



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

In the Matter of:)
)
Arnette Polymers, LLC,) Docket No. RCRA-07-2024-0079
)
Respondent.)

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (“Complainant”) and Arnette Polymers, LLC (“Respondent”) have agreed to a settlement of this action before the 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 and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 Code of Federal Regulations (“C.F.R.”) §§ 22.13(b) and 22.18(b)(2).

ALLEGATIONS

Jurisdiction

1. This administrative action is being conducted pursuant to Sections 3008(a) 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, 42 U.S.C. § 6928(a), and in accordance with the Consolidated Rules of Practice.

Parties

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, Region 7, as duly delegated by the Administrator of EPA.

3. Respondent is Arnette Polymers, LLC, a limited liability company organized under the laws of Massachusetts and authorized to operate under the laws of Missouri.

Statutory and Regulatory Framework

4. RCRA was enacted to address the volumes of municipal and industrial solid waste generated nationwide in order to protect human health and the environment from potential hazards of waste disposal, conserve energy and natural resources, reduce the amount of waste generated, and ensure that wastes are managed in an environmentally sound manner.

5. RCRA provides guidelines for a waste management program and provides EPA with the authorities found in Sections 3001, 3002, 3004, and 3005 of RCRA, 42 U.S.C. §§ 6912, 6921, 6922, 6923, 6924, 6925, 6927, and 6930, to develop and promulgate specific requirements in order to implement the waste management program. Pursuant to these authorities, EPA promulgated the waste management regulations found at 40 C.F.R. Part 262, 265, 273, and 279.

6. Section 3001 of RCRA, 42 U.S.C. § 6921, requires the Administrator to develop and promulgate criteria for identifying the characteristics of hazardous waste, and for listing hazardous waste, which should be subject to the provisions of this subchapter, taking into account toxicity, persistence, and degradability in nature, potential for accumulation in tissue, and other related factors such as flammability, corrosiveness, and other hazardous characteristics.

7. Section 3002 of RCRA, 42 U.S.C. § 6922, requires the Administrator to promulgate regulations establishing such standards applicable to generators of hazardous waste identified or listed under this subchapter, as may be necessary to protect human health and the environment.

8. Section 3004 of RCRA, 42 U.S.C. § 6924, requires the Administrator to promulgate regulations establishing such performance standards, applicable to owners and operators of facilities for the treatment, storage, or disposal of hazardous waste identified or listed under this subchapter, as may be necessary to protect human health and the environment.

9. Section 3005 of RCRA, 42 U.S.C. § 6925, requires the Administrator of EPA to promulgate regulations requiring each person owning or operating an existing facility or planning to construct a new facility for the treatment, storage, or disposal of hazardous waste identified or listed under this subchapter to have a permit.

10. Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), defines “person” as an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body and shall include each department, agency, and instrumentality of the United States.

11. The regulation at 40 C.F.R. § 260.10 defines “facility” to include all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste, or for managing hazardous secondary materials prior to reclamation. A facility may consist of several treatment, storage or disposal operational units (e.g. one or more landfills, surface impoundments, or combinations of them).

12. The regulation at 40 C.F.R. § 260.10 defines “treatment” as any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amendable for recovery, amendable for storage, or reduced in volume.

13. The regulation at 40 C.F.R. § 260.10 defines “storage” as the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.
14. The regulation at 40 C.F.R. § 260.10 defines “disposal” as the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
15. “Solid waste” is defined at 40 C.F.R. § 261.2.
16. “Hazardous waste” is defined at 40 C.F.R. § 261.3.
17. The regulation at 40 C.F.R. § 260.10 defines “generator” as any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.
18. The regulation at 40 C.F.R. § 260.10 defines “small quantity generator” as a generator who generates less than 1,000 kilograms of hazardous waste in a calendar month.
19. The regulation at 40 C.F.R. § 260.10 defines “large quantity generator” as a generator who generates greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste or greater than 1 kilogram (2.2 pounds) of acute hazardous waste listed in 40 C.F.R. §§ 261.31 or 261.33(e).
20. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), whenever on the basis of any information the EPA determines that any person has violated or is in violation of any requirement of RCRA, 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.
21. 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 the Missouri Code of State Regulations (C.S.R.) in Title 10, Division 25. Section 3008 of RCRA, 42 U.S.C. § 6928, 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(a) of RCRA, 42 U.S.C. § 6928(a).
22. Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), authorizes a civil penalty of not more than \$25,000 per day for each violation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$37,500 for violations that occurred before November 2, 2015, and to \$121,275 for violations that occur after November 2, 2015, and for which penalties are assessed on or after December 27, 2023. In assessing any such

penalty, EPA must take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. 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), Complainant and Respondent agree to the payment of a civil penalty pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and to take the actions required by the Final Order, for the violations of RCRA alleged in this Consent Agreement and Final Order.

