



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

SEP 29 2014

CERTIFIED MAIL 7010 1060 0002 1705 3429
RETURN RECEIPT REQUESTED

Mr. Ronald Schnoor
Senior Vice President
Signal Mississippi Operation
P.O. Box 7007
Pascagoula, Mississippi 39568-7007


Re: Consent Agreement and Final Order
Docket No.: CWA-04-2014-4513(b)
Signal International, LLC

Dear Schnoor:

Enclosed please find a fully executed copy of the Consent Agreement and Final Order that has been finalized by the U.S. Environmental Protection Agency and the Regional Administrator. Please make note of the provisions under Section IV. Payment.

Should you have any questions or problems, please contact Mr. Kenneth Kwan at (404) 562-9752.

Sincerely,



James D. Giattina
Director
Water Protection Division

Enclosure

cc: Mr. Chris Sanders
Mississippi Department of Environmental Quality

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

RECEIVED
EPA REGION IV

2014 SEP 29 AM 10: 28

HEARING CLERK

IN THE MATTER OF:) CONSENT AGREEMENT AND
) FINAL ORDER
SIGNAL INTERNATIONAL, LLC)
EAST FACILITY) DOCKET NO. CWA 04-2014-4513(b)
PASCAGOULA, MISSISSIPPI)
)
RESPONDENT.)
_____)

CONSENT AGREEMENT

I. Statutory Authority

1. This is a civil penalty proceeding under Section 309(g)(2)(B) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(g)(2)(B), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits*, published at 64 Fed. Reg. 40,176 (July 23, 1999), 40 Code of Federal Regulations ("C.F.R.") Part 22.

2. The authority to take action under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), is vested in the Administrator of the United States Environmental Protection Agency. The Administrator has delegated this authority to the Regional Administrator, EPA Region 4, who in turn has delegated this authority to the Director of the Water Protection Division, EPA Region 4 ("Complainant").

3. To accomplish the objective of the CWA, defined in Section 101(a) of the CWA, 33 U.S.C. § 1251(a), to restore and maintain the chemical, physical and biological integrity of the nation's waters, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person into waters of the United States except as in compliance with, *inter alia*, a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

4. Section 402 of the CWA, 33 U.S.C. § 1342, establishes a NPDES Permit Program authorizing the EPA or authorized states to administer the NPDES Permit Program, including the issuance of NPDES permits allowing for the discharge of pollutants, including storm water, into navigable waters subject to specific terms and conditions. The EPA has granted the State of Mississippi, through the Mississippi Department of Environmental Quality ("MDEQ"), approval to issue NPDES permits pursuant to Section 402(b) of the CWA, in accordance with the Mississippi Water Pollution Control Law, Section 49-17-1 *et seq.*, Mississippi Code of 1972.

II. Allegations

5. Signal International, LLC (“Signal” or “Respondent”), is a corporation duly organized and existing under the laws of the State of Delaware, and is a “person” within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

6. At all times relevant to this action, Signal owned and operated an industrial site known as Signal International, LLC – East Facility (“Facility”), located at 601 Bayou Casotte Parkway in Pascagoula, Mississippi.

7. Signal’s operations at the Facility result in the discharge of storm water to Bayou Casotte, a traditionally navigable water of the United States as defined at Section 501(7) of the CWA, 33 U.S.C. § 1361(7), and 40 C.F.R. § 232.2.

8. Signal submitted a Notice of Intent to MDEQ to discharge storm water associated with industrial activities to Bayou Casotte, and was granted coverage under the Mississippi Baseline Storm Water General Permit for Industrial Activities, Permit No. MSR001316 (“Permit”), effective December 8, 2010.

9. On June 21, 2013, the EPA performed a Compliance Storm Water Evaluation Inspection (“CSWEI”) at the Facility to evaluate the treatment and disposal of storm water in accordance with the CWA, the regulations promulgated thereunder at 40 C.F.R. § 122.26 and the Permit.

10. As a result of the CSWEI, the EPA determined that Signal failed to comply with the following Permit conditions:

A. ACT 5, Condition No. T-2 (1): The Storm Water Pollution Prevention Plan (SWPPP) did not include a list of all industrial activities exposed to storm water.

B. ACT 5, Condition No. T-2 (2): The SWPPP did not include a list of all materials and pollutants associated with each of the industrial activities exposed to storm water.

C. ACT 5, Condition No. T-2 (3): The SWPPP did not include a narrative of the method of storage, disposal and management practices employed to minimize contact of all materials with storm water, existing structural and non-structural control measures to reduce pollutants in storm water runoff, or any treatment the storm water receives.

D. ACT 5, Condition No. T-3 (4): The SWPPP did not include a monthly updated list of significant spills and leaks of toxic or hazardous pollutants that have occurred at the Facility.

