

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7

2012 DEC 17 PM 3: 53

IN THE MATTER OF

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

Docket Nos: CAA-07-2013-0007
RCRA-07-2013-0007

Respondent

_____)

ORDER

Pursuant to 40 C.F.R. § 22.5(a)(1), electronic filing of page 15 of the Consent Agreement and Final Order is authorized in this proceeding.

Dated: Dec. 17, 2012

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

2013 DEC 17 PM 3:53

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	Docket Nos. CAA-07-2013-0007
)	RCRA-07-2013-0007
EBV Explosives Environmental Company)	
d/b/a General Dynamics Ordnance and)	
Tactical Systems – Munitions Services)	
)	
Joplin, Missouri)	CONSENT AGREEMENT AND
)	FINAL ORDER
Respondent.)	
)	

CONSENT AGREEMENT AND FINAL ORDER

The United States Environmental Protection Agency, Region 7 (Complainant or EPA), and EBV Explosives Environmental Company d/b/a General Dynamics Ordnance and Tactical Systems – Munitions Services (Respondent or EBV) have agreed to a settlement of this action before 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, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules of Practice), 40 Code of Federal Regulations (C.F.R.) §§ 22.13(b), 22.18(b)(2).

I. ALLEGATIONS

A. Jurisdiction

1. This is an administrative action for the assessment of civil penalties instituted pursuant to both the Section 113(d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d), and Sections 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 in accordance with the Consolidated Rules of Practice.

2. The EPA Administrator and the United States Attorney General, through their delegated representatives, have jointly determined that this administrative penalty action is appropriate for a larger penalty amount or longer period of violation than the time and penalty

limitations set forth in Section 113(d) of the CAA.

3. This Consent Agreement and Final Order (CAFO) serves as notice that the EPA has reason to believe that Respondent has violated the Missouri Code of State Regulations (C.S.R.) 10 C.S.R. § 10-6.060, and that Respondent is therefore in violation of an applicable state implementation plan (SIP) approved by the EPA pursuant to Section 110 of the CAA. Furthermore, this CAFO serves as notice pursuant to Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), of the EPA's intent to issue an order assessing penalties for this violation.

4. This CAFO also serves as notice that the EPA has reason to believe Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, Section 390.1 of Chapter 260 of the Revised Statutes of Missouri (R.S.Mo.), and the regulations found in 40 C.F.R. Part 270 as incorporated in 10 C.S.R. § 25-7.270.

B. Parties

5. The Complainant, by delegation from the Administrator of the EPA, and the Regional Administrator of the EPA, Region 7, is the Director of the Air and Waste Management Division, EPA Region 7.

6. Respondent is incorporated under the laws of the state of Delaware and is authorized to do business in Missouri.

C. Statutory and Regulatory Background

Clean Air Act

7. Section 110 of the Clean Air Act, 42 U.S.C. § 7410, grants the Administrator of the 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.

8. On May 31, 1972, the EPA approved the initial Missouri State Implementation Plan (SIP). Missouri later revised its regulations and submitted for approval 10 Code of State Regulations (C.S.R.) 10-6.060 to address Prevention of Significant Deterioration. This revision was approved by the 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. The EPA approved this revision into the Missouri SIP on June 27, 2006.

9. The regulations appearing at 10 C.S.R. 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.

10. The regulations appearing at 10 C.S.R. 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 C.S.R. 10-6.060(1)(C).

11. The regulations at 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.

12. The *de minimis* level of any single hazardous air pollutant (HAP) is less than or equal to 10 tons per year. 10 C.S.R. 10-6.020(2)(D)5 and (3)(A) Table 1.

13. Hydrogen chloride is a HAP under Section 112(b)(1) of the CAA.

14. Installations subject to 10 C.S.R. 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 C.S.R. 10-6.060 until a permit has been obtained under other applicable provisions of 10 CSR 10-6.060. 10 C.S.R. 10-6.060(5)(B)(3).

