



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR  
October 21, 2014

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Ms. Teresa Hubbard  
Cite Armored Inc  
PO Box 5152  
Holly Springs, MS 38634

**Re: Cite Armored Inc  
Agreed Order No. 6459 14**

Dear Ms. Hubbard:

Enclosed you will find a copy of Agreed Order No. 6459 14, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Gary Rikard, on behalf of the Mississippi Commission on Environmental Quality.

The enclosed Order assesses a civil penalty. The first penalty payment, when due, should be made by check payable to the Mississippi Department of Environmental Quality and returned in the enclosed, self-addressed envelope. All future installment payments should be mailed to the MDEQ Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Mohammad Yassin at (601) 961-5195.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Sanders".

Chris Sanders, P.E.  
Chief, Environmental Compliance and Enforcement Division

Enclosure  
cc: Mohammad Yassin

Agency Interest No. 10559  
ENF20140002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6459 14

CITE ARMORED INC  
PO BOX 5152  
HOLLY SPRINGS, MISSISSIPPI 38634

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (Commission), acting through the staff and Executive Director of the Mississippi Department of Environmental Quality (MDEQ), Complainant, and Cite Armored Inc, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated July 14, 2014, Respondent was contacted by Complainant and notified of the following violations at its facility located at 540 Industrial Park Road, Holly Springs, Marshall County, Mississippi:

**A. 40 C.F.R. § 262.12(a)**

A person who generates a solid waste, as defined in 11 Miss. Admin. Code Pt. 3, R.1.2 [40 C.F.R. § 261.2], in quantities exceeding those described in 11 Miss. Admin. Code Pt. 3, R.1.3 [40 C.F.R. § 262.34] must notify the appropriate agency of their hazardous waste activities, and obtain an EPA identification number prior to the storage or offer for transport of any hazardous waste.

The Respondent had been in business for 12 years and prior to the inspection had never applied for an EPA identification number. For the past three years, the facility has been operating as a small quantity generator of hazardous waste.

**B. 40 C.F.R. § 262.34(d)(2), which incorporates 40 C.F.R. § 265.173(a)**

Containers holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

There were four instances noted during the inspection where hazardous waste containers were not closed.

**C. 40 C.F.R. § 262.11**

Generators of solid wastes are required to make a hazardous waste determination on said solid waste either by generator knowledge or by analytical testing.

There were numerous instances noted during the inspection where hazardous waste determinations had not been made.

**D. 40 C.F.R. § 262.34(d)(4), which incorporates 40 C.F.R. § 262.34(a)(2)**

The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.

There were no dates on any of the hazardous waste drums located in the 90-day storage area.

**E. 40 C.F.R. § 262.34(d)(4), which incorporates 40 C.F.R. § 262.34(a)(3)**

While being accumulated on-site, each container is labeled or marked clearly with the words "Hazardous Waste."

There were no hazardous waste labels on any of the hazardous waste drums located in the 90-day storage area.

**F. 40 C.F.R. § 279.22(c)**

Containers used to store used oil must be labeled or marked clearly with the words "Used Oil."

Three buckets containing used oil located outside of the paint booth were not labeled "Used Oil."

**G. 40 C.F.R. § 279.22(d)**

Upon the detection of a release of used oil to the environment, a generator must stop the release, contain the released used oil, clean up and properly manage properly the released used oil and other materials; and if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

Two oil spills were noted during the inspection around two oil compressors.

**H. 40 C.F.R. § 262.34(d)(4), which incorporates 40 C.F.R. § 265.31**

Generators are required to maintain and operate their facilities to minimize the possibility

of fire, explosion, or any unplanned release of hazardous waste.

There appeared to be hazardous waste paint spills on the floor, walls, and working station of the 90-day storage area. Numerous hazardous waste containers were discarded outdoors, in various locations. Hazardous waste was being improperly disposed of into regular trash cans.

**I. 40 C.F.R. § 270.10**

Requires that a facility to have interim status, or properly submit a permit application and obtain a permit prior to treating, storing, or disposing of hazardous waste.

Numerous hazardous waste containers were discarded outdoors, in various locations.

