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

IN THE MATTER OF:)	Docket No. CAA-07-2012-0005
)	
EBV Explosives Environmental Company)	
d/b/a General Dynamics Ordnance and)	
Tactical Systems – Munitions Services)	ADMINISTRATIVE
P.O. Box 1386)	COMPLIANCE ORDER
Joplin, MO 64802)	ON CONSENT
)	
RESPONDENT.)	

ADMINISTRATIVE COMPLIANCE ORDER ON CONSENT

This Administrative Compliance Order (Order) on Consent is entered into by the United States Environmental Protection Agency (EPA) and EBV Explosives Environmental Company d/b/a General Dynamics Ordnance and Tactical Systems – Munitions Services (“EBV” or “Respondent”). This Order is issued pursuant to Section 113(a)(1)(A) of the Clean Air Act (the Act), 42 U.S.C. 7413(a)(1)(A), as amended.

EPA hereby orders EBV to comply with the requirements set forth below. All activities specified below shall be initiated and completed as soon as possible even though maximum time periods for their completion may be specified herein. The terms of this Administrative Compliance Order on Consent (“Order” or “AOC”) shall not be modified except by a subsequent written agreement between the parties.

I. Statutory and Regulatory Background

1. Section 110 of the Clean Air Act, 42 U.S.C. § 7410, grants the Administrator of EPA authority to approve a state plan which provides for implementation, maintenance, and enforcement of an air quality standard in each air quality control region within the state.

2. On May 31, 1972, EPA approved the initial Missouri State Implementation Plan (SIP). Missouri later revised its regulations and submitted for approval 10 Code of State Regulations (CSR) 10-6.060 to address Prevention of Significant Deterioration. This revision was approved by EPA on June 22, 1982. Since then, the Missouri SIP has been amended and approved on February 10, 1986, (51 Fed. Reg. 4916); July 31, 1989 (54 Fed. Reg. 31,524); March 5, 1991, (56 Fed. Reg. 9172); February 29, 1996 (61 Fed. Reg. 7714); and December 22, 1998, (63 Fed. Reg. 70665). On February 25, 2005, Missouri revised its regulations to incorporate by reference 40 C.F.R. § 52.21. EPA approved this revision into the Missouri SIP on June 27, 2006.

3. The regulations appearing at 10 CSR 10-6.060, "*Construction Permits Required*," were incorporated into and part of the Missouri SIP at the time of the violation alleged in this Order. All citations herein refer to the provisions of the Missouri SIP as applicable at the time of the violations alleged herein.
4. The regulations appearing at 10 CSR 10-6.060 state that "(n)o owner or operator shall commence construction or modification of any installation subject to this rule, begin operation after that construction or modification... without first obtaining a permit from the permitting authority under this rule." 10 CSR 10-6.060(1)(C).
5. 10 CSR 10-6.060(5), "*De Minimis Permits*," applies to installations where any construction or modification results in a net emissions increase below *de minimis* levels.
6. The *de minimis* level of any single hazardous air pollutant (HAP) is less than or equal to 10 tons per year. 10 CSR 10-6.020(2)(D)5 and (3)(A) Table 1.
7. Hydrogen chloride is a HAP under Section 112(b)(1) of the Act.
8. Installations subject to 10 CSR 10-6.060(5) are issued a *de minimis* permit which remains effective after issuance unless, *inter alia*, net emissions increase above *de minimis* levels. Installations with net emissions increases above *de minimis* levels are in violation of 10 CSR 10-6.060 until a permit has been obtained under other applicable provisions of 10 CSR 10-6.060. 10 CSR 10-6.060(5)(B)(3).
9. Pursuant to Section 113 of the Act, 42 U.S.C. § 7413, the requirements of the Missouri SIP, as approved by EPA, are enforceable by EPA. Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), states that once the Administrator finds that any person is in violation of any requirement of an applicable implementation plan or permit, the Administrator shall notify the person and the State in which the plan applies of such finding.
10. Section 113(a)(1) of the Act further provides that at any time after the expiration of 30 days following the date on which such notice of a violation is issued, the Administrator may issue an order requiring such person to comply with the requirements or prohibitions of such plan or permit.

