

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

FILED

April 2, 2025

9:56AM

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

In the Matter of:

Green America Recycling, LLC

Respondent

Docket No. RCRA-07-2025-0014

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (“Complainant”) and Green America Recycling, LLC (“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) 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 Green America Recycling, LLC (“GAR”), a company 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 2002, 3001, 3002, 3003, 3004, 3005 of RCRA, 42 U.S.C. §§ 6912, 6921, 6922, 6923, 6924, 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 constituent 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. 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).

20. 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

21. Respondent is a company 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).

22. Respondent operates a hazardous waste fuel blending facility located at 10107 Highway 79, Hannibal, Missouri 63401. The hazardous waste fuel blending facility includes receiving, sampling, off-loading, storing, and processing the waste received at the facility, which is used as fuel for the production of Portland cement at the facility. Respondent employs approximately 77 people.

23. On or about, March 22, 1990, 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 and obtained the following RCRA ID number: MOD054018288.

24. Respondent is currently operating under a Missouri-issued Hazardous Waste Management Facility Part I Permit and an EPA-issued Part II permit. The Part I and Part II Permits were originally issued by the Missouri Department of Natural Resources (MoDNR) and EPA in October 1999. These permits allow GAR to store and treat “characteristic” hazardous waste, as well as various F-, K-, P- and U-listed hazardous wastes; and to burn liquid and solid hazardous waste, as supplemental fuel, in the pre-calciner burner system within the rotary cement kiln system. In addition to hazardous waste codes authorized by the MoDNR Part I Permit, the EPA Part II permit allows GAR to continue to store and treat F032, F034 and F035-listed hazardous waste, as specified in the application.

25. In October 2009, GAR submitted a permit renewal application to EPA and MoDNR to renew its hazardous waste permits. MoDNR reissued to GAR the Missouri Hazardous Waste Management Facility Part I Permit, effective November 18, 2019. The EPA Region 7 reissued the Part II RCRA Hazardous Waste Management Facility Permit, issued on August 30, 2021, effective August 31, 2021.

26. On or about February 15 and 16, 2023, EPA and MoDNR inspectors conducted a joint 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

treatment, storage and disposal facility, a Small Quantity Handler of universal waste, and a used oil generator.

27. At the time of the inspection, the inspector observed Respondent's hazardous waste management practices which included eleven hazardous waste tanks, four container storage areas, and two containment buildings. The two containment buildings house miscellaneous treatment units for shredding, drum decanting and mixing, and an area for mixing to solidify or stabilize free liquids and sludges. The facility includes feed systems used to burn liquid and solid hazardous waste fuels in the pre-calciner of the cement kiln.

28. At the time of the inspection, the inspector observed various satellite accumulation containers utilized throughout the facility.

29. At the time of the inspection, the inspector observed universal waste generated by the Respondent accumulated in a metal building west of the Respondent's offices.

30. The inspector observed two cardboard boxes containing spent fluorescent lamps at the universal waste storage area. According to the Facility's Environmental Manager, 22 spent lamps total were stored within the two 4-foot-long boxes. The boxes were closed, labeled, and dated.

31. The inspector observed two 5-gallon white polyethylene buckets labeled "Universal Waste," "Waste Bulbs," and "Used Bulbs." According to the Facility's Environmental Manager, there was one high pressure sodium, 10 multi-vapor, and three helical lamps total stored within the two buckets. Both buckets were observed to be closed, dated, and in good condition. However, the buckets were not labeled with one of the required phrases, "Universal Waste – Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)."

32. At the time of the inspection, the inspector observed used oil accumulated at the Respondent's maintenance area, adjacent to the Respondent's offices.

Violations

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

Count 1

Failure to Mark Containers with an Accumulation Start Date

34. Complainant hereby incorporates the information contained in Paragraphs 21 through 32 above, as if fully set forth herein.

35. Pursuant to Permit Part I – Special Permit Condition II.C.3.a., "during the entire on-site storage period, individual containers storing hazardous wastes shall be labeled and marked as follows: a. the date of receipt, or when accumulation begins, is clearly marked and visible for inspection on each container."

36. At the time of the inspection, the inspector observed two roll-off containers labeled with the words “Hazardous Waste” that were not marked or labeled with accumulation start dates.

