

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

In the Matter of	§	
	§	
Smitty's Supply, Inc.	§	Docket No. RCRA-06-2026-0912
	§	
	§	
Respondent.	§	

ADMINISTRATIVE COMPLIANCE ORDER ON CONSENT

I. PRELIMINARY STATEMENT

1. This Administrative Compliance Order on Consent ("ACOC") is issued pursuant to the authority of Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA" or the "Act"), 42 U.S.C. § 6928(a), and 40 C.F.R. Part 22. Section 3008(a) of the Act authorizes the Administrator of the United States Environmental Protection Agency ("EPA") to issue an order requiring compliance to any person whom the Administrator finds to be in violation of the Act.

2. The Administrator of the U.S. Environmental Protection has delegated enforcement authority under Section 3008 of RCRA, 42 U.S.C. § 6928, to the Regional Administrator of EPA Region 6, who in turn has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, EPA Region 6 Agency ("EPA" or "Complainant").

3. Smitty's Supply, Inc. ("Smitty's" or "Respondent") is a corporation doing business in the State of Louisiana.

4. Notice of this action has been given to the State of Louisiana, under Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

5. In entering into this ACOC, the mutual objectives of EPA, Region 6 and Respondent ("Parties") are to remedy, and/or prevent the potential endangerment to human health and/or the environment from activities involving solid waste and hazardous waste, and to ensure that the injunctive relief that Respondent will complete as described in the Section VII, Compliance Order, is protective of human health and/or the environment. In furtherance of these objectives, the Parties recognize and agree that Respondent on October 13, 2025, entered into a separate Administrative Settlement Agreement and Order on Consent under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601, et. seq., for the Smitty's Supply, Inc. Fire Incident Site (the "CERCLA AOC"), under which EPA has approved and may approve work plans and schedules involving RCRA regulated matters at the Site. To eliminate duplication and promote efficiency, this ACOC shall be coordinated with the CERCLA AOC as provided in Section VII.A: CERCLA-Aligned Scheduling. For the avoidance of doubt, this ACOC is a compliance instrument only; Subject to Paragraph 38, Respondent enters this ACOC without admission of liability, fault, or violation, and nothing herein shall be construed as an admission for any purpose, including collateral estoppel or res judicata, in any civil, criminal, administrative, or other proceeding.

II. JURISDICTION

6. This ACOC is entered into under Section 3008(a) of RCRA, as amended, 42 U.S.C. § 6928(a), and is simultaneously commenced and concluded through the issuance of this ACOC under 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

7. Jurisdiction for this action is conferred upon EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 and 6928.

III. STATUTORY AND REGULATORY BACKGROUND

8. Federal regulation of hazardous waste is primarily based on RCRA, enacted on October 21, 1976, to amend the Solid Waste Disposal Act ("SWDA"), and the Hazardous and Solid Waste Amendments ("HSWA") enacted by Congress in 1984 to further amend SWDA. RCRA establishes a "cradle-to-grave" program to be administered by the Administrator of EPA and authorized states for regulating the generation, transportation, treatment, storage, and disposal of hazardous waste. See 42 U.S.C. § 6901 et seq.

9. RCRA's Subchapter III (RCRA §§ 3001-3023, 42 U.S.C. §§ 6921-6940, known as "Subtitle C") required EPA to promulgate regulations establishing performance standards applicable to facilities that generate, transport, treat, store, or dispose of hazardous wastes. Together, RCRA Subtitle C and its implementing regulations, set forth at 40 C.F.R. Parts 260 – 279, comprise EPA's RCRA hazardous waste program.

10. 40 C.F.R. Parts 260 through 279, govern generators and transporters of hazardous waste and facilities that treat, store, and dispose of hazardous waste, pursuant to Sections 3002, 3003, and 3004 of RCRA, 42 U.S.C. §§ 6922, 6923, and 6924. These regulations prohibit land disposal of certain hazardous wastes and provide detailed requirements governing the activities of those who generate hazardous waste and those who are lawfully permitted to store, treat, and dispose of hazardous waste.

11. Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), directed EPA to promulgate regulations requiring each person owning or operating a hazardous waste treatment, storage, or

disposal facility to have a RCRA permit; this section of RCRA further provides in relevant part that the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a RCRA permit.

12. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of EPA may authorize a state to administer its own hazardous waste program in lieu of the federal program when the Administrator deems the state program to be equivalent to and consistent with the federal program. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e) or any state provision authorized pursuant to Section 3006 of RCRA, constitutes a violation of RCRA, subject to the issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

13. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA granted the State of Louisiana final authorization to administer a state hazardous waste program in lieu of the federal RCRA program¹.

14. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), EPA may enforce the federally approved State of Louisiana's hazardous waste program. EPA also retains jurisdiction and authority to initiate an independent enforcement action, pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

¹ On January 24, 1985, the State of Louisiana received final authorization for its base Hazardous Waste Management Program (50 Fed. Reg. 3348). Subsequent revisions have been made to the Louisiana Hazardous Waste Program and authorized by EPA. Except as otherwise provided, all citations found within this ACOC are to the "EPA-Approved Louisiana Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" dated November 2015, incorporated by reference under 40 C.F.R. § 272.951(c)(1)(i) effective on December 26, 2018. (83 Fed. Reg. 66143; 40 C.F.R. § 272.951: Louisiana State-Administered Program: Final Authorization). References and citations to the "EPA-Approved Louisiana Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" may vary slightly from the State of Louisiana's published version. For ease of reference, the corresponding C.F.R. citations will follow in brackets.

15. Like EPA, the Louisiana Department of Environmental Quality ("LDEQ") has promulgated rules and regulations applicable to solid and hazardous waste generators, to transporters, to owner/operators of hazardous waste facilities, and to land disposal of solid and hazardous at Title 33 of the Louisiana Administrative Code ("LAC"), Part V, Chapters 1 through 51, [40 C.F.R. Part 262, 265, and/or 270].

Definitions

16. LAC 33:V.109, [40 C.F.R. § 261.2], defines a "solid waste" as any discarded material that is not otherwise excluded under LAC 33:V.105.D or that is not excluded by a variance granted under LAC 33:V.105.O, [40 C.F.R. § 261.4(a)]. A discarded material is any material which is abandoned, recycled, inherently waste-like, or a military munition. Materials are solid waste, as defined in LAC 33:V.109.2, [40 C.F.R. § 261.2(b)], if they are abandoned by being disposed of, burned or incinerated, or accumulated, stored, or treated (but not recycled) before, or in lieu of, being abandoned by being disposed of, burned, or incinerated.

17. LAC 33:V.109, [40 C.F.R. § 261.3], defines a "hazardous waste" as any waste listed if it is listed in LAC 33:V.4901, [40 C.F.R. Part 261, Subpart D], and has not been excluded from the lists in LAC 33:V.4901, [40 C.F.R. Part 261, Subpart D], regulation as a hazardous waste under LAC 33:V.105.D, by EPA or the administrative authority and exhibits any of the characteristics of hazardous waste identified in LAC 33:V.4903, [40 C.F.R. Part 261, Subpart C].

18. LAC 33:V.3813, [40 C.F.R. 260.10], defines "universal waste" as a hazardous waste that is managed under the universal waste special requirements under 33 LAC, Part V, Chapter 38, [40 C.F.R Part 273].

19. Pursuant to LAC 33:V.4001, [40 C.F.R. § 279.1], the term "used oil generator" means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

20. Pursuant to LAC 33:V.4001, [40 C.F.R. § 279.1], the term "used oil transporter" means any person who transports used oil, any person who collects used oil from more than one generator and transports the collected oil, and owners and operators of used oil transfer facilities. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products or used oil fuel.

21. Pursuant to LAC 33:V.4001, [40 C.F.R. § 279.1], the term "used oil transfer facility" means any transportation related facility, including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours and not longer than 35 days during the normal course of transportation or prior to an activity performed in accordance with LAC 33:V.4009.B.2. Transfer facilities that store used oil for more than 35 days are subject to regulation under the 33 LAC, Part V, Chapter 40, Subchapter E.

22. Characteristic hazardous wastes are assigned "D" codes in LAC 33:V.4903, [40 C.F.R. Part 261, Subpart C], depending on the specific hazardous characteristic that the waste exhibits.

23. An ignitable hazardous waste has a flash point of less than 60 degrees centigrade (140 degrees Fahrenheit) and is assigned the D001 hazardous waste code pursuant to LAC 33:V.4903.B, [40 C.F.R. § 261.21].

24. Listed wastes are assigned with "F", "K", "P", and "U" codes in LAC 33:V.4901, [40 C.F.R. Part 261, Subpart D], depending on the specific waste generated from a non-specific source, a specific source, or discarded commercial chemical products, off-specification species, container residues and spill residues therefrom.

25. Pursuant to LAC 33:V.109, [40 C.F.R. § 260.10], a generator is any person, by site, whose act or process produces hazardous waste identified or listed, or whose act first causes a hazardous waste to become subject to regulation.

26. LAC 33:V.1501, [40 C.F.R. Parts 264 and/or 265], applies to owners and operators of facilities that treat, store and/or dispose of hazardous waste.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

27. Respondent owns and operates an onshore oils and lubricants manufacturing and storage facility located at or near 63399 U.S. Hwy 51, City of Roseland in Tangipahoa Parish, Louisiana. (the "Facility"). LAC 33:V.109, [40 C.F.R. § 260.10].

28. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), LAC 33:V.109, [40 C.F.R. § 260.10].

29. The Facility is a "facility" within the meaning of LAC 33:V.109, [40 C.F.R. § 260.10].

30. Pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, Respondent notified as a small quantity generator and the Facility's generator identification number is LAR000078691.

31. On or about August 22, 2025, Respondent's facility experienced an explosion and fire, resulting in the use of firefighting water and foam needed to extinguish the fire. The resulting firefighting wastewater and foam mixed with oils, lubricants and several chemicals, including but not limited to the following hazardous substances within Smitty's facility: hydrogen fluoride, radionuclide (Americium), 35% hydrogen peroxide (hydroperoxide), naphthalene, xylene, ethylene glycol, and phosphoric acid.

32. From October 7 – 9, 2025, EPA conducted a Compliance and Enforcement Inspection and RCRA record review of the Facility's activities as a generator of hazardous waste (the "Inspection").

33. EPA discovered that Respondent, at a minimum, generated, and offered for transport and treatment, hazardous waste described by the following waste codes: D001 D018, D039, and F005.

34. The waste streams identified above are "hazardous waste" as defined in LAC 33:V.4901, [40 C.F.R. § 261.21].

35. Pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, Respondent notified as a small quantity generator of hazardous waste and a large quantity handler of universal hazardous waste.

36. Respondent is a "generator" of "hazardous waste" as those terms are defined in LAC 33:V.109, [40 C.F.R. § 260.10].

37. As a generator of hazardous waste, Respondent is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth in Title 33 of LAC Part V, Chapters 1 through 51, [40 C.F.R. Part 262, 265, and/or 270].

V. CONSENT AGREEMENT

38. 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 issuance of any specified compliance or corrective action order;
- d. consents to any conditions specified herein;
- e. waives any right to contest the allegations set forth herein; and
- f. waives its rights to appeal the Final Order accompanying this ACOC.

Nothing in this Section (or elsewhere in this ACOC) shall be construed as a waiver or any privilege or protection. Nothing in this Section waives Respondent's rights or obligations under the CERCLA AOC, which remains a separate and independent instrument, coordinated with the ACOC as set forth herein.

VI. ALLEGED VIOLATIONS

39. The facts stated in the EPA Findings of Fact and Conclusions of Law above are herein incorporated.

40. Complainant hereby states and alleges that Respondent has violated RCRA and federal and state regulations, as stated below. Respondent neither admits nor denies these alleged violations.

Count 1. Hazardous Waste Determinations

41. Pursuant to LAC 33:V.1005.A, [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in LAC 33:V.109, [40 C.F.R. § 261.2], must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.

42. Based on the Inspection of the Facility and its review of Respondent's records, EPA determined that Respondent failed to make accurate hazardous waste determinations on multiple solid waste streams at the Respondent's Facility.

43. EPA alleges that Respondent violated the requirements of RCRA, and the regulations promulgated at LAC 33:V. 1005.A, [40 C.F.R. § 262.11], by failing to make the requisite hazardous waste determination on solid waste streams generated by Respondent at the Facility.

Count 2. Maintain and Operate Facility to Minimize the Possibility of Release of Hazardous Waste or Hazardous Waste Constituents

44. Pursuant to LAC 33:V.1511.b, [40 C.F.R. § 264.31], the owner and operator of a hazardous waste facility must design, construct, maintain, and operate the facility 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.

45. Based on the Inspection of the Facility and its review of Respondent's records, EPA determined that the Respondent is not maintaining and operating its Facility 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. The Inspection revealed the Facility has experienced releases of

hazardous wastes and universal hazardous wastes without proper reclamation. These disregarded releases have resulted in large accumulations and migration to the surrounding environment. The Inspection also revealed the Facility has been storing hazardous waste and universal hazardous waste without proper management by lacking waste determinations and proper container management to mitigate releases or endangerment.

46. Respondent violated the requirements of RCRA, and the regulations promulgated in LAC 33:V.1511.b, [40 C.F.R. § 264.31], by failing to maintain and operate its Facility 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.

Count 3. Purpose and Implementation of Contingency Plan

47. Pursuant to LAC 33:V. 1513.A.1 and 1513.A.3, [40 C.F.R. § 264.51(a) and (b)], each owner or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

48. According to Smitty's contingency plan, "in the event of a spill of a hazardous material or hazardous waste," Smitty's must "contain the flow of the spill to the extent possible, and as soon as is practicable, using appropriate personal protective equipment, clean up the spill and any contaminated materials or soil." Based on the Inspection of the Facility and its

review of Respondent's records, EPA determined that Smitty's failed to carry out responses to spills and releases of hazardous wastes in the Grease Plant, Warehouse 6, Warehouse 10, a truck shop, and container storage areas.