II. Definitions

11. Net emissions increase is defined in 40 CFR 52.21(b)(3), and incorporated by reference in 10 CSR 10-6.060. 10 CSR 10-6.020(2)(N)6.
12. 40 C.F.R. § 52.21(b)(3)(i) states that "net emissions increase" means the amount by which the sum of the following exceeds zero: "{a}ny increase in actual emissions from a particular physical change or change in method of operation at a stationary source" and "{a}ny other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

III. Factual Background

13. EBV is the owner or operator of a reactive waste management facility in Joplin, Missouri (hereinafter "Respondent's Facility" or "Facility"). EBV is and at all times referred to herein was a "person" as defined by Section 302(e) of the Clean Air Act, 42 U.S.C. § 7602(e).

14. As part of its reactive waste management facility, EBV operates a Propellant Thermal Treatment System (PTTS) in Building #3. Emissions from the PTTS are discharged through a single stack.

15. Respondent's Facility has the potential to emit pollutants in an amount greater than or equal to *de minimis* levels. As such, Respondent is subject to 10 C.S.R. § 10-6.060. 10 C.S.R. § 10-6.020(1)(B).

16. Pursuant to 10 C.S.R. § 10-6.060, the Missouri Department of Natural Resources ("MDNR") issued Permit to Construct Number 072009-004 ("Construction Permit") to EBV on July 2, 2009. The Construction Permit authorized construction of a combustion chamber for thermal treatment of rocket propellant for the M26 Multiple Rocket System, otherwise known as the PTTS.

17. EBV's Construction Permit was issued as a *de minimis* permit, pursuant to 10 C.S.R. § 10-6.060(5), based on the following emission rates:

Pollutant	Emission Rate (lb/hr)
Particulate Matter less than 10 microns in Diameter (PM ₁₀)	0.632
Nitrogen Oxides (NO _x)	0.571
Hydrogen Chloride (HCl)	0.270
Dioxins/Furans (TEQ)	9.7E-09

18. EBV submitted a letter, dated February 8, 2011, which stated that a stack test conducted on its PTTS on January 18, 2011 indicated that the measured hourly hydrogen chloride emission rate at the Facility exceeded the *de minimis* rate that must be met in order to qualify for the *de minimis* permit.

19. Following the date of the February 8, 2011 letter, EBV submitted stack test results to EPA indicating that it had exceeded the emission rates specified in its *de minimis* Construction Permit. The stack test dates and results are provided below:

October 19 and 20, 2010 Stack Test Results			
Pollutant	Run 1	Run 2	Average
PM ₁₀ (lb/hr)	1.59	0.70	1.14
HCl (lb/hr)	187	186	187

January 7, 2011 Stack Test Results				
Pollutant	Run 1	Run 2	Run 3	Average
PM₁₀ (lb/hr)	0.82	0.34	0.50	0.58
HCl (lb/hr)	186	209	177	198

March 10 and 11, 2011 Stack Test Results				
Pollutant	Run 1	Run 2	Run 3	Average
HCl (lb/hr)	199	183	191	191

20. On July 15, 2011, EBV submitted a *De Minimis* Construction Permit application to the MDNR that requests authorization to modify the PTTS in order to decrease emissions below *de minimis* levels.
21. On July 15, 2011, EBV submitted an application to MDNR for Temporary Authorization (TA) pursuant to the Resource Conservation and Recovery Act (RCRA) 40 C.F.R. § 270.42(e) for modification of the PTTS and operation of a wet scrubber for Building #3.
22. On November 16, 2011, EPA issued a Notice of Violation to EBV.
23. On December 16, 2011, MDNR issued its TA for modification of the PTTS and operation of a wet scrubber for Building #3.
24. On January 4, 2012, MDNR issued a *De Minimis* Construction Permit (the "Air Permit") authorizing the modification of the PTTS in order to decrease emissions below *de minimis* levels.

IV. Violation

25. Operation of Respondent's Facility at the hydrogen chloride emission rates in paragraph 19 resulted in a net emissions increase above *de minimis* levels. As such, EBV is operating its PTTS without a valid Construction Permit, and is therefore in violation of 10 C.S.R. § 10-6.060 of the federally approved Missouri SIP, Section 110 of the Act, 42 U.S.C. § 7410, and the Act's implementing regulations.

