

REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

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IN THE MATTER OF:)
)
TNT General Contracting, Inc.)
Rural Route 3 Box 78C)
Kahoka, Missouri 63445)
)
Webb Minerals, LLC.)
1261 Maine Street)
Quincy, Illinois 62360)
)
and)
Trustee(s))
of the Gary and Carol Trump Trust (U/T/A))
Kahoka, Missouri 63445)
)
Respondents)
)
Proceeding under Section 3008(a) and (g) of the)
Resource Conservation and Recovery)
Act as amended, 42 U.S.C. § 6928 (a) and (g))
and)
Section 309(g) of the Clean Water Act,)
33 U.S.C. § 1319(g))
_____)

Docket No. RCRA-07-2012-0020
CWA-07-2012-0029

COMPLAINANT'S MOTION TO DISMISS

COMES NOW the Complainant, United States Environmental Protection Agency Region 7 (Complainant or EPA) and avers and moves as follows:

1. Complainant agreed with the Missouri Department of Natural Resources that MDNR would pursue the enforcement case against Respondents TNT General Contracting, Inc. (TNT) and the Gary and Carol Trump Trust (the Trust).
2. Based on an analysis by Complainant's contractor, Industrial Economics of Cambridge, Massachusetts, Complainant has determined that Respondent Webb Minerals,

LLC (Webb) has an extremely limited ability to pay for penalties and injunctive relief in this matter.

3. Complainant agreed with counsel for Webb that if Webb would pay for the proper removal of the remaining waste from the TNT facility, Complainant would dismiss the matter with respect to Webb. Prior to that referral and during the ADR period, discussions between Counsel for TNT

4. Counsel for Webb has provided documentation showing that Webb has completed the removal of the materials from the TNT facility.

5. Counsel for MDNR has provided documentation that the administrative agreement among MDNR, TNT and the Trust has been signed and filed.

6. Since all of the conditions for dismissal have been met to EPA's satisfaction, Complainant therefore moves that this Court dismiss this matter in its entirety.

Respectfully submitted,



Belinda Holmes, Senior Counsel
Office of Regional Counsel, Chemical Management Branch
U.S. EPA Region 7

*In the matter of
TNT General Contracting, Inc.,
Webb Minerals, LLC., and
Gary and Carol Trump Trust U/T/A
Certificate of Service*

CERTIFICATE OF SERVICE

I hereby certify that the original and one true and correct scanned copy of the foregoing Complainant's Motion to Dismiss was sent via e-mail to the e-filing address for the Hearing Clerk in the Office of Administrative Law Judges, U.S. EPA HQ, Washington, DC, and true and correct scanned copies were also sent via e-mail and regular mail to:

Mr. Thad Trump, President
TNT General Contracting, Inc. and
The Gary and Carol Trump Trust
c/o David Shorr, Esq.
Lathrop & Gage, LLP
314 E. High Street
Jefferson City, Missouri 65101

Mr. Bob Webb/
Webb Minerals LLC
P.O. Box 65 1261 Maine Street
Quincy, Illinois 62360
c/o Robert Wilkinson, Esq. and Ron Hobbs, Esq.
Husch Blackwell LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105

on this 27th day of January, 2014



Belinda L. Holmes
Senior Counsel
U.S. EPA, Region 7