

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

FILED

August 18, 2025

8:04AM

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

In the Matter of:

3P Processing, LLC,

Respondent

Docket No. RCRA-07-2025-0096

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (“Complainant”) and 3P Processing, LLC (“3P” or “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 3P, a limited liability company organized under the laws of Delaware and authorized to operate under the laws of Kansas.

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 3002, 3004, and 3005 of RCRA, 42 U.S.C. §§ 6922, 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. Parts 262, 265, and 273.

6. 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.

7. Section 3004 of RCRA, 42 U.S.C. § 6924, requires the Administrator of EPA to promulgate regulations establishing such performance standards, applicable to owners and operators of facilities for the treatment, storage, or disposal 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 “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) in a calendar month.

18. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), whenever on the basis of any information the EPA determines that any person has violated or is in violation of any requirement of RCRA, the 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.

19. The State of Kansas has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and the State of Kansas has adopted by reference the federal regulations cited herein at pertinent parts of Title 28, Article 31 of the Kansas Administrative Regulations (hereinafter “K.A.R.”). 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 of RCRA, 42 U.S.C. § 6928. In the case of a violation of a hazardous waste program pursuant to Section 3006 of RCRA, EPA shall give notice to the state in which such violation has occurred or is occurring prior to issuing an order. The State of Kansas has been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

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 \$124,426 for violations that occur after November 2, 2015, and for which penalties are assessed on or after January 8, 2025. 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 “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

22. Respondent owns and operates a facility located at 1702 South Knight Street, Wichita, Kansas 67213 (the “Facility”). Respondent processes aluminum, titanium, and steel, including applying coatings and paint, for aerospace and commercial manufacturers. Respondent employs approximately 160 people.

23. On or about March 7, 1992, Respondent notified the EPA, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, of its regulated waste activity as a Large Quantity Generator (LQG) of hazardous waste pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930. Respondent obtained the following RCRA ID number: KSD073323081.

24. On or about September 12 and 13, 2023, EPA personnel (the “Inspector”) and Kansas Department of Health and Environment (“KDHE”) personnel conducted a RCRA Compliance Evaluation Inspection (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 Large Quantity Generator of hazardous waste, a Small Quantity Handler of universal waste, and used oil generator.

Violations

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

Count 1

Operating as a Treatment, Storage or Disposal Facility Without a RCRA Permit or RCRA Interim Status

26. Complainant hereby incorporates the allegations contained in Paragraphs 1 through 25 above, as if fully set forth herein.

27. Section 3005 of RCRA, 42 U.S.C. § 6925, Kansas Statute Annotated 65-3431, and the regulations at 40 C.F.R. Part 270 require each person owning or operating a facility for the treatment, storage, or disposal of hazardous wastes identified or listed under Subchapter C of RCRA to have a permit or interim status for such activities.

28. At the time of the Inspection, Respondent did not have a permit or interim status.

Generator Requirements

29. The version of the regulations at 40 C.F.R. § 262.34(a) effective on July 1, 2006, which version was adopted by Kansas and in effect in Kansas at the time of the Inspection, states that a generator may accumulate hazardous waste on-site for ninety (90) days or less without a permit or without interim status, provided the conditions listed in 40 C.F.R. § 262.34(a)(1)-(4) are met. If a generator fails to comply with any of these conditions, the generator is not allowed to accumulate hazardous waste at their facility for any length of time. Respondent failed to comply with the following conditions:

Failure to containerize hazardous waste

30. The regulations at 40 C.F.R. § 262.34(a)(1)(i) require generators to place hazardous waste in containers and comply with the applicable requirements of subparts I, AA, BB, and CC of 40 C.F.R. Part 265.

31. During the Inspection, the Inspector observed hazardous waste that had not been containerized in the following locations of the Facility:

- a. In front of "Passivate Line #6";
- b. In "Paint Room #1";
- c. In "Paint Room #3";
- d. In "Crib #1"; and
- e. In the "Waste Treatment Area."

Failure to date hazardous waste accumulation containers

32. The regulations at 40 C.F.R. § 262.34(a)(2) require generators to clearly mark the date upon which each period of accumulation began on each container.