V. COMPLIANCE ORDER

26. In order to continue operation of the PTTS, pursuant to Section 113(a)(1)(A) of the Act, 42 U.S.C. § 7413(a)(1)(A), EPA hereby orders Respondent to comply with the requirements set forth below.

Required Modifications to the PTTS

27. By no later than 120 calendar days after the effective date of this Order as described in Section VII of this Order, Respondent shall accomplish the following modifications to the PTTS:
 - a. Expand the Propellant Thermal Treatment Unit (PTTU) chamber volume;

- b. Remove the Thermal Expansion Chamber (formerly known as the Thermal Oxidizer);
- c. Replace the ductwork from the PTTU chamber through and including the new main stack;
- d. Redesign ductwork headers to and from the existing baghouses to support increased flow rate and ensure uniform baghouse loading; and
- e. Install an additional baghouse.

28. By no later than 90 calendar days after the effective date of this Order as described in Section VII of this Order, Respondent shall install a packed bed wet scrubber and all associated equipment necessary for its operation on the PTTS.

29. Following the date specified in in paragraph 27 of this Order, Respondent shall not operate its PTTS unless all equipment required to be installed in paragraphs 27 and 28 is operating as designed and the PTTS emission rates are below the *de minimis* thresholds specified in 10 CSR 10-6.020(2)(D)5 and (3)(A) Table 1.

Source Testing

30. Within thirty days of entry of this Order, EBV shall submit a proposed source test protocol to EPA for review and approval. The purpose of this test protocol shall be to specify the testing requirements to obtain estimates of emissions of particulate matter less than 10 microns in diameter (Method 5), nitrogen oxides (Method 7E), hydrogen chloride (Method 26A), and dioxins and furans toxicity equivalents when the Facility is operated at maximum capacity or allowable/permitted capacity under representative conditions. The proposed source test protocol may also be used to satisfy performance testing requirements of the TA and the air permit, in which case the proposed source test protocol will also be subject to approval by the MDNR Hazardous Waste Program and Air Program. Upon receipt of the test protocol from EBV, EPA will review the protocol and if necessary provide comments, request modification, and/or directly modify the submittal before EPA approval. Within fourteen days of receipt of any comments and/or request for modification, EBV shall submit a revised test protocol that has been revised to fully address all of EPA's comments and/or requests for modification. EPA may approve the revised submittal, or modify and then approve the submittal.

31. Within 60 days of EPA approval of the source test protocol or within 90 days of startup of the PTTS, whichever is later, EBV shall conduct the source test in conformance and consistent with the requirements of the approved test protocol.

32. Within ninety days of completion of the source test, EBV shall provide EPA a report that documents all testing results, and that has been prepared in conformance with the approved test protocol.

Submittals

33. Every 14 days following entry of this Order, Respondent shall provide progress reports to EPA detailing actions Respondent has taken in furtherance of its obligations under this Order.

Upon completion of each requirement detailed in paragraphs 27 and 28 above, Respondent shall provide verification in the progress report indicating that the requirement has been satisfied. Respondent's obligation under this paragraph shall continue until submission of the Construction Completion report as required by paragraph 34 of this Order.

34. Within 30 days of the completion of the requirements of paragraphs 27 and 28, Respondent shall submit a Construction Completion report to EPA indicating that Respondent has complied with each of the requirements of this Order.

35. All documents required to be submitted to EPA by this Order shall contain the following certification, signed by an officer of Respondent:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

The submissions required by the above paragraphs and subparagraphs shall be made to:

Sara Hertz Wu
U.S. EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101

and

Gary Bertram
U.S. EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101

36. All documents submitted by Respondent to EPA in the course of implementing this Order shall be available to the public unless identified as confidential by Respondent pursuant to 40 CFR Part 2, Subpart B, and determined by EPA to merit treatment as confidential business information in accordance with applicable law.