**J. 40 C.F.R. § 262.34(d)(4), which incorporates 40 C.F.R. 268**

Land Disposal Restrictions - a condition of the Small Quantity Generator Permit Exemption requires a facility to determine the applicable treatment standards for hazardous wastes as they are at the point of generation prior to disposal of said waste and to comply with the other notice, certification, and waste analysis requirements in this part.

Numerous hazardous waste containers were discarded outdoors, in various locations.

**K. 40 C.F.R. § 279.22(b)**

Containers and above ground storage tanks used to store used oil must be in good condition, and not leaking.

Oil spills were noted around two oil compressors.

**L. 40 C.F.R. § 262.23(a)(2)**

The generator must obtain the handwritten signature of the initial transporter and date of acceptance on the manifest.

A manifest for a shipment dated August 7, 2012, had no initial copy and the designated facility copy did not show initial copy information. A manifest for a shipment on March 2, 2012, had no designated facility copy.

**M. 40 C.F.R. § 262.40(a)**

A generator must keep a copy of each manifest signed in accordance with 262.23(a) for three years or until he receives a signed copy from the destination facility which receives the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

A manifest for a shipment dated August 7, 2012, had no dates for the generator or transporter and no initial copy. A manifest for a shipment on March 2, 2012, had no designated facility copy.

**N. 40 C.F.R. § 262.42(a)(2)**

A generator of hazardous waste must submit an Exception Report to the EPA Regional Administrator if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date that the waste was accepted by the initial transporter.

A manifest for a shipment on March 2, 2012, had dated designated facility copy. At the time of the inspection, the time to receive the designated facility copy had been exceeded by more than a year.

**O. 40 C.F.R. § 261.5(c)**

When making the quantity determinations of this part and 40 CFR part 262, the generator must include all hazardous waste that it generates.

The Respondent uses a solvent reclaim unit to process their paint waste. The waste filter cakes produced by this unit are counted toward their waste but not the waste paint generated.

**P. 40 C.F.R. § 262.34(d)(2), which incorporates 40 C.F.R. § 265.176**

A generator who accumulates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit provided that at least weekly, the owner operator must inspect areas where containers are stored. During these weekly inspections the owner or operator must look for leaking containers and for the deterioration of containers caused by corrosion or other factors.

The Respondent has never conducted weekly inspections of hazardous waste storage areas and containers.

**Q. 40 C.F.R. § 262.34(d)(5)**

A condition of the Small Quantity Generator Permit Exemption requires a facility to comply with the emergency preparedness requirements found in this part, which includes but is not limited to requirements for employee training, the designation of an emergency coordinator, and an emergency response procedure.

The Respondent had no record of any hazardous waste training ever being conducted for its employees.

**R. 40 C.F.R. § 262.34(d)(4), which incorporates 40 C.F.R. § 265.37**

A generator who accumulates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit provided that the owner or operator must attempt to make arrangements with the local authorities.

The Respondent had no records of making arrangements with the local authorities.

By letter dated July 22, 2014, Respondent alleged to have implemented corrective action measures that have resulted in a return to compliance with the applicable regulations.

2.

In lieu of a formal enforcement hearing concerning the violations listed above, Complainant and Respondent agree to settle this matter as follows:

- A. Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$101,382. Respondent shall pay this penalty to MDEQ in six monthly installments as outlined below:

<u>Installment Due Date:</u>	<u>Installment Amount:</u>
December 1, 2014	\$16,897
January 1, 2014	\$16,897
February 1, 2014	\$16,897
March 1, 2014	\$16,897
April 1, 2014	\$16,897
May 1, 2014	\$16,897

The monthly installments shall be submitted on or before the installment due date to the following address:

Mississippi Department of Environmental Quality  
Attn: Jennifer Parish  
P.O. Box 2339  
Jackson, MS 39225

3.

Nothing in this Agreed Order shall limit the rights of MDEQ or the Commission in the event Respondent fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

4.

Nothing contained in this Agreed Order shall limit the rights of MDEQ or the


Commission to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

5.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. § 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 10<sup>th</sup> day of OCTOBER, 2014.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 1 day of October, 2014.

CITE ARMORED INC

BY Teresa Hubbard

TITLE: President

STATE OF Mississippi

COUNTY OF Marshall

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Teresa Hubbard who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of Cite Armored Inc and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 1<sup>st</sup> day of October, 2014.

Janice Hailey  
NOTARY PUBLIC

My Commission expires: 9/13/18

