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

IN THE MATTER OF:

Paul Lashley Supply d/b/a CPS Coatings

Consent Agreement and Final Order  
USEPA Docket No. RCRA-06-2021-0927

RESPONDENT

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**CONSENT AGREEMENT AND FINAL ORDER**

**I. PRELIMINARY STATEMENT**

1. This Consent Agreement and Final Order (CAFO) is entered into by the United States Environmental Protection Agency, Region 6 (the EPA or Complainant) and Respondent, Paul Lashley Supply d/b/a CPS Coatings and concerns the facility located 624 Airport, Shreveport, Louisiana, 71107, with EPA ID Number LAR000047316 ("Facility").
2. Notice of this action has been given to the State of Louisiana, under Section 3008(a)(2) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(2)<sup>1</sup>.

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<sup>1</sup> On January 24, 1985, the State of Louisiana received final authorization for its base Hazardous Waste Management Program (50 FR 3348). Subsequent revisions have been made to the Louisiana Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this order are to the "EPA-Approved Louisiana Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" dated November 2015, incorporated by reference under 40 C.F.R. § 272.951(c)(1)(i) effective on December 26, 2018. 83 Fed. Reg. 66143 (December 26, 2018); 40 C.F.R. 272.951: Louisiana State-Administered Program: Final Authorization. References and citations to the "EPA-Approved Louisiana Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" may vary slightly from the State of Louisiana's published version. The corresponding C.F.R. citations are also provided.

3. For the purpose of this CAFO, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and conclusions of law contained in this CAFO. This CAFO states a claim upon which relief may be granted.
4. Respondent waives any right to contest the allegations and its right to appeal the proposed final order contained in this CAFO and waives all defenses which have been raised or could have been raised to the claims in the CAFO.
5. The CAFO resolves only those violations which are alleged herein.
6. Respondent consents to the issuance of this CAFO as the most appropriate means of settling the EPA's allegations without any adjudication of issues of law or fact, consents to the assessment and payment of the civil penalty in the amount and by the method set out in this CAFO, and consents to the compliance order in this CAFO.
7. The EPA and Respondent agree to the use of electronic signatures for this matter. The EPA and Respondent further agree to electronic service of this Consent Agreement and Final Order, pursuant to 40 C.F.R. § 22.6, by email to the following addresses:

To EPA: Nathan Taylor  
taylor.nathan@EPA.gov

To Respondent: Keven Larsen  
kevin@CPScoatings.net

## II. JURISDICTION

8. This CAFO is issued by the EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), as amended by the Hazardous and Solid Waste Amendments of 1984 and is simultaneously

commenced and concluded through the issuance of this CAFO under 40 Code of Federal Regulations (C.F.R.) §§ 22.13(b) and 22.18(b)(2) and (3).

9. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by the EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of the EPA to issue or enforce this CAFO and agrees not to contest the validity of this CAFO or its terms or conditions.

### **III. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

10. Respondent is a corporation authorized to do business in the State of Louisiana.
11. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and as defined in Title 33, Part V, section 109 of the Louisiana Administrative Code (LAC), LAC 33:V.109 [40 C.F.R. § 260.10].
12. Respondent owns and operates the Facility.
13. The Facility is assigned the EPA ID Number LAR000047316.
14. The Facility is a "facility" within the meaning of LAC 33:V.109 [40 C.F.R. § 260.10].
15. On April 24, 2020, the Respondent provided responses to EPA questions and requests for information about its hazardous waste management activities.
16. EPA also considered information about Respondent's hazardous waste generation collected by the Louisiana Department of Environmental Quality (LDEQ) and EPA in the administration of their RCRA programs.
17. Respondent is a "generator" of "hazardous waste" as those terms are defined in LAC 33:V.109 [40 C.F.R. § 260.10].

18. During at least one month during each of the years of 2016, 2017, 2018, and 2019, respondent generated hazardous waste streams in quantities that exceed the threshold amount of 1,000 kilograms per calendar month of non-acute hazardous waste.
19. On February 21, 2020, the EPA conferred with respondent regarding the violations alleged herein and provided an opportunity for respondent to submit additional information or materials.