Project Coordinators

37. The Project Coordinators for EPA and Respondent are as follows:

For EPA: Gary Bertram
Air Permitting and Compliance Office
U.S. EPA Region 7
901 North 5th Street

Kansas City, Kansas 66101
(913) 551-7533

For the Respondent: Jeffrey Loy
General Dynamics Ordnance and Tactical Systems
11399 16th Court North
St. Petersburg, FL 33719
(727) 578-8328

Respondent shall direct all submissions required by this AOC to EPA's Project Coordinator. Copies of all submissions required by this AOC shall be sent to the Missouri Department of Natural Resources, Attention: Mr. Steve Feeler, Hazardous Waste Program, Ms. Nicole Eby, Air Program, Kendall Hale, Air Program, P.O. Box 176, Jefferson City, Missouri 65102-0176. Each Project Coordinator shall be responsible for overseeing the implementation of this AOC. EPA and Respondent have the right to change their respective Project Coordinators. The other party must be notified in writing at least 10 days prior to the change.

Force Majeure

38. Respondent agrees to perform all requirements under this AOC within the time limits established under this AOC unless the performance is delayed by a force majeure. For the purposes of this AOC, a force majeure is defined as any event arising from causes beyond the control of Respondent, or any entity controlled by Respondent, or Respondent's contractors which delays or prevents performance of any obligation under this AOC despite Respondent's best efforts to fulfill the obligation. The requirement that the Respondent exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure event and best efforts to address any potential force majeure event: (1) as it is occurring, and (2) following the potential force majeure event, such that the delay is minimized to the greatest extent possible. Force majeure does not include financial inability to complete the work described in Paragraphs 25-27 of the AOC, increased cost of performance, changes in Respondent's business or economic circumstances, but may include significant delays caused by weather.

39. If an event occurs that may delay the performance of any obligation under this AOC, whether or not caused by a force majeure event, Respondent shall notify EPA in writing within five (5) days of when Respondent knew or should have known that the event might cause a delay. Such notice shall: (1) identify the event causing the delay, or anticipated to cause delay, and the anticipated duration of the delay; (2) provide Respondent's rationale for attributing such delay to a force majeure event; (3) state the measures taken or to be taken to prevent or minimize the delay; (4) estimate the timetable for implementation of those measures; and (5) state whether, in the opinion of the Respondent, such event may cause or contribute to an endangerment to public health, welfare, or the environment. Respondent shall undertake best efforts to avoid and minimize the delay. Failure to comply with the notice provisions of this Paragraph and to undertake best efforts to avoid and minimize delay shall preclude Respondent from asserting any claim of force majeure for that event for the period of time of such failure to comply, and for any

additional delay caused by such failure. Respondent shall be deemed to know of any circumstance of which Respondent, any entity controlled by Respondent, or Respondent's contractors knew or should have known.

40. If EPA determines the delay in performance or anticipated delay in fulfilling a requirement of this AOC is or was attributable to a force majeure, then the time period for performance of the requirement will be extended as deemed necessary by EPA. If EPA determines that the delay or anticipated delay has been or will be caused by a force majeure, then EPA will notify Respondent, in writing, of the length of the extension, if any, for performance of such obligations affected by the force majeure. Any such extensions shall not alter Respondent's obligation to perform or complete other tasks required by this AOC which are not directly affected by the force majeure.

41. If EPA disagrees with Respondent's assertion of a force majeure, then Respondent may elect to invoke the dispute resolution provision, and shall follow the procedures set forth in the Dispute Resolution section of this AOC. In any such proceeding, Respondent shall have the burden of demonstrating by a preponderance of the evidence that the delay or anticipated delay has been or will be caused by a force majeure, that the duration of the delay or the extension sought was or will be warranted under the circumstances, that Respondent's best efforts were exercised to avoid and mitigate the effects of the delay, and that Respondent complied with the requirements of this Section. If Respondent satisfies this burden, then EPA will extend the time for performance as EPA determines is necessary.

Modification of This AOC

42. If at any time during the implementation of the work described in Paragraphs 27 - 32, Respondent identifies a need for a compliance date or schedule modification, Respondent shall submit a memorandum documenting the need for the modification to the EPA Project Coordinator. EPA in its discretion will determine if the modification or revision is warranted and may provide written approval or disapproval. Any approved modified compliance date or schedule modification is incorporated by reference into this AOC.

43. Except for modification of any compliance date or schedule as provided for in Paragraph 42, this AOC may only be modified by the mutual agreement of EPA and Respondent. The agreed modifications shall be in writing and signed by both parties. The effective date of any modification shall be the date on which it is signed by EPA. Any such written modification shall be incorporated into this AOC.

44. No informal advice, guidance, suggestion, or comment by EPA regarding reports, plans, specifications, schedules, or any other writing submitted by Respondent shall relieve Respondent of its obligation to obtain such formal approval as may be required by this AOC, and to comply with all requirements of this AOC unless it is modified in accordance with this Section. Any deliverables, plans, technical memoranda, reports, specifications, schedules and attachments required by this AOC are, upon approval by EPA, incorporated into and enforceable under this AOC.

Dispute Resolution

45. Respondent shall raise any disputes concerning the work described in Paragraphs 27 - 32 required under this AOC to EPA (excluding any decision document(s) issued by EPA), in writing, within fifteen (15) business days after receiving written notice from EPA regarding any aspect of the work required in Paragraphs 27 - 32 of this AOC that Respondent disputes. EPA and Respondent shall expeditiously and informally attempt to resolve any disagreements. EPA and Respondent Project Coordinators shall first confer in an effort to resolve the dispute. If the Project Coordinators are unable to informally resolve the dispute within three (3) business days of the first conference, Respondent shall notify EPA, within five (5) business days, in writing of its objections. Written objections shall identify Respondent's objections, state the basis for those objections, and provide all data, analysis and information relied upon by Respondent. EPA and Respondent then have an additional fourteen (14) business days from EPA's receipt of the objections to reach agreement. If an agreement is not reached within the fourteen (14) business days, Respondent may request in writing, within five (5) business days a determination resolving the dispute by EPA Region 7's Regional Judicial Officer ("RJO"). The request should provide all information that Respondent believes is relevant to the dispute. If such request is submitted within five (5) business days, the RJO shall issue a determination in writing which will be EPA's final decision. EPA's final decision shall be incorporated into and become an enforceable part of this AOC and shall no longer be subject to dispute pursuant to this AOC. Respondent shall proceed in accordance with the RJO's decision regarding the matter in dispute, regardless of whether Respondent agrees with the decision. If Respondent does not agree to perform or does not actually perform the work described in Paragraphs 27 - 32 in accordance with EPA's decision, EPA reserves the right in its sole discretion to seek enforcement of this AOC, seek stipulated penalties, and/or any other appropriate relief. Any disputes arising under this AOC are not subject to judicial review until such time as EPA seeks to enforce this AOC, including an action for penalties or an action to compel Respondent's compliance with the terms and conditions of the AOC.

46. If EPA and Respondent reach agreement on the dispute at any state, the agreement shall be set forth in writing and shall, upon signature of both parties, be incorporated into and become an enforceable part of this AOC.

47. The existence of a dispute and EPA's consideration of matters placed in dispute shall not excuse, toll, or suspend any compliance obligation or deadline required pursuant to this AOC during the pendency of the dispute resolution process except as agreed by EPA in writing. The invocation of dispute resolution does not stay the accrual of stipulated penalties under this AOC.

Stipulated Penalties

48. Respondent shall be liable for stipulated penalties to the United States in the amounts set forth in subparagraphs (a) through (f) below for failure to comply with the requirements of this Order.

- a. The following stipulated penalties shall accrue per violation per day for failure to comply with any requirement of paragraphs 27 and 28 of this Section:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$250	1 st through 15 th day
\$1000	16 th day and beyond

- b. The following stipulated penalties shall accrue per day for failure to submit the proposed source test protocol as required by paragraph 30 of this Section:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$100	1 st through 15 th day
\$250	16 th day and beyond

- c. The following stipulated penalties shall accrue per day for failure to conduct the source test as required by paragraph 31 of this Section:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$500	1 st through 15 th day
\$1000	16 th day and beyond

- d. The following stipulated penalties shall accrue per day for failure to submit the source test report as required by paragraph 32 of this Section:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$100	1 st through 30 th day
\$250	31 st day and beyond

- e. The following stipulated penalties shall accrue per violation per day for failure to submit the progress reports as required by paragraph 33 of this Section:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$100	1 st through 30 th day
\$250	31 st day and beyond

- f. The following stipulated penalties shall accrue per day for failure to submit the Construction Completion Report as required by paragraph 34 of this Section:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
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\$100	1 st through 30 th day
\$250	31 st day and beyond

49. All penalties shall begin to accrue on the day after the complete performance is due or the day a violation occurs, and shall continue to accrue through the final day of the correction of the noncompliance or completion of the activity. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations of this Order.

