

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

Received by  
EPA Region 7  
Hearing Clerk

BEFORE THE ADMINISTRATOR

IN THE MATTER OF	)	
	)	Docket No. CWA-07-2022-0041
The Asphalt Sales Company	)	
Olathe, Kansas	)	
	)	FINDINGS OF VIOLATION AND
Respondent	)	ORDER FOR COMPLIANCE ON
	)	CONSENT
Proceedings under Section 309(a)(3) of the	)	
Clean Water Act, 33 U.S.C. § 1319(a)(3)	)	
_____	)	

**Preliminary Statement**

1. The following Findings of Violation and Administrative Order for Compliance on Consent (“Order”) are made and issued pursuant to Section 309(a)(3) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(a)(3). This Authority has been delegated by the Administrator of the United States Environmental Protection Agency (“EPA”) to the Regional Administrator, EPA, Region 7 and further delegated to the Director of Region 7’s Enforcement and Compliance Assurance Division.

2. Respondent is The Asphalt Sales Company, in Olathe, Kansas (“Respondent”), a corporation chartered under the laws of the state of Kansas, and the owner and/or operator of an asphalt and landfill facility located at 23200 W 159<sup>th</sup> Street in Olathe, Kansas 66061.

3. The EPA, together with the Respondent enter into this Section 309(a)(3) Order for the purpose of carrying out the goals of the CWA, 33 U.S.C. § 1251 *et seq.*, to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”

4. It is the Parties’ intent through entering into this Order to address Respondent’s violation of its National Pollutant Discharge Elimination System ("NPDES") permit for discharges of industrial stormwater. As set forth in this Order on Consent, the Parties have reached agreement regarding the timeframes for Asphalt Sales to attain compliance with the CWA and its NPDES permit.

5. By entering into this Order, Respondent (1) consents to and agrees not to contest the EPA's authority or jurisdiction to issue and enforce this Section 309(a) Order on Consent, (2) consents to personal service by electronic mail, (3) agrees to undertake all actions required by the

terms and conditions of this Order on Consent, and (4) consents to be bound by the requirements set forth herein. Respondent neither admits nor denies the specific factual or legal allegations, or including but not limited to, EPA's Findings of Violation in this Order on Consent, except that Respondent admits the jurisdictional allegations herein. Respondent also waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order on Consent, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

### **Statutory and Regulatory Framework**

6. Section 301(a) of CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants, unless such discharge is in compliance with, *inter alia*, Section 402 of CWA, 33 U.S.C. § 1342, which provides that pollutants may be discharged only in accordance with the terms of an NPDES permit.

7. The CWA prohibits the discharge of "pollutants" from a "point source" into a "navigable water" of the United States, as these terms are defined by Section 502 of CWA, 33 U.S.C. § 1362.

8. Section 402(p) of CWA, 33 U.S.C. § 1342(p), sets forth requirements for the issuance of NPDES permits for the discharge of stormwater. Section 402(p) of CWA requires, in part, that a discharge of stormwater associated with an industrial activity must comply with the requirements of an NPDES permit issued pursuant to Sections 301 and 402 of CWA.

9. Pursuant to Section 402(p) of CWA, 33 U.S.C. § 1342(p), EPA promulgated regulations at 40 C.F.R. § 122.26 that set forth the NPDES permit requirements for stormwater discharges.

10. 40 C.F.R. §§ 122.26(a)(1)(ii), 122.26(c) require dischargers of stormwater associated with industrial activity to apply for an individual permit or to seek coverage under a promulgated stormwater general permit.

11. 40 C.F.R. § 122.26(b)(14) defines "stormwater discharge associated with industrial activity," as "the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw material storage areas at an industrial plant."

12. Included in the categories of facilities considered to be engaging in "industrial activity" are facilities under Standard Industrial Classifications ("SIC") Industry Group 29. *See* 40 C.F.R. § 122.26(b)(14)(ii). Within Group 29, SIC code 2951 specifically includes facilities engaged in manufacturing asphalt.

13. Respondent received Permit No. 763 from Kansas Department of Health and Environment ("KDHE") to operate a construction and demolition ("C&D") landfill at the site on

August 24, 1998.