37. Respondent’s failure to mark containers with an accumulation start date is a violation of Permit Part I – Special Permit Condition II.C.3.a.

Count 2

Failure to Store Hazardous Waste in Closed Containers

38. Complainant hereby incorporates the information contained in Paragraphs 21 through 32 above, as it is fully set forth herein.

39. Pursuant to Permit Part I – Special Permit Condition II.E.1, “a container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste. A container holding hazardous waste shall not be opened, handled, or stored in a manner that may rupture the container or cause it to leak or spill.”

40. At the time of the inspection, the inspector observed five (5) 30-yard roll-off containers containing Finish Feed hazardous waste that were not closed.

41. Respondent’s failure to store hazardous waste in closed containers is a violation of Permit Part I – Special Permit Condition II.E.1.

Count 3

Failure to Comply with Air Emission Standards for Equipment Leaks

42. Complainant hereby incorporates the information contained in Paragraphs 21 through 32 above, as if fully set forth herein.

43. Pursuant to Permit Part I – Special Permit Condition IX.A, “the Permittee shall comply with the applicable requirements of 40 C.F.R. Subpart BB, for all units identified in the approved permit application.

44. Pursuant to 40 C.F.R. § 264.1064(d) which is found in Subpart BB of 40 C.F.R. Part 264, “when each leak is detected as specified in §§ 264.1052, 264.1053, 264.1057, and 264.1058, the following information shall be recorded in an inspection log and shall be kept in the facility operating record ...” and in subparagraph (3) “The date the leak was detected and the dates of each attempt to repair the leak.”

45. At the time of the inspection, the inspector observed barrier fluid leaking from the pump in the liquid fuel tanker truck unloading area. Further review of documents entitled “Daily Inspection Report,” “Liquid Fuel Storage/Blend Tanks & Containment Areas,” and “Liquid Fuel Tanker Truck Unloading Area” for February 10–16, 2023, did not identify the pump as leaking.

46. Respondent's failure to identify barrier fluid leaking from the pump in the liquid fuel tanker truck unloading area is a violation of Permit Part I – Special Permit Condition IX.A, and 40 C.F.R. § 264.1064(d).

Count 4
Failure to Label Universal Waste

47. Complainant hereby incorporates the information contained in Paragraphs 21 through 32 above, as if fully set forth herein.

48. Pursuant to 40 C.F.R. § 273.14(e), incorporated at 10 C.S.R. § 25-16.273(1), “a small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified ... each lamp or container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: “Universal Waste – Lamp(s),” “Waste Lamp(s),” or “Used Lamp(s).”

49. At the time of the inspection, the inspector observed two white five-gallon polyethylene buckets labeled with the words “Universal Waste - Used Bulbs” and were not labeled with the required phrases, “Universal Waste – Lamp(s),” “Waste Lamp(s),” or “Used Lamp(s).”

50. Respondent's failure to label universal waste with one of the required phrases, “Universal Waste – Lamp(s),” “Waste Lamp(s),” or “Used Lamp(s)” is a violation of 10 C.S.R. § 25-15.273(1) incorporating 40 C.F.R. § 273.14(e).

CONSENT AGREEMENT

51. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- (a) admits the jurisdictional information set forth herein;
- (b) neither admits nor denies the specific factual information stated herein;
- (c) consents to the assessment of a civil penalty, as stated herein;
- (d) consents to any conditions specified herein;
- (e) consents to any stated Permit Action;
- (f) waives any right to contest the allegations set forth herein; and
- (g) waives its rights to appeal the Final Order accompanying this Consent Agreement.

52. By signing this consent agreement, Respondent waives/Respondents waive any rights or defenses that Respondent has/Respondents have 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.

53. 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, and performance of the compliance actions described below.

54. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms specified herein.

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

56. Respondent consents to receiving an electronic copy of the filed Consent Agreement and Final Order at the following email address: brittany.barrientos@stinson.com

Penalty Payment

57. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of Twenty-Eight Thousand Three-Hundred Thirty-Seven dollars (\$28,337) as set forth below.

58. 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>.

59. A copy of the check or other information confirming payment shall simultaneously be emailed to the following:

Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov; and

Jennifer Trotter, Attorney
Trotter.Jennifer@epa.gov.

