UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:	)	
Maverick Tube Corporation & Hydril Company, & Tenaris Coiled Tubes, LLC Houston, Texas	)	DOCKET NO. RCRA-06-2014-0912
Respondents	)	Consent Agreement and Final Order,

CONSENT AGREEMENT AND FINAL ORDER

The Director of the Compliance Assurance and Enforcement Division of the United States Environmental Protection Agency ("EPA"), Region 6 ("Complainant") and Maverick Tube Corporation, Hydril Company, and Tenaris Coiled Tubes, LLC (collectively "Respondents") hereby agree to resolve this matter through the issuance of this Consent Agreement and Final Order ("CAFO").

I. PRELIMINARY STATEMENT

1. This proceeding for the assessment of civil penalties and the issuance of a compliance order is brought by EPA pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928, as amended, and is simultaneously commenced and concluded through the issuance of this CAFO pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and (3), and 22.37.

2. Notice of this action was given to the State of Texas prior to the issuance of this CAFO, as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. For the purposes of this proceeding only, Respondents admit the jurisdictional allegations contained herein; however Respondents neither admit nor deny the specific factual allegations contained in this CAFO.

4. Respondents explicitly waive any right to contest the allegations and their right to appeal the proposed Final Order accompanying this CAFO, and waive all defenses which have been raised or could have been raised to the claims set forth in this CAFO.

5. Compliance with all the terms and conditions of this CAFO shall resolve only those violations which are alleged herein.

6. Respondents consent to the issuance of this CAFO, including the assessment of the civil penalty as provided in this CAFO.

II. STATUTORY AND REGULATORY BACKGROUND

7. RCRA was enacted on October 21, 1976, and established a comprehensive program to be administered by the Administrator of the EPA regulating the generation, treatment, storage and disposal of hazardous waste. RCRA hazardous waste regulations promulgated by the Administrator are codified as 40 C.F.R. Parts 260-272.

8. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA may authorize a state to administer a RCRA hazardous waste program in lieu of the federal program when the Administrator determines that the state program is substantially equivalent to the federal program.

9. The Administrator granted final authorization to Texas to administer its Hazardous Waste Management Program in lieu of the federal program on December 12, 1984, effective December 26, 1984 (49 Fed. Reg. 48300; see also 40 C.F.R. § 272.2201), and there have been subsequent authorized revisions to the federal program.

10. In Texas, the federal hazardous waste program is managed by the Texas Commission on Environmental Quality ("TCEQ"), pursuant to the Texas Solid Waste Disposal Act, Tex. Health & Safety Code Ann. Chapter 361, and the rules and regulations promulgated thereunder at 30 Texas Administrative Code ("T.A.C.") Chapter 335.

11. Pursuant to Sections 3008(a) and 3006(g) of RCRA, 42 U.S.C. §§ 6928(a) and 6926(g), EPA may enforce the federally-approved Texas hazardous waste management program, as well as the federal regulations promulgated under HSWA, by issuing compliance orders assessing a civil penalty for any past or current violation and/or requiring compliance immediately or within a specified time for violations of any requirement of Subtitle C of RCRA (Sections 3001-3023 of RCRA), 42 U.S.C. §§ 6921-6939e. As adjusted by the Civil Penalty Inflation Adjustment Rule of December 11, 2008 (73 Fed. Reg. 75340, 75346), 40 C.F.R. § 19.4, EPA may assess a civil penalty of up to $32,500 per day of violation for a violation occurring between March 15, 2004 and January 12, 2009 and $37,500 per day of violation for a violation occurring after January 12, 2009.

12. Section 3006 of RCRA, 42 U.S.C. § 6926, as amended, provides that authorized state hazardous waste management programs are carried out under Subtitle C of RCRA. TCEQ administers Texas' authorized hazardous waste management program through Chapter 335. Therefore, a violation of any requirements of Chapter 335 is a violation of Subtitle C of RCRA. For ease of reference, the Texas regulations are cited below followed by the applicable federal hazardous waste regulations.

III. ALLEGATIONS

A. PRELIMINARY ALLEGATIONS

13. Respondents are incorporated under the laws of the State of Delaware and authorized to do business in the State of Texas. Respondents are affiliates and share an ultimate common parent company.

14. "Person" is defined in 30 T.A.C. § 3.2(25) [40 C.F.R. §§ 260.10 and 270.2], and Section 1004(5) of RCRA, 42 U.S.C. § 6903(15) as "an individual, corporation, organization, government or government subdivision or agency, business trust, partnership, association, or any other legal entity."