14. Kansas regulations define “contact water” as “liquid, consisting primarily of precipitation, that has infiltrated through the C&D waste or has been in contact with the C&D waste for any period of time. This term shall include all runoff from the active area of the C&D landfill and all liquid derived from the C&D waste.” K.A.R. 28-29-300.

15. Kansas regulations require owners and operators of C&D landfills to design and construct a contact water control system to control stormwater runoff from the active area of the C&D landfill, including storage, on-site treatment, beneficial reuse, hauling off-site and/or discharge of C&D contact water. K.A.R. 28-29-304(e)(2). Kansas regulations specify that discharge of C&D contact water to surface waters requires an NPDES permit. K.A.R. 28-29-304(e)(2)(E).

16. KDHE is the state agency with the authority to administer the federal NPDES program in Kansas pursuant to Section 402 of CWA. EPA maintains concurrent enforcement authority with authorized states for violations of CWA.

#### **EPA’s General Allegations**

17. Respondent is a “person,” as defined by Section 502(5) of CWA, 33 U.S.C. § 1362(5).

18. At all times relevant to this action, Respondent was the owner and operator of an asphalt plant, construction and demolition landfill, and support facilities operating under primary SIC code 4953 and secondary SIC code 2951 (“Facility” or “Site”).

19. The Facility comprises approximately 87 acres, located less than 300 feet west of Cedar Creek. The Facility generates approximately 300,000 tons of asphalt each year and receives approximately 1,000 tons of C&D waste in the landfill each week.

20. Contact water in the Facility’s active landfill area flows to an onsite storage pond adjacent to the landfill (hereinafter the “Contact Water Pond”).

21. The northeast portion of the Site, where the east access road enters from 159th Street, contains a berm on the northern boundary. Stormwater, snow melt, surface drainage, and runoff water from both the north side of the berm and from 159th Street flows into a rock-lined swale and is discharged through Outfall 001, located at the far northeast corner of the Site, to Cedar Creek.

22. Stormwater, snow melt, surface drainage, and runoff from the rest of the Site, (hereinafter the “North and South Drainage Areas”), flows through a channelized unnamed tributary running through the Site to a concrete headworks structure with two pipes, one large and one small. The small pipe routes flow into a settlement basin located near the east boundary of the Site (hereinafter the “Sediment Pond”), which discharges to Outfall 002 when the water in

the pond reaches a certain level and overflows. The large pipe bypasses flow around the Sediment Pond, typically but not exclusively during high flow events, and discharges it through a second pipe to Outfall 002.

23. The Facility stores materials used as feedstock for asphalt production in stockpiles outside, including mining chat, crushed limestone, sand, trap rock, and recycled asphalt, in the North and South Drainage Areas. Runoff from those stockpiles flows through the channelized tributary, either into the Sediment Pond or around the Sediment Pond, and discharges through Outfall 002.

24. Outfall 002 is located at a culvert near the center of the east boundary of the Site, and discharges both overflow from the Sediment Pond and flows bypassed around the Sediment Pond into an unnamed tributary to Cedar Creek.

25. The unnamed tributary of Cedar Creek flows approximately 300 feet east of the Facility to Cedar Creek. Cedar Creek flows north into Lake Olathe, which is located approximately 2.5 miles from the Facility.

26. Cedar Creek is impaired by *E. coli*, Nitrate and Total Phosphorus, for which Total Maximum Daily Loads (“TMDLs”) have been placed to address these impairments.

27. Stormwater from the Site contains “pollutants” as defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

28. The Site has “stormwater discharges associated with industrial activity” as defined by 40 C.F.R. § 122.26(b)(14) and is a “point source” as defined by Section 502(14) of CWA, 33 U.S.C. § 1362(14).

29. Lake Olathe, Cedar Creek and its tributaries are “navigable waters” as defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

30. Stormwater runoff from industrial activity at Respondent’s Facility results in the addition of pollutants from a point source to navigable waters, and thus is the “discharge of a pollutant” as defined by CWA Section 502(12), 33 U.S.C. § 1362(12).

