

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 61201 Elm Street, Suite 500
Dallas, Texas 75270

In the Matter of

Ash Grove Cement Company,

Respondent.

§
§
§
§
§

Docket No. RCRA-06-2023-0955

FIRST MODIFICATION OF THE EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

The United States Environmental Protection Agency (EPA), Region 6 (hereinafter "EPA" or "Complainant"), and Ash Grove Cement Company (hereinafter "Respondent" or "Ash Grove") in the above-referenced proceeding, hereby agree to modify the original Expedited Settlement Agreement and Final Order (ESA) that was filed on September 26, 2023. This modification does not affect any provision of the original ESA beyond that specified below.

I. PARAGRAPH MODIFICATIONS

1. The parties agree to modify the terms of the ESA as outlined below.
2. Paragraph 3.a shall be modified to read:

"APEC Rule 23 § 264.71(a)(2)(v) and 40 C.F.R. § 264.71(a)(2)(v) require that manifests be submitted to EPA's e-Manifest system within 30 days of the date the waste was delivered. On **278** occasions from 2020 to 2022, Respondent failed to submit manifests to the e-Manifest system for purposes of data entry within 30 days of the date of delivery, in violation of APEC Rule 23 § 264.71(a)(2)(v) and 40 C.F.R. § 264.71(a)(2)(v)." [change in bold previously read as "305"]

3. Paragraph 3.b shall be modified to read:

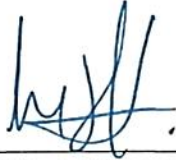
“APEC Rule 23 § 265.71 and 40 C.F.R. § 265.1311(b)(2) require that manifests be certified at the time of submission. On **278** occasions from 2020 to 2022, Respondent failed to certify manifests submitted to the e-Manifest system in violation of APEC Rule 23 § 265.71 and 40 C.F.R. § 265.1311(b)(2).” [change in bold previously read as “337”]

4. The beginning of Paragraph 4 shall be modified to read:

“The EPA and Respondent agree that settlement of this matter for a civil penalty of **\$6,875** dollars is in the public interest. Respondent certifies that it has provided payment for the full civil penalty amount, and that such payment identified Respondent by name and docket number, was made by certified or cashier’s check made payable to the “United States Treasury”, and sent to[...] [change in bold previously read as “\$12,500”]

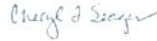
THE UNDERSIGNED PARTIES AGREE TO THE MODIFICATION DESCRIBED ABOVE:

FOR THE RESPONDENT:



Ash Grove Cement Company
4343 Highway 108
Foreman, Arkansas 71836

FOR THE COMPLAINANT:



Digitally signed by
CHERYL SEAGER
Date: 2023.10.24
13:33:27 -05'00'

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA Region 6
Dallas, Texas 75270-2102

CERTIFICATE OF SERVICE

I certify that that a true and correct copy of the foregoing First Modification of the Expedited Settlement Agreement and Final Order was electronically delivered to the Regional Hearing Clerk, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

murdock.russell@epa.gov

Copy via Email to Respondent:

summer.grimes@ashgrove.com

LORI
JACKSON

Digitally signed by LORI
JACKSON
Date: 2023.11.29
15:40:57 -06'00'

U.S. EPA Region 6
Dallas, Texas 75270