



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**MAY 07 2010**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Mark Kozak, Manager of Environmental Compliance  
Estes Express Lines  
110 Interstate Drive  
Richland, Mississippi 39218

SUBJ: Consent Agreement and Final Order:  
Docket No. CWA-04-2010-7003

Dear Mr. Kozak:

Enclosed is a copy of the Consent Agreement and Final Order (CAFO) for the above referenced matter. This CAFO became effective on the date of filing with the Regional Hearing Clerk as required by 40 C.F.R. §§ 22.6 and 22.31, and as indicated on the Certificate of Service.

The United States Environmental Protection Agency (EPA) hereby notifies you that the Expedited Settlement Agreement has been executed by both parties and is binding on EPA and you. Upon receipt of your assessed penalty of \$4,000.00, EPA will take no further action against you for the violations cited in the Settlement Agreement. Your copy of the executed agreement is enclosed.

You must submit your payment within seven (7) days of your receipt of this letter by either electronic funds transfer, certified or cashiers check made payable to "Environmental Protection Agency." The check and a letter accompanying the check shall reference the name of the responsible party (Oil Spill Liability Trust Fund-311, Estes Express Lines) and the EPA docket number CWA-04-2010-7003, and shall be sent depending upon your preferred method of payment identified in Enclosure A.

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

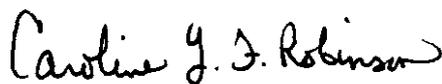
At the same time, you shall send a separate copy of each check and a written statement that the payment is being made in accordance with this CAFO, to the persons at the following addresses:

Ms. Patricia Bullock  
Regional Hearing Clerk  
U.S. EPA - Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

Mel Rechtman  
U.S. EPA - Region 4  
RCRA and OPA Enforcement and Compliance Branch  
RCRA Division  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

If you have any questions, please contact Mel Rechtman at (404) 562-8745.

Sincerely,



Caroline Y. F. Robinson, Chief  
RCRA and OPA Enforcement and Compliance Branch  
RCRA Division

Enclosures:

Expedited Settlement Agreement  
Payment Information

cc: USCG

ENCLOSURE A

COLLECTION INFORMATION

CHECK PAYMENTS:

U.S. Environmental Protection Agency  
Fines and Penalties  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

WIRE TRANSFERS:

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

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

OVERNIGHT MAIL:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, Missouri 63101

Contact: Natalie Pearson 314-418-4087

ACH (also known as REX or remittance express)

Automated Clearinghouse (ACH) for receiving U.S. currency  
PNC Bank  
808 17th Street, NW  
Washington, DC 20074  
Contact – Jesse White 301-887-6548  
ABA = 051036706  
Transaction Code 22 - checking  
Environmental Protection Agency  
Account 310006  
CTX Format

**ON LINE PAYMENT:**

There is now an On Line Payment Option, available through the Dept. of Treasury.  
This payment option can be accessed from the information below:

[www.pay.gov](http://www.pay.gov)

Enter sfo 1.1 in the search field

Open form and complete required fields.





## **SPILL Prevention Control and Countermeasure Inspection Findings, Alleged Violations, and Proposed Penalty Form**

1. Failure to prepare a written Spill Prevention Control and Countermeasure (SPCC) Plan for the facility as required by 40 CFR § 112.3(a) in accordance with the guidelines for plan preparation at 40 CFR § 112.7.
2. Failure to implement an SPCC Plan as required by 40 CFR § 112.3(a) in accordance with the guidelines for plan implementation at 40 CFR § 112.7 and/or § 112.8:
  - a. Secondary containment and/or undiked area drainage controls are not provided in tanker truck unloading areas as required by 40 CFR § 112.7(c) and/or § 112.8(b)(3);
  - b. Records of dike drainage events are not maintained as required by 40 CFR § 112.8(c)(3);
  - c. Records of tank inspections and tests are not maintained as required by 40 CFR § 112.8(c)(6);
  - d. Bulk storage container not equipped with a liquid level sensing device as required by 40 CFR § 112.8(c)(8).

### **Summary of Findings**

1.	Failure to prepare a written SPCC Plan	\$1,000.00
2.	a Secondary containment and drainage controls not provided	200.00
	b. Records of Dike Drainage events not maintained	50.00
	c. Records of tank inspections not maintained	50.00
	d. Bulk storage container not equipped	100.00
	<b>Total Proposed Penalty</b>	<b>\$1,400.00</b>

Docket No. CWA-04-2010-7003

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the attached Consent Agreement and Final Order, in the Matter of Estes Express Lines, Docket No. CWA-04-2010-7003 (filed with the Regional Hearing Clerk on MAY 07 2010, 2010) was served on MAY 07 2010, 2010 in the manner specified to each of the person set forth below:

Mr. Mark Kozak  
Manager of Environmental Compliance  
Estes Express Lines  
110 Interstate Drive  
Richland, Mississippi 39218

CERTIFIED MAIL  
Return Receipt Requested

Mel Rechtman  
RCRA and OPA Enforcement and Compliance Branch  
U.S. EPA - Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Via EPA's Internal Mail

Date: 5-7-10

  
Patricia A. Bullock, Regional Hearing Clerk  
United States Environmental  
Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
(404) 562-9511

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

PAYMENT DUE DATE: \_\_\_\_\_

**TO BE COMPLETED BY THE ORGINATING OFFICE:**

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Mel Rechtman on April 19, 2010  
(Name) (Date)

in the ROECB at 404/562-8745  
(Office) (Phone Nnber)

- |  |  |
|--|--|
| <input type="checkbox"/> Non-SF Judicial Order/Consent Decree<br>USAO COLLECTS | <input checked="" type="checkbox"/> Administrative Order/Consent Agreement<br>FMO COLLECTS PAYMENT |
| <input type="checkbox"/> SF Judicial Order/Consent Decree<br>DOJ COLLECTS      | <input type="checkbox"/> Oversight Billing - Cost Package required:<br>Sent with bill              |
| <input type="checkbox"/> Other Receivable                                      | <input type="checkbox"/> Not sent with bill  |
| <input type="checkbox"/> This is an original debt                              | <input type="checkbox"/> Oversight Billing - Cost Package not required                             |
|  | <input type="checkbox"/> This is a modification  |

PAYEE: Estes Express Lines

The Total Dollar Amount of the Receivable: \$1,400.00  
(If installments, attach schednle of amounts and respective due dates. See other side of this form.)

The Case Docket Number: CWA-04-2010-7003  
The Site Specific Superfund Account Number: n

The Designated Regional/Headquarters Program Office: RCRA Division

**To Be Completed By Cincinnati Finance Center**

The IFMS Accounts Receivable Control Number is: \_\_\_\_\_ Date: /2010

**DISTRIBUTION:**

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:

- |  |   |
|--|---|
| 1. Debt Tracking Officer<br>Environmental Enforcement Section<br>Department of Justice RM 1647<br>P.O. Box 7611, Benjamin Franklin Station<br>Washington, D.C. 20044 | 2. Originating Office (EAD)<br>3. Designated Program Office |
|--|---|

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order Should be to:

- |  |   |
|--|---|
| 1. Originating Office<br>2. Regional Hearing Clerk | 3. Designated Program Office<br>4. Regional Counsel (EAD) |
|--|---|