General Factual Background

23. Respondent is a limited liability company and authorized to conduct business within the State of Missouri. Respondent is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

24. Respondent owns and operates a facility located at 8905 Wollard Boulevard, Richmond, Missouri 64085 (the “Facility”). Respondent’s Facility manufactures epoxy and polyurethane intermediate products and employs approximately 37 people.

25. On or about February 2, 1998, a predecessor of Respondent notified the Missouri Department of Natural Resources (MDNR), pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, as a Large Quantity Generator (LQG) of hazardous waste pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, and obtained the following RCRA ID number: MOR000000422.

26. On or about June 28 and 29, 2023, EPA inspectors conducted a RCRA Compliance Evaluation Inspection (hereinafter “the Inspection”) of the hazardous waste management practices at Respondent’s facility.

27. On June 29, 2023, Respondent received a Notice of Preliminary Findings related to the Inspection, including identification of measures taken during the inspection. Respondent responded to Notice of Preliminary Findings by letter dated July 7, 2023, identifying additional corrective actions completed and plans for completing the remainder.

28. On or about August 29, 2023, EPA emailed a copy of the inspection report relating to the Inspection identifying certain potential violations.

29. By letter dated January 18, 2024, EPA issued a Notice of Potential Violation and Opportunity to Confer.

30. Based on a review of the inspection report and the information provided during the Inspection by facility personnel, it was determined that Respondent was operating, at the time of the inspection, as a Large Quantity Generator of hazardous waste, a generator of universal waste, and a co-generator of used oil.

Violations

31. Complainant hereby states and alleges that Respondent has violated RCRA and the federal regulations promulgated thereunder, as follows:

Count 1
Failure to Conduct Hazardous Waste Determinations

32. Complainant hereby incorporates the allegations contained in Paragraphs 1 through 31 above, as if fully set forth herein.

33. Pursuant to 40 C.F.R. § 262.11, a generator of solid waste, as defined in 40 C.F.R. §§ 260.10 and 261.2, must determine if that waste is a hazardous waste using methods prescribed in the regulations.

34. At the time of the EPA Inspection, it was determined by EPA that Respondent was generating solid waste – including broken and intact fluorescent lamps – in the “boneyard” area of the Facility.

35. At the time of the EPA Inspection, Respondent had not conducted hazardous waste determinations of these solid waste streams.

36. Respondent’s failure to perform a hazardous waste determination on the above-referenced solid waste streams is a violation of 40 C.F.R. § 262.11.

Count 2
Operating as a Treatment, Storage or Disposal Facility
Without a RCRA Permit or RCRA Interim Status

37. Complainant hereby incorporates the allegations contained in Paragraphs 1 through 36 above, as if fully set forth herein.

38. Section 3005 of RCRA, 42 U.S.C. § 6925, Missouri Revised Statutes 260.390.1(1), and the regulations at 40 C.F.R. Part 270 require each person owning or operating a facility for the treatment, storage, or disposal of hazardous wastes identified or listed under Subchapter C of RCRA to have a permit or interim status for such activities.

39. At the time of the inspection, Respondent did not have a permit or interim status.

Generator Requirements

40. The regulations at 40 C.F.R. § 262.34(a) state that a generator may accumulate hazardous waste on-site for ninety (90) days or less without a permit or without interim status, provided the conditions listed in 40 C.F.R. § 262.34(a)(1)-(4) are met. If a generator fails to comply with any of these conditions, the generator is not allowed to accumulate hazardous waste at their facility for any length of time. Respondent failed to comply with the following conditions:

Failure to Minimize Releases of Hazardous Waste

41. The regulations at 40 C.F.R. § 262.34(a)(4), as incorporated by 10 CSR 25-5.262(1), require that a generator of hazardous waste accumulating hazardous waste on-site for

90 days or less without a permit or without having interim status comply with 40 C.F.R. part 265, subpart C.

42. Pursuant to 40 C.F.R. § 265.31, as found in 40 C.F.R. part 268, subpart C, facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

43. During the EPA Inspection, it was determined by EPA that Respondent had failed to maintain and operate the Facility to minimize the possibility of a release of hazardous waste as spills of flammable hazardous waste liquids – including Toluene and mixed xylenes (D001, F003, F005) observed around the manways of and on “Tank ST8” at the Facility that had not been cleaned up.

Failure to close satellite accumulation containers

44. The regulations at 40 C.F.R. § 262.34(c)(1)(i), as incorporated by 10 CSR 25-5.262(1) and referencing 40 C.F.R. § 265.173(a), allow a generator to accumulate as much as fifty-five (55) gallons of hazardous waste in a satellite accumulation area, provided the container holding hazardous waste is always closed during storage, except when it is necessary to add or remove waste.