31. Respondent’s discharge of pollutants, including discharges of stormwater associated with an industrial activity, as defined by 40 C.F.R. S§ 122.26(b)(14)(ii), (v), requires a permit issued pursuant to Section 402 of CWA, 33 U.S.C. § 1342.

32. On June 28, 2017, KDHE granted authorization to the Facility under Kansas General Permit for Stormwater Runoff Associated with Industrial Activity (“General Permit”) for discharges of stormwater runoff to an unnamed tributary of Cedar Creek, subject to compliance with conditions and limitations set forth in the permit, under NPDES Permit No. KSR001080 (hereinafter “Respondent’s NPDES Permit”). This General Permit was signed by

KDHE and became effective on November 1, 2016, and was renewed on November 1, 2021, with an expiration date of October 31, 2026.

33. On January 28, 2021, EPA personnel, under the authority of Section 308(a) of CWA, 33 U.S.C. § 1318(a) inspected the Site (“Inspection”) to determine Respondent’s compliance with its NPDES permit and the CWA.

34. During the Inspection, the EPA inspector reviewed Respondent’s records and obtained copies of Respondent’s documents related to the NPDES Permit, including but not limited to, the Facility’s stormwater pollution prevention plan (“SWPPP”) and inspection records. The EPA inspector also toured the facility, observed discharge locations, and photographed various stormwater-related areas.

35. A copy of the Inspection report was sent electronically to Respondent by the EPA on March 2, 2021.

36. On June 29, 2021, EPA issued a request for information to Respondent pursuant to the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), requiring submittal of information regarding, among other things, the chat materials stored at the Facility. Respondent submitted its response to the request by letter dated August 31, 2021, accompanied by a Statement of Certification signed August 30, 2021 (“Respondent’s 308 Response”), and included Respondent’s revised SWPPP dated April 2021.

37. According to Respondent’s 308 Response, the Facility currently stores an estimated 3200 – 4200 tons of chat materials in two stockpiles: one containing drag sand chat and one containing quarter inch chips of chat. Section 2.4 of Respondent’s revised SWPPP includes these stockpiles in the list of materials exposed to stormwater and refers to the drag sand chat as “dirty” (unwashed) chat and to the quarter inch chips of chat as “clean” (washed) chat.

### **EPA’s Findings of Violation**

#### **Count 1**

#### **Unauthorized Discharge of Contact Water**

38. The facts stated above are re-alleged and incorporated herein by reference.

39. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants, unless such discharge is in compliance with an NPDES permit pursuant to CWA Section 402, 33 U.S.C. § 1342.

40. Part 1.4.h of Respondent’s NPDES Permit provides that the permit does not cover discharges of process wastewaters that are required to obtain a separate NPDES permit for the discharge.

41. Part 2.1 of Respondent’s NPDES Permit requires the permittee to fully implement

the SWPPP. Section 4.1.4 of Respondent's SWPPP provides that contact water will not leave the Site.

42. Contact water is required by Kansas regulations to obtain an NPDES Permit for discharge to surface waters. The discharge of contact water is not covered by Respondent's industrial stormwater NPDES Permit, and the Facility does not have another NPDES Permit authorizing the discharge of contact water.

43. During the EPA Inspection, the inspector observed a hose running from the Contact Water Pond at the Site's C&D Landfill to the Sediment Pond. According to the Facility representative, contact water had been pumped to the Sediment Pond from the Contact Water Pond multiple times during the past two years.

44. Stormwater commingled with contact water in the Sediment Pond is contact water.

45. Under certain precipitation and runoff conditions that have occurred on multiple occasions during the past two years, the Sediment Pond overflows, discharging through Outfall 002 into the unnamed tributary to Cedar Creek.

46. Respondent's alleged unauthorized discharges of contact water through Outfall 002 are violations of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

## **Count 2**

### **Unauthorized Bypass / Failure to Implement Adequate BMPs**

47. The facts stated above are re-alleged and incorporated herein by reference.

48. Section 4.9 of Respondent's NPDES Permit prohibits bypasses "necessary to maintain compliance with the general permit ... except where necessary to prevent loss of human life, personal injury, or severe property damage, and where no feasible alternative to the bypass exists." Section 4.9 of Respondent's NPDES Permit also provides that if a bypass occurs, the SWPPP shall be updated to prevent future occurrences in accordance with the requirements and conditions of the General Permit.