33. During the Inspection, the Inspector observed three 55-gallon drums that held hazardous degreaser water in the "Container Accumulation Area" of the Facility, but which had not been clearly marked with the date upon which accumulation had commenced.

Failure to list emergency coordinator information in contingency plan

34. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(5).

35. Pursuant to 40 C.F.R. § 265.52(d), as found in 40 C.F.R. Part 265, Subpart D, the owner or operator must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and the others must be listed in the order in which they will assume responsibility as alternates.

36. At the time of the Inspection, the Inspector was provided a contingency plan that did not have updated information as to the primary emergency coordinator or one secondary emergency coordinator.

Failure to submit a copy of contingency plan to local agencies

37. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(5).

38. Pursuant to 40 C.F.R. § 265.53(b), as found in 40 C.F.R. Part 265, Subpart D, the owner or operator must submit a copy of the contingency plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

39. At the time of the Inspection, the Inspector observed that the Facility had not provided a contingency plan to all necessary emergency responders.

Failure to develop an adequate hazardous waste training program

40. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(5).

41. Pursuant to 40 C.F.R. § 265.16(a), facility personnel must complete a program of classroom instruction or on-the-job training that teaches facility personnel to perform their duties in a way that ensures the facility's compliance with applicable hazardous waste storage and handling requirements. This training program must be designed to ensure that facility personnel are able to respond effectively to emergencies.

42. Pursuant to 40 C.F.R. § 265.16(c), facility personnel must take part in an annual review of the training program under subparagraph (a).

43. During the Inspection, the Inspector observed that the Facility's training program was not adequate as, for the two years preceding the Inspection, at least 35 of Respondent's paint personnel should have undergone hazardous waste training each year so as to ensure the Facility's compliance with applicable hazardous waste storage and handling requirements but had not done so.

Failure to maintain training documentation

44. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(5).

45. Pursuant to 40 C.F.R. §§ 265.16(d)(4) and 265.16(e), as found in 40 C.F.R. Part 265, Subpart B, a generator must maintain records that document the training or job experience

required under 40 C.F.R. §§ 265.16(a), (b), and (c) has been given to, and completed by, facility personnel, and that training records on current personnel are kept until closure of the facility.

46. At the time of Inspection, the Inspector observed that Respondent's records did not fully document training or job experience and the information required by 40 C.F.R. §§ 265.16(a), (b), and (c).

Satellite Accumulation

47. The regulations at K.A.R. 28-31-262(c)(6), modifying 40 C.F.R. § 262.34(c)(1), allow a generator to accumulate fifty-five (55) gallons or less, in no more than one container, of each type of hazardous waste and one quart or less, in no more than one container, of each type of acutely hazardous waste listed in § 261.33(e) at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with § 262.34(a) provided the generator complies with various handling requirements. This type of accumulation is known as "satellite accumulation." At the time of the Inspection, the Inspector observed that Respondent failed to comply with the following satellite accumulation requirements:

Failure to close satellite accumulation containers

48. The regulations at 40 C.F.R. § 262.34(c)(1)(i), referencing 40 C.F.R. § 265.173(a), allow a generator to accumulate as much as fifty-five (55) gallons of hazardous waste in a satellite accumulation area, provided the container holding hazardous waste is always closed during storage, except when it is necessary to add or remove waste.

49. During the Inspection, the Inspector observed the following satellite accumulation containers holding hazardous waste that were not closed at the Facility:

- a. One container in the "Shot Room";
- b. One container in "Paint Room #1";
- c. One container in "Paint Room #2";
- d. One container in "Paint Room #3"; and
- e. Two containers in the "Waste Treatment Area."

Failure to label satellite accumulation container

50. The regulations at 40 C.F.R. § 262.34(a)(3) provide that a generator must label or mark each container or tank holding hazardous waste with the words "Hazardous Waste."

51. Likewise, K.A.R. 28-31-262(c)(7), modifying 40 C.F.R. § 262.34(c)(1)(ii), requires that a generator may accumulate as much as fifty-five (55) gallons of hazardous waste at or near any point of generation where wastes initially accumulate without a permit or interim status provided that the containers be marked with the words "Hazardous Waste."

52. During the Inspection, the Inspector observed one satellite accumulation container holding hazardous waste rags in the Waste Treatment Area of the Facility that had not been labeled with the words "Hazardous Waste."

