

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
901 NORTH 5th STREET
KANSAS CITY, KANSAS 66101

2012 JUN 19 PM 12: 58

IN THE MATTER OF:)
)
TNT General Contracting, Inc.)
Rural Route 3 Box 78C)
Kahoka, Missouri 63445)
)
Webb Minerals, LLC.)
1261 Maine Street)
Quincy, Illinois 62360)
)
and)
)
Trustee(s))
of the Gary and Carol Trump Trust (U/T/A))
Kahoka, Missouri 63445)
)
)
Respondents)
)
Proceeding under Section 3008(a) and (g) of the)
Resource Conservation and Recovery)
Act as amended, 42 U.S.C. § 6928 (a) and (g))
and)
Section 309(g) of the Clean Water Act,)
33 U.S.C. § 1319(g))
_____)

**COMPLAINT AND
NOTICE OF
OPPORTUNITY FOR HEARING**
Docket No. RCRA-07-2012-0020
CWA-07-2012-0029

I. PRELIMINARY STATEMENT

1. This Complaint and Notice of Opportunity for Hearing (Complaint) is issued pursuant to Section 3008(a) and (g) 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 (HSWA), 42 U.S.C. § 6928(a) and (g), and Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g), and in accordance with the United States Environmental Protection Agency's (EPA) Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules of Practice), Title 40 Code of Federal Regulations (C.F.R.) Part 22.

2. The Complainants are the Chief of the Waste Enforcement and Materials Management Branch (WEMM) of the EPA, Region 7, and the Director of the Water, Wetlands and Pesticides Division (WWPD) of the EPA, Region 7, who have been duly delegated the authority to bring this action.

3. The Respondents are Webb Minerals, LLC (Webb), a company incorporated under the laws of Illinois; TNT General Contracting, Inc. (TNT), a company incorporated under the laws of Missouri; and the Trustee(s) of the Gary and Carol Trump Trust U/T/A (the Trust), a trust operating under the laws of Missouri.

4. Section 3008(g) of RCRA, U.S.C. § 6928(g), authorizes a civil penalty of not more than \$25,000 per day for violations of Subchapter III of RCRA (Hazardous Waste Management). This figure has been adjusted upward for inflation pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, so that penalties of up to \$32,500 per day are authorized for violations of Subchapter III of RCRA that occur between March 15, 2004 and January 12, 2009, and penalties of up to \$37,500 per day are authorized for violations that occur after January 12, 2009. Based upon the facts alleged in this Complaint and upon those factors which the Complainant must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), as discussed in the RCRA Civil Penalty Policy issued by EPA in June 2003, and attached hereto. The Complainant proposes that Respondents be assessed a civil penalty pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), for the violations of RCRA alleged in the Complaint. These factors include the seriousness of the violations, the threat of harm to public health or the environment, any good faith efforts of Respondents to comply with the applicable requirements, as well as other matters as justice may require. The proposed penalty may be adjusted if Respondents establish bona fide issues relevant to the statutory factors for the assessment of the proposed penalty.

5. The state of Missouri (Missouri) has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and Missouri has adopted by reference the federal regulations cited herein at pertinent parts of 10 C.S.R. Title 25. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), 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.

6. Section 301 (a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants except in compliance with, *inter alia*, Section 402 of the CWA, 33 U.S.C. § 1342. Section 402 of the CWA, 33 U.S.C. § 1342, provides that pollutants may be discharged only in accordance

with the terms of a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to that Section. Section 309(g) of the CWA, 33 U.S.C. 1319(g), authorizes Class II administrative penalties of up to \$177,500.00 for certain violations of the CWA occurring after January 12, 2009.

7. The Missouri Department of Natural Resources (MDNR) is the state agency with the authority to administer the federal NPDES program in Missouri pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. EPA maintains concurrent enforcement authority with authorized states for violations of the CWA.