49. Respondent violated the requirements of RCRA, and the regulations promulgated in LAC 33:V.1513.A.1 and 1513.A.3, [40 C.F.R. § 264.51(a) and (b)], by failing to carry out its contingency plan immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

Count 4. Condition of Containers

50. Pursuant to LAC 33:V.2103, [40 C.F.R. § 264.171], if a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that complies with the requirements of 33 LAC, Part V, Chapter 21, [40 C.F.R. Part 264].

51. Based on the Inspection of the Facility and its review of Respondent's records, EPA determined that the Facility contained several damaged containers (broken, bulging, dented, heavily corroded, leaking); broken containers which were taking-in rainwater and overflowing to the environment; and damaged and leaking containers in Warehouses 6, 7, and 10.

52. Respondent violated the requirements of RCRA, and the regulations promulgated in LAC 33:V.2103, [40 C.F.R. § 264.171], by failing to transfer hazardous waste from containers in bad condition to containers in good condition or manage the waste in some other way that complies with the requirements of 33 LAC, Part V, Chapter 21, [40 C.F.R. Part 264].

Count 5. Inspections

53. Pursuant to LAC 33:V.2109, [40 C.F.R. § 264.174], at least weekly, the owner or operator must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors. If deterioration or leaks are detected, remedial action is required pursuant to LAC 33:V.1513, [40 C.F.R. §§ 264.15(c) and 264.171].

54. Based on the Inspection of the Facility and its review of Respondent's records, the EPA observed and determined that: 1) the Facility had a container of sulfonic acid actively dripping onto floor. Apparently, prior to October 7, 2025, an employee, presumably, attempted to stop a leaking spigot by stuffing a rag into it; at the time of the Inspection, the rag was saturated and ineffectively preventing releases; 2) the Facility had multiple active and historic leaks in warehouses and in an outdoor container storage area; and 3) the Facility had secondary containment around tank farms 10, 16, and 17 that exhibited signs of wear that caused active leaks from the units.

55. Respondent violated the requirements of RCRA, and the regulations promulgated in LAC 33:V.2109, [40 C.F.R. § 264.174], by failing to take remedial action if deterioration or leaks are detected in containers holding hazardous waste.

Count 6. Containment

56. Pursuant to LAC 33:V.2111.B.1, [40 C.F.R. § 264.175(b)(1)], a containment system must be designed and operated as follows: a base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

57. Based on the Inspection of the Facility and its review of Respondent's records, the EPA observed and determined that the Facility had an outdoor storage pad with no containment system to contain leaks/releases, with evidence of historic and ongoing releases to outside environment; an outdoor storage area with cracks which was not impervious to liquid; and run-on from other parts of the plant accumulating in low-lying areas within the outdoor storage area.

58. Respondent violated the requirements of RCRA, and the regulations promulgated in LAC 33:V.2111.B.1, [40 C.F.R. § 264.175(b)(1)], by failing to ensure containers holding hazardous waste are sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

Count 7. Manage Universal Hazardous Waste to Prevent Release

59. Pursuant to LAC 33:V.3843, [40 C.F.R. § 273.33], a large quantity handler of universal hazardous waste must manage universal hazardous waste in a way that prevents releases of any universal hazardous waste or component of a universal hazardous waste to the environment.

60. Based on the Inspection of the Facility and its review of Respondent's records, EPA determined that the Facility contained leaking lead acid batteries; unlabeled universal hazardous waste batteries; opened, unlabeled boxes of universal hazardous waste lamps; and broken mercury bulbs.

61. Respondent violated the requirements of RCRA, and the regulations promulgated in LAC 33:V.3843, [40 C.F.R. § 273.33], by failing to manage universal hazardous waste in a way

that prevents releases of any universal hazardous waste or component of a universal hazardous waste to the environment.

VII. COMPLIANCE ORDER

62. Coordination with CERCLA AOC/Avoidance of Duplication

a. Coordination and Deference. EPA and Respondent acknowledge the CERCLA AOC filed October 13, 2025, including the Statement of Work and EPA-approved Removal Work Plan(s), Health and Safety Plan(s), and any modifications thereto (collectively, the "CERCLA Work"). To the extent EPA, acting reasonably and in good faith, determines the actions required by this Section VII overlap with, are encompassed within, or are functionally equivalent to the CERCLA Work (including characterization and management of totes and other solid waste at the Site)("Overlapping Work"), Respondent's performance of the CERCLA Work in accordance with EPA-approved CERCLA plans, specifications, and schedules shall constitute compliance with the corresponding requirements of this Section VII.

b. EPA Approval Controls. Where EPA has approved specific CERCLA methods, sequencing, end-points, or schedules for CERCLA work that EPA, acting reasonable and in good faith, determines constitutes Overlapping Work, Respondent shall follow those approvals for purposes of this ACOC. Any deviation from EPA-approved CERCLA Work shall require EPA approval under either instrument, as applicable.