15. Pursuant to Section 113 of the CAA, 42 U.S.C. § 7413, the requirements of the Missouri SIP, as approved by the EPA, are enforceable by the EPA. Section 113(a)(1) of the CAA, 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.

16. Section 113(a)(1) of the CAA 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.

17. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), states that the Administrator may issue an administrative order against any person assessing a civil administrative penalty of up to \$25,000 per day of violation, whenever, on the basis of any available information, the Administrator finds that such person has violated or is violating any requirement or prohibition of the CAA referenced therein, including Section 110 of the Act, 42 U.S.C. § 7410. Pursuant to the Adjustment of Civil Monetary Penalties for Inflation Rule, 40 C.F.R. Part 19, the EPA may

assess penalties of no more than \$27,500 per day for each violation occurring between January 30, 1997, and March 14, 2004; no more than \$32,500 per day for each violation occurring between March 15, 2004, and January 12, 2009; and no more than \$37,500 per day for each violation occurring after January 12, 2009.

Resource Conservation and Recovery Act

18. The State of Missouri has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926. The State of Missouri has adopted by reference the federal regulations cited herein at pertinent parts in Title 10, Division 25 of the Missouri Code of State Regulations. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA to enforce the provisions of the authorized State program and the regulations promulgated thereunder. When the EPA determines that any person has violated or is in violation of any RCRA requirement, 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 pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. In the case of a violation of any RCRA requirement, where such violation occurs in a state which is authorized to implement a hazardous waste program pursuant to Section 3006 of RCRA, the EPA shall give notice to the state in which such violation has occurred or is occurring prior to issuing an order. The State of Missouri has been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

19. Section 3008(g) of RCRA, 42 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 now authorized for violations of Subchapter III of RCRA that occur after March 15, 2004, though January 12, 2009. For violations of Subchapter III of RCRA that occur after January 12, 2009, penalties of up to \$37,500 per day are now authorized. 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), as discussed in the RCRA Civil Penalty Policy issued by the EPA in June 2003, the Complainant and Respondent agree to the payment of a civil penalty pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and to take the actions required by the Final Order, for the violations of RCRA alleged in this Consent Agreement and Final Order.

D. Definitions

20. Net emissions increase is defined in 40 C.F.R. 52.21(b)(3), and incorporated by reference in 10 C.S.R. 10-6.060. 10 C.S.R. 10-6.020(2)(N)6.

21. The regulations at 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.

E. Factual Background

Clean Air Act

22. EBV is the owner or operator of a reactive waste management facility in Joplin, Missouri (hereinafter Respondent’s Facility or Facility).

23. As part of its reactive waste management facility, EBV operates a Propellant Thermal Treatment Facility (PTTF) in Building #3 (also referred to as the Propellant Thermal Treatment System, or PTTS). Emissions from the PTTF are discharged through a single stack.

24. 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).

25. 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 PTTF.

26. 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

27. EBV submitted a letter, dated February 8, 2011, which stated that a stack test conducted on its PTTF 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.

28. Following the date of the February 8, 2011 letter, EBV submitted stack test results to the 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
PM ₁₀ (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

29. On July 15, 2011, EBV submitted a *De Minimis* Construction Permit application to the MDNR that requests authorization to modify the PTTF in order to decrease emissions below *de minimis* levels.

30. 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.

31. On November 16, 2011, the EPA issued a Notice of Violation to EBV.

32. On December 16, 2011, MDNR issued its TA for modification of the PTTS and operation of a wet scrubber for Building #3.

33. 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.

34. On January 26, 2012, EPA issued an Administrative Order on Consent to EBV, which required EBV to install equipment to reduce the Facility's hydrogen chloride emissions to below *de minimis* levels. Since this Order was issued, EBV has installed a scrubber, made associated changes to the PTTF, and has completed stack testing to demonstrate that the Facility's emissions are below *de minimis* levels.

Resource Conservation and Recovery Act

35. On October 23, 2002, MDNR issued a Hazardous Waste Management Facility Permit (number MOD985798164) (RCRA Permit) to EBV. This permit was subsequently modified on August 19, 2009 and December 7, 2012. This permit authorizes EBV to construct and operate a hazardous waste facility and provides the conditions for doing so.