15. As corporations, Respondents are "person[s]" as defined by 30 T.A.C. § 3.2(25) [40 C.F.R. §§ 260.10 and 270.2], and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

16. "Owner" is defined in 30 T.A.C. § 335.1(108) [40 C.F.R. § 260.10] as "the person who owns a facility or part of a facility."

17. "Operator" is defined in 30 T.A.C. § 335.1(107) [40 C.F.R. § 260.10] as "the person responsible for the overall operation of a facility."

18. "Owner or operator" is defined in 40 C.F.R. § 270.2 as "the owner or operator of any facility or activity subject to regulation under RCRA."

19. "Facility" is defined in 30 T.A.C. § 335.1(59)(A) [40 C.F.R. § 260.10] as meaning "all contiguous land, and structures, other appurtenances, and improvements on the land, used for storing, processing, or disposing of municipal hazardous waste or industrial solid

waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them)."

20. Maverick Tube Corporation owns and operates a fabricated pipe and fittings manufacturing facility located at 8204 Fairbanks N. Houston Rd., Houston, TX 77064, EPA I.D. No. TXD988019188 ("Facility 1").

21. Hydril Company owns and operates a fabricated pipe and fittings manufacturing facility located at 302 McCarty Road, Houston, TX 77029, EPA I.D. No. TXD988059184 ("Facility 2").

22. Tenaris Coiled Tubes, LLC owns and operates a manufacturing facility of steel pipe and tubing located at 8615 East Sam Houston Parkway North, Houston, TX 77044, EPA I.D. No. TXR000049122 ("Facility 3").

23. The facilities described in paragraphs 20-22 (collectively "Facilities 1-3") are each a "facility" as that term is defined in 30 T.A.C. § 335.1(59) [40 C.F.R. § 260.10].

24. Maverick Tube Corporation is the "owner" and/or "operator" of the facilities identified in paragraph 20, as those terms are defined in 30 TAC §§ 335.1(107) and 335.1(108) [40 C.F.R. § 260.10] and 40 C.F.R. § 270.2.

25. Hydril Company is the "owner" and/or "operator" of the facility identified in paragraph 21, as those terms are defined in 30 TAC §§ 335.1(107) and 335.1(108) [40 C.F.R. § 260.10] and 40 C.F.R. § 270.2.

26. Tenaris Coiled Tubes, LLC is the "owner" and/or "operator" of the facility identified in paragraph 22, as those terms are defined in 30 TAC §§ 335.1(107) and 335.1(108) [40 C.F.R. § 260.10] and 40 C.F.R. § 270.2.

27. On March 12-13, 2013, March 12, 2013, and March 13, 2013, representatives of EPA inspected Facilities 1-3, respectively, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.

28. During the inspection of Facility 1, the EPA inspector observed the following compliance concerns: failure to make an accurate hazardous waste determination, failure to properly count waste generation, failure to meet pre-transport requirements, and storage of hazardous waste without a permit.

29. During the inspection of Facility 2, the EPA inspector observed the following compliance concerns: failure to make an accurate hazardous waste determination, failure to properly count waste generation, failure to meet universal waste handler notification and failure to meet hazardous waste and universal waste pre-transport requirements.

30. During the inspection of Facility 3, the EPA inspector observed the following compliance concerns: failure to make an accurate hazardous waste determination and failure to meet pre-transport requirements.

31. All three facilities failed to label totes and containers in a manner that allowed for proper identification as a hazardous or non-hazardous waste. The failure to properly characterize the waste at the point of generation, in accordance with 30 T.A.C. § 335.62 [40 C.F.R. § 262.11], led to the subsequent violations of pre-transport requirements.

B. ALLEGED VIOLATIONS

COUNT 1 – FAILURE TO MAKE AN ACCURATE HAZARDOUS WASTE DETERMINATION

32. Paragraphs 1 – 31 are incorporated herein.

33. During the March 12-13, 2013 inspection of Facility 1, the EPA inspector observed two phosphating wastewater streams, which are hazardous due to a characteristic for corrosivity, stored in totes prior to placement in an elementary neutralization unit ("ENU").

Pursuant to 30 T.A.C. § 335.1(138) [40 C.F.R. § 261.2], these wastes are "solid wastes." While wastes that are directly fed to an ENU can be exempted from RCRA regulation pursuant to 40 C.F.R. § 261.5(c)(2), the wastewater streams at Facility 1 were stored in the totes prior to insertion, disqualifying them from that exemption, as explained in further detail in paragraphs 41-44, *infra*. Therefore, Respondents were required to make a hazardous waste determination on the two wastewater streams.