II. COMPLAINT

ALLEGATIONS COMMON TO ALL COUNTS

8. TNT is a Missouri corporation that conducts authorized business at Rural Route 3 Box 78C, Kahoka, Clark County, Missouri, and is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15) and is a "person" and the "operator" of the facility as defined at 40 C.F.R. § 260.10, which is incorporated by reference at 10 C.S.R. 25-3.260.

9. Webb, located at 1261 Maine Street, Quincy, Illinois, is a limited liability company formed under the laws of Illinois and is a "person" within the meaning of 1004(15) of RCRA, 42 U.S.C. § 6903(15), and is a "person" and the "operator" of the facility as defined at 40 C.F.R. § 260.10, which is incorporated by reference at 10 C.S.R. 25-3.260.

10. The Trust owns the real property comprising the facility. The Trust has owned the facility since April 19, 2000, when Gary L. and Carol L. Trump transferred the property to the Trust for estate planning purposes. The Trust is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15) and is a "person" and the "owner" of the facility as defined at 40 C.F.R. § 260.10, which is incorporated by reference at 10 C.S.R. 25-3.260.

11. TNT, Webb and the Trust are all "persons" as defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5).23.

12. At all times relevant to this action, Respondent the Trust was the owner and Respondents Webb and TNT were the operators of a hazardous waste storage facility located at Rural Route 3, Box 78C near Kahoka, Missouri, in Clark County. Sampling conducted by MDNR on June 16, 2010, confirmed that Respondents were storing hazardous waste at this facility.

13. Webb is a broker of various zinc bearing materials. Webb procures zinc bearing materials from various generator sources. Webb owns these materials after they leave the generator's facility. Some of these materials are sent to TNT for further processing.

14. Once the materials arrive at TNT, Webb directs the mixing of the zinc bearing materials into zinc fertilizer ingredients. After the zinc fertilizer ingredients are mixed, they are shipped without a manifest to downstream facilities to be manufactured into fertilizers.

15. On March 24, 2010, MDNR inspectors conducted a Compliance Evaluation Inspection of the hazardous waste management practices at the facility. At the time of the March 24, 2010 inspection, there was a dark sludge running from the pond into the drainage ditch, which ran to the creek. On June 16, 2010, MDNR collected samples from the TNT site.

16. Analysis of samples obtained from these discharges demonstrated that, at a minimum, the discharges contained the following pollutants: boron, arsenic, copper, ammonia, zinc, chromium, cobalt, manganese, nickel, selenium, aluminum, barium, cadmium and 2-butanone (MEK).

17. On September 2, 2010, EPA issued a Unilateral Administrative Order (UAO) pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973 and Section 309(a) of the CWA, 42 U.S.C. §1319(a) (Docket numbers RCRA-07-2010-0034 and CWA-07-2010-0155). The UAO required TNT to perform hazardous waste characterizations on all materials and containerize them, to perform a site characterization and cleanup, and to comply with the storm water requirements of the CWA.

18. On September 14, 2010, following the issuance of the UAO, EPA conducted a site visit and on September 29-30, 2010, EPA conducted an additional compliance evaluation inspection. At the time of these inspections, TNT was still not operating in compliance with RCRA regulations.

Clean Water Act Violation
Discharging Industrial Stormwater without A NPDES Permit

19. The allegations stated in paragraphs 8 through 18 above are herein realleged and incorporated as if fully set forth herein.

20. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of "pollutants" except in compliance with, *inter alia*, Section 402 of the CWA, 33 U.S.C. § 1342. Section 402 of the CWA provides that pollutants may be discharged only in accordance with the terms of a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to that section.