36. Special Permit Condition II.M of the RCRA Permit requires EBV to operate the Propellant Thermal Treatment Unit in Building #3 of its Facility within certain emissions limits and operating parameters. In particular, the permit states that each Propellant Treatment Unit “shall not discharge or cause combustion gases to be emitted to the atmosphere that contain . . .

1. Dioxins and furans in excess of 0.11 ng TEQ/dscm; . . .
5. Hydrogen chloride and chlorine gas in excess of 21 ppmv;
6. Particulate in excess of 0.0015 gr/dscf; and
7. Stack gas flow is limited to 13,000 acfm.”

37. During a performance test conducted on or about October 19-20, 2010, emissions of particulates and hydrogen chloride and chlorine gas were detected at levels above the permitted limits. The stack flow rate was found to be in excess of the permitted operating parameter limits.

38. During a performance test conducted on or about January 7, 2011, emissions of particulates and hydrogen chloride and chlorine gas were detected at levels above the permitted limits. The stack flow rate was found to be in excess of the permitted operating parameter limits.

39. During a performance test conducted on or about March 10-11, 2011, emissions of hydrogen chloride and chlorine gas were detected at levels above the permitted limits. The stack flow rate was found to be in excess of the permitted operating parameter limits.

40. During a performance test conducted on or about June 9, 2011, emissions of dioxins and furans were detected at levels above the permitted limits.

41. During a performance test conducted on or about April 12, 2012, emissions of dioxins and furans were detected at levels above the permitted limits.

42. During a performance test conducted on or about May 31-June 1, 2012, emissions of dioxins and furans were detected at levels above the permitted limits.

43. Special Permit Condition II.P of the RCRA Permit requires EBV to install, maintain, calibrate, and operate continuous monitors which monitor and record the operating parameters and conditions used to verify compliance with limits and operating parameters specified in the Permit, including any parameters used in calculations.

44. On May 4-5, 2011, an inspector from the MDNR conducted a compliance inspection at EBV's Facility. The inspector discovered that in January and February 2011, the Facility did not record stack flow rate over a seven day period.

45. On February 6, 2012, the EPA issued an information request letter to EBV pursuant to its authority under Section 114 of the CAA, 42 U.S.C. § 7414 and Section 3007 of RCRA, 42 U.S.C. § 6927.

46. In EBV's response to this letter, it stated that it did not have any operating records for Building #1 of its Facility for 2009.

Alleged Violations

Clean Air Act

47. Paragraphs 1-46 are incorporated by reference as if fully set forth herein.

48. Operation of Respondent's Facility resulted in a net emissions increase of hydrogen chloride above *de minimis* levels as shown in paragraph 28. Therefore, EBV is operating its PTF without a valid Construction Permit, and is 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.

Resource Conservation and Recovery Act

49. Paragraphs 1-46 are incorporated by reference as if fully set forth herein.

50. Section 3005 of RCRA, 42 U.S.C. § 6925; R.S.Mo. 260.390.1, and the regulations at 10 C.S.R. 25-7.270 incorporating by reference 40 C.F.R. § 270.1(b), require each person owning or operating a facility for the treatment, storage, or disposal of a hazardous waste identified or listed under Subchapter C of RCRA to have a permit for such activities. Furthermore, the construction of any facility for the treatment, storage, or disposal of such hazardous waste is prohibited except in accordance with such a permit.

51. During the performance tests described in paragraphs 37 through 42 above, EBV was out of compliance with Special Condition II.M of its RCRA Permit, when it exceeded a number of permit emissions limits and operating permits.

52. During the periods outlined in paragraphs 44 and 46 above, EBV was out of compliance with Special Condition II.P of its RCRA Permit.

53. By operating out of compliance with its RCRA Permit, EBV is in violation of Section 3005 of RCRA, 42 U.S.C. § 6925, R.S.Mo. 260.390.1, and the regulations at 10 C.S.R. 25-7.270.