Storage Over Ninety Days

53. The regulations at 40 C.F.R. § 262.34(b) state that a generator who accumulates hazardous wastes for more than ninety (90) days is an operator of a storage facility and must comply with 40 C.F.R. Parts 264 and 265, and the permit requirements of 40 C.F.R. Part 270 unless he has been granted an extension to the ninety (90) day period. Facilities classified as “Large Quantity Generators” may accumulate hazardous waste at their facility without a permit for no more than ninety (90) days.

54. During the Inspection, the Inspector observed that Respondent had two 55-gallon drums of waste paint stored in overpack containers with start dates of accumulation listed on the overpack containers as February 2 and 23, 2023.

55. The Inspection commenced on September 12, 2023, more than 90 days after February 2 and February 23, 2023.

56. At the time of the Inspection, Respondent had not obtained an extension of time to accumulate hazardous waste for more than 90 days.

57. By storing hazardous waste on-site for greater than 90 days, Respondent was operating as a hazardous waste storage facility and subjected itself to the requirements of 40 C.F.R. Parts 264, 265, and the permit requirements of 40 C.F.R. Part 270.

58. Based on the foregoing, Respondent failed to comply with the generator requirements set forth above, was not authorized to store hazardous waste at the Facility for any length of time, and therefore was operating a hazardous waste storage facility without a permit in violation of Section 3005 of RCRA, 42 U.S.C. § 6925.

Count 2

Failure to Comply with Universal Waste Management Requirements

59. Complainant hereby incorporates the allegations contained in Paragraphs 1 through 25 above, as if fully set forth herein.

60. The regulations at 40 C.F.R. § 273.14(e) require small quantity handlers of universal waste to clearly label or mark each lamp or container or package in which such lamps are contained with one of the following phrases: “Universal Waste—Lamp(s)” or “Waste Lamp(s)” or “Used Lamp(s).”

61. At the time of the Inspection, the Inspector observed one container of used 4-foot universal waste lamps that were not labeled with one of the phrases: “Universal Waste—Lamp(s)” or “Waste Lamp(s)” or “Used Lamp(s).”

62. Respondent’s failure to properly label the universal waste lamp containers described above is a violation of 40 C.F.R. § 273.14(e).

CONSENT AGREEMENT

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

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

64. By signing this consent agreement, Respondent waives any rights or defenses that Respondent has 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.

65. 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.

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

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

68. Respondent consents to receiving an electronic copy of the filed Consent Agreement and Final Order at the following email address: jprice@spencerfane.com.

Penalty Payment

69. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of two hundred thirty thousand five hundred ninety-seven dollars (\$230,597) as set forth below.

70. 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>.

71. 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

Sam Bennett, Attorney
bennett.sam@epa.gov.

72. 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).

Effect of Settlement and Reservation of Rights

73. Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

74. 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 the paragraph directly below.

75. 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.

76. 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.

77. 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.

78. 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.

79. 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.

80. 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

81. 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.

82. 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.

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

84. 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.

85. 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.

86. This Consent Agreement and Final Order shall be deemed terminated upon written notice by Complainant that Respondent has fully implemented the actions required in this Final Order.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

David Cozad
Director
Enforcement and Compliance Assurance Division

Sam Bennett
Office of Regional Counsel

RESPONDENT:

3P Processing, LLC

8/11/2025
Date

Terry W Karst
Signature

TERRY W. KARST
Printed Name

CEO
Title

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

CERTIFICATE OF SERVICE

I certify 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:

Sam Bennett
Office of Regional Counsel
bennett.sam@epa.gov

Marc Matthews
Enforcement and Compliance Assurance Division
matthews.marc@epa.gov

Copy via Email to Respondent:

James Price
Counsel for 3P Processing, LLC
jprice@spencerfane.com

Copy via Email to the State of Kansas:

Julie Coleman, Director (e-copy)
Bureau of Waste Management
Kansas Department of Health and Environment
julie.coleman@ks.gov

Jeff Walker (e-copy)
Compliance and Enforcement, Waste Reduction, and Assistance Section
Kansas Department of Health and Environment
jeff.walker@ks.gov

Signed