49. Section 4.1.5 of Respondent's SWPPP states that runoff from the North and South Drainage Areas, including runoff from the stockpiles stored in those areas, is directed to the Sediment Pond, which "retains the runoff allowing suspended sediment particles to settle out." Similarly, the SWPPP attachment "Description of Exposed Significant Material" states that runoff from that the stockpiles of crushed limestone, natural sand, recycled asphalt pavement, trap rock, drag sand chat, and clean chat will flow to the Sediment Pond.

50. During the EPA Inspection, the inspector noted that during high flow events, which have occurred on multiple occasions over the past five years, runoff from the North and South Drainage Areas, including runoff from the chat piles and other outdoor stockpiles, would

flow uncontrolled into the large pipe in the headworks structure, bypassing the Sediment Pond and discharging directly through Outfall 002 to the unnamed tributary to Cedar Creek.

51. Respondent's alleged unauthorized bypass of the Sediment Pond and failure to implement adequate stormwater management controls are violations of the conditions of Respondent's NPDES permit that result in the discharge of pollutants in stormwater, and as such, are violations of Sections 301(a) and 402(p) of CWA, 33 U.S.C. §§ 1311(a), 1342(p).

### **Count 3**

#### **Failure to Implement SWPPP / Failure to Maintain BMPs**

52. The facts stated above are re-alleged and incorporated herein by reference.

53. Part 2.2 of Respondent's NPDES Permit requires Respondent to develop and implement a SWPPP to ensure the design, implementation, management, and maintenance of Best Management Practices ("BMPs") in order to reduce the amount of pollutants in stormwater discharges associated with the industrial activities at the Facility. Part 2.2 of Respondent's NPDES Permit also provides that implementation of the BMPs specified in the SWPPP are enforceable requirements of the Permit.

54. Part 2.4.3 of Respondent's NPDES Permit requires the SWPPP to list and describe the BMPs, including a schedule for inspection and maintenance of controls.

55. Section 4.1.5 of Respondent's SWPPP and the attached "Description of Exposed Significant Material" identify the Sediment Pond as the BMP for the North and South Drainage Areas, including specifically for the stockpiles of crushed limestone, natural sand, recycled asphalt pavement, trap rock, drag sand chat and clean chat stored there, and require that the Sediment Pond will be cleaned when the sediment accumulation reaches 20% volume.

56. During the EPA Inspection, the inspector observed considerable amounts of sediment in the Sediment Pond, mostly near the headworks where the pond receives stormwater from the Facility. The accumulated sediment appeared to exceed 20% of the Sediment Pond's volume.

57. Respondent's alleged failure to implement its SWPPP and maintain the Sediment Pond is a violation of the SWPPP and Respondent's NPDES permit, and as such, is a violation of Section 402(p) of CWA, 33 U.S.C. § 1342(p).

### **Count 4**

#### **Failure to Conduct Adequate Visual Examination of Stormwater Discharge**

58. The facts stated above are re-alleged and incorporated herein by reference.

59. Part 2.4.5.a of Respondent's NPDES Permit and Section 5.2 of the SWPPP require that Respondent conduct a visual examination of stormwater quality once a year at a

minimum during a stormwater discharge from the Facility, and that Respondent record the nature of the discharge, visual quality of the discharge, probable sources of any impacts, and follow up actions required to address impacts to stormwater discharges.

60. Part 2.4.6.c and Section 7.0 of Respondent's SWPPP requires the SWPPP to be modified if visual inspection of the stormwater discharges indicates the SWPPP appears to be ineffective in eliminating or significantly minimizing pollutants from sources identified in the SWPPP.

61. Based on a review of records provided following the EPA Inspection, the Facility was not conducting visual examinations during stormwater discharges.

62. Respondent's alleged failure to perform visual inspections during stormwater discharges is a violation of the SWPPP and Respondent's NPDES permit, and as such, is a violation of Section 402(p) of CWA, 33 U.S.C. § 1342(p).

### **Order for Compliance**

Based on the EPA Findings set forth above, and pursuant to of Section 309(a) of the CWA, 33 U.S.C. § 1319(a), the EPA hereby ORDERS the Respondent, and the Respondent hereby AGREES, to take the actions described below.