II. CONSENT AGREEMENT

54. Respondent and the EPA agree to the terms of this CAFO and Respondent agrees to comply with the terms of the Final Order portion of this CAFO.

55. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth above, and agrees not to contest the EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of the Final Order portion of this CAFO.

56. Respondent neither admits nor denies the factual allegations and alleged violations set forth in this CAFO.

57. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above and its right to appeal the Final Order portion of this CAFO.

58. Respondent and the EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorney's fees incurred as a result of this action.

59. 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, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

60. This CAFO addresses all civil administrative claims for the CAA and RCRA violations identified above, existing through the effective date of this CAFO. The EPA reserves the right to take enforcement action with respect to any other violations of the CAA, RCRA or other applicable law.

61. Respondent certifies that, by signing this CAFO, to the best of its knowledge, Respondent's Facility is in compliance with the CAA, 42 U.S.C. § 7401, *et seq.*, and RCRA, 42 U.S.C. § 6901 *et seq.*, and all regulations promulgated thereunder.

62. The effect of settlement described in paragraph 60 is conditional upon the accuracy of the Respondent's representations to the EPA, as memorialized in paragraph 61, above, of this CAFO.

63. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this CAFO and to execute and legally bind Respondent to it.

64. Pursuant to Section 113(e) of the CAA and Section 3008(a) of RCRA and other relevant factors, the EPA has determined that an appropriate civil penalty to settle this action is in the amount of five hundred eighty thousand, one hundred thirty-five dollars (\$580,135).

65. The penalty specified in paragraph 64, above, shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of federal taxes.

66. Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty cited in paragraph 64.

67. Respondent understands that the failure to pay any portion of the mitigated civil penalty as stated in paragraph 64 in accordance with the provisions of this order may result in commencement of a civil action in Federal District Court to recover the total penalty, together with interest at the applicable statutory rate.

68. Pursuant to 31 U.S.C. § 3717, the EPA is entitled to assess interest and penalties on debts owed to the United States and charge to cover the costs of processing and handling delinquent claims. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States tax and loan rate in accordance with 31 C.F.R. § 901.9(b). A charge will be assessed to cover the debt collection, including processing and handling costs and administrative costs. In addition, a non-payment penalty charge of six percent (6%) 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. Any such non-payment penalty charge on the debt will accrue from the date the penalty becomes due and is not paid, 31 C.F.R. §§ 901.9 (c) and (d).

Effective Date

69. This Consent Agreement and Final Order shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for the EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

Reservation of Rights

70. Notwithstanding any other provision of this CAFO, the EPA reserves the right to enforce the terms of the Final Order portion of this CAFO by initiating a judicial or administrative action under Section 113 of the CAA, 42 U.S.C. § 7413 or Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondent in an amount not to exceed Thirty-seven Thousand Five Hundred Dollars (\$37,500) per day per violation pursuant to Section 113(b) of the CAA or Section 3008(c) and/or Section 3008(g) of RCRA, for each day of non-compliance with the terms of the Final Order, or to seek any other remedy allowed by law.

71. Complainant reserves the right to take enforcement action against Respondent for any future violations of the CAA or RCRA and its implementing regulations and to enforce the terms and conditions of this CAFO.

72. Except as expressly provided herein, nothing in this CAFO 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.

73. Notwithstanding any other provisions of the CAFO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the future 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.

74. This Final Order portion of this CAFO 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 CAFO.

75. The headings in this CAFO are for convenience of reference only and shall not affect interpretation of this CAFO.

76. The provisions of this CAFO shall be deemed satisfied upon a written determination by Complainant that Respondent has fully implemented the actions required in the Final Order.

III. FINAL ORDER

Pursuant to the authority of Section 113 of the CAA, 42 U.S.C. § 7413, and Section 3008 of RCRA, 42 U.S.C. § 6928, and based upon the information set forth in this Consent Agreement, IT IS HEREBY ORDERED THAT:

A. Payment of Civil Penalty

1. Within thirty (30) days of the effective date of this CAFO, Respondent shall pay a civil penalty of Five Hundred Eighty Thousand, One Hundred Thirty-Five dollars (\$580,135). 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
P.O. Box 979077
St. Louis, Missouri 63197-9000.