21. The CWA prohibits the discharge of “pollutants” from a “point source” into a “navigable water” of the United States, as those terms are defined by Section 502 of the CWA, 33 U.S.C. § 1362.
22. Section 402(p) of the 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 the CWA requires, in part, that a discharge of stormwater associated with an industrial activity must conform with the requirements of an NPDES permit issued pursuant to Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.
23. Pursuant to Section 402(p) of the CWA, 33 U.S.C. § 1342(p), EPA promulgated regulations setting forth the NPDES permit requirements for stormwater discharges at 40 C.F.R. § 122.26.
24. 40 C.F.R. §§ 122.26(a)(1)(ii) and 122.26(c) requires dischargers of stormwater associated with industrial activity to apply for an individual permit or to seek coverage under a promulgated stormwater general permit.
25. 40 C.F.R. 122.26, and Chapter 644 of the Revised Statutes of Missouri (RSMo), state that industrial and commercial activities that are classified as having “storm water discharge associated with industrial activity” require NPDES permit coverage.
26. 40 C.F.R. § 122.26(b)(14)(iv) includes hazardous waste treatment, storage, or disposal facilities within the definition of facilities that generate “stormwater discharge associated with industrial activity.”
27. Stormwater, snow melt, surface drainage and runoff water leaves TNT’s facility and flows into an unnamed tributary of Weaver Branch. The runoff and drainage from Respondents’ facility is “stormwater” as defined by 40 C.F.R. § 122.26(b)(13).
28. Stormwater from the facility contains “pollutants” as defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6).
29. The Site has “stormwater discharges associated with industrial activity” as defined by 40 C.F.R. § 122.26(b)(14)(iv), and is a “point source” as defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14).
30. Respondents discharged pollutants into an unnamed tributary of Weaver Branch and thereafter to Weaver Branch, which are “navigable waters” as defined by CWA Section 502(7), 33 U.S.C § 1362(7).

31. Stormwater runoff from Respondents' industrial activity 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).
32. Respondents' discharge of pollutants associated with an industrial activity, as defined by 40 C.F.R. § 122.26(b)(14)(iv), requires a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
33. At the time of the June 2010 MDNR sampling event, there was a brown, odorous discharge running from the containment pond located at the facility property into the unnamed tributary of Weaver Branch. Samples of this discharge were collected and analysis of the samples showed levels of zinc as high as 1,810 parts per million (ppm).
34. Samples of water from the pond were also collected. Analysis of these samples showed levels of hexavalent chromium as high as 45.6 µg/liter, which exceeds the Missouri water quality standard for hexavalent chromium of 15 µg/liter, as set forth at RSMo Sections 644.051.1(2) and 644.076.1, and 10 CSR 20-7.031. Pond water samples also contained zinc at levels as high as 38,000 µg/liter.
35. Sediment samples from the creek showed zinc levels of 315 ppm, and water collected from the creek showed zinc levels of up to 582 µg/liter.
36. At the time of the June 2010 discharge, none of the Respondents had ever submitted an NPDES permit application or had been issued a NPDES permit for the TNT facility.
37. On September 14, 2010, MDNR received a permit application for stormwater discharges from TNT and the Trust. The permit was issued and effective May 20, 2011.
38. Mixing of zinc bearing materials for fertilizer manufacturing constitutes an "industrial or commercial activity" within the meaning of 40 C.F.R. § 122.26.
39. The MDNR inspections referenced in paragraph 15 above revealed that Respondents discharged stormwater associated with an industrial activity without obtaining NPDES permit coverage.
40. Respondents' discharge of stormwater without NPDES permit coverage is a violation of Sections 301(a) and 402(p) of the CWA, 33 U.S.C. § 1311(a) and § 1342(p) and Chapter 644 of the Revised Statutes of Missouri.

