silicosis, a seriously disabling and fatal lung disease. In addition, crystalline silica is a known human carcinogen. Exposure to respirable crystalline silica may be associated with the increased incidence of several auto immune disorders such as scleroderma, systemic lupus erythematosus, rheumatoid arthritis and diseases affecting the kidneys.

30. Fly Ash CAS# 68131-74-8 is a “hazardous chemical” within the meaning of

Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

31. Fly Ash has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

32. During at least one period of time in calendar year 2006, Portland Cement, sand, slag, and fly ash were present at the facility in an amount equal to or greater than the minimum threshold level.

33. During at least one period of time in calendar year 2007, Portland Cement, sand, slag, and fly ash were present at the facility in an amount equal to or greater than the minimum threshold level.

34. During at least one period of time in calendar year 2008, Portland Cement, sand, slag, and fly ash were present at the facility in an amount equal to or greater than the minimum threshold level.

35. OSHA requires Respondent to prepare, or have available, an MSDS for Portland Cement, sand, slag, and fly ash.

36. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC, and fire department with jurisdiction over the facility on or before March 1, 2007 a completed emergency and hazardous chemical inventory form including Portland Cement, sand, slag, and fly ash for calendar year 2006.

37. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC, and fire department with jurisdiction over the facility on or before March 1, 2008, a completed emergency and hazardous chemical inventory form including Portland Cement, sand, slag, and fly ash, for calendar year 2007.

38. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC, and fire department with jurisdiction over the facility on or before March 1, 2009, a completed emergency and hazardous chemical inventory form including Portland cement, sand, slag, and fly ash, for calendar year 2008.

39. At all times relevant to this Complaint, the Wisconsin State Emergency Response Commission was the SERC for Wisconsin under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

40. At all times relevant to this Complaint the Dane County Local Emergency Planning Committee was the LEPC for Dane County under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

41. At all times relevant to this Complaint, the Middleton Fire Department was the fire department with jurisdiction over the facility.

42. Respondent submitted to the SERC, LEPC, and fire department with jurisdiction over the facility a completed Emergency and Hazardous Chemical Inventory Form including Portland Cement, sand, slag, and fly ash on July 23, 2009, for calendar year 2006.

43. Each day Respondent failed to submit to the SERC, LEPC, and fire department with jurisdiction over the facility a completed Emergency and Hazardous Chemical Inventory Form including Portland Cement, sand, slag, and fly ash by March 1, 2007 for calendar year 2006 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

44. Respondent submitted to the SERC, LEPC, and fire department with jurisdiction over the facility a completed Emergency and Hazardous Chemical Inventory Form including Portland Cement, sand, slag, and fly ash on July 23, 2009, for calendar year 2007.

45. Each day Respondent failed to submit to the SERC, LEPC, and fire department with jurisdiction over the facility a completed Emergency and Hazardous Chemical Inventory Form including Portland Cement, sand, slag, and fly ash by March 1, 2008 for calendar year 2007 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

46. Respondent submitted to the SERC a completed Emergency and Hazardous Chemical Inventory Form including Portland Cement, sand, slag, and fly ash on July 23, 2009, for calendar year 2008.

47. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including Portland Cement, sand, slag, and fly ash by March 1, 2009 for calendar year 2008 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

48. Respondent submitted to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including Portland cement, sand, slag, and fly ash on July 23, 2009, for calendar year 2008.

49. Each day Respondent failed to submit to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including Portland cement, sand, slag, and fly ash by March 1, 2009 for calendar year 2008 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

50. Respondent submitted to the fire department with jurisdiction over the facility a completed Emergency and Hazardous Chemical Inventory Form including Portland Cement, sand, slag, and fly ash on July 23, 2009, for calendar year 2008.

51. Each day Respondent failed to submit to the fire department with jurisdiction over

the facility a completed Emergency and Hazardous Chemical Inventory Form including Portland Cement, sand, slag, and fly ash by March 1, 2009 for calendar year 2008 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

Civil Penalty

52. Complainant has determined that an appropriate civil penalty to settle this action is \$16,594. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, Respondent's agreement to perform a supplemental environmental project, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violations and any other matters as justice may require. Complainant also considered U.S. EPA's Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy).

53. Respondent must pay a \$16,594 civil penalty in three (3) installments with interest as follows: \$5,531.34 within thirty (30) days of the effective date of this CAFO; \$5,549.77 within ninety (90) days of the effective date of this CAFO; and \$5,545.16 within one-hundred and eighty (180) days of the effective date of this CAFO. For each installment, Respondent must send a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

The check must note the following: In the Matter of Advanced Concrete, Inc., the docket number of this CAFO and the billing document number 27512645002⁰².

54. For each installment in paragraph 53, Respondent must send a transmittal letter, stating Respondent's name, the case title, Respondent's complete address, the case docket number and the billing document number. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk, (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Ruth McNamara, (SC-5J)
Chemical Emergency Preparedness
and Prevention Section
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Robert Peachey, (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

55. This civil penalty is not deductible for federal tax purposes.

56. If Respondent does not timely pay the civil penalty, or any stipulated penalties due under paragraph 68, below, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

57. Pursuant to 31 C.F.R. §901.9, Respondent must pay the following on any amount

overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

Supplemental Environmental Project

58. Respondent must complete a supplemental environmental project (SEP) designed to protect the environment and public health by installing a concrete slab to cover a 7,200 square foot area of driveway at its Waunakee, Wisconsin facility, thereby reducing emissions of particulate matter.

