

Message Confirmation Report

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UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101

BEFORE THE ADMINISTRATOR

IN THE MATTER OF) Docket No. CAA-07-2011-0013
)
DAVIS PAINT COMPANY, INC.)
)
NORTH KANSAS CITY, MISSOURI) CONSENT AGREEMENT AND
) FINAL ORDER
)
)
Respondents)

CONSENT AGREEMENT AND FINAL ORDER

This administrative proceeding for the assessment of civil penalties was initiated on or about June 16, 2011, pursuant to Section 113(d) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. § 7413(d) when the U.S. Environmental Protection Agency (Complainant or EPA) issued to Davis Paint Company, Inc., North Kansas City, Missouri, (Respondent) a Complaint, Notice of Proposed Penalty, and Notice of Opportunity for Hearing (Complaint).

The Complaint alleged the Respondent violated Section 112 of the CAA, 42 U.S.C. § 7412 by failing to comply with 40 C.F.R. Part 63, Subpart HHHHH.

The Complaint proposed a penalty of One Hundred and Fifteen Thousand Six Hundred and Seventy-Five Dollars and No Cents (\$115,675.00). The Complainant and Respondent subsequently entered into the alternative dispute resolution process in an attempt to settle the allegations in the Complaint. Respondent has documented to Complainant that it has no ability to pay the proposed penalty.

This Consent Agreement and Final Order (CAFO) is the result of the above negotiations and resolves all issues relating to the administrative claims arising from the allegations in the Complaint.