34. During the March 12-13, 2013 inspection of Facility 1, the EPA inspector observed mixed liquid wastes in a drum crusher secondary containment. Pursuant to 30 T.A.C. § 335.1(138) [40 C.F.R. § 261.2], these wastes are "solid wastes." Respondents failed to make a hazardous waste determination for these wastes.

35. During the March 12-13, 2013 inspection of Facility 1, the EPA inspector observed hand washing liquid that contained a mixture of multiple waste streams in a bucket. Respondents stated that waste contents were from various activities, including paint-related activities, and were not handled as hazardous waste for disposal. Respondents failed to make a hazardous waste determination for this waste.

36. During the March 12, 2013 inspection of Facility 2, the EPA inspector observed used oil generated by various maintenance and production activities and wastewaters generated by production that Respondents incorrectly labeled as "waste oil" and for which Respondents thus failed to make an accurate hazardous waste determination.

37. During the March 13, 2013 inspection of Facility 3, the EPA inspector observed used oil generated by various maintenance and production activities and wastewaters generated by production that Respondents incorrectly labeled as "waste oil" and for which Respondents thus failed to make an accurate hazardous waste determination.

38. Pursuant to 30 T.A.C. § 335.62 [40 C.F.R. § 262.11], "[a] person who generates a solid waste must determine if that waste is a hazardous waste…"

39. Therefore, Respondents violated 30 T.A.C. § 335.62 [40 C.F.R. § 262.11], at Facilities 1-3 by failing to make a hazardous waste determination regarding the solid wastes specified in paragraphs 33-37.

COUNT 2 – FAILURE TO PROPERLY COUNT WASTE GENERATION

40. Paragraphs 1 – 39 are incorporated herein.

41. During the March 12-13, 2013 inspection of Facility 1, the EPA inspector observed multiple totes stored on the production floor that contained corrosive wastewaters that were characteristic hazardous waste generated by phosphating activities. The totes were awaiting treatment in the on-site ENU because the ENU was not designed or constructed with sufficient storage capacity to handle the amount of wastewater generated when the production was at full capacity.

42. During the March 12-13, 2013 inspection of Facility 1, the EPA inspector observed that the characteristic hazardous waste stored in the totes described in paragraph 41, *supra*, was not counted properly toward Respondents' quantity determination, thus affecting Respondents' generator status.

43. Pursuant to 30 T.A.C. § 335.78(c)(2) [40 C.F.R. § 261.5(c)(2)], "When making the quantity determinations of Subchapters A-C of this Chapter…the generator must include all hazardous waste it generates, except hazardous waste that…(2) is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in § 335.1 of this title (relating to Definitions)."

44. Therefore, the hazardous waste described in paragraph 41 failed to meet the requirements of 30 T.A.C. § 335.78(c)(2) [40 C.F.R. § 261.5(c)(2)], in that it was not "managed immediately upon generation only in on-site elementary neutralization units." The hazardous waste generated by Respondents and stored in the totes prior to insertion into the ENU was thus required to be included in Respondents' quantity determination.

45. Therefore, Respondents failed to properly count or report the characteristic wastewaters in totes at Facility 1, thus violating the reporting requirements of 40 C.F.R. §§ 261.5(c) & (d).

COUNT 3 – FAILURE TO MEET PRE-TRANSPORT REQUIREMENTS

46. Paragraphs 1 – 45 are incorporated herein.

47. During the March 12-13, 2013 inspection of Facility 1, the EPA inspector observed a number of wastes that lacked proper labels including oily wastes, mop waters, exterior tanks and wastewaters.

48. During the March 12, 2013 inspection of Facility 2, the EPA inspector observed improper labeling practices on tanks and containers throughout the facility. These improper practices include: not all tanks or containers were marked with contents, non-hazardous waste labels were used in place of hazardous labels, and stencils were used in place of proper labels. The improperly labeled wastes included used oils mislabeled as waste oils, wastewaters, and non-hazardous debris.

49. During the March 12, 2013 inspection of Facility 2, the EPA inspector observed improperly segregated wastes as well as wastes stored with insufficient aisle spacing. The EPA inspector further observed open containers of waste in storage areas at Facility 2.