59. Respondent must complete the SEP by installing a concrete slab on the 7,200 square foot driveway by no later than December 31, 2012. Respondent will pave the driveway, the most heavily used area in Respondent's yard. This project is expected to mitigate a dust problem experienced during the heavy traffic months in Wisconsin's construction season and to make emergency access to the maintenance facilities at Advanced Concrete, Inc. easier and safer.

60. Respondent must spend at least \$39,600 to complete paving the driveway.

61. Respondent certifies as follows:

I certify that Advanced Concrete, Inc. is not required to perform or develop the SEP by any law, regulation, order, or agreement or as injunctive relief as of the date that I am signing this CAFO. I further certify that Advanced Concrete, Inc. has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

I certify that Advanced Concrete, Inc. is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. I further certify that, to the best of my knowledge

and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to U.S. EPA within two years of the date that I am signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

62. U.S. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

63. Respondent must submit a SEP completion report to U.S. EPA by December 31, 2012. This report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders or canceled checks that specifically identify and itemize the individual costs of the goods and services; costs itemized must show that no profit was obtained by Respondent in any sale of concrete materials to third-party contractors hired to complete the SEP;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

64. Respondent must submit the SEP Completion Report required by this CAFO by first class mail to Ruth McNamara of the Chemical Emergency Preparedness and Prevention Section at the address specified in paragraph 54, above.

65. In each report that Respondent submits as provided by this CAFO, it must certify

that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

66. Following receipt of the SEP completion report described in paragraph 63, above, U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 68.

67. If U.S. EPA exercises option b, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 68, below.

68. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to the requirements of this CAFO, Respondent must pay a penalty of \$39,600.

- b. If Respondent did not complete the SEP satisfactorily, but U.S. EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent at least \$35,640 (90 percent of the amount set forth in paragraph 60), Respondent will not be liable for any stipulated penalty under subparagraph a, above.
- c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 60, Respondent must pay a penalty of the difference between what was actually spent and \$35,640.
- d. If Respondent did not submit timely the SEP completion report, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

| <u>Penalty Per Violation Per Day</u> | <u>Period of Violation</u> |
|--------------------------------------|----------------------------|
| \$200 | 1st through 14th day |
| \$400 | 15th through 30th day |
| \$600 | 31st day and beyond |

69. U.S. EPA's determinations of whether Respondent completed the SEP satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

70. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraphs 53-54, above, and will pay interest, handling charges and nonpayment penalties on any overdue amounts.

71. Any public statement that Respondent makes referring to the SEP must include the following language, "Respondent undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Respondent for violations of EPCRA Section 312."

72. Nothing in this CAFO is intended to nor will be construed to constitute U.S. EPA approval of the equipment or technology installed by Respondent in connection with the SEP

under the terms of this CAFO.

73. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

General Provisions

74. This CAFO only resolves Respondent's liability for federal civil penalties for the violations and facts alleged in the CAFO.

75. This CAFO does not affect the rights of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

76. Respondent certifies that it is complying with Section 312 of EPCRA, 42 U.S.C. § 11022.

77. This CAFO does not affect Respondent's responsibility to comply with EPCRA and CERCLA and other applicable federal, state and local laws and regulations.

78. This CAFO is a "final order" for purposes of U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

79. The terms of this CAFO bind Respondent and its successors and assigns.

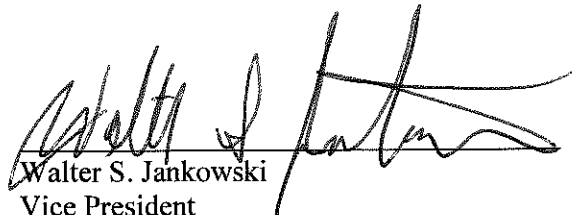
80. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

81. Each party agrees to bear its own costs and attorney's fees in this action.

82. This CAFO constitutes the entire agreement between the parties.

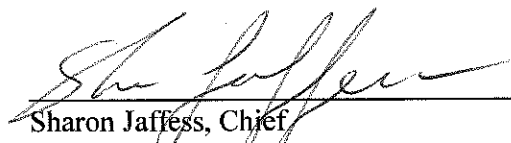
Advanced Concrete, Inc., Respondent

7/13/2012
Date

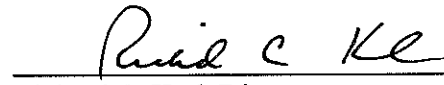

Walter S. Jankowski
Vice President
Advanced Concrete, Inc.

U.S. Environmental Protection Agency, Complainant

8/1/2012
Date


Sharon Jaffess, Chief
Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5

8-3-12
Date


Richard C. Karl, Director
Superfund Division
U.S. Environmental Protection Agency
Region 5

RECEIVED

AUG - 8 2012

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

**In the Matter of: Advanced Concrete, Inc., Waunakee, Wisconsin
Docket No. EPCRA-05-2012-0027**

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

8-6-2012

Date



Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

RECEIVED

AUG - 8 2012

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY


In the Matter of: Advanced Concrete, Inc., Waunakee, Wisconsin
Docket No. EPCRA-05-2012-0027

Certificate of Service

I, Ruth McNamara, certify that I filed the original and a copy of the Consent Agreement and Final Order (CAFO) with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 5, delivered a copy of the CAFO by intra-office mail to the Regional Judicial Officer, U.S. Environmental Protection Agency, Region 5, and mailed the second original CAFO by first-class, postage prepaid, certified mail, return receipt requested, to Respondent by placing it in the custody of the United States Postal Service addressed as follows:

Advanced Concrete, Inc.
c/o P. Duncan Moss
One East Main Street, Suite 500
P.O. Box 2719
Madison, WI 53701

on the 8th day of August, 2012


Ruth McNamara Anton Kilyayev
U.S. Environmental Protection Agency
Region 5