E. ACT 5, Condition No. T-4 (6): A detailed scaled site map was not available, indicating the drainage area of each storm water outfall identified by number, direction of flow for each area, location and description of exiting structural and non-structural control measures, location of any storm water treatment activities, location of any storm drains inlets, and storm water conveyances.

F. ACT 5, Condition No. T-5 (8): The SWPPP did not include a summary of all types of pollutants likely to be present for each area of the Facility generating storm water discharges with a reasonable potential for containing significant amount of pollutants.

G. ACT 5, Condition No. T-6 (2): The SWPPP did not assess the pollution potential of all sources at the Facility including an inventory of material handled, or specify management and structural controls to reduce or eliminate the potential for pollutants in the storm water discharges.

H. ACT 5, Condition No. T-6 (3): The SWPPP did not identify all areas with a high potential for soil erosion, or specify prevention measures to limit erosion.

I. ACT 5, Condition No. T-6 (4): The SWPPP did not include a preventative maintenance program for storm water management devices, or a schedule for inspection and testing of equipment.

J. ACT 5, Condition No. T-6 (5): The The SWPPP did not describe or list practices appropriate to prevent pollutants from entering storm water from industrial activities due to poor housekeeping.

K. ACT 5, Condition No. T-6 (5) B: Outdoor waste receptacles were not covered.

L. ACT 5, Condition No. T-8 (9) and ACT 8, Condition No. S-1: The SWPPP did not describe procedures for routine inspections for all areas exposed to storm water, including frequencies and areas to be inspected.

M. ACT 6, Condition No. T-1: Appropriate containment, drainage control and/or diversionary structures were not provided in all areas where chemicals are stored, processed or handled.

N. ACT 6, Condition No. T-4: Facility employees and contractor personnel were not fully trained to prevent spills and discharges.

O. ACT 7, Condition No. S-1(3): The SWPPP was not amended to reflect a change in design, construction, operation or maintenance which may increase the discharge of pollutants or if the SWPPP proves to be ineffective in controlling storm water pollutants.

P. ACT 12, Condition No. S-1: Training records did not include employee's name, worker identification number, date of training, contents of training, an indication whether it was initial or refresher training or the employee's signature acknowledging that training was received.

Q. ACT 14, Condition No. T-3: All reasonable steps were not taken to minimize or prevent any discharge in violation of the Permit which is likely to adversely affect human health or the environment.

R. ACT 14, Condition No. T-8: All facilities and systems of treatment and control (and related appurtenances) were not properly operated and maintained.

11. Therefore, Signal violated Sections 301 and 402(p) of the CWA, 33 U.S.C. §§ 1311 and 1342(p), by failing to comply with the Permit.

III. Stipulations and Findings

12. Complainant and Respondent have conferred for the purpose of settlement under 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without gathering any evidence or testimony, making of any argument, or adjudicating any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order ("CA/FO") will simultaneously commence and conclude this matter.

13. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out above, and neither admits nor denies the factual allegations set out above.

14. Respondent hereby waives its right to contest the allegations set out above and its right to appeal the Final Order accompanying this Consent Agreement.

15. Respondent consents to the assessment of and agrees to pay the administrative penalty as set forth in this CA/FO, and consents to the other conditions set forth in this CA/FO.

16. By signing this CA/FO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate and complete for each such submission, response and statement. Respondent recognizes that there are significant penalties for submitting false or misleading information, including the possibility of fines and/or imprisonment for knowing submission of such information.

17. The EPA reserves the right to assess and collect any and all civil penalties for any violation described in this CA/FO to the extent that any information or certification provided by Respondents was materially false or inaccurate at the time such information or certification was provided to the EPA.

18. Complainant and Respondent agree to settle this matter by their execution of this CA/FO. 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 the CWA.

IV. Payment

19. Pursuant to Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), and 40 C.F.R. Part 19, and considering the nature of the violations and other relevant factors, the EPA has determined that Fifty Thousand Dollars (\$50,000.00) is an appropriate civil penalty to settle this action.

20. Respondent shall submit payment of the penalty specified in the preceding paragraph within thirty (30) days of the effective date of this CA/FO via a cashier's or certified check, payable to the order of "Treasurer, United States of America." The check shall reference on its face the name of Respondent and the Docket Number of this CA/FO. Such payment shall be submitted by U.S. Postal Service to:

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

For other payment options (Ex: Wire Transfers, Overnight Mail, ACH, and On Line), please refer to Attachment A.