50. During the March 13, 2013 inspection of Facility 3, the EPA inspector observed improper labeling practices on tanks and containers throughout the facility, including wastes that were double-dated and improperly characterized in storage areas.

51. During the March 13, 2013 inspection of Facility 3, the EPA inspector observed improperly segregated wastes as well as wastes stored with insufficient aisle spacing.

52. Under 30 T.A.C. § 335.69(a)(2-3) [40 C.F.R § 262.34(a)(2-3)] "...a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status provided that:...(2) the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; [and] (3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, 'Hazardous Waste'..."

53. Respondents failed on several containers at Facilities 1-3 to clearly mark the date of accumulation of the hazardous waste and/or label each tank with the words "Hazardous Waste."

54. Therefore, Respondents violated 30 T.A.C. § 335.69(a)(2-3) [40 C.F.R § 262.34(a)(2-3)] at Facilities 1-3 by failing to implement proper labeling practices.

55. Under 40 C.F.R § 265.35 "[t]he owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency..."

56. Therefore, Respondents violated 40 C.F.R § 265.35 at Facilities 2 and 3 by failing to provide sufficient aisle space for access to stored wastes.

COUNT 4 –STORAGE OF HAZARDOUS WASTE WITHOUT A PERMIT

57. Paragraphs 1 – 56 are incorporated herein.

58. During the March 12-13, 2013 inspection of Facility 1, the EPA inspector observed that hazardous waste had accumulated on the production floor in totes with improper non-hazardous waste labels. Accumulation dates on these totes indicated they had been stored in excess of 90 days without a permit.

59. During the March 12-13, 2013 inspection of Facility 1, the EPA Inspector observed hazardous waste awaiting analytical, in excess of a year, inside the 90-day storage area. Sludges from phosphating baths were likewise stored in the 90 day storage area in excess of a year and samples were not sent for analytical prior to inspection.

60. Under 30 T.A.C. § 335.69(a) [40 C.F.R § 262.34(a)], "a generator may accumulate hazardous waste on-site for 90 days without a permit…" Generators who generate greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month, however, may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided they meet specific criteria. 30 T.A.C. § 335.69(f) [40 C.F.R § 262.34(f)].

61. At all relevant times, Respondents reported that Facility 1 generated greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month, thus qualifying it to report as a Small Quantity Generator ("SQG").

62. However, as described in paragraphs 41-45, *supra*, Respondents failed to count the characteristic hazardous waste stored inside the totes at Facility 1 toward Respondents' quantity determination.

63. After accounting for the hazardous waste stored inside the totes at Facility 1, Respondents' total quantity of hazardous waste generation exceeded the allowable limits of a SQG as outlined in paragraphs 60-61. Respondents were thus required to report Facility 1 as a

Large Quantity Generator ("LQG") because it generated more than 1,000 kilograms of hazardous waste in a calendar month.

64. Therefore, Respondents required a permit to accumulate hazardous waste on-site for more than 90 days, rather than 180 days, without a permit.

65. As a result, Respondents violated the requirements set out in 30 T.A.C. § 335.69(f) [40 C.F.R § 262.34(f)], at Facility 1 by accumulating hazardous waste on-site for more than 90 days without a permit.

IV. COMPLIANCE ORDER

66. Respondents shall ensure that Annual Waste Summaries and all notifications have been corrected with TCEQ for Facilities 1-3, as required by 40 C.F.R. §§ 261.5(c) & (d) and 30 T.A.C. § 335.262, for generator status and waste generation for reporting years 2011, 2012, and 2013. Respondents may use process knowledge, as needed, to complete a calculation of the quantity of material that were stored in totes prior to processing in ENUs.

67. If Respondents store wastewaters prior to insertion into the on-site ENU, Respondents shall ensure these wastewaters are stored in compliance with the applicable hazardous waste regulations, and counted toward Respondents' quantity determination. If Respondents are found to have any violations related to failing to properly store and count wastewaters in storage prior to ENU toward the quantity determination, violations may be counted as repeat violations.

68. Respondents shall provide annual written certification to the TCEQ, with a copy to the EPA Region 6, at the addresses provided below, stating the disposal method for paint related wastes and certifying that compliance with applicable regulations has been met. Should Respondents decide to dispose of paint related wastes out of state, then Respondents shall ensure

compliance with all RCRA hazardous waste regulations. This certification shall be submitted for a period of three (3) reporting years from the date of filing. The certification shall include all RCRA ID numbers and the Docket number of this CAFO.