45. At the time of the EPA Inspection, satellite accumulation containers containing hazardous waste were open, including the following:

- a. One 55-gallon drum of hazardous waste vacuum pump oil (D001, F005) in the “drum off room” of the Facility; and
- b. One 5-gallon pail of hazardous FTIR spectrometer cleaning waste (F005) on the floor of the “laboratory” area of the Facility.

Failure to properly label satellite accumulation containers

46. The regulations at 40 C.F.R. § 262.34(c)(1)(ii), as incorporated by 10 CSR 25-5.262(C)3, allow a generator to accumulate as much as fifty-five (55) gallons of hazardous waste in a satellite accumulation area, provided the generator mark the containers either with the words, “Hazardous Waste,” or with other words that identify the contents of the container.

47. At the time of the EPA Inspection, satellite accumulation containers containing hazardous waste were not labeled with the words, “Hazardous Waste” or other words to identify the contents of the container, including the following:

- a. One 4-liter container accumulating Titrant Waste (D001, D002, D021) in the titrant hood of the “laboratory” area of the Facility; and
- b. One 5-gallon pail of hazardous FTIR spectrometer cleaning waste (F005) on the floor of the “laboratory” area of the Facility.

48. By storing hazardous waste on-site for greater than 90 days, Respondent was operating as a hazardous waste storage facility and subjected itself to the requirements of 40 C.F.R. Parts 264, 265, and the permit requirements of 40 C.F.R. Part 270.

49. Because Respondent failed to comply with the generator requirements set forth above, Respondent was not authorized to store hazardous waste at the Facility for any length of time, and therefore was operating a hazardous waste storage facility without a permit in violation of Section 3005 of RCRA, 42 U.S.C. § 6925.

Count 3
Failure to Date Satellite Accumulation Containers

50. Complainant hereby incorporates the allegations contained in Paragraphs 1 through 49 above, as if fully set forth herein.

51. The regulations at 10 C.S.R. 25-5.262(2)(C)3.C state that a generator of hazardous waste located in Missouri may store up to 55 gallons of each non-acute hazardous waste stream or up to one quart of each acutely hazardous waste stream in a satellite accumulation area provided that each container is marked with its beginning date of satellite storage.

52. At the time of the inspection, EPA determined that Respondent failed to mark the beginning date of satellite storage on containers including the following:

- a. One 4-liter container accumulating Titrant Waste (D001, D002, D021) in the titrant hood of the “laboratory” area of the Facility; and
- b. One 5-gallon pail of hazardous FTIR spectrometer cleaning waste (F005) on the floor of the “laboratory” area of the Facility.

53. Respondent’s failure to mark the beginning date of satellite storage on containers is a violation of 10 C.S.R. 25-5.262(2)(c)(1)(A).

Count 4
Failure to Comply with Used Oil Regulations

54. Complainant hereby incorporates the allegations contained in Paragraphs 1 through 53 above, as if fully set forth herein.

Failure to properly label used oil containers

55. The regulations at 40 C.F.R. § 279.22(c)(1), as incorporated by 10 C.S.R. 25-11.279(1), require used oil generators to label or clearly mark containers and above ground tanks used to store used oil at generator facilities with the words “Used Oil.”

56. At the time of the EPA Inspection, EPA determined that Respondent had failed to label or clearly mark used oil containers with the words “Used Oil”, including one one-gallon can of used oil from the Facility’s “vacuum line.”

57. Respondent's failure to properly label containers of used oil described above is a violation of 40 C.F.R. § 279.22(c)(1) and 10 CSR 25-11.279(1).

CONSENT AGREEMENT

58. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- (a) admits the jurisdictional allegations set forth herein;
- (b) neither admits nor denies the specific factual allegations stated herein;
- (c) consents to the assessment of a civil penalty, as stated herein;
- (d) consents to the issuance of any specified compliance or corrective action order;
- (e) consents to any conditions specified herein;
- (f) consents to any stated Permit Action;
- (g) waives any right to contest the allegations set forth herein; and
- (h) waives its rights to appeal the Final Order accompanying this Consent Agreement.

59. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein and performance of the compliance actions described below.

60. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms specified herein.

61. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

62. Respondent consents to receiving an electronic copy of the filed Consent Agreement and Final Order at the following email address: wlavey@mdllp.net.

Penalty Payment

63. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of Twenty-Four Thousand Three Hundred Eighteen Dollars (\$24,318) as set forth below.

64. Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979078
St. Louis, Missouri 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

65. A copy of the check or other information confirming payment shall simultaneously be emailed to the following:

Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov; and

Sam Bennett, Attorney
bennett.sam@epa.gov.

66. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9. Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six (6) percent 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. 31 U.S.C. § 3717(e)(2).