RCRA Violations

41. The allegations stated in paragraphs 8 through 18 above are herein realleged and incorporated as if fully set forth herein.
42. At the time of the March and June 2010 inspections, materials were stored throughout the facility in drums, totes, supersacks and other containers, as well as in piles on the ground.
43. Analysis of the samples collected during the June 2010 inspection showed that these materials contained, among other things, zinc, barium, mercury, nickel, 2-Butanone (MEK), tetrahydrofuran, toluene, arsenic, cadmium, chromium and lead.
44. Pursuant to 40 C.F.R. Part 261, which is incorporated by reference at 10 C.S.R. 25-3.260, a solid waste may be a hazardous waste either because the waste is assigned a hazardous waste code or because the waste exhibits a hazardous characteristic.
45. Some of the supersacks of material were marked with the waste code F006.
46. Testing on some of the materials showed that they exhibited the hazardous characteristics of toxicity and ignitability.
47. Some of the materials in storage at the time of the MDNR inspections were "hazardous waste" within the meaning of 40 C.F.R. § 260.10, which is incorporated by reference at 10 C.S.R. 25-3.260.
48. The regulations at 40 C.F.R. § 261.4(a)(20) and (21) and 10 C.S.R. 25-4.261(1) and (2), incorporating 40 C.F.R. § 261.4(a)(20) and (21) exclude zinc-bearing materials used for the manufacture of fertilizers, provided the notification and handling procedures set forth in the rule are followed (usually referred to as the "Zinc Fertilizer Exemption"). This exemption is not federally enforceable in Missouri because EPA has not authorized Missouri for the rule. In addition, regardless of whether the rule is applicable in Missouri, the Respondents failed to satisfy the following conditions and therefore do not qualify for the Zinc Fertilizer Exemption contained in 40 C.F.R. § 261.4(a)(20) and (21) nor 10 C.S.R. 25-4.26(1) and (2) for activities at the Facility:
 - a. Respondents failed to ensure that zinc bearing materials were not accumulated speculatively;
 - b. Respondents failed to submit notice to EPA or MDNR that they would be handling zinc-bearing materials to be incorporated into zinc fertilizers. Moreover, none of the respondents

notified MDNR of the location of the facility nor applied for a RCRA EPA Identification Number;

- c. Respondents failed to store the zinc bearing materials in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases into the environment;
- d. Respondents failed to provide written notice to the receiving facility that the material is subject to the conditions of 40 C.F.R. § 261.4(a)(20); and
- e. Respondents failed to maintain minimum required records.

Failure to Notify the State of Missouri as a Hazardous Waste Generator

- 49. Section 3010 of RCRA, 42 U.S.C. § 6930, and RSMo § 260.380 require the owners and operators of facilities that generate hazardous waste to notify EPA or the State of hazardous waste activities and obtain a RCRA identification number.
- 50. At the time of the MDNR inspections, the TNT facility was a generator of hazardous waste.
- 51. At the time of the MDNR inspections, TNT, Webb and/or the Trust had not notified EPA or Missouri of their hazardous wastes activities or applied to obtain a RCRA identification number.
- 52. TNT has been operating at the Kahoka, Missouri location since at least 2005.
- 53. The failure of TNT, Webb and/or the Trust to submit a notification of hazardous waste activities and obtain a RCRA identification number is a violation of Section 3010 of RCRA, Chapter 260 of the RSMo, and 10 C.S.R. 25-5.262(2).

Failure to Conduct Hazardous Waste Determinations

- 54. 40 C.F.R. § 262.11, as incorporated by 10 C.S.R. 25-5.262(1), requires generators of solid waste to perform hazardous waste determinations using methods prescribed in the regulations.
- 55. At the time of the MDNR inspections, the TNT facility was generating solid waste.
- 56. During MDNR's inspection, MDNR cited TNT and Webb for failing to conduct hazardous waste determinations.

