

U. S. ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
901 N. 5<sup>th</sup> STREET  
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION  
AGENCY REGION VII  
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

In the Matter of )  
)  
Creighton University ) Docket No. RCRA-07-2008-0004  
2500 California Plaza )  
Omaha, Nebraska 68601 )  
)  
Respondent. )

**JOINT MOTION TO AMEND CONSENT AGREEMENT AND FINAL ORDER**

Preliminary Statement

The United States Environmental Protection Agency (EPA), Region 7 and Creighton University (Respondent) agreed to a settlement of Respondent's violations of the Resource Conservation and Recovery Act (RCRA) and memorialized the settlement through a Consent Agreement and Final Order (CAFO) filed on September 16, 2008. The Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, by failing to comply with the regulatory requirements of 40 C.F.R. 262.11 and 262.34.

The CAFO ordered Respondent to pay a mitigated penalty of \$ 2,569.00. Respondent agreed as part of the settlement to perform a Supplemental Environmental Project (SEP) that was to be completed within seven (7) months of the effective date of the CAFO, or April 17, 2009. The Respondent has provided an interim SEP report that shows efforts have been made to complete the SEP during the time period set forth in the CAFO. As part of the SEP, the Respondent special ordered thermometers which have taken longer to ship than previously expected. Based on this information, the Respondent has requested a sixty (60) day extension beyond the effective date of the CAFO to complete the SEP. The SEP would need to be completed by June 17, 2009. EPA does not object to Respondent's request.

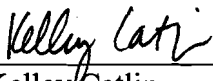
The Amended Consent Agreement and Final Order adjusts the completion date of the SEP in Paragraphs 53 and 54 to be May 16, 2009 and due date for the Final SEP Report in Paragraph 57 to be June 17, 2009. All references to the Consent Agreement and Final Order have been changed to Amended Consent Agreement and Final Order. Respondent and Complainant have signed the Amended CAFO. Attachment 1.

No other changes to the CAFO have been made.

Motion

Pursuant to 40 C.F.R. § 22.16, Complainant and Respondent hereby move for an Order granting this Joint Motion to file an Amended Consent Agreement and Final Order.

Respectfully Submitted,

  
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Kelley Catlin  
Counsel for Complainant

CERTIFICATE OF SERVICE

I hereby certify that on the 16<sup>th</sup> day of April, 2009, I filed the Original Joint Motion to Amend Consent Agreement and Final Order with the Regional Hearing Clerk, EPA Region 7, 901 North Fifth Street, Kansas City, Kansas 66101. I also delivered copies of this document to the following:

VIA CERTIFIED MAIL:

John T. Baxter  
Director Environmental Health and Safety  
Creighton University  
2500 California Plaza  
Omaha, Nebraska 68601

  
\_\_\_\_\_

APR 16 2009  
\_\_\_\_\_

Date