50. The payment of penalties under this Order shall not alter in any way Respondent's obligations to comply with the provisions of this Order.

51. All penalties accruing under this section shall be due and payable to the United States within 30 days of Respondent's receipt from EPA of a demand for payment of penalties. All payments to the United States under this Section shall be paid by certified or cashier's check(s) made payable to "Treasurer, United States of America" and remitted to:

US Environmental Protection Agency
 Fines and Penalties -CFC
 PO Box 979077
 St. Louis, MO 63197-9000.

52. Failure to pay any portion of the stipulated penalties on the date upon which they are due will result in the accrual of interest on the unpaid portion of the stipulated penalties at the rate of two percent (2%) per annum.

VI. POTENTIAL LIABILITY

53. Section 113(a)(1) of the Act grants EPA the authority to issue an order to any person found in violation of the Act and the regulations promulgated pursuant thereto.

54. Section 113(a)(3) of the Act provides that whenever EPA finds that any person has violated, or is in violation of an order issued under Section 113(a)(1), the EPA Administrator may issue an administrative penalty order pursuant to Section 113(d) for civil administrative penalties of up to \$25,000 per day for each violation; or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties of not more than \$25,000 per day for each violation. Pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and the Civil Monetary Penalty Inflation Adjustment Rule, this penalty maximum was increased to \$32,500 per day for violations occurring on or after March 15, 2004. In addition, Respondent may be subject to an administrative or civil action for similar penalties and/or injunctive relief, pursuant to Sections 113(b) and (d) of the Act, based on the violations addressed by this Order. Furthermore, for any person who knowingly violates the provisions of the Clean Air Act as set forth in Section 113(c) of the Act, Section 113(c) provides for criminal penalties or imprisonment, or both.

55. This Order shall not relieve Respondent of its obligation to comply with all applicable federal, State, and local laws, regulations and other legal requirements, including but not limited to the Clean Air Act, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, State or local permit.

56. Nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of a regulated substance, other extremely hazardous substance, or other substance on, at, or from the Facility. EPA reserves the right to bring an action against Respondent assessing or seeking penalties and/or other relief for any violations, including, without limitation, the violations referred to in the Factual Background and Conclusions of Law set forth above. This Order shall not constitute or be construed as a release of any liability that the Respondent or any other person has under the Clean Air Act, the Safe Drinking Water Act, 42 U.S.C. §§ 300f to 300j-26, the Clean Water Act, 33 U.S.C. §§ 1251-1387, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675, the Emergency Planning and Community Right to Know Act of 1986, 42 U.S.C. §§ 11001-11050, or any other law. EPA also reserves all of its rights to obtain access to the Facility and require Respondent's submission of information to EPA.

VII. EFFECTIVE DATE; OPPORTUNITY FOR A CONFERENCE

57. This Order shall become effective immediately upon receipt unless, within five (5) business days of receipt hereof, EBV requests a conference with EPA concerning the violations alleged in, and the requirements of, this Order. In such event, the effective date of the Order shall be extended until the date of such conference or to a time established by EPA. Respondent has the right to be represented by counsel at such a conference. If a conference is held, this Order shall become effective the day after the conference, unless the effective date is extended by EPA.

58. In the event this Order is signed by both EPA and EBV, the Order shall become effective immediately upon signature by both EPA and EBV. Signature of the Order by EBV shall indicate that EBV waives its right to a conference with EPA as described in paragraph 57 above and that EBV neither admits nor denies the allegations in paragraphs 13 – 25 of this Order.

59. The request for a conference and other inquiries concerning this Order shall be addressed to:

Sara Hertz Wu
Assistant Regional Counsel
U.S. EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101
Phone: (913) 551-7316
Fax: (913) 551-7925

FOR THE RESPONDENT:

EBV Explosives Environmental Company
d/b/a General Dynamics Ordnance and Tactical Systems—Munitions Services

Date 1/19/2012

Del Dameron

Name: Del Dameron

Title: Vice President & Assistant Secretary

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

Date 1/24/12

Becky Weber
Becky Weber
Director
Air and Waste Management Division