



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

September 21, 2023

Via Electronic Mail:

pthibodeaux@fishmanhaygood.com

Paul Thibodeaux
Counsel for Smitty's Supply Inc.
Fishman Haygood LLP
201 St. Charles Avenue, 46th Floor
New Orleans, Louisiana 70170

Re: **Modification of Consent Agreement and Final Order**
In the Matter of Smitty's Supply Inc.
EPA Docket No. EPCRA-06-2023-0560

Dear Mr. Thibodeaux:

The EPA proposes the attached First Modification of the Consent Agreement and Final Order to allow the purchase of alternative emergency response equipment to satisfy the requirements of the Supplemental Environmental Project agreed to in the original Consent Agreement. Please sign and return an electronic copy of the attached document if you would like to proceed with this modification. Once co-signed by the EPA, the modification agreement will be filed with the Regional Hearing Clerk consistent with the procedure for modifying the Supplemental Environmental Project described in paragraph 58 of the original Consent Agreement.

If you have any questions, please contact Nathan Taylor (taylor.nathan@epa.gov; 214-665-3128) of the EPA Region 6 Office of Regional Counsel.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cheryl T. Seager".

Digitally signed by
CHERYL SEAGER
Date: 2023.09.21
10:19:23 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Attachment: Modification Agreement
Certificate of Service

FILED

23 OCT -5 AM 9: 55

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGIONAL HEARING CLERK
REGION 6
DALLAS, TEXAS
EPA REGION VI

IN THE MATTER OF:

SMITTY'S SUPPLY INC.
ROSELAND, LOUISIANA 70456

RESPONDENT

§
§
§
§
§
§
§
§
§
§

EPA DOCKET NUMBER
EPCRA-06-2023-0560

FIRST MODIFICATION OF
THE CONSENT AGREEMENT
AND FINAL ORDER

FIRST MODIFICATION OF THE CONSENT AGREEMENT AND FINAL ORDER

The United States Environmental Protection Agency (EPA), Region 6 (hereinafter "EPA" or "Complainant"), and Smitty's Supply Inc. (hereinafter "Respondent" or "Smitty's") in the above-referenced proceeding, hereby agree to modify the original Consent Agreement and Final Order (CAFO) that was filed on May 17, 2023, consistent with the procedure described in Paragraph 58 of that document. This modification does not affect any provision of the original CAFO beyond that specified below, nor does it affect any aspect of the timeline for completion of the terms of the agreement.

By signing on to this modification, the EPA finds that the proposed alternative equipment purchase is consistent with applicable EPA policy and guidelines, specifically EPA's 2015 Update to the 1998 Supplemental Environmental Projects Policy (March 10, 2015), and the EPA approves the modification described below.

I. EMERGENCY EQUIPMENT PURCHASE SUBSTITUTION

1. The parties agree to modify the terms of the Supplemental Environmental Project (SEP) described in the original CAFO to accommodate the purchase of different emergency response

- equipment than originally proposed.
2. The approved alternative equipment purchase is of truck bed covers for the vehicles belonging to the Tangipahoa Fire Department's hazardous response unit for the purpose of protecting other emergency response equipment purchased in completion of the Supplemental Environmental Project described in the original CAFO.
 3. The alternative purchase described in Paragraph 2 replaces the items described in paragraphs 10 and 11 of Attachment A of the original CAFO, which included a Vantage Safety Tent and several iPads, together valued at \$5,391.09.
 4. The alternative purchase described in Paragraph 2 will satisfy the requirements of the original CAFO provided that:
 - a. The amount expended on the alternative purchase is equal to or greater than the amount projected for the items replaced from the original SEP (\$5,391.09); and
 - b. The respondent completes all the requirements described in the original CAFO with respect to the alternative purchase exactly as would have been required for the originally proposed items.

THE UNDERSIGNED PARTIES AGREE TO THE MODIFICATION DESCRIBED ABOVE:

FOR THE RESPONDENT:



Smitty's Supply Inc.
63399 Hwy 51
Roseland, Louisiana 70456

FOR THE COMPLAINANT:

 Digitally signed by
MARGARET OSBOURNE
Date: 2023.10.04
11:52:30 -0500

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA Region 6
Dallas, Texas 75270-2102

CERTIFICATE OF SERVICE

I certify that that a true and correct copy of the foregoing First Modification to the Consent Agreement and Final Order was delivered electronically to the Regional Hearing Clerk, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270-2102, and that a true and correct copy was sent in the following manner to the addressees:

Copy via Email to Complainant:

wakeland.morton@epa.gov
and
vaughn.lorena@epa.gov

Copy via Email to Respondent:

chadtate@smittysinc.net
brad@bradberner.com
and
pthibodeaux@fishmanhaygood.com

NATHAN
TAYLOR

Digitally signed by NATHAN
TAYLOR
Date: 2023.10.05 13:57:28
-05'00'

U.S. EPA Region 6
Dallas, Texas 75270