c. Conflict Resolution. If there is any conflict between an EPA-approved CERCLA plan/schedule and a deadline or specification in this ACOC for work that EPA, acting reasonably and in good faith, determines constitutes Overlapping Work, the

EPA-approved CERCLA plan/schedule shall govern for the overlapping work, and compliance therewith shall be deemed compliance under this ACOC for those items.

d. Tolling/Suspension of Duplicative Deadlines. Any ACOC deadline applicable to work that is being performed under, and on the timeline of, the CERCLA AOC is tolled during the period of EPA-approved CERCLA performance; upon EPA's determination that such CERCLA work is complete as to a given item, Respondent's obligation under this ACOC for that item shall be deemed satisfied.

e. Integrated Reporting. The weekly reporting/call requirements in Paragraph 68 and document submissions under Paragraphs 69-70 may be satisfied by consolidated submissions and progress calls provided pursuant to the CERCLA AOC, provided they include the information specified in this ACOC and are provided to the ACOC contacts identified by EPA for Overlapping Work (as reasonably determined by EPA).

f. No Double Counting/No Double Recovery. As described in this Section 62m, nothing in this ACOC is intended to require duplicative work, duplicative payments, or duplicative reporting for items already performed or paid under the CERCLA AOC, and EPA will not seek duplicative recovery for the same costs under both instruments.

g. Scope Clarification. For avoidance of doubt, the "totes and other solid waste" referenced in this ACOC that EPA determines are addressed under EPA-approved CERCLA work plans shall be managed, characterized, and removed consistent with those

plans, and all such performance shall be credited toward compliance with Paragraphs 63-67 herein.

h. To the extent EPA determines the items in Paragraphs 64-68 are encompassed by EPA-approved CERCLA work plans, procedures, or schedules, Respondent shall accomplish such items in accordance with the CERCLA approvals, and such performance shall be deemed full compliance with Paragraphs 64-68 for Overlapping Work, as determined by EPA. For any items in Paragraphs 64-68 EPA determines are not encompassed by the CERCLA Work, Respondent shall perform directly under this ACOC consistent with the performance standards and may sequence work to maintain consistency with CERCLA safety and access controls.

63. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to complete the actions listed in Paragraphs 64-68, within sixty (60) days calendar days of the Effective Date of this ACOC, Respondent shall provide in writing a completion report documenting evidence of completing these actions. For actions EPA, acting reasonably and in good faith, determines are addressed under the CERCLA Work, Respondent may satisfy the completion report requirement by cross-referencing and appending the relevant CERCLA submittals and data, including but not limited to manifests and disposition documentation, with a concordance identifying where each Paragraphs 64-68 item is addressed in the CERCLA submittals. For items EPA, acting reasonably and in good faith, determines are not addressed under the CERCLA Work, this report shall include any necessary documentation, photographs or other evidence necessary to demonstrate Respondent's compliance with all of the actions required below in this Section VII Compliance Order. For good cause shown, including but not

limited to alignment with CERCLA sequencing, safety/access constraints, disposal facility availability, supply-chain constraints, or other operational realities, Respondent may request additional time, and EPA shall not unreasonably withhold or delay approval of such request. In completing the actions required by this Order, Respondent shall meet applicable performance standards and related requirements of the RCRA regulations applicable to hazardous waste generators 33 LAC, Part V, Chapter 11, [40 C.F.R. Part 262], and owners/operators of hazardous waste facilities 33 LAC, Part V, Chapter 15, [40 C.F.R. Part 264], as well as any other regulations that are applicable based on the actions necessary to comply. Respondent shall ensure that the actions taken to comply include, but are not limited to, stopping all leaks of material, taking all necessary actions to prevent spills and leaks, ensuring all containers are in good condition and are capable of complete containment, ensuring all incompatible materials are adequately separated, ensuring all required labeling is in place, ensuring all waste is properly stored and ultimately disposed, and ensuring all existing spilled or released material is properly cleaned up and removed.

Stop all active spills and releases

64. Respondent shall stop all active spills and releases for the following locations in the Facility:

1) **Grease Plant (Exterior)**

- a. Address broken containers contributing to releases of grease.
- b. Address active releases to surrounding environment.

2) **Grease Plant (Interior)**

- a. Address tote of sulfonic acid with rag stuffed in spigot, drips on cardboard beneath.

3) Maintenance Shop

- a. Address secondary containment (plastic tray) overflowing with unknown, oily liquid behind building.
- b. Address metal trash boxes in front of bays leaking unknown material with saturated absorbent pads.
- c. Address leaking lead acid battery inside building.

4) Warehouse 10

- a. Address overflowing oily material from secondary containment under pumps.
- b. Address uncontained, leaking used oil filters.
- c. Address active drips from totes in storage section.

