



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 7

11201 Renner Boulevard, Lenexa, Kansas 66219

EXPEDITED SETTLEMENT AGREEMENT

Construction Stormwater Violations

Docket Number: CWA-07-2026-0205, NPDES No. KSR122152

Penalty Amount: \$16,020, Inspection Date: March 3-9, 2026

Mid-States Materials, LLC ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an "Expedited Settlement Offer Worksheet" ("Settlement Worksheet"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the alleged violations specified in the Settlement Worksheet.

Respondent failed to comply with the condition(s) or limitation(s) of a duly issued permit pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and Section 301(a) of the Act, 33 U.S.C. § 1311(a).

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the alleged violations specified in the Settlement Worksheet or this Expedited Settlement Agreement and Final Order ("Agreement").

EPA is authorized to enter into this Agreement under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b) and § 22.18(b)(2)-(3). The parties enter into this Agreement to settle the civil violation(s) alleged in this Agreement for a penalty of \$16,020. Respondent consents to the assessment of this penalty and waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this Expedited Settlement Agreement and Final Order and its right to appeal this Expedited Settlement Agreement and Final Order. By signing this Expedited Settlement Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of this Expedited Settlement Agreement.

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the alleged violations identified in the Settlement Worksheet have been corrected. Respondent shall submit a written report and other documentation with this Agreement detailing the specific actions taken to correct the

alleged violations cited herein. This documentation may include monitoring, inspection and maintenance reports, documentation of corrective actions, certification records, and other records required for compliance with permit documentation and recordkeeping conditions.

Respondent certifies that, within thirty (30) days after the effective date of the Final Order, Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. A copy of the information confirming payment shall simultaneously be emailed to the following: R7_Hearing_Clerk_Filings@epa.gov and to moreno.sarah@epa.gov.

Respondent agrees that consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), it will not deduct the penalties paid under this Agreement for federal tax purposes.

This Agreement settles EPA's civil penalty claims against Respondent for the alleged Clean Water Act (CWA) violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the CWA or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected alleged violation(s) described in the Settlement Worksheet. EPA has determined this Agreement to be appropriate.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, EPA will provide a copy of the Agreement to the state of Kansas for the purposes of consultation with Kansas Department of Health and Environment on the appropriateness of this Agreement. EPA will also provide public notice of this Agreement and a reasonable opportunity for public comment on it. EPA will address any comments on the Agreement in accordance with section 309(g)(1) and (4)(A) of the Act, 33 U.S.C. § 1319(g)(1) and (4)(A), and 40 CFR §§ 22.38 and 22.45.

This Agreement is binding on the parties signing below. Each party signing this Agreement certifies that he or she has the authority to sign for the party who he or she represents and to bind that party to its terms. The Expedited Settlement Agreement and Final Order are effective the date it is filed with the Regional Hearing Clerk. Respondent consents to service of this Expedited Settlement Agreement and Final Order to the email address(es) provided herein.

APPROVED BY RESPONDENT:

Name: Cole Andersen

Title: SVP

Email: candersen@bettisasphalt.com

Signature:  Date: 7/15/26

APPROVED BY EPA:

Alyse Stoy
Acting Director
Enforcement and Compliance Assurance Division

Date: _____

More than 40 days have elapsed since providing the Agreement to Kansas and the issuance of public notice pursuant to Section 309(g)(1) and (4)(A) of the Act, 33 U.S.C. § 1319(g)(1) and (4)(A), and EPA has received no comments concerning this matter.

Having determined that this Agreement is authorized by law,
IT IS SO ORDERED:

Regional Judicial Officer
U.S. Environmental Protection Agency
Region 7

Date: _____

Effective Date: See Notice of Filing for Effective Date.