63. In accordance with this Order, the Respondent shall take all necessary actions to correct the deficiencies and eliminate and prevent recurrence of the violations cited above, and to come into compliance with all the applicable requirements of its NPDES Permit, including, but not limited to:

- a. Install appropriate stormwater management controls and eliminate bypasses to prevent the discharge of pollutants as required by the NPDES Permit;
- b. Conduct proper maintenance of stormwater management controls, including maintaining 80% capacity in the Sediment Pond as required by the SWPPP;
- c. Conduct appropriate visual stormwater examinations in accordance with the NPDES Permit; and
- d. Evaluate the SWPPP, including the accuracy of the descriptions of the Site, including drainage patterns and stormwater management controls, and revise as needed.

64. Respondent shall retain a qualified consultant or engineer to perform a study of the Site and prepare a plan to address the violations cited above. All persons under the direction and supervision of Respondent's consultant must possess all necessary professional licenses required by law.

65. Within 60 days of the effective date of this Order, the Respondent shall submit to EPA and KDHE a written report describing the results of its consultant's study and its plan to



comply with the NPDES permit and the CWA (hereinafter “60-day Report”). At a minimum, the 60-day Report shall include:

- a. A copy of visual stormwater examination results that have been conducted since the Effective Date of this Order;
- b. A written description and photo documentation, if appropriate, of all actions taken to date to achieve compliance with the NPDES Permit; and
- c. A plan to achieve compliance with the NPDES Permit to the extent the work is not already completed, including a milestone schedule to take corrective actions and complete all work necessary within one year of the Effective Date of this Order, including at a minimum:
  - i. Prevent future occurrences of bypass around the Sediment Pond and update the SWPPP;
  - ii. Clean out the Sediment Pond unless an evaluation of the sediment load confirms it does not exceed 20% of capacity; and
  - iii. Control and reduce pollutants in stormwater discharges from the outdoor stockpiles at the Site, including the chat piles.

66. The EPA may, after review of any revised or updated SWPPP, visual stormwater examination reports, description of actions taken and plans to take corrective actions submitted by the Respondent, provide written comments and suggestions regarding such submittals. Review and comment on the SWPPP or other submissions by the EPA does not relieve Respondents of the responsibility to comply with its Permit, the CWA, applicable State law, or this Order.

67. After review of the information submitted by Respondent pursuant to the above Paragraphs, EPA may determine that additional information is needed and/or additional corrective measures or deadlines are appropriate and may modify this Order or initiate a separate enforcement action, as appropriate.

68. *Completion Report.* Once the work identified in the 60-day report has been completed, Respondent shall submit a completion report to the EPA and KDHE, which shall include photographic evidence, copies of relevant documents, and a signed statement indicating that the work is complete (hereinafter the “Completion Report”). The Completion Report must be submitted within thirty (30) days after work has been completed.

*Quarterly Progress Reports.* After submission of the 60-day Report required above and until submission of the Completion Report, Respondent shall submit quarterly progress reports to the EPA and KDHE describing the actions it has taken to ensure continued compliance with the terms of its Permit and progress in completing the work under this Order. Each report shall include, at a minimum:

- a. A description of implementation and/or revision of the SWPPP during the previous three (3) month period;

- b. A description of work and other actions taken to construct the structural controls and/or implement other controls in the previous three (3) month period; and
- c. Copies of all relevant documentation regarding the activities described pursuant to subparagraphs (a) and (b).

### Submissions

69. All submittals required to be submitted to EPA by this Order shall include the certification statement in paragraph 72 and be submitted by electronic mail to:

hamera.don@epa.gov

Don Hamera, or his successor  
U.S. Environmental Protection Agency – Region 7  
Enforcement and Compliance Assurance Division  
11201 Renner Boulevard  
Lenexa, Kansas 66219

70. All documents required to be submitted to KDHE pursuant to this Order shall be submitted by electronic mail to:

tom.stiles@ks.gov

Mr. Tom Stiles, Director  
Kansas Department of Health and Environment  
Bureau of Water  
1000 SW Jackson Street, Suite 420  
Topeka, Kansas 66612-1367.