69. In all instances in which this Compliance Order requires written submissions to EPA, each submission must be accompanied by the following certification:

> "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.."

All submissions must be certified on behalf of Respondents by the signature of a person authorized to sign a permit application or a report under 40 C.F.R. § 270.11.

70. Respondents shall send all required documents and certifications to the following:

Brian Sinclair, MC 219
Director
Enforcement Division
TCEQ
PO BOX 13087
Austin, TX 78711-3087

Chief
Compliance Enforcement Section (6EN-HE)
Hazardous Waste Enforcement Branch
Compliance Assurance and Enforcement Division
U.S. EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

71. Should Respondents comply with the requirements of the Compliance Order portion of this CAFO, then the Compliance Order shall be considered complete three (3) years from the date of filing of this CAFO. The termination of the CAFO will be handled in accordance with Section V.H (Termination), *infra*.

V. TERMS OF SETTLEMENT

A. CIVIL PENALTY

72. 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 Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the seriousness of the alleged violations, Respondents' good faith efforts to comply with the applicable regulations, and the June 2003 RCRA Civil Penalty Policy, it is hereby **ORDERED** that Respondents, Maverick Tube Corporation, Hydril Company, and Tenaris Coiled Tubes, LLC, be assessed a civil penalty of **FIFTY-FOUR THOUSAND, NINE HUNDRED AND TWENTY-FIVE DOLLARS ($ 54,925.00).**

73. Within thirty (30) days of the effective date of this CAFO, Respondents shall pay the assessed civil penalty by certified check, cashier's check, or wire transfer, made payable to "Treasurer, United States of America, EPA - Region 6." Payment shall be remitted in one of three (3) ways: regular U.S. Postal mail (including certified mail), overnight mail, or wire transfer. For regular U.S. Postal mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, the check(s) should be remitted to:

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

For overnight mail (non-U.S. Postal Service, e.g. Fed Ex), the check(s) should be remitted to:

U.S. Bank
Government Lockbox 979077
US EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Phone No. (314) 418-1028

For wire transfer, the payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

PLEASE NOTE: Docket number RCRA-06-2014-0912 shall be clearly typed on the respective checks to ensure proper credit. If payment is made by check, the check shall also be accompanied by a transmittal letter and shall reference Respondents' names and addresses, the case name, and docket number of the CAFO. If payment is made by wire transfer, the wire transfer instructions shall reference Respondents' names and addresses, the case name, and docket number of the CAFO. Respondents shall also send a simultaneous notice of such payment, including a copy of the check and transmittal letter, or wire transfer instructions to the following:

Chief, Compliance Enforcement Section (6EN-HE)
Hazardous Waste Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Lorena Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Respondents' adherence to this request will ensure proper credit is given when penalties are received in the Region.

74. Respondents agree not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.

75. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. Interest 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). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. *See* 40 C.F.R. § 13.11(b).

76. EPA will also assess a $15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional $15.00 for each subsequent thirty (30) day period that 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. *See* 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. *See* 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

B. PARTIES BOUND

77. The provisions of this CAFO shall apply to and be binding upon the parties to this action, their officers, directors, agents, employees, successors, and assigns. The undersigned representative of each party to this CAFO certifies that he or she is fully authorized by the party whom he or she represents to enter into the terms and conditions of this CAFO and to execute and to legally bind that party to it.

C. NOTIFICATION

78. Unless otherwise specified elsewhere in this CAFO, whenever notice is required to be given, whenever a report or other document is required to be forwarded by one party to another, or whenever a submission or demonstration is required to be made, it shall be directed to the individuals specified below at the addresses given (in addition to any action specified by law or regulation), unless these individuals or their successors give notice in writing to the other parties that another individual has been designated to receive the communication:

Complainant:

Chief, Compliance Enforcement Section (6EN-HE)
Hazardous Waste Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Respondents:

Maverick Tube Corporation:
1999 Bryan St., Suite. 900
Dallas, TX 75201-3136

Hydril Company
1999 Bryan St., Suite. 900
Dallas, TX 75201-3136

Tenaris Coiled Tubes, LLC
1999 Bryan St., Suite. 900
Dallas, TX 75201-3136

D. MODIFICATION

79. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except as otherwise specified in this CAFO, or upon the written agreement of the Complainant and Respondents, and approved by the Regional Judicial Officer, and filed with the Regional Hearing Clerk.

E. RETENTION OF ENFORCEMENT RIGHTS

80. EