



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 03 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joe F. White
Vice President
Mobile Solvent and Supply, Inc.
5750 Kushla McLeod Road
Mobile, Alabama 36663

SUBJECT: Expedited Settlement Agreement
Mobile Solvent and Supply, Inc.
Docket No. CAA-04-2010-8015(b)

Dear Mr. White:

Enclosed please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter (Docket No. CAA-04-2010-8015(b)) involving Mobile Solvent and Supply, Inc. The ESA was filed with the Regional Hearing Clerk, as required by 40 C.F.R. Part 22 and became effective on today's date.

As required by the ESA, within fifteen days of receipt of this letter, a cashier's check or certified check in the amount of \$750, made out to the "Treasurer, United States of America," should be submitted to one of the following addresses:

For payment sent via U.S. Postal Service
U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000; or

For payment sent via overnight mail service (FedEx, UPS)
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Natalie Pearson @ 314-418-4087

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

The Docket No. should be included on the check. Also, a separate copy of the check and a written statement that payment has been made in accordance with this ESA should be sent to the following individuals:

Saundi Wilson
U. S. EPA Region 4
Office of Environmental Accountability
61 Forsyth Street
Atlanta, Georgia 30303, and

Victor L. Weeks
U. S. EPA Region 4
EPCRA Enforcement Section
61 Forsyth Street
Atlanta, Georgia 30303.

Also enclosed, please find a copy of the "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Security and Exchange Commission (SEC) any environmental enforcement actions taken by the EPA. If you have any questions with regards to the SEC's environmental disclosure requirements, you may refer to the contact phone number at the bottom of the SEC Notice.

If you have any questions, please call Victor Weeks at (404) 562-9189.

Sincerely,



Caron B. Falconer
Chief, EPCRA Enforcement Section

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

EXPEDITED SETTLEMENT
AGREEMENT

DOCKET NO: CAA-04-2010-8015(b)

This ESA is issued to:

Mobile Solvent and Supply, Inc.
5750 Kushla McLeod Road
Mobile, AL 36663

2010 AUG -3 PM 12: 20
RECEIVED
EPA REGION 4
RECORDS CLERK

for violating 40 CFR § 68.58 and Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 4, the Director of the Air, Pesticides and Toxics Management Division (Complainant), and by Mobile Solvent and Supply, Inc. (Respondent), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and pursuant to 40 CFR § 22.13(b).

ALLEGED VIOLATIONS

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 5750 Kushla McLeod Road, Mobile, Alabama, on February 11, 2009, EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Program when Respondent did not provide evidence that:

It has conducted audits to evaluate its compliance with the chemical accident prevention program requirements at least every three years, and based on such audits, certified that the procedures and practices are adequate and are being followed as required by 40 CFR § 68.58(a).

SETTLEMENT

In consideration of Respondent's size, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record the parties enter into the ESA in order to settle the violation cited above, for the total penalty amount of **\$750**.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as

stated above; Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), and to contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the alleged violation listed in this ESA. Respondent shall pay a civil penalty of \$750. **Please note that payment should not be made until after Respondent receives a copy of the fully executed ESA.** Within fifteen (15) days of receiving a copy of the fully executed ESA, the Respondent shall send a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$750, in payment of the full penalty amount to one of the following addresses:

For payment sent via U.S. Postal Service
U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000; or

For payment sent via overnight mail service (FedEx, UPS)
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Natalie Pearson @ 314-418-4087

The Respondent's name and the Docket Number of this ESA must be included on the check. The Docket Number is located at the top left corner of the first page of this ESA.

At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this ESA to:

Saundi Wilson
U. S. EPA Region 4
Office of Environmental Accountability
61 Forsyth Street
Atlanta, Georgia 30303, and

Victor L. Weeks
U. S. EPA Region 4
EPCRA Enforcement Section
61 Forsyth Street
Atlanta, Georgia 30303

Upon Respondent's correction of alleged violations and payment of the penalty, EPA will take no further civil action against Respondent for the alleged violation of the Act referenced in this ESA. EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

The following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Caron B. Falconer
U. S. EPA - Region 4
61 Forsyth St., S. W.
Atlanta, Georgia 30303
(404) 562-8451

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Joe White Date: 6.14.10

Name (print): Joe White

Title (print): vice president
Mobile Solvent and Supply, Inc.

FOR COMPLAINANT:

Kenneth R. Lapierre Date: 6/4/2010

Kenneth R. Lapierre
Acting Director
Air, Pesticides & Toxics
Management Division
Region 4

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

Susan B. Schub Date: 7/29/10
Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Expedited Settlement Agreement, in the matter of Mobile Solvent and Supply, Inc., CAA-04-2010-8015(b), on the parties listed below in the manner indicated:

Caron B. Falconer
U. S. EPA - Region 4
Air, Pesticides and Toxics
Management Division
61 Forsyth Street
Atlanta, GA 30303

(Via EPA's internal mail)

Ellen Rouch
U. S. EPA - Region 4
Office of Environmental Accountability
61 Forsyth Street
Atlanta, GA 30303


(Via EPA's internal mail)

Mr. Joe F. White
Vice President
Mobile Solvent and Supply, Inc.
5750 Kushla McLeod Road
Mobile, Alabama 36663

(Via Certified Mail -
Return Receipt Requested)

Date:

August 3, 2010


for Patricia A. Bullock, Regional Hearing Clerk
United States Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303
404-562-9511

in the

Region 7, ORG, OLA

(Office)

at (404) 562-9504

(Telephone Number)

Non-SF Judicial Order/Consent Decree
USAO COLLECTS

Administrative Order/Consent Agreement
FMO COLLECTS PAYMENT

SF Judicial Order/Consent Decree
DOJ COLLECTS

Oversight Billing - Cost Package required:
Sent with bill

Other Receivable

Not sent with bill

This is an original debt

Oversight Billing - Cost Package not required

This is a modification

PAYEE:

Mobile Solvent and Supply Inc

(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$

750

(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number:

CAA 04 2010 8015 (b)

The Site Specific Superfund Account Number:

The Designated Regional/Headquarters Program Office:

The IFMS Accounts Receivable Control Number is:

Date

If you have any questions, please call:

of the Financial Management Section at:

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 RM 1647
P.O. Box 7611, Benjamin Franklin Station
Washington, D.C. 20044

2. Originating Office (EAD)
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 to:

1. Originating Office
2. Regional Hearing Clerk

3. Designated Program Office
4. Regional Counsel (EAD)

Re: Incorrect Jurisdictional Provision in Signed ESA

mobilesolv

to:

Victor Weeks, MobileSolv

07/22/2010 10:01 AM

Show Details

Dear Mr. Weeks,

I am writing this email to acknowledge that we do agree to the change that you stated in your email. If we need to do anything further, please let us know.

Thank you,

Joe White

Mobile Solvent & Supply, Inc.

-----Original Message-----

From: Weeks.Victor@epamail.epa.gov

To: Mobilesolv@aol.com

Sent: Tue, Jul 20, 2010 11:39 am

Subject: Incorrect Jurisdictional Provision in Signed ESA

Mr. White:

EPA has discovered an error in the jurisdictional statement in the 1st paragraph of the signed Expedited Settlement Agreement (ESA). EPA's Regional Judicial Officer has requested that both parties agree to correct the language so that the ESA can be properly executed. EPA is proposing to delete the reference to Clean Air Act Section 113 (a)(3). Existing Language

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 4, the Director of the Air, Pesticides and Toxics Management Division (Complainant), and by Mobile Solvent and Supply, Inc. (Respondent), pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(a)(3) and (d), and pursuant to 40 CFR § 22.13(b).

Proposed Corrected Language

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 4, the Director of the Air, Pesticides and Toxics Management Division (Complainant), and by Mobile Solvent and Supply, Inc. (Respondent), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and pursuant to 40 CFR § 22.13(b).

If you agree to the corrected language, and agree that the existing ESA signature remains valid given this correction, please respond to this email so that I can document such agreement and forward the corrected ESA to the Judicial Officer for execution.

Sincerely,

Victor L. Weeks

Risk Management Program Coordinator

U. S. EPA - Region 4

404/562-9189 - Telephone

404/562-9163 - Facsimile

CONFIDENTIALITY NOTICE: This message and any attachments from the U. S. Environmental Protection Agency may contain CONFIDENTIAL and legally protected

information. If you are not the addressee or intended recipient, please do not

read, print, copy, use or disclose this communication to others; also, please

notify the sender by replying to this message, and then delete it from your system.