57. During their sampling inspection, MDNR found that the following samples were hazardous waste, either for exhibiting the hazardous characteristic of toxicity for cadmium (D006) or exhibiting the hazardous characteristic of ignitability (D001):

Material	Sample ID	Hazardous Constituent
Drum sample DS-03 taken from drum labeled #2 blue poly, behind mixing building next to 300 gallon totes, grab	DS-03	Flashpoint = 28 °C
Drum sample DS-04 taken from drum labeled #3 white poly, behind mixing building next to 300 gallon totes, grab	DS-04	Flashpoint = 29.5 °C
SS-03 collected from super sack D006, in front of the northwestern most building, grab	SS-03	Cadmium – 9.95 ppm
SS-10 collected from light brown source material in northwestern most building, bay 5, grab	SS-10	Cadmium – 7.58 ppm

58. As a portion of the compliance requirements of the UAO, TNT, Webb and the Trust were required to complete hazardous waste determinations on materials at the facility by September 21, 2010.

59. TNT and Webb submitted hazardous waste determinations to EPA on October 1, 2010.

60. As a result of the hazardous waste determinations, the following materials were found by TNT and Webb to be hazardous waste for either exhibiting the hazardous characteristic of toxicity for cadmium (D006) or exhibiting the hazardous characteristic of ignitability (D001):

Material	Sample ID	Hazardous Constituent
Finished Fertilizer Mix (Baylon, Honda, Coldwater, Power Lime)	SP-6	Cadmium – 1.89 mg/L
MEK Mixture	DS-16	Flashpoint = 75 °F

61. Based on the analysis of the samples collected and analyzed by MDNR at the time of the inspection, and on the waste determinations submitted to EPA by TNT and Webb, there were at

least six different hazardous waste streams present at the TNT facility at the various times the samples were collected.

62. Respondents TNT and Webb failed to perform a hazardous waste determination on solid waste generated at the TNT facility, in violation of 40 C.F.R. § 262.11, as incorporated by reference at 10 CSR 25-5.262(1).

Operation of a Hazardous Waste Treatment, Storage, Disposal Facility Without a RCRA Permit

Treating, Storing and Disposing of Hazardous Waste

63. Section 3005 of RCRA, 42 U.S.C. § 6925, and Section 260.390.1(1) of the RSMo, require each person owning or operating a facility for the treatment, storage, or disposal of hazardous waste identified or listed under Subchapter C of RCRA to have a permit for such activities.

64. TNT received various zinc bearing materials from generators via Webb.

65. Prior to the MDNR inspection, at least two generators were providing hazardous wastes to Webb and TNT to be mixed into the zinc bearing ingredients.

66. Webb and TNT have been managing hazardous wastes at the TNT facility since at least September 27, 2005.

67. TNT stored the zinc bearing hazardous wastes in piles on the ground in a three sided building that is open to the elements, in a building that is open to the environment due to deterioration, in piles outside of the buildings on the ground, as well as in various types of containers.

68. Mr. Webb directed employees at TNT to mix the various piles in specific ratios to produce the zinc fertilizer ingredients.

69. Mixing hazardous waste with other materials to change its composition constitutes "treatment" of hazardous waste within the meaning of Section 3005 of RCRA, 42 U.S.C. § 6925, and § 260.390.1(1) RSMo.

70. Storage of hazardous waste in piles on the ground and in a building at the facility constitutes "storage" of hazardous waste within the meaning of Section 3005 of RCRA, 42 U.S.C. § 6925, and § 260.390.1(1) RSMo.

71. While the zinc bearing materials are stored on the ground and exposed to the elements they are scattered about on-site and carried off-site via wind and rain into neighboring fields, the containment pond, and the neighboring golf course. Allowing hazardous waste to be released into the soil at and around the facility and into the containment pond constitutes "disposal" of hazardous waste within the meaning of Section 3005 of RCRA, 42 U.S.C. § 6925, and § 260.390.1(1) RSMo.

Failure to Comply with Generator Requirements

72. 40 C.F.R. § 262.34, which is incorporated by reference at 10 C.S.R. 25-5.262, states that generators of hazardous waste may store that waste at their own facility without a permit for a period of ninety days, provided they meet with a series of requirements, such as keeping the waste in containers, labeling and dating the containers, maintaining the containers with adequate aisle space, and others.