2. Wire transfers should be directed to the Federal Reserve Bank of New York:

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"

3. A copy of the payment documentation shall also be mailed to:

Regional Hearing Clerk
U.S. EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

and to:

Alex Chen
Office of Regional Counsel

U.S. EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

4. Pursuant to 40 C.F.R. § 13.18, failure to make any payment according to the above schedule will automatically accelerate the debt which will become due and owing in full, immediately. Interest on any late payment will be assessed at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. The interest will be assessed on any overdue amount from the due date through the date of payment. Failure to pay the civil penalty when due may result in the commencement of a civil action in Federal District Court to collect said penalty, together with costs and interest.

B. Compliance Actions

5. Respondent shall take the following actions within the time periods specified according to the terms and conditions specified below.

6. Starting from sixty days after the Effective Date of this CAFO and continuing for a period of one year on a monthly basis, Respondent shall submit the following documentation, in an Excel spreadsheet for a. through c. to the EPA, in accordance with Paragraph 7 below:

a. For the Thermal Treatment Unit in Building #1, recorded operating rates for the parameters listed in Special Permit Condition II.J.1 that are required to be monitored pursuant to Special Condition II.P, for the fourth and twenty-fifth day of the month (or the most recent prior operating day);

b. For the Static Kiln Thermal Treatment Unit in Building #1, recorded operating rates for the parameters listed in Special Permit Condition II.L.1 that are required to be monitored pursuant to Special Condition II.P, for the fourth and twenty-fifth day of the month (or the most recent prior operating day);

c. For the Propellant Thermal Treatment Unit in Building #3, recorded emissions of the concentrations for the pollutants listed in Special Permit Condition II.M and recorded operating rates for the parameters listed in Special Permit Condition II.N.1 that are required to be monitored pursuant to Special Condition II.P, for the fourth and twenty-fifth day of the month (or the most recent prior operating day); and

d. For the Thermal Treatment Units, any automatic waste feed cutoffs that occur, identifying the parameter exceeded, the level of exceedance, and the corrective action taken.

For subparagraphs a. through c. above, for the data and days specified, Respondent shall provide

to EPA the One Minute Averages used to calculate the Hourly Rolling Averages, as those terms are defined in the RCRA Permit.

7. Respondent shall submit all documentation set forth in this section of the Final Order to the following address:

Edwin G. Buckner, AWMD/WEMM
U.S. EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

COMPLAINANT: UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

12/14/12

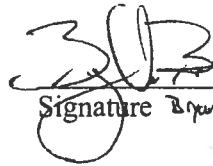
Date

for John J. Smith
Becky A. Weber
Director
Air and Waste Management Division

Alex Chen
Alex Chen
Senior Counsel
Office of Regional Counsel

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

December 13, 2012
Date


Signature Bryan Van Brunt For Del Dameron

Del S. Dameron
Printed Name

VP and Assistant Secretary
Title

In the matter of
EBV Explosives Environmental Company
d/b/a General Dynamics Ordnance and
Tactical Systems – Munitions Services
Docket Nos: CAA-07-2013-0007
RCRA-07-2013-0007
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IT IS SO ORDERED. This Order shall become effective immediately.

Dec. 17, 2012
Date

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

IN THE MATTER OF EBV Explosives Environmental Company d/b/a General Dynamics
Ordnance and Tactical Systems - Munitions Services, Respondent
Docket Nos. CAA-07-2013-0007; RCRA-07-2013-0007

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Orders were sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Alex Chen
Assistant Regional Counsel
Region 7
United States Environmental Protection Agency
11201 Renner Blvd.
Lenexa, Kansas 66219

Copy by First Class Mail to:

Robert F. Wilkinson
Husch Blackwell LLP
190 Carondelet Plaza, Suite 600
St. Louis, Missouri 63105

Dated: 12/17/12



Kathy Robinson
Hearing Clerk, Region 7