#### **IV. VIOLATIONS**

**Claims 1. Failure to Notify of Changes to Hazardous Waste Management Activity**

20. The allegations in paragraphs 1-19 are re-alleged and incorporated herein by reference.
21. As a generator of hazardous waste during the years 2016 through 2019, Respondent was required by LAC 33:V.1105, the portion of the authorized Louisiana RCRA program implementing Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), to notify the Office of Environmental Services within seven days if any of the information submitted in its initial application for an EPA ID number changes.
22. During the years 2016 through 2019, Respondent's most recent notification of hazardous waste activity (NOR) indicated that Respondent generated less than 100 kilograms per month of hazardous waste.
23. During 2016, 2017, 2018, and 2019, Respondent failed to notify the appropriate administrative authority that its hazardous waste activity submitted in its last NOR had changed to reflect the generation activity described in paragraph 18, violating the requirements of Louisiana's authorized RCRA program at LAC 33:V.1105.B.

**Claims 2. Failure to Comply with Waste Storage Requirements**

24. The allegations in paragraphs 1-23 are realleged and incorporated herein by reference.
25. During the period of 2016 to 2019, Respondent accumulated waste generated at the facility prior to transport, constituting short term “storage” as defined in 33 LAC:V.109 [40 C.F.R. § 260.10].
26. During the period of 2016 to 2019, Respondent, as an entity generating waste in quantities sufficient to qualify as a Large Quantity Generator (LQG) and storing hazardous waste, was required to comply with the regulations for Treatment, Storage, and Disposal (TSD) facilities in LAC 33.V [40 C.F.R. § 270], or comply with the subset of those standards set forth in LAC 33.V.1109.E [40 C.F.R. 262.34(a)(4) (October 2016)<sup>2</sup>] as conditions for exemption from the full TSD regulations for LQGs accumulating waste for less than 90-days.
27. During portions of 2016, 2017, 2018, and 2019, the Facility failed to meet these standards, in violation of one or more of the requirements for large quantity generators storing waste under LAC 33: V.1109.E [40 C.F.R. § 262.34].

## V. COMPLIANCE ORDER

28. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and within 90 calendar days of the effective date of this CAFO, Respondent shall provide in writing the following:
  - A. Respondent shall certify that it has assessed all its solid waste streams at the Facility and has developed and implemented standard operating procedures (SOPs) to ensure that Respondent is operating the Facility in compliance with RCRA and the regulations

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<sup>2</sup> Citation is to the Federal Code prior to the finalization of the Generator Improvements Rule, *Hazardous Waste Generator Improvements Rule*, 81 Fed. Reg. 85,732 (November 28, 2016), which was not adopted by Louisiana during the time period relevant to this investigation.

promulgated thereunder, including, but not limited to, procedures for managing hazardous wastes and complying with the conditions for accumulating waste as a generator;

- B. Respondent shall secure the services of a 3<sup>rd</sup> party to assess its compliance with RCRA;
  - C. Respondent shall provide records demonstrating that such an audit was conducted;
  - D. Respondent shall certify that it has accurately and adequately complied with its RCRA Section 3010 notification for the Facility; and
  - E. Respondent shall provide, with its certification, a copy of Respondent's SOPs as described in subparagraph A above.
29. In all instances in which this CAFO requires written submission to the EPA, the submittal made by Respondent shall be signed by an owner or officer of the Respondent and shall include the following certification:

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Copies of all documents required by this CAFO shall be sent to the following:

U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Enforcement and Compliance Assurance Division (ECDSR)  
ATTN: Adolphus Talton  
Dallas, Texas 75270-2102

Where required, notice shall be sent electronically by email to Enforcement Officer Adolphus Talton at the address [talton.adolphus@epa.gov](mailto:talton.adolphus@epa.gov).

30. For purposes of the identification requirement in section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of paragraphs 28 and 29 of this agreement are restitution, remediation, or required to come into compliance with the law.

## VI. TERMS OF SETTLEMENT

### A. Penalty Provisions

31. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above referenced Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violations, and Respondent's good faith efforts to comply with the applicable regulations, it is ordered that Respondent be assessed a civil penalty of **sixty-four thousand, nine hundred fifty dollars (\$64,950)**.
32. The penalty shall be paid within thirty (30) calendar days of the effective date of this CAFO and made payable to the Treasurer, United States of America.
33. The EPA web address, <https://www.epa.gov/financial/additional-instructions-making-payments-epa> , provides a list of options available for transmitting payment of penalties.

Options for payment include:

Electronic payments via Pay.gov. <https://www.pay.gov/public/search>

Remittance by Regular Mail, U.S. Postal Mail (including certified mail) or U.S. Postal

Service Express Mail, the check should be remitted to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center

Paul Lashley Supply d/b/a CPS Coatings  
RCRA-06-2021-0927

P.O. Box 979077  
St. Louis, Missouri 63197-9000

Overnight Mail (non-U.S. Postal Service), the check should be remitted to:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines and Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, Missouri 63101  
314-418-1028

Wire Transfer:

Federal Reserve Bank of New York  
ABA: 021030004  
Account No. 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045

The case name and docket number (**In the Matter of Paul Lashley Supply d/b/a CPS Coatings, Docket No. RCRA-06-2021-0927**) shall be clearly documented on or within the chosen method of payment to ensure proper credit.

34. The Respondent shall send a simultaneous notice of such payment to the following:

Lorena S. Vaughn  
Regional Hearing Clerk (ORC)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, Texas 75270-2102  
vaughn.lorena@epa.gov

U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Enforcement and Compliance Assurance Division (ECAD-SR)  
ATTN: Adolphus Talton  
Dallas, Texas 75270-2102  
Talton.Adolphus@epa.gov

Respondent's adherence to this request will ensure proper credit is given when penalties are received by EPA.



35. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, the EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by the EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
36. Moreover, the costs of the Agency's administrative handling overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). The EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid. In addition, a penalty charge of up to six percent (6%) per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

#### **B. Costs**

37. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.

**C. Termination and Satisfaction**

38. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order and payment of the civil penalty, Respondent shall also certify this in writing and in accordance with the certification language set forth in Section III (Compliance Order). Unless the EPA, Region 6 objects in writing within sixty (60) days of the EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

**D. Effective Date of Settlement**

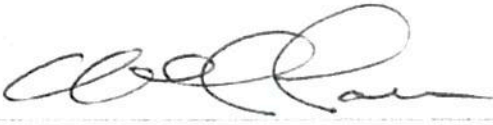
39. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

Paul Lastley Supply d/b/a CPS Coatings  
RCRA-06-2021-0927

**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:**

FOR THE RESPONDENT:

Date: 7-12-2021

  
Paul Lastley Supply d/b/a CPS Coatings  
Kevin K. Larsen

FOR THE COMPLAINANT:

  
Digitally signed by CHERYL SEAGER  
DN: c=US, o=U.S. Government,  
ou=Environmental Protection Agency,  
cn=CHERYL SEAGER,  
# 9.2342.19200300.100.1.1-68001003651793  
Date: 2021.07.14 09:08:47 -0500

Cheryl A. Seager  
Director  
Enforcement and  
Compliance Assistance Division  
U.S. EPA Region 6

Paul Lashley Supply d/b/a CPS Coatings  
RCRA-06-2021-0927

**FINAL ORDER**

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or 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 Respondent's (or its 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. Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

**THOMAS  
RUCKI**

Digitally signed by THOMAS RUCKI  
DN: cn=C.E. Environmental Protection Agency,  
ou=Environmental Protection Agency,  
o=THOMAS RUCKI,  
c=US, email=THOMAS.RUCKI@EPA.GOV,  
Date: 2021.07.15 09:43:19 -0500

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Thomas Rucki  
Regional Judicial Officer

Paul Lashley Supply d/b/a CPS Coatings  
RCRA-06-2021-0927

### CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was electronically delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the email addresses:

Copy via Email to Complainant:  
Taylor.Nathan@EPA.gov  
Adolphus.Talton@EPA.gov

Copy via Email to Respondent:  
Kevin@cpscoatings.net

NATHAN TAYLOR

Digitally signed by NATHAN TAYLOR  
DN: c=US, o=U.S. Government, ou=Environmental  
Protection Agency, cn=NATHAN TAYLOR,  
0.9.2342.1.17020300.100.1.1+46001003643434  
Date: 2021.07.15 11:27:24 -0500

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Nathan Taylor  
EPA Region 6  
Office of Regional Counsel