73. At the time of the MDNR inspections, Respondents were generating hazardous waste.

74. At the time of the MDNR inspection, Respondents were not complying with any of the generator requirements set forth at 40 C.F.R. § 262.34; therefore, Respondents could not store hazardous waste at their facility for any amount of time without obtaining a permit.

75. Webb, TNT, and/or the Trust have never applied to obtain a RCRA permit for storage, treatment, or disposal of hazardous wastes at the TNT facility.

76. Respondents' failure to comply with the generator requirements of 40 C.F.R. § 262.34 results in Respondents not being authorized to store hazardous waste at their facility for any length of time and therefore constitutes the operation of a hazardous waste storage facility without a permit, in violation of Section 3005 of RCRA and RSMo § 260.390.1(1).

Shipping Hazardous Waste Without A Hazardous Waste Manifest

77. 40 C.F.R. § 262.20, as incorporated by reference at 10 C.S.R. 25-5.262, requires a generator who offers hazardous waste for transportation to an off-site treatment, storage or disposal facility to prepare a hazardous waste manifest and ship the wastes accompanied by the manifest.

78. Prior to the September 2010 inspection, TNT and Webb received at least 28 shipments of hazardous waste from two generators from 2007 to the present.

79. Prior to the UAO of September 2010, shipments from the TNT facility were made via bills of lading, rather than manifests.

80. At least one shipment of material from the TNT facility had a cadmium level that exceeded the threshold for exhibiting the hazardous characteristic of toxicity.

81. Additionally, TNT and Webb received listed hazardous waste (F006) waste that was mixed with other materials and sent off-site to downstream facilities without a hazardous waste manifest.

82. Respondents' failure to prepare a hazardous waste manifest when offering hazardous waste for transportation to an off-site disposal facility is a violation of 40 C.F.R. Part 262.20, as incorporated by reference at 10 C.S.R. 25-5.262.

III. PROPOSED CIVIL PENALTY

83. Based upon the facts alleged in this Complaint and upon those factors which Complainant must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), as discussed in the RCRA Civil Penalty Policy issued by EPA in June 2003, the Complainant proposes that Respondents be assessed a civil penalty of \$1,286,651.76 pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), for the violations of RCRA alleged in this Complaint. The proposed penalty may be adjusted if Respondents establish bona fide issues relevant to the statutory factors for the assessment of the proposed penalty.

84. Based upon the facts alleged in this Complaint and upon the statutory factors set forth in Section 309(g) of the CWA, 33 U.S.C. 1319(g), Complainant proposes that Respondents be assessed a civil penalty of \$120,037.00 for the violations of the CWA alleged in this Complaint. The proposed penalty may be adjusted if Respondents establish bona fide issues relevant to the statutory factors for the assessment of the proposed penalty.

85. Unless Respondents file an Answer to this Complaint in accordance with 40 C.F.R. § 22.15, payment shall be made within 30 days of receipt of this Complaint by certified or cashier's check payable to "Treasurer of the United States" and remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000.

A copy of said check shall be sent simultaneously by certified mail, return receipt requested, to:

*In the matter of
TNT General Contracting, Inc.,
Webb Minerals, LLC., and
Gary and Carol Trump Trust U/T/A
Page 13 of 15*

Deborah Bredehoff
AWMD/WEMM
U.S. EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101

and to:

Michael Boeglin
WWPD/WENF
U.S. EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101.

Wire transfers shall be directed to the Federal Reserve Bank of New York as follows:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency."

86. The check must reference the EPA Docket Number of this Complaint and Respondents by name.

IV. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

87. Respondents may request a hearing to contest any material fact contained in the Complaint, or to contest the appropriateness of the proposed penalty, by filing an answer in accordance with the requirements of 40 C.F.R. § 22.15 of the Consolidated Rules of Practice, a copy of which is attached hereto. The answer and request for hearing must be filed with the Regional Hearing Clerk at:

Regional Hearing Clerk
U.S. EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101.

