



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

SEP 10 2013

Via Certified Mail, Return Receipt Requested

Mr. Michael D. Kaza
Sunbelt Chemicals, Inc.
2564 Bayside Drive
Grand Prairie, Texas 75405

SUBJ: Consent Agreement and Final Order
Sunbelt Chemicals, Inc., Gulfport, Mississippi
Docket No. RCRA-04-2013-4006(b)

Dear Mr. Kaza:

Enclosed please find a fully executed Consent Agreement and Final Order (CA/FO) issued pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a). Please note that the first payment of the penalty is due within thirty (30) calendar days of the effective date of this CA/FO, which is the date that it was filed with the Regional Hearing Clerk. Should you have any questions, please feel free to contact Edmond Burks at (404) 562-8587.

Sincerely,

A handwritten signature in blue ink that reads "CÉSAR A. ZAPATA".

César A. Zapata, Chief
RCRA and OPA Enforcement and Compliance
Branch
RCRA Division

Enclosure

cc: Martin Rollins, H.M. Rollins Company, Inc.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2013-4006(b)
)	
Sunbelt Chemicals, Inc.)	
14401 Seaway Road)	
Gulfport, Mississippi 39503)	Proceeding Under Section 3008(a) of the
)	Resource Conservation and Recovery Act,
EPA ID No.: MSR000102897)	42 U.S.C. § 6928(a)
)	
Respondent)	
_____)	

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CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of the Mississippi Solid Waste Disposal Law of 1974, Miss. Code Ann. §§ 17-17-1 et seq. [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and the Mississippi Hazardous Waste Management Regulations (MHWMR) promulgated pursuant thereto and set forth at MHWMR Parts 260 through 270 [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of Section 17-17-27(4) of the Mississippi Code, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925] and MHWMR Parts 260 through 270 [40 C.F.R. Parts 260 through 270].
2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).
3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, RCRA and OPA Enforcement and Compliance Branch, RCRA Division, Region 4, United States Environmental Protection Agency (EPA).

5. Respondent is Sunbelt Chemicals, Inc., a corporation incorporated under the laws of the State of Texas. Respondent operates a business located at 14401 Seaway Road, Gulfport, Mississippi (Facility).

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Mississippi (State) has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized state program are found at Miss. Code Ann. §§ 17-17-1 et seq. and MHWMR Parts 260 through 270.
7. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization for certain portions of HSWA, including those recited herein.
8. Although the EPA has granted the State authority to enforce its own hazardous waste program, the EPA 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). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.
9. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.
10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CA/FO.
11. Section 17-17-27(1) of the Mississippi Code, Miss. Code Ann. § 17-17-27(1) [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found at MHWMR Part 262 [40 C.F.R. Part 262].
12. Section 17-17-27(1) of the Mississippi Code, Miss. Code Ann. § 17-17-27(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at MHWMR Parts 264 (permitted) and 265 (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. Pursuant to MHWMR Part 261 [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.
14. Pursuant to MHWMR Part 261 [40 C.F.R. § 261.3], a solid waste is a "hazardous waste" if it meets any of the criteria set forth in MHWMR Part 261 [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by MHWMR Part 261 [40 C.F.R. § 261.4(b)].