71. Electronic submissions will be deemed submitted on the date they are transmitted electronically. Any report, notification, certification, or other communication that cannot be submitted electronically shall be submitted in hard-copy to the mailing addresses provided above.

72. All submissions to the EPA pursuant to the requirements of this Order shall contain the following certification signed by an authorized official, as described in 40 CFR 122.22:

*I certify that Asphalt Sales has complied with all the applicable requirements of the Order for Compliance. I also certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my*

*knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

### **General Provisions**

#### **Effect of Compliance with the Terms of this Order for Compliance**

73. Compliance with the terms of this Order shall not relieve Respondent of liability for, or preclude EPA from, initiating an administrative or judicial enforcement action to recover penalties for any violations of the CWA, or to seek additional injunctive relief, pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

74. This Order does not constitute a waiver or a modification of any requirements of the CWA, 33 U.S.C. § 1251 *et seq.*, all of which remain in full force and effect. EPA retains the right to seek any and all remedies available under Sections 309(b), (c), (d), or (g) of the CWA, 33 U.S.C. § 1319(b), (c), (d) or (g), for any violation cited in this Order. Issuance of this Order shall not be deemed an election by EPA to forgo any civil or criminal action to seek penalties, fines, or other appropriate relief under the CWA for any violation whatsoever.

75. This Order shall not constitute a permit under the CWA. Compliance with the terms of this Order shall not relieve Respondents of his responsibility to obtain any required local, state, and/or federal permits.

#### **Access and Requests for Information**

76. Nothing in this Order shall limit EPA's right to obtain access to, and/or to inspect Respondent's Facility, and/or to request additional information from Respondent, pursuant to the authority of Section 308 of the CWA, 33 U.S.C. § 1318 and/or any other authority.

#### **Severability**

77. If any provision or authority of this Order, or the application of this Order to Respondent, is held by federal judiciary authority to be invalid, the application to Respondent of the remainder of this Order shall remain in full force and effect and shall not be affected by such a holding.

#### **Effective Date**

78. The terms of this Order shall be effective and enforceable against Respondent on the Effective Date, which is the date this Order is signed by EPA.

**Termination**

79. This Order shall remain in effect until a written notice of termination is issued by an authorized representative of the EPA.

**For the Complainant, U.S. Environmental Protection Agency:**

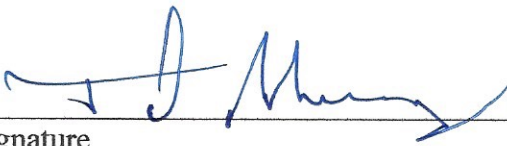
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Wendy Lubbe  
Acting Director  
Enforcement and Compliance Assurance Division

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Shane McCain  
Assistant Regional Counsel  
Office of Regional Counsel

**For the Respondent, The Asphalt Sales Company:**

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

May 10th 2022

\_\_\_\_\_  
Name

Ted McAnany

\_\_\_\_\_  
Title

President

CERTIFICATE OF SERVICE

I certify that on the date noted below I delivered this Findings of Violation and Administrative Order for Compliance on Consent to the Regional Hearing Clerk, U.S. Environmental Protection Agency, by electronic mail to R7\_Hearing\_Clerk\_Filings@epa.gov.

I further certify that on the date noted below I sent a copy of the foregoing Order for Compliance on Consent by electronic mail to the following:

Copy emailed to representatives for Respondent:

tmcnany@everestkc.net  
Mr. Ted McAnany, President  
Asphalt Sales Company  
P. O. Box 6263  
Kansas City, Kansas 66106

SStotts@Polsinelli.com  
Stacy Stotts, Polsinelli PC, attorney for Asphalt Sales

Copy emailed to KDHE:

Tom.stiles@ks.gov  
Mr. Tom Stiles, Director  
Kansas Department of Health and Environment  
Bureau of Water

Copy emailed to representatives for Complainant:

mccoin.shane@epa.gov  
Shane McCoin  
EPA Region 7 Office of Regional Counsel

hamera.don@epa.gov  
Don Hamera  
EPA Region 7 Enforcement and Compliance Assurance Division

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Signature