A copy of the answer and request for hearing and copies of any subsequent documents should also be sent to Ms. Belinda Holmes, Office of Regional Counsel, at the same address.

88. Respondents' failure to file a written answer and request a hearing within thirty (30) days of service of this Complaint will constitute a binding admission of all allegations contained in the Complaint and a waiver of Respondents' right to a hearing. A Default Order may thereafter be issued by the Regional Judicial Officer, and the civil penalty proposed herein shall become due and payable without further proceedings.

V. SETTLEMENT CONFERENCE

89. Whether or not Respondents request a hearing, an informal conference may be requested in order to discuss the facts of this case in an attempt to arrive at settlement. To request a settlement conference, please contact Ms. Belinda Holmes, Office of Regional Counsel, U.S. EPA Region 7, 901 North 5th Street, Kansas City, Kansas 66101, (913) 551-7714.

90. Please note that a request for an informal settlement conference does not extend the thirty (30) day period during which a written answer and request for a hearing must be submitted. The informal conference procedure may be pursued simultaneously with the adjudicatory hearing procedure.

91. EPA encourages all parties against whom a civil penalty is proposed to pursue the possibility of settlement as a result of an informal conference. However, no penalty reduction will be made simply because such a conference is held. Any settlement which may be reached as a result of such a conference shall be embodied in a written Consent Agreement and Final Order issued by the Regional Judicial Officer, U.S. EPA Region 7.

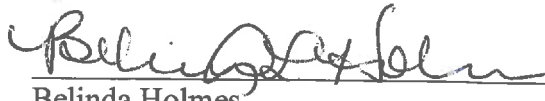
VI. EFFECTIVE DATE

92. This Complaint and Notice of Opportunity for Hearing shall become effective on the latest of the dates of signature of the Chief of the Waste Enforcement and Materials Management Branch and the Director of the Water, Wetlands and Pesticides Division, EPA Region 7.


In the matter of
TNT General Contracting, Inc.,
Webb Minerals, LLC., and
Gary and Carol Trump Trust U/T/A
Page 15 of 15

IT IS SO ISSUED AND ORDERED:


6/19/12
Date


Belinda Holmes
Senior Counsel
Office of Regional Counsel

6-18-12
Date


Donald Toensing, Chief
Waste Enforcement and Materials Management Branch

6-18-12
Date


Karen Flournoy, Director
Water, Wetlands and Pesticides Division

Attachments: Penalty Computation Worksheet
Consolidated Rules of Practice Governing the Administrative Assessment of Civil
Penalties, Issuance of Compliance or Corrective Action Orders, and the
Revocation, Termination or Suspension of Permits
RCRA Civil Penalty Policy (June 2003)
Notice of Securities and Exchange Commission Registrants' Duty to Disclose
Environmental Legal Proceedings

*In the matter of
TNT General Contracting, Inc.,
Webb Minerals, LLC., and
Gary and Carol Trump Trust U/T/A
Certificate of Service*

CERTIFICATE OF SERVICE

I hereby certify that the original and one true and correct copy of the foregoing Complaint and Notice of Opportunity for Hearing were hand delivered to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 901 North Fifth Street, Kansas City, Kansas 66101; and that true and correct copies, together with a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits were sent by certified mail and/or via electronic mail, return receipt requested, to:

Mr. Thad Trump, President
TNT General Contracting, Inc.
c/o David Shorr, Esq.
Lathrop & Gage, LLP
314 E. High Street
Jefferson City, Missouri 65101

Mr. Bob Webb
Webb Minerals LLC
P.O. Box 65 1261 Maine Street
Quincy, Illinois 62360
(Electronic copy to:
Tad Brenner, Esq.
tbrennerlaw@adams.net)

The Gary and Carol Trump Trust
c/o Gary and Carol Trump
Route 3, Box 83
Kahoka, Missouri 63445

on this 19th day of June, 2012



Belinda L. Holmes
Senior Counsel