Compliance Actions

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

68. Respondent shall submit a Quarterly Compliance Report to EPA. The first submission is due within thirty (30) days of the Effective Date of this Consent Agreement and Final Order. Items with an asterisk (*) need only be provided in the first submission. The subsequent three (3) submissions shall be submitted within ninety (90) days of the previous submission. The Quarterly Compliance Report shall include the following:

- a. *A narrative description with supporting documentation, including photographs, to demonstrate that all spills of hazardous waste on or around tank ST8 have been cleaned up;
- b. *A narrative description with supporting documentation, including photographs, to demonstrate that appropriate administrative and engineering controls have been implemented to prevent spilling of hazardous waste on the outside of tank ST8;

- c. A narrative description with supporting documentation, including photographs, to show that all spills of hazardous waste at the facility have been cleaned up in a thorough and expeditious manner; and
- d. A narrative description with supporting documentation, including photographs and inspection logs, to show all hazardous waste accumulation containers and satellite accumulation containers are being properly managed pursuant to 40 C.F.R. §§ 262.34(a)(2)-(3) and 262.34(c).

69. Respondent shall submit all documentation generated to comply with the requirements as set forth in the immediately paragraph 68 to the following address (Respondent may submit such documentation via email or other electronic means):

Edwin Buckner, RCRA Section
Chemical Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

Effect of Settlement and Reservation of Rights

70. Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

71. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to the EPA, as memorialized in paragraph 72 directly below.

72. Respondent certifies by the signing of this Consent Agreement and Final Order that, to the best of its knowledge, it is presently in compliance with all requirements of RCRA, 42 U.S.C. § 6901 *et. seq.*, its implementing regulations, and any permit issued pursuant to RCRA.

73. Full payment of the penalty proposed in this Consent Agreement shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA and regulations promulgated thereunder.

74. Notwithstanding any other provision of this Consent Agreement and Final Order, EPA reserves the right to enforce the terms and conditions of this Consent Agreement and Final Order by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondent in an amount not to exceed Seventy Thousand Seven Hundred Fifty-Two Dollars (\$70,752) per day, per violation, pursuant to Section 3008(c)

of RCRA, for each day of non-compliance with the terms of this Consent Agreement and Final Order, or to seek any other remedy allowed by law.

75. Except as expressly provided herein, nothing in this Consent Agreement and Final Order 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.

76. Notwithstanding any other provisions of the Consent Agreement and Final Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the 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.

77. 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.

General Provisions

78. By signing this Consent Agreement, the undersigned representative of Respondent certifies that they are fully authorized to execute and enter into the terms and conditions of this Consent Agreement and has the legal capacity to bind the party they represent to this Consent Agreement.

79. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

80. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.

81. This Consent Agreement and Final Order 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 Consent Agreement and Final Order.

82. The headings in this Consent Agreement and Final Order are for convenience of reference only and shall not affect interpretation of this Consent Agreement and Final Order.

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

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

DAVID COZAD Digitally signed by DAVID COZAD
Date: 2024.08.15 09:02:05 -05'00'

David Cozad
Director
Enforcement and Compliance Assurance Division

Date

**SAMUEL
BENNETT** Digitally signed by SAMUEL
BENNETT
Date: 2024.08.15 13:55:14 -05'00'

Sam Bennett
Office of Regional Counsel

Date

RESPONDENT:

ARNETTE POLYMERS, LLC

Signature

Date

July 23, 2024

Printed Name

JAMES S. ARNETTE

Title

PRESIDENT

FINAL ORDER

Pursuant to Sections 3008(a) of RCRA, 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

**KARINA
BORROMEO**

Digitally signed by KARINA
BORROMEO
Date: 2024.08.19 08:46:16
-05'00'

Karina Borromeo
Regional Judicial Officer

Date

CERTIFICATE OF SERVICE

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Sam Bennett
Office of Regional Counsel
bennett.sam@epa.gov

Edwin Buckner
Enforcement and Compliance Assurance Division
buckner.edwin@epa.gov

Milady Peters
Office of Regional Counsel
Peters.milady@epa.gov

Copy via Email to Respondent:

Wendlene M. Lavey
McMahon DeGulis LLP
Counsel for Arnette Polymers, LLC
wlavey@mdllp.net

Copy via Email to the State of Missouri:

Charlene Fitch, Director
Waste Management Program
Missouri Department of Natural Resources
christopher.nagel@dnr.mo.gov

Michael Parris, Compliance/Enforcement Chief
Waste Management Program
Missouri Department of Natural Resources
michael.parris@dnr.mo.gov

Brandon Backus
Environmental Program Supervisor, Compliance and Enforcement Section
Waste Management Program
Missouri Department of Natural Resources
brandon.backus@dnr.mo.gov

Dated this _____ day of _____, _____.

AMY GONZALES Digitally signed by AMY GONZALES
Date: 2024.08.19 09:30:27 -05'00'

Signed