15. Pursuant to MHWMR Part 261 [40 C.F.R. § 261.30], a solid waste is a listed hazardous waste if it is listed in MHWMR Part 261 [40 C.F.R. Part 261, Subpart D].
16. Pursuant to MHWMR Part 261 [40 C.F.R. § 261.20], solid wastes that exhibit any of the characteristics identified in MHWMR Part 261 [40 C.F.R. §§ 261.21-24] are characteristic hazardous wastes and are provided with the EPA Hazardous Waste Numbers D001-D043.
17. Pursuant to MHWMR Part 261 [40 C.F.R. § 261.21], a solid waste that exhibits the characteristic of ignitability is a hazardous waste and is identified by the EPA Hazardous Waste Number D001.
18. Pursuant to MHWMR Part 260 [40 C.F.R. § 260.10], a “generator” is defined as any person, by site, whose act or process produces hazardous waste identified or listed in MHWMR Part 261 [40 C.F.R. Part 261] or whose act first causes a hazardous waste to become subject to regulation.
19. Pursuant to MHWMR Part 260 [40 C.F.R. § 260.10], a “person” includes an individual, trust, firm, joint stock company, Federal Agency, corporation, partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.
20. Pursuant to MHWMR Part 260 [40 C.F.R. § 260.10], a “facility” includes all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.
21. Pursuant to MHWMR Part 260 [40 C.F.R. § 260.10], an “owner” means the person who owns a facility or part of a facility and an “operator” means the person responsible for the overall operation of a facility.
22. Pursuant to MHWMR Part 260 [40 C.F.R. § 260.10], “storage” means the holding of a hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.
23. Pursuant to MHWMR Part 260 [40 C.F.R. § 260.10], a “tank system” is defined as a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.
24. Pursuant to MHWMR Part 262 [40 C.F.R. § 262.34(a)], a generator of 1,000 kilograms or greater of hazardous waste in a calendar month is a Large Quantity Generator and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 17-17-27(4) of the Mississippi Code, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the management requirements listed in MHWMR Part 262 [40 C.F.R. § 262.34(a)(1)-(4)] (hereinafter referred to as the “Large Quantity Generator Permit Exemption”).
25. Pursuant to MHWMR Part 262 [40 C.F.R. § 262.34(b)], a generator who accumulates hazardous waste on-site for more than 90 days is an operator of a storage facility and is subject to the requirements of MHWMR Parts 264 and 265 [40 C.F.R. Parts 264 and 265] and the permit requirements of MHWMR Part 270 [40 C.F.R. Part 270], unless an extension to the 90-day period has been granted.

26. Pursuant to MHWMR Part 262 [40 C.F.R. § 262.34(a)(1)(ii)], which incorporates MHWMR Part 265 [40 C.F.R. § 265.192(a)], which is a condition of the Large Quantity Generator Permit Exemption, a generator accumulating hazardous waste in tanks must obtain a written tank assessment reviewed and certified by a qualified Professional Engineer, attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.
27. Pursuant to MHWMR Part 262 [40 C.F.R. § 262.34(a)(1)(ii)], which incorporates MHWMR Part 265 [40 C.F.R. § 265.192(g)], which is a condition of the Large Quantity Generator Permit Exemption, a generator accumulating hazardous waste in tanks must obtain and keep on file written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system attesting that the tank system was properly designed and installed, and that repairs pursuant to MHWMR Part 265 [40 C.F.R. § 265.192(b) and (d)] were performed.
28. Pursuant to MHWMR Part 262 [40 C.F.R. § 262.34(a)(1)(ii)], which incorporates MHWMR Part 265 [40 C.F.R. § 265.194], which is a condition of the Large Quantity Generator Permit Exemption, a generator accumulating hazardous waste in tanks must have adequate spill prevention controls and overfill prevention controls for its hazardous waste tank system.
29. Pursuant to MHWMR Part 262 [40 C.F.R. § 262.34(a)(1)(ii)], which incorporates MHWMR Part 265 [40 C.F.R. § 265.195(e)], which is a condition of the Large Quantity Generator Permit Exemption, a generator accumulating hazardous waste in tanks must conduct daily inspections of tank ancillary equipment that is not provided with secondary containment.
30. Pursuant to MHWMR Part 262 [40 C.F.R. § 262.34(a)(1)(ii)], which incorporates MHWMR Part 265 [40 C.F.R. Part 265, Subpart BB], which is a condition of the Large Quantity Generator Permit Exemption, a generator accumulating hazardous waste in tanks must comply with the RCRA Subpart BB Organic Air Emission Standards for Equipment Leaks, including, but not limited to, the recordkeeping requirements of MHWMR Part 265 [40 C.F.R. § 265.1064].
31. Pursuant to MHWMR Part 262 [40 C.F.R. § 262.34(a)(1)(ii)], which incorporates MHWMR Part 265 [40 C.F.R. Part 265, Subpart CC], which is a condition of the Large Quantity Generator Permit Exemption, a generator accumulating hazardous waste in tanks must comply with the RCRA Subpart CC Organic Air Emission Standards for Tanks, including, but not limited to, the tank requirements in MHWMR Part 265 [40 C.F.R. § 265.1085], and the recordkeeping requirements in MHWMR Part 265 [40 C.F.R. § 265.1090].
32. Pursuant to MHWMR Part 262 [40 C.F.R. § 262.34(a)(2)], which is a condition of the Large Quantity Generator Permit Exemption, a generator must ensure that the date on which each period of accumulation begins is clearly marked and visible for inspection on each tank and container.
33. Pursuant to MHWMR Part 262 [40 C.F.R. § 262.34(a)(3)], which is a condition of the Large Quantity Generator Permit Exemption, a generator must clearly mark or label its hazardous waste tanks and containers with the words "Hazardous Waste."

IV. EPA ALLEGATIONS AND DETERMINATIONS

34. Respondent is a “person” as defined in MHWMR Part 260 [40 C.F.R. § 260.10].
35. Respondent is the “owner and operator” of a “facility” located at 14401 Seaway Road, Gulfport, Mississippi, as those terms are defined in MHWMR Part 260 [40 C.F.R. § 260.10].
36. Respondent is a “generator” of “hazardous waste” as those terms are defined in MHWMR Parts 260 and 261 [40 C.F.R. §§ 260.10 and 261.3], including D001 ignitable hazardous waste.
37. Respondent is a manufacturer of resins/polymers for the adhesive, coating, graphic arts, and rubber industries.
38. On January 19, 2006, Respondent notified the Mississippi Department of Environmental Quality (MDEQ) as a Large Quantity Generator of hazardous waste, meaning that it generates 1,000 kilograms or greater of hazardous waste, or one kilogram of acute hazardous waste, per month.
39. On October 19-20, 2011, a representative of the EPA and a representative of the MDEQ performed a RCRA Compliance Evaluation Inspection (CEI) of Respondent’s Facility. The findings of the CEI were documented in a March 18, 2013 “Notice of Violation (NOV) and Opportunity to Show Cause” letter, and a CEI Report dated February 6, 2012.
40. At the time of the CEI, the inspectors were informed that Respondent had stored hazardous waste petroleum distillates in the 6,200-gallon bulk tank on-site for up to one year.
41. The EPA therefore alleges that Respondent violated Section 17-17-27(4) of the Mississippi Code, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste for greater than 90 days without a permit or interim status, in violation of MHWMR Part 262 [40 C.F.R. § 262.34(b)].
42. At the time of the CEI, Respondent did not have a written tank assessment reviewed and certified by a qualified Professional Engineer attesting that the 6,200-gallon bulk hazardous waste tank system had sufficient structural integrity and was acceptable for the storing and treating of hazardous waste.
43. The EPA therefore alleges that Respondent violated Section 17-17-27(4) of the Mississippi Code, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the Large Quantity Generator Permit Exemption given in MHWMR Part 262 [40 C.F.R. § 262.34(a)(1)(ii)], by not complying with MHWMR Part 265 [40 C.F.R. § 265.192(a)].
44. At the time of the CEI, Respondent did not have at the Facility written statements by those persons required to certify the design and supervise the installation of the 6,200-gallon bulk hazardous waste tank system, attesting that the tank system was properly designed and installed and that necessary repairs were performed.
45. The EPA therefore alleges that Respondent violated Section 17-17-27(4) of the Mississippi Code, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to meet a

condition of the Large Quantity Generator Permit Exemption given in MHWMR Part 262 [40 C.F.R. § 262.34(a)(1)(ii)], by not complying with MHWMR Part 265 [40 C.F.R. § 265.192(g)].

46. At the time of the CEI, Respondent failed to demonstrate that the Facility had adequate spill prevention controls and overfill prevention controls on its 6,200-gallon bulk hazardous waste tank.
47. The EPA therefore alleges that Respondent violated Section 17-17-27(4) of the Mississippi Code, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the Large Quantity Generator Permit Exemption given in MHWMR Part 262 [40 C.F.R. § 262.34(a)(1)(ii)], by not complying with MHWMR Part 265 [40 C.F.R. § 265.194].
48. At the time of the CEI, Respondent failed to demonstrate that daily inspections of tank ancillary equipment not provided with secondary containment were being conducted.
49. The EPA therefore alleges that Respondent violated Section 17-17-27(4) of the Mississippi Code, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the Large Quantity Generator Permit Exemption given in MHWMR Part 262 [40 C.F.R. § 262.34(a)(1)(ii)], by not complying with MHWMR Part 265 [40 C.F.R. § 265.195(e)].
50. At the time of the CEI, Respondent failed to provide evidence or documentation to prove compliance with the RCRA Subpart BB Organic Air Emissions Standards for Equipment Leaks.
51. The EPA therefore alleges that Respondent violated Section 17-17-27(4) of the Mississippi Code, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the Large Quantity Generator Permit Exemption given in MHWMR Part 262 [40 C.F.R. § 262.34(a)(1)(ii)], by not complying with MHWMR Part 265 [40 C.F.R. Part 265, Subpart BB].
52. At the time of the CEI, Respondent failed to provide evidence or documentation to prove compliance with the RCRA Subpart CC Organic Air Emission Standards for Tanks.
53. The EPA therefore alleges that Respondent violated Section 17-17-27(4) of the Mississippi Code, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the Large Quantity Generator Permit Exemption given in MHWMR Part 262 [40 C.F.R. § 262.34(a)(1)(ii)], by not complying with MHWMR Part 265 [40 C.F.R. Part 265, Subpart CC].
54. At the time of the CEI, the inspectors observed that Respondent was accumulating hazardous waste D001 petroleum distillates in the 6,200-gallon bulk tank; however, Respondent had failed to clearly mark the accumulation start date on the tank.
55. The EPA therefore alleges that Respondent violated Section 17-17-27(4) of the Mississippi Code, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to meet a

condition of the Large Quantity Generator Permit Exemption by not complying with MHWMR Part 262 [40 C.F.R. § 262.34(a)(2)].

56. At the time of the CEI, the inspectors observed that Respondent was accumulating D001 hazardous waste in the 6,200-gallon bulk tank; however, Respondent had failed to label the tank with the words "Hazardous Waste."
57. The EPA therefore alleges that Respondent violated Section 17-17-27(4) of the Mississippi Code, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the Large Quantity Generator Permit Exemption by not complying with MHWMR Part 262 [40 C.F.R. § 262.34(a)(3)].

V. TERMS OF AGREEMENT

Based on the foregoing Preliminary Statements, Allegations and Determinations, the parties agree to the following:

58. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
59. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
60. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
61. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 *et seq.*
62. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CA/FO.
63. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CA/FO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
64. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.
65. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and the facts stipulated to in this CA/FO.
66. Each party will pay its own costs and attorneys' fees.

VI. INJUNCTIVE RELIEF

67. On May 31, 2013, Respondent submitted an application for a State Operating Pretreatment Permit to the MDEQ for the discharge of its process wastewater to the publicly owned sewage treatment plant in order to be eligible for the wastewater treatment unit exemption found at MHWMR Part 264 [40 C.F.R. § 264.1(g)(6)]. MDEQ is reviewing Respondent's application and has requested additional analyses, which Respondent is providing. Respondent's pretreatment system will include an oil/water separator tank, storage tanks for wastewater and recovered oil, carbon treatment vessels, spent carbon storage vessels, the treated water storage tank, and all ancillary equipment and piping.
68. Prior to Respondent's use of its pretreatment system authorized pursuant to the MDEQ Pretreatment Permit, Respondent agrees to: (1) label all tanks holding hazardous waste with the words "Hazardous Waste"; (2) ensure that any hazardous waste is stored at the Facility for no longer than 90 days, with the initial 90-day period starting on the effective date of this CA/FO; and (3) conduct daily inspections of the hazardous waste tanks and their associated ancillary equipment.
69. Within seven (7) days of commencing wastewater treatment pursuant to the MDEQ Pretreatment Permit referenced in Paragraph 67, Respondent shall submit to the EPA a certification statement, signed by Respondent, certifying that Respondent is in compliance with RCRA and the authorized State hazardous waste program. The certification statement shall be submitted to:
- Larry L. Lamberth, Chief
South Section, RCRA & OPA Enforcement and Compliance Branch
RCRA Division
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909
70. If the MDEQ Pretreatment Permit is not issued within 270 days of the effective date of this CA/FO, Respondent shall either submit an application to obtain a hazardous waste permit pursuant to Section 17-17-27(1) of the Mississippi Code, Miss. Code Ann. § 17-17-27(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], or come into compliance with the Subpart J tank standards as set forth in the Large Quantity Generator Permit Exemption at MHWMR Part 262 [40 C.F.R. § 262.34(a)(1)(ii)].

VII. PAYMENT OF CIVIL PENALTY

71. Respondent consents to the payment of a civil penalty in the amount of TWENTY THOUSAND THREE HUNDRED DOLLARS (\$20,300), plus interest of 1.00% per annum, payable as follows.
- a. The civil penalty in the amount of eight payments will be made to complete payment of the entire civil penalty including interest. Including the civil penalty and interest, the total amount that will be paid upon completion of all payments will be TWENTY THOUSAND THREE HUNDRED DOLLARS + ONE HUNDRED SEVENTY-SEVEN DOLLARS AND EIGHTY-FOUR CENTS (\$178.84) INTEREST. The first payment is due within thirty (30) days of the effective date of this CA/FO, which is

upon its filing with the Regional Hearing Clerk. Respondent's subsequent payments shall thereafter be due in three (3) month intervals from said effective date.

b. Respondent shall make payments in accordance with the following schedule:

Payment Number	Payment shall be made <i>no later than</i>	Principal Amount	Interest Amount	Total Payment Amount
1	Thirty (30) calendar days following the effective date of this CA/FO.	\$2,559.73	-----	U.S. \$ <u>2,559.73</u>
2	Three (3) calendar months following the effective date of this CA/FO.	\$2,515.38	\$44.35	U.S. \$ <u>2,559.73</u>
3	Six (6) calendar months following the effective date of this CA/FO.	\$2,521.67	\$38.06	U.S. \$ <u>2,559.73</u>
4	Nine (9) calendar months following the effective date of this CA/FO.	\$2,527.97	\$31.76	U.S. \$ <u>2,559.73</u>
5	Twelve (12) calendar months following the effective date of this CA/FO.	\$2,534.29	\$25.44	U.S. \$ <u>2,559.73</u>
6	Fifteen (15) calendar months following the effective date of this CA/FO.	\$2,540.63	\$19.10	U.S. \$ <u>2,559.73</u>
7	Eighteen (18) calendar months following the effective date of this CA/FO.	\$2,546.98	\$12.75	U.S. \$ <u>2,559.73</u>
8	Twenty-one (21) calendar months following the effective date of this CA/FO.	\$2,553.35	\$6.38	U.S. \$ <u>2,559.73</u>

- c. If Respondent fails to make one of the installment payments in accordance with the schedule set forth above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described below in the event of any such failure or default.
- d. Further, if Respondent fails to pay the installment payments in accordance with the schedule set forth above, the EPA may refer the debt to a collection agency, a credit reporting agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court. In any such collection action, the validity, the amount, and appropriateness of the assessed penalty and of this CA/FO shall not be subject to review.
- e. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth above, Respondent may pay the entire civil penalty of TWENTY THOUSAND THREE HUNDRED DOLLARS (\$20,300) within thirty (30) calendar days of the effective date of this CA/FO and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a). In addition,

Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance remaining, together with interest accrued up to the date of such full payment.

72. Payments shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the Facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

If Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077 US
EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 425-1818

If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 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"

If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of US Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737
Contact: John Schmid, (202) 874-7026
REX (Remittance Express): 1-866-234-5681

73. Respondent shall submit a copy of the each payment installment to the following addresses:

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

And to:

Larry L. Lamberth, Chief
South Section, RCRA & OPA Enforcement and Compliance Branch
RCRA Division
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

74. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid in accordance with the installment schedule provided in Paragraph 71 above. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:
- a. Interest. Any unpaid portion of a civil penalty or stipulated penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).
 - b. Monthly Handling Charge. Respondent must pay a late payment handling charge of fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.
 - c. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).
75. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

VIII. PARTIES BOUND

76. This CA/FO shall be binding on Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents, and all persons, including independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.
77. No change in ownership, partnership, corporate or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
78. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CA/FO and to execute and legally bind Respondent to it.

IX. RESERVATION OF RIGHTS

79. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's Facility may present an imminent and substantial endangerment to human health or the environment.
80. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.
81. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the storage, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's Facility.
82. Changes to any schedule contained in this CA/FO may be made only with the prior written approval of the EPA.

X. OTHER APPLICABLE LAWS

83. All actions required to be taken pursuant to this CA/FO shall be undertaken in accordance with the requirements of all applicable local, state, and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

XI. SERVICE OF DOCUMENTS

84. A copy of any documents that Respondent files in this action shall be sent to the following attorney who represents EPA in this matter and who is authorized to receive service for EPA in this proceeding:

Colleen Michuda
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

85. A copy of any documents that Complainant files in this action shall be sent to the following individual who represents Respondent in this matter and who is authorized to receive service for Respondent in this proceeding:

Michael D. Kaza, President
Sunbelt Chemicals, Inc.
2564 Bayside Drive
Grand Prairie, Texas 75405

XII. SEVERABILITY

86. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO or the application of this CA/FO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CA/FO shall remain in force and shall not be affected thereby.

XIII. EFFECTIVE DATE

87. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

Sunbelt Chemicals, Inc.

By: Michael D. Kaza
Michael D. Kaza, President
Sunbelt Chemicals, Inc.

Dated: 8-28-13

United States Environmental Protection Agency

By: César A. Zapata
César A. Zapata, Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

Dated: 9-5-13

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:) DOCKET NO.: RCRA-04-2013-4006(b)
)
Sunbelt Chemicals, Inc.)
14401 Seaway Road)
Gulfport, Mississippi 39503) Proceeding Under Section 3008(a) of the
) Resource Conservation and Recovery Act,
EPA ID No.: MSR000102897) 42 U.S.C. § 6928(a)
)
Respondent)
_____)

FINAL ORDER

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with 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 Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 9 day of Sept, 2013.

BY: Susan B. Schub
Susan B. Schub
Regional Judicial Officer
EPA Region 4

Consent Agreement and the attached Final Order (CA/FO), in the Matter of Sunbelt Chemicals, Inc., Docket Number: RCRA-04-2013-4006(b), and have served the parties listed below in the manner indicated:

Colleen Michuda
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Quantindra Smith
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Edmond Burks
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Michael D. Kaza, President, Director
Sunbelt Chemicals, Inc.
2564 Bayside Drive
Grand Prairie, Texas 75405

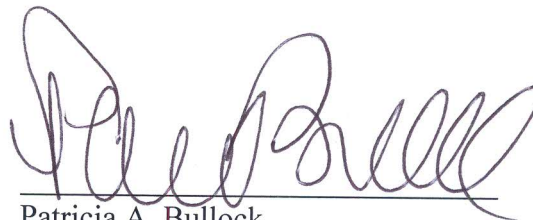
(Via Certified Mail - Return Receipt Requested)

Dan Gretz
Plant Superintendent
Sunbelt Chemicals, Inc.
14401 Seaway Road
Gulfport, Mississippi 39503

(Via Certified Mail - Return Receipt Requested)

Date:

9-10-13



Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9511