5) Warehouse 6

- a. Address leaking totes of oxidizer and corrosives.
- b. Address strong odor of starter fluid in starter fluid storage area- unable to access area due to lack of aisle space.
- c. Address actively leaking oil from final product packages.
- d. Address broken mercury bulbs on ground by exit ramp.
- e. Address overflowing secondary containment under equipment in packaging area.

6) Tank Farm 8

- a. Address active leak from pump area.

7) Tank Farm 17

- a. Address active leak at ancillary equipment.
- b. Address pump leak near tank 424 (continues outside of secondary containment).

8) Tank Farm 16

- a. Address active drip from ancillary equipment at eastern wall.

9) Outdoor Storage Area

- a. Address multiple actively leaking containers.
- b. Address active leak from drum storage near wet / dry hopper east of TF17.
- c. Address black dumpster (labeled as not meant to hold liquid) actively leaking unknown liquid.

Remedy all incompatible waste storage

65. The Respondent shall remedy all incompatible waste storage for the following locations in the Facility:

1) Grease Plant (Interior)

- a. Address three drums marked flammable liquid actively dripping into drip pan less than four (4) feet from active sulfonic acid container drip.

2) Maintenance Shop (Exterior)

- a. Address corroded oil filters stored on top of flammable cabinet.

3) Warehouse 10

- a. Address flammable, corrosive, and reactive containers stored side by side or one above the other.

4) Warehouse 6

- a. Address totes of oxidizers and corrosives stored side by side.

- b. Address lighter fluid and oil stored side by side.

5) Outdoor Storage Area

- a. Address leaking corrosive containers stored next to drums marked "spontaneously combustible."
- b. Address corrosives stored next to flammables.

Ensure all containers are in good condition; Remove and dispose of all damaged containers; and provide manifest documentation

66. Respondent shall complete actions to ensure all containers are in good condition; remove and dispose of all damaged containers; and provide manifest documentation for the multiple broken/dented /bulging/ corroded containers for the following locations in the Facility:

- 1) Grease Plant
- 2) Warehouse 6
- 3) Warehouse 10
- 4) Maintenance Shop
- 5) Outdoor Storage Area

Close and label all containers to include adequate waste determinations, content identifications, accumulation dates, and applicable codes

67. Respondent shall complete actions to close and label all containers to include adequate waste determinations, content identifications, accumulation dates, and applicable codes for the following locations in the Facility:

- 1) Grease Plant (Exterior)
 - a. Address multiple open and unlabeled containers.
- 2) Grease Plant (Interior)

- a. Address open super sack
- b. Address two boxes of lamps in storage closet.
- c. Address 5x 5-gallon buckets and 55-gallon drum on catwalk.
- d. Address multiple drums.
- e. Address pallets marked defective grease.

3) Maintenance Shop (Exterior)

- a. Address pallets, battery boxes and loose lead batteries.
- b. Address 14 gas cylinders of unknown contents.
- c. Address uncontrolled aerosol cans within shipping containers.
- d. Address pallet of Aqueous 90% methanol cleaning fluid with scattered contents.
- e. Address unlabeled totes.

4) Maintenance Shop (Interior)

- a. Address draining used oil filters.
- b. Address five full drip pans storing used oil.
- c. Address five-gallon buckets storing used oil and filters.
- d. Address 16+ lead batteries.
- e. Address unmanaged canisters of refrigerant.
- f. Address expired fire extinguishers.

5) Warehouse 10

- a. Address open and unlabeled drums and containers.
- b. Address unidentified compressed gas cylinders.

- c. Address expired flammable cleaning solution containing ethanol, propanol and isopropyl alcohol.
- d. Address uncontained used oil filters.

6) Warehouse 6

- a. Address totes marked "Do-Not-Use."
- b. Address tote labeled "waste" stored next to isopropyl alcohol, 99% pure.

7) Tank Farm 8

- a. Address open tote of diesel exhaust fluid ("DEF").

8) Tank Farm 17

- a. Address unidentified oily contents in 5-gallon bucket.

9) Outdoor Storage Container Area

- a. Address multiple open and unlabeled containers.
- b. Address multiple containers with uncertain labeling – reuse of containers without removing labels.
- c. Address multiple containers marked off spec/ do not use/ bad/ expired with no other identification.
- d. Address container marked approved for disposal without content identification or date.
- e. Address unmaintained aerosol cans.
- f. Address drum marked "Recyclable Oil and Solvent" – potentially hazardous waste.

- g. Address green dumpster containing unlabeled full drums with 6"-8" of unidentified liquid on bottom. Damaged liner.

10) Boneyard

- a. Address seven abandoned full drums.
- b. Address abandoned lead battery.
- c. Address three open oil filled drums without labeling.
- d. Address four open five-gallon buckets of oil without labeling.
- e. Address metal box with filled gas container discarded with trash.

Clean all existing spills and releases

68. Respondent shall complete cleaning of all existing spills and releases for the following locations in the Facility:

1) Grease Plant (Exterior)

- a. Address large release of grease 1"-3" thick / 20'-30' wide.
- b. Address historic releases to surrounding environment.
- c. Address historic spills on pad.

2) Grease Plant (Interior)

- a. Address spills throughout area on floors and walls.
 - 1) Address stalactites and stalagmites of built-up spillage attached to overhead equipment, catwalk, and stairs.
- b. Address spilled bags of calcium carbonate.

3) Maintenance Shop (Exterior)

- a. Address historic spills.

4) Maintenance Shop (Inside)

- a. Address standing liquid on top of aerosol puncture station.

5) Warehouse 10 (Inside)

- a. Address crystalized DEF on ground.
- b. Address the several spills on ground throughout area.
- c. Address 6"-8" of oily material in secondary containment.

6) Warehouse 6 (inside)

- a. Address thick dried spills on floor with animal tracks.
- b. Address spills of anti-freeze and lighter fluid.
- c. Address absorbent pads and sawdust left in place over historic spills.
- d. Oil-soaked boxes of final product.

7) Warehouse 6 (packing area)

- a. Address crystalized DEF.

8) Tank Farm 16

- a. Address standing liquid inside of secondary containment.

9) Outdoor Storage Container Area

- a. Address multiple spills- strong odor of hydrocarbons.
- b. Address multiple releases to environment outside of pad.
- c. Address old oil saturated sawdust and booms throughout area.

10) Boneyard

- a. Address drainage ditch near building and parking lot with standing oil.

Reporting and Weekly Call

b. Respondent shall provide, with its certification, a copy of Respondent's SOPs as described above.

To the extent EPA determines standard operating procedures, waste determinations, manifests, or land disposal restriction documentation are generated and submitted under the CERCLA AOC for overlapping work streams, submission of those materials (or cross-references thereto) satisfies the analogous requirements under this ACOC.

71. In all instances in which this ACOC requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of the Facility and shall include the following certification:

"I certify under the penalty of law that this document and all of its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

For consolidated submissions made under the CERCLA AOC, the foregoing certification may be included in or appended to the CERCLA submittal and will be deemed a submission under this ACOC if provided to the ACOC Project Contact. Copies of all documents required by this ACOC shall be sent electronically by email to the following:

Angela Hays
U.S. EPA Region 6
Hays.Angela@EPA.gov

72. Schedule Adjustments; Force Majeure.

a. CERCLA-Aligned Scheduling. Where EPA has approved a CERCLA schedule for work EPA determines is Overlapping Work, that schedule governs for Overlapping Work and supersedes conflicting ACOC deadlines.

b. Good-Cause Adjustments. For work EPA, acting reasonably and in good faith, determines is non-overlapping, Respondent may request reasonable schedule adjustments for good cause, including to maintain consistency with CERCLA sequencing and safety considerations. EPA will not unreasonably withhold or delay approval where requested adjustments align with CERCLA approvals and maintain protectiveness.

c. Force Majeure. 'Force Majeure' means any event arising from causes beyond the control of Respondent, any entity controlled by Respondent, or their contractors that delays or prevents performance despite best efforts, including, by way of example, severe weather events, supply-chain disruptions, vendor or disposal facility unavailability, safety shutdowns, changes in law, or governmental orders. Respondent shall provide notice within five (5) Working Days after the event, describing the event, the anticipated delay, and proposed adjustments. Upon EPA's confirmation that a Force Majeure has occurred, affected deadlines shall be extended for the period of delay plus a reasonable mobilization period. Respondent shall use best efforts to mitigate delays.

VIII. TERMS OF SETTLEMENT

73. The terms, conditions, and compliance requirements of this ACOC may not be modified or amended except upon the written agreement of both parties, and approved by a Regional Judicial Officer, and such modification or amendment being filed with the Regional Hearing Clerk.

74. Neither EPA nor the United States Government shall be liable for any injuries or damages to person or property resulting from the acts or omissions of Respondent, their officers, directors, employees, agents, receivers, trustees, successors, assigns, or contractors in carrying out the activities required by this ACOC, nor shall EPA or the United States Government be held out as a party to any contract entered into by Respondent in carrying out the activities required by this ACOC.

75. Respondent shall preserve, during the pendency of this ACOC, all records and documents in its possession or in the possession of its divisions, employees, agents, contractors, or successors, which in any way relate to this ACOC regardless of any document retention policy to the contrary.

76. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of Section VII (Compliance Order) in this ACOC is restitution, remediation, or required to come into compliance with the law.

77. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.

78. Notwithstanding any other provisions of this ACOC, EPA retains all of its authority to take, direct, or order any and all actions necessary to protect public health or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous

substances, pollutants, or contaminants, or hazardous or solid waste or constituents of such wastes, on, at, or from the Facility, including but not limited to the right to bring enforcement actions under RCRA, CERCLA, and any other applicable statutes or regulations. For avoidance of doubt, nothing in this ACOC shall be construed to require duplicative work or to limit EPA's ability to credit CERCLA performance toward compliance with this ACOC as provided herein. During periods in which Respondent is performing EPA-approved CERCLA Work for Overlapping items in accordance with EPA-approved plans and schedules, EPA will not issue conflicting directives for those items under this ACOC.

79. EPA reserves all of its statutory and regulatory powers, authorities, rights, remedies, both legal and equitable, that may pertain to Respondent's failure to comply with any of the requirements of this ACOC. However, EPA shall not seek stipulated penalties under this ACOC for actions taken in good-faith reliance on, and consistent with, EPA-approved CERCLA directives, plans, or schedules for Overlapping Work.

80. This ACOC shall not be construed as a covenant not to sue, release, waiver, or limitation of any rights, remedies, powers, claim, and/or authorities, civil or criminal, which EPA has under RCRA, CERCLA, or any other statutory, regulatory, or common law authority of the United States. Further, this ACOC does not resolve Respondent's liability for Federal civil penalties for the violations and facts set forth herein. Nothing in this Order shall be construed to change any obligations pursuant to CERCLA Docket No. 06-02-25 issued on October 15, 2025. This ACOC shall be implemented in coordination with, and in deference to, the CERCLA AOC for the Site as provided in Section VII.A. Compliance with EPA-approved CERCLA plans and

schedules for Overlapping Work constitutes compliance with the corresponding requirements of this ACOC.

81. Termination of Overlapping Obligations. Upon EPA's issuance of a Notice of Completion of Work (or equivalent approval) under the CERCLA AOC for specific tasks EPA reasonably determines are Overlapping Work, Respondent's obligations under this ACOC with respect to those specific tasks shall be deemed satisfied.

82. When Respondent believes that it has complied with all the requirements of this ACOC, including compliance with the Compliance Order, Respondent shall submit the completion report required by Paragraph 63 and certify in writing and in accordance with the certification language set forth in Section VII (Compliance Order).

83. Respondent and EPA agree to the use of electronic signatures for this matter. EPA and Respondent consent to service of this ACOC, pursuant to 40 C.F.R. § 22.6, by email at the following valid email addresses: henley.hollis@epa.gov (for EPA) and Rob.Fowler@arlaw.com (for Respondent).

IX. EFFECTIVE DATE

84. This ACOC shall become effective upon filing with the Regional Hearing Clerk. Upon filing, EPA will transmit a copy of the filed ACOC to Respondent. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS ADMINISTRATIVE COMPLIANCE

ORDER ON CONSENT:

FOR RESPONDENT:

SMITTY'S SUPPLY, INC.

Date: 1-12-26

Chad Tate
Signature

Chad Tate
Print Name

President
Title

FOR COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: January 12, 2026

Cheryl T. Seager
Digitally signed by
CHERYL SEAGER
Date: 2026.01.12
15:50:43 -06'00'
Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing ACOC is hereby ratified.

Respondent is ordered to comply with the Compliance Order, Section VII, and the Terms of Settlement, Section VIII, as set forth in this ACOC. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing ACOC and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action.

IT IS SO ORDERED.

Dated _____

THOMAS
RUCKI

Digitally signed by
THOMAS RUCKI
Date: 2026.01.12
18:12:56 -05'00'

Regional Judicial Officer
U.S. EPA, Region 6

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Administrative Compliance Order on Consent and Final Order was filed with me, the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to the email addresses:

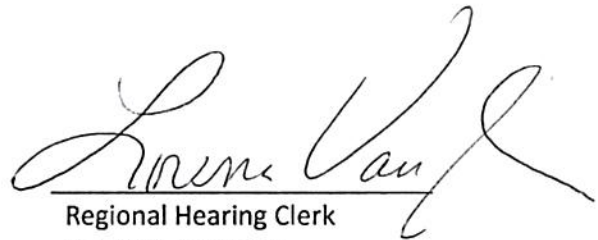
Copy via Email to Complainant:

henley.hollis@epa.gov

Copy via Email to Respondent:

Rob.Fowler@arlaw.com
Rob Fowler
Counsel for Smitty's Supply, Inc.

Smitty's Supply, Inc.
63399 Highway 51 N
Roseland, LA 70456
PO Box 530
Roseland, LA 70456

A handwritten signature in black ink, appearing to read "Lauren Van", is written over a horizontal line.

Regional Hearing Clerk
U.S. EPA, Region 6