60. 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).

Compliance Actions

61. During the RCRA inspection conducted by EPA on February 15 and 16, 2023, EPA identified a potential violation of Respondent's Part I – Permit Condition V.C.4.b and alleged Respondent was storing hazardous waste at Feed Prep #2 ("FP#2") for more than a consecutive 24-hour period allowed by Respondent's Missouri Hazardous Waste Management Facility Part I Permit, dated November 18, 2019, as modified November 10, 2022.

62. During pre-filing discussions Respondent explained that the storage of the hazardous waste identified during the EPA inspection had not occurred in the FP#2 building, but rather in the Special Solidification and Treatment Unit ("SSTU"), which is a discrete area, specifically designed with a monitored liner to prevent releases and contain both liquid and solid hazardous waste, located within the larger FP#2 building.

63. Respondent has submitted a permit modification to MoDNR to clarify that storage in the SSTU is not limited to a consecutive 24-hour period. Respondent and MoDNR have indicated that they anticipate a permit modification which will allow Respondent to store hazardous waste in SSTU for more than a consecutive 24-hour period. The permit modification also included a request for temporary authorization. Based on this information Respondent will take the following actions within the time periods specified below.

64. Respondent will continue to limit hazardous waste storage in the SSTU to no more than a consecutive 24-hour period until clarification of this matter is resolved through a temporary authorization or permit modification issuance.

65. Within five (5) business days of the issuance of a permit modification of the Part I Permit addressing Paragraph 64, Respondent will provide written notice to the EPA that the permit modification has been issued.

66. The notification set forth in paragraph 65 should be sent to the following:

Kevin Snowden
RCRA Section Chemical Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 7

snowden.kevin@epa.gov

67. EPA will provide Respondent with a termination letter indicating that Respondent has met the requirements and fully implemented all actions required by this consent agreement and final order upon:

- a. Respondent demonstrating through its notification that temporary authorization or a permit modification has been issued clarifying hazardous waste can be stored in the SSTU for longer than a consecutive 24-hour period, or
- b. In the event that the permit modification described in this section is not achievable, Respondent documents that it will not store hazardous waste in the SSTU for longer than a consecutive 24-hour period.
- c. If a temporary authorization is issued by the State, but permit modification is not achieved, Respondent's storage under the temporary authorization longer than 24-hours will not be considered a violation of this consent agreement and final order. Respondent will notify EPA of the rejection of the permit modification within five (5) business days of receipt and will not store hazardous waste in the SSTU for longer than a consecutive 24-hour period, beginning on the date the permit modification rejection is received.

Effect of Settlement and Reservation of Rights

68. Full payment of the penalty proposed in this Consent Agreement and compliance with requirements of the Compliance Action section shall only resolve Respondent's liability for federal civil penalties for the violations and potential violation identified herein. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

69. 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.

70. 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.

71. 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.

72. 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.

73. 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.

74. 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.

75. 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

76. 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.

77. 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.

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


79. 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.

80. 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.

RESPONDENT:
GREEN AMERICA RECYCLING, LLC.

3/25/2025

Date

Signed by:

A960814307A149E...

Signature

Nicolas Marks

Printed Name

Senior Vice President

Title

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

Date

David Cozad
Director
Enforcement and Compliance Assurance Division

Date

Jennifer Trotter
Office of Regional Counsel

FINAL ORDER

Pursuant to Sections 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 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:

Jennifer Trotter
Office of Regional Counsel
Trotter.jennifer@epa.gov

Kevin Snowden
Enforcement and Compliance Assurance Division
Snowden.kevin@epa.gov

Carrie Venerable
Office of Regional Counsel – New Solutions
venerable.carrie@epa.gov

Copy via Email to Respondent:

Brittany Barrientos
Attorney at Law
Stinson Law Firm
1201 Walnut, Suite 2900
Kansas City, MO 64106
Brittany.barrientos@stinson.com

Mark Wenclawiak
Director Environmental, Cement Segment
Green America Recycling
Mark.wenclawiak@continentalcement.com

Copy delivered to the State of Missouri

Chris Nagel, 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

Dated this _____ day of _____, _____.

Signed _____