

FILED

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

17 MAR 26 PM 04:12

REGION 6

REGIONAL HEARING CLERK
EPA REGION 6

1201 Elm Street, Suite 500

Dallas, Texas 75270

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

FIRST MODIFICATION OF THE ADMINISTRATIVE COMPLIANCE ORDER ON CONSENT

The U.S. Environmental Protection Agency, Region 6 ("EPA" or "Complainant"), Smitty's Supply, Inc. ("Smitty's" or "Respondent") in the above-referenced proceeding, hereby agree to modify the original Administrative Compliance Order on Consent ("ACOC") that was filed on January 12, 2026, consistent with the procedure described in Paragraph 73 of that document. This modification does not affect any provision of the original ACOC beyond that specified below.

By signing on to this modification, the EPA agrees to extend the deadline for Respondent to complete the actions of the Compliance Order, described in Paragraphs 62-68 of the original ACOC to April 27, 2026.

EXTENSION OF ACOC COMPLIANCE ORDER COMPLETION DEADLINE

1. The original ACOC at Paragraph 72b states:

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.

2. The original ACOC at Paragraph 73 states:

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.

3. On March 12, 2026, Smitty's submitted a request to EPA Region 6 to extend the deadline for the completion of the Compliance Order in the original ACOC an additional 45 days. The original ACOC ordered Smitty's to complete the actions listed in the Compliance Order, described in Paragraphs 64-68, within 60 days calendar days of the Effective Date of the ACOC. The ACOC became effective on January 12, 2026, making the deadline for completion of the Compliance Order March 13, 2026.


4. In its request to extend the ACOC deadline, Smitty's explained that one identified waste pile requires additional characterization before a final waste determination can be made. To ensure that the material is managed and ultimately disposed of in the most appropriate and environmentally responsible manner, Smitty's is obtaining the necessary sampling kits and will begin collecting samples the week of March 16, 2026, for laboratory analysis. Smitty's further explained that the additional time would allow it to complete proper sampling and laboratory analysis of the material; evaluate the results to determine the appropriate regulatory classification; ensure the material is managed and disposed of in full compliance with RCRA

requirements. Therefore, the parties agree that good cause exists to modify the deadline for completion of the Compliance Order in the original ACOC.

5. The parties agree to modify the terms of the Compliance Order described in the original ACOC to extend the deadline for the completion of the Compliance Order from 60 days from the effective date of the original ACOC, as referenced in Paragraph 63 of the original ACOC, to April 27, 2026.

RESPONDENT:
SMITTY'S SUPPLY, INC.

Date: March 17, 2026



Signature

Robert P. Fowler _____
Print Name

Counsel for Smitty's Supply, Inc.

Title

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: March 17, 2026



Digitally signed by
CHERYL SEAGER
Date: 2026.03.17
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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 First Modification of the Administrative Compliance Order on Consent is hereby ratified.

This Final Order shall not in any case affect the right or EPA or the United States to pursue appropriate injunctive relief or other equitable relief for 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 the Respondents' (or their 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. The Respondents are ordered to comply with the Compliance Order and terms of settlement as set forth in the Consent Agreement of January 12, 2026, and this Modification. Pursuant to 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

IT IS SO ORDERED.

Dated _____

ELIZABETH RYLAND Digitally signed by
ELIZABETH RYLAND
Date: 2026.03.17
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Renea Ryland
Regional Judicial Officer
U.S. EPA, Region 6

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing First Modification of the 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
hays.angela@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
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LORENA
VAUGHN

Digitally signed by
LORENA VAUGHN
Date: 2026.03.17
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Regional Hearing Clerk
U.S. EPA, Region 6