

FILED

October 21, 2024

6:32 AM

U.S. EPA REGION 7  
HEARING CLERK

**CLEAN AIR ACT STATIONARY SOURCE  
EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER**

DOCKET NO. CAA-07-2024-0056

Respondent: Continental Cement Company, LLC  
301 E Front St, Buffalo, Iowa 52804

1. The U.S. Environmental Protection Agency (EPA) and Continental Cement Company, LLC (Respondent) enter into this Clean Air Act Stationary Source Expedited Settlement Agreement (Agreement) to settle the civil violations set forth in the enclosed Clean Air Act Stationary Source Inspection Findings, Alleged Violations, and Proposed Penalty Form (the Form), pursuant to Section 113 of the Clean Air Act (CAA), 42 U.S.C. § 7413, and 40 C.F.R. § 22.13(b), for a penalty of **\$24,000 (Assessed Penalty)**.
2. In signing this Agreement, Respondent: (a) admits that it is subject to the CAA and its implementing regulations; (b) admits that EPA has jurisdiction over Respondent and Respondent's conduct as described in Table 2 of the Form; (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of the penalty contained herein; and (e) waives any and all remedies, claims for relief and other available rights to judicial or administrative review Respondent may have with respect to any issue of fact or law set forth in this Agreement and Final Order, including its right to appeal the proposed final order accompanying this agreement.
3. Respondent certifies that it completed the required corrective action(s) set forth in Table 3 of the Form.
4. Respondent acknowledges that there are significant penalties for submitting false information to the United States Government, including the possibility of a fine or imprisonment for knowing violations pursuant to section 113(c)(2) of the CAA, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.
5. Respondent shall pay the Assessed Penalty within thirty (30) calendar days of the effective date of this Agreement and 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>.

6. 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](mailto:R7_Hearing_Clerk_Filings@epa.gov); and

Milady Peters, Paralegal  
[peters.milady@epa.gov](mailto:peters.milady@epa.gov).

7. The Assessed Penalty is based upon EPA's consideration of the factors provided in CAA Section 113(e), 42 U.S.C. § 7413(e), and the EPA's Clean Air Act Stationary Source Civil Penalty Policy dated October 25, 1991<sup>1</sup>.
8. The payment made by Respondent pursuant to this Agreement is a penalty within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), and, therefore, Respondent shall not claim the payment as a tax-deductible expenditure for purposes of federal, state, or local law.
9. If Respondent fails to pay the Assessed Penalty in full within thirty (30) calendar days of the effective date of the Agreement and Final Order, the entire unpaid balance of the Assessed Penalty and accrued interest shall become immediately due and owing. Interest shall be at rates established pursuant to 26 U.S.C. § 6621(a)(2) from the date of the Final Order. 42 U.S.C. § 7413(d)(5).
10. If Respondent fails to timely pay the Assessed Penalty, Respondent may be subject to a civil action pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5) to collect the Assessed Penalty. In any collection action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.
11. By its first signature below, EPA confirms the alleged violation(s) set forth in Table 2 in the Form. Upon signing and returning this Agreement to EPA, Respondent consents to the terms of this Agreement without further notice.
12. Respondent acknowledges that this Agreement is binding on the parties signing below and becomes effective on the date of filing with the Hearing Clerk, after ratification of the Agreement and Final Order by the Regional Judicial Officer.
13. This Agreement, upon approval and incorporation in the Final Order, concludes this action pursuant to Sections 22.13(b), and 22.18(b)(2), and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b), and 22.18(b)(2), and (3).
14. This Agreement and Final Order is a complete and full resolution of Respondent's liability for federal civil penalties for the violation(s) alleged in this Agreement.

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<sup>1</sup> See "Amendments to the EPA's Civil Penalty Policies to Account for Inflation (effective January 15, 2024)" January 10, 2024 memorandum. See also "Civil Monetary Penalty Inflation Adjustment Rule," 88 Fed. Reg. 247 (December 27, 2023).

15. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment.
16. Nothing in this Agreement and Final Order should be construed to limit the authority of the United States to pursue criminal sanctions.
17. This settlement is subject to all limitations on the scope of resolution and the reservation of rights set forth in 40 C.F.R. § 22.18(c).
18. EPA reserves any rights and remedies available to it under the CAA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement and Final Order following its filing with the Regional Hearing Clerk.
19. Nothing in this Agreement relieves Respondent's obligation to comply with all applicable provisions of the CAA, 42 U.S.C § 7401 *et. seq.*, and the regulations promulgated thereunder.
20. Upon the EPA's final approval of the Agreement, Respondent expressly waives its right to contest the allegations. Moreover, in entering into this Agreement, Respondent agrees to bear its own costs and attorney's fees related to this Agreement.
21. Respondent consents to electronic service of the filed Agreement and Final Order to the following email address: *Brett.imsland@continentalcement.com*. Respondent understands that the Agreement and Final Order will become publicly available upon filing.

**ACCEPT THE PROPOSED PENALTY**

☒ I/we (Respondent) consent to the proposed penalty.

**DECLINE THE PROPOSED PENALTY**

☐ I/we (Respondent) decline the proposed penalty. If you choose to decline this proposed penalty, you may be subject to formal enforcement action and, in that event, will have an opportunity to a hearing related to any subsequent penalty assessment.

**COST OF COMPLIANCE**

Respondent certifies that it has expended \$ \_\_\_\_\_ to correct the alleged violations and to come into compliance.

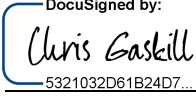
APPROVED BY EPA:

Signature: \_\_\_\_\_  
David Cozad  
Director

Date: \_\_\_\_\_

Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Signature:  5321032D61B24D7...

Date: 10/4/2024

Name and Title (print): Chris Gaskill, Secretary

**CERTIFICATE OF SERVICE**

(For EPA use only.)

I certify that that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order in the matter of Continental Cement Company, LLC, EPA Docket No. CAA-07-2024-0056, was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Antonette Palumbo  
Office of Regional Counsel  
*Palumbo.Antonette@epa.gov*

Luke Rodriguez  
Enforcement and Compliance Assurance Division  
*Rodriguez.luke@epa.gov*

Copy via Email to Respondent:

Brett Imsland  
Plant Manager  
Continental Cement Company, LLC  
*Brett.imsland@continentalcement.com*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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\_\_\_\_\_  
Signed

**FINAL ORDER**

Pursuant to 40 C.F.R. § 22.18(b) of the EPA's Consolidated Rules of Practice and Section 113 of the Clean Air Act, 42 U.S.C. § 7413, and having relied upon the representations of the parties set forth in the Expedited Settlement Agreement, I have determined that the penalty assessed herein is based on a consideration of the EPA's Clean Air Act Stationary Source Civil Penalty Policy dated October 25, 1991 and the Expedited Settlement Agreement Pilot Program for the Clean Air Act Stationary Source Enforcement Program, and is consistent with the penalty assessment criteria set forth in in CAA Section 113(e), 42 U.S.C. § 7413(e).

THEREFORE, the foregoing Expedited Settlement Agreement is hereby approved and incorporated by reference into the Final Order. Respondent is ORDERED, as set forth above, to pay the civil penalty.

Signature

\_\_\_\_\_  
Karina Borromeo  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 7

Date: \_\_\_\_\_