21. At the time of payment, Respondent shall send a separate copy of the payment instrument, and a written statement that payment has been made in accordance with this CA/FO, to the following persons at the following addresses:

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

Mary Mattox
Clean Water Enforcement Branch
Stormwater and Residuals Enforcement Section
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

22. The penalty amount specified above shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of federal taxes.

23. Pursuant to Section 309(g)(9) of the CWA, 33 U.S.C. § 1319(g)(9), failure to pay the penalty assessed by the CA/FO in full by its due date may subject the Respondent to a civil action to collect the assessed penalty plus interest (at currently prevailing rates from the effective date of this CA/FO), attorney fees, costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to twenty percent (20%) of the aggregate amount of such penalty and nonpayment penalty which are unpaid as of the beginning of such quarter. In any such collection action, the validity, amount and appropriateness of the penalty and of this CA/FO shall not be subject to review.

V. General Provisions

24. This CA/FO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, State or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, State or local permit. Other than as expressed herein, compliance with this CA/FO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by the EPA.

25. Issuance of this CA/FO shall not be deemed as prohibiting, altering, or in any way limiting the ability of the EPA to pursue any other available enforcement actions. Such actions may include, without limitation, any administrative, civil or criminal action to seek penalties, fines, injunctive or other appropriate relief, or to initiate an action for imminent and substantial endangerment, under the CWA or any other federal or State statute, regulation or permit.

26. Except as otherwise set forth herein, this CA/FO constitutes a settlement by Complainant and Respondent of all claims for civil penalties pursuant to the CWA with respect to only those violations alleged in this CA/FO. Except as otherwise set forth herein, compliance with this CA/FO shall resolve the allegations of violations contained herein.

27. Nothing in this CA/FO is intended to nor shall be construed to operate in any way to resolve any criminal liability of Respondent, or other liability resulting from violations that were not alleged in this CA/FO.

28. Each undersigned representative of the parties to this CA/FO certifies that he or she is fully authorized to enter into the terms and conditions of this CA/FO and to execute and legally bind that party to it.

29. This CA/FO applies to and is binding upon Respondent and its officers, directors, employees, agents, successors and assigns.

30. Any change in the legal status of Respondent, including but not limited to any transfer of assets of real or personal property, shall not alter Respondent's responsibilities under this CA/FO.

31. Each party shall bear its own costs and attorney fees in connection with the action resolved by this CA/FO.

32. In accordance with 40 C.F.R. § 22.5, the individuals below are authorized to receive service related to this proceeding:

For Complainant:

Judy K. Marshall
Associate Regional Counsel
Office of Environmental Accountability
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-9533

For Respondent:

CT Corporation System
645 Lakeland East Drive, Suite 101
Flowood, Mississippi 39232

33. The parties acknowledge and agree that this CA/FO is subject to the requirements of 40 C.F.R. § 22.45(c)(4), which provides a right to petition to set aside a proposed CA/FO based on comments received during the public comment period.

34. Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), and 40 C.F.R. § 22.38(b), Complainant represents that the State of Mississippi was provided a prior opportunity to consult with Complainant regarding this matter.

35. Effective upon signature of this CA/FO, Respondent agrees that the time period commencing on the date of its signature and ending on the date the EPA receives from

Respondent the payment required by this CA/FO shall not be included in computing the running of any statute of limitations potentially applicable to any action brought by the EPA related to the matters addressed in this CA/FO and that, in any action brought by the EPA related to the matters addressed, Respondent will not assert, and may not maintain, any defense or claim based upon principles of statute of limitations, waiver, laches, estoppel, or other defense based on the passage of time during such period. If the EPA gives notice to Respondent that it will not make this CA/FO effective, the statute of limitations shall begin to run again commencing ninety (90) days after the date such notice is sent by the EPA.

VI. Effective Date

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

AGREED AND CONSENTED TO:

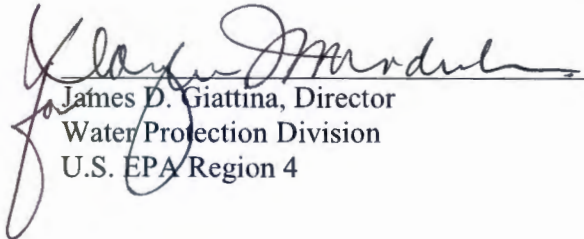
FOR RESPONDENT SIGNAL INTERNATIONAL, LLC:



Ronald Schnoor
Senior Vice President
Signal Mississippi Operation

Date: 8/5/14

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:



James D. Giattina, Director
Water Protection Division
U.S. EPA Region 4

Date: 9/26/14

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

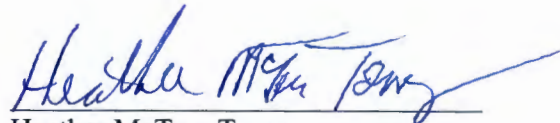
IN THE MATTER OF:)	CONSENT AGREEMENT AND
)	FINAL ORDER
SIGNAL INTERNATIONAL, LLC)	
EAST FACILITY)	DOCKET NO. CWA 04-2014-4513(b)
PASCAGOULA, MISSISSIPPI)	
)	
RESPONDENT.)	
_____)	

FINAL ORDER

In accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits*, including Subpart I, 40 C.F.R. Part 22, and authorities delegated to me, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Pursuant to Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), Respondents are hereby ordered to comply with the terms of the foregoing Consent Agreement.

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: SEP 29 2014



Heather McTeer Toney
Regional Administrator

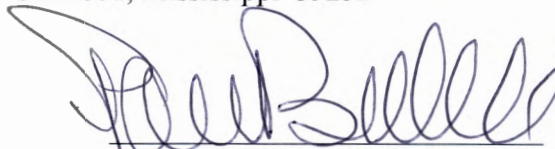
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a true and correct copy of the foregoing Consent Agreement and Final Order in the matter of: **Docket No. CWA-04-2014-4513(b)** on the parties listed below in the manner indicated:

By hand-delivery: Judy Marshall
Associate Regional Counsel
Office of Environmental Accountability
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

By Certified mail,
return receipt requested: CT Corporation System
645 Lakeland East Drive, Suite 101
Flowood, Mississippi 39232

Dated: 9-29-14



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

Mattox, Mary

From: Kwan, Kenneth
Sent: Thursday, September 18, 2014 3:16 PM
To: jcrosslin@stepscoalition.org
Cc: Bullock, Patricia; Mattox, Mary; Kwan, Kenneth; Marshall, Judy
Subject: RE: Public Comment on CWA-04-2014-4513(b);cc=mattox.mary@epa.gov

Ms. Crosslin,

During the negotiating a consent agreement, Signal International signed an Administrative Compliance Order on Consent (AOC) with EPA on September 2, 2014. An AOC is the enforcement mechanism used by the EPA to ensure actions are completed by a company in order for it to return to compliance. In the AOC, Signal International is required to revise, update, and implement their Stormwater Pollution Prevention Plan to manage and treat storm water runoff. By September 30, 2014, Signal International will complete construction and begin operation of a storm water detention pond to capture and treat sandblasting materials. Also, Signal International is required to complete design and installation of inlet protection for all of its storm water drains.

Sincerely,
Kenneth Kwan
U.S. EPA
404-562-9752

From: Bullock, Patricia
Sent: Thursday, September 18, 2014 2:43 PM
To: Kwan, Kenneth
Subject: FW: Public Comment on CWA-04-2014-4513(b);cc=mattox.mary@epa.gov

From: Bullock, Patricia
Sent: Thursday, September 11, 2014 3:38 PM
To: Tommelleo, Nancy
Subject: FW: Public Comment on CWA-04-2014-4513(b);cc=mattox.mary@epa.gov

For you review and comment to requester below.

Pat

From: Jennifer Crosslin [<mailto:jcrosslin@stepscoalition.org>]
Sent: Thursday, September 11, 2014 3:32 PM
To: Bullock, Patricia
Subject: Public Comment on CWA-04-2014-4513(b);cc=mattox.mary@epa.gov

Hello Patricia,

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

=====

TO BE COMPLETE BY ORIGINATING OFFICE:

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

This form was originated by: Mary Mattox 9/25/14
[Name] [Date]
in the WPD/CWEB/Municipal and Industrial Section at 404-562-9733
[Office] [Telephone Number]

- Non-SF Judicial Order/Consent Decree. USAO COLLECTS.
Administrative Order/Consent Agreement. FMS COLLECTS PAYMENT.
SF Judicial Order/Consent Decree. FMS COLLECTS.
Other Receivables
This is an original debt.
This is a modification.

PAYEE: Signal International, LLC, Pascagoula, MS
[Name of person and/or Company/Municipality making the Payment]

The Total Dollar Amount of Receivable: \$ 50,000
[If in installments, attach schedule of amounts and respective due dates]

The Case Docket Number: CWA-04-2014-4513(b)

The Site-Specific Superfund (SF) Account Number:

The Designated Regional/Headquarters Program Office: Region 4 Water Protection Division

TO BE COMPLETED BY LOCAL FINANCIAL MANAGEMENT SECTION:

The IFMS Accounts Receivable Control Number is:
If you have any questions call: in the Financial Management Section,
Telephone Number:

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
Environmental Enforcement Section
Department of Justice/RH 1647
P.O. BOX 7611, Benjamin Franklin Station
Washington, DC 20044
2. Originating Office (ORC)
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 sent to:

- 1. Originating Office
2. Designated Program Office
3. Regional Hearing Clerk
4. Regional Counsel