

FILED

April 29, 2025

6:25AM

**U.S. EPA REGION 7
HEARING CLERK**

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

In the Matter of:

Armor Lite Trailer Manufacturing LLC
1190 Highway H
Sikeston, Missouri 63801-8209
EPA ID MOR000546143,

Respondent.

Docket No. RCRA-07-2025-0051

**EXPEDITED SETTLEMENT
AGREEMENT AND FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

- 1) The U.S. Environmental Protection Agency (“EPA”) is authorized to enter into this Expedited Settlement Agreement (“Agreement” or “ESA”) pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a), and 40 C.F.R. § 22.13(b).
- 2) The EPA has provided the State of Missouri with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2).
- 3) Armor Lite Trailer Manufacturing, LLC (“Respondent”) is the owner or operator of the facility located at 1190 Highway H, Sikeston, Missouri 63801 (“Facility”). The EPA inspected the Facility, on April 24, 2024. As a result of the findings during the inspection and additional investigation, the EPA alleges that Respondent violated the following requirements of the RCRA hazardous waste management program:
 - a. Failure to prepare a manifest when offering hazardous waste for transport - 10 CSR 25-262(1), referencing 40 C.F.R. § 262.20(a)(1) requires a generator, who offers for transport a hazardous waste for offsite treatment, storage, or disposal, to prepare a Manifest on EPA Form 8700-22 according to the instructions included in the appendix to 40 C.F.R. § Part 262. Respondent disposed of hazardous solvent-contaminated wipes and personal protective equipment in the sanitary waste, which was disposed of at a RCRA Subtitle D landfill, but did not prepare a manifest to accompany the waste.
 - b. Failure to close satellite accumulation container - 10 CSR 25-5.262(1), referencing 40 C.F.R. § 262.34(c)(1), referencing 40 C.F.R. § 265.173(a) requires that a hazardous waste generator’s satellite containers holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. At the time of the EPA inspection, Respondent was accumulating hazardous waste in a satellite accumulation container outside the facility’s paint booth. The lid on that container was bent and was not fastened thus causing the container to be open.

- c. Failure to have dates accumulation began marked on accumulation containers visible for inspection - 10 CSR 25-5.262(1), referencing 40 C.F.R. § 262.34(d)(4), referencing 40 C.F.R. § 262.34(a)(2) requires that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container. Respondent was accumulating hazardous waste paint and solvent in three 55-gallon drums in its 180-day accumulation area. Two of the three containers were oriented such that the accumulation start date marked on the drum was not visible for inspection.
 - d. Failure to maintain and operate to minimize the possibility of a fire, explosion, or release of hazardous waste - 10 CSR 25-5.262(1), referencing 40 C.F.R. § 262.34(d)(4), referencing 40 C.F.R. § 265.31 requires a hazardous waste generator 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.
 - 1. Inspectors observed cigarette butts around the area where the facility maintains a satellite accumulation area for ignitable hazardous waste. Smoking near ignitable hazardous waste presents the possibility of a fire or explosion.
 - 2. Inspectors observed hazardous waste paint splattered on the wall and floor around the satellite accumulation container near the paint booth. Allowing hazardous waste to remain on the floor and wall constitutes a non-sudden release of hazardous waste.
 - e. Failure to post the locations of fire extinguishers and spill control material next to the telephone - 10 CSR 25-5.262(1) referencing 40 C.F.R. § 262.34(d)(5)(ii)(B) requires small quantity generators of hazardous waste to post the location of fire extinguishers and spill control material next to the telephone. Respondent did not include the location of fire extinguishers and spill control materials on a board outside the break room where a telephone was located.
- 4) In determining the amount of the penalty to be assessed, EPA has taken into account the factors specified in Section 3008 of RCRA, 42 U.S.C. § 6928. After considering these factors, EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of seven thousand five hundred dollars (\$7,500.00) is in the public interest.
- 5) 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>.

- 6) 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

Milady Peters, Paralegal
peters.milady@epa.gov.

- 7) In signing this Agreement, Respondent: (a) admits that Respondent is subject to RCRA and its implementing regulations; (b) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; and (e) consents to electronic service of the filed ESA to the following email address: *wesgraviett@armorlitetrailer.com*. Respondent understands that the ESA will become publicly available upon filing.
- 8) By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (a) the alleged violations have been corrected, and (b) 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.
- 9) By signing this 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 the final order accompanying the Expedited Settlement Agreement.
- 10) The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Expedited Settlement Agreement and to execute and legally bind Respondent to it.
- 11) Full payment of the civil penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. The EPA reserves the right to take any enforcement action with respect to any other past, present, or future violations of RCRA or any other applicable law.

- 12) The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.
- 13) Each party shall bear its own costs and fees, if any.
- 14) This Agreement is binding on the parties signing below.

IT IS SO AGREED,

Wesley S. Gravitt
Name (print)
Member
Title (print)
Wesley S. Gravitt 4-22-25
Signature Date

APPROVED BY EPA:

David Cozad
Director
Enforcement and Compliance Assurance Division

Date

Christopher Muehlberger, Attorney
Office of Regional Counsel

Date

FINAL ORDER

Pursuant to the authority of Section 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 Expedited Settlement 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 Expedited Settlement Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Expedited Settlement 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
Regional Judicial Officer

Date

CERTIFICATE OF SERVICE
To be completed by EPA

I certify that that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order, in the matter of Armor Lite Trailer Manufacturing, LLC, EPA Docket No. RCRA-07-2025-0051, was sent this day in the following manner to the following addressees:

Copy via e-mail to Complainant:

Christopher Muehlberger, Office of Regional Counsel
Muehlberger.christopher@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 e-mail to Respondent:

Wesley Graviett, Facility Manager
Armor Lite Trailer Manufacturing LLC
1190 Highway H
Sikeston, Missouri 63801-8209
wesgraviett@armorlitetrailer.com

Copy via e-mail to the State of Missouri:

Charlene Fitch, Director (*charlene.fitch@dnr.mo.gov*)
Waste Management Program
Missouri Department of Natural Resources

Brandon Backus (*brandon.backus@dnr.mo.gov*)
Missouri Department of Natural Resources

Dated this _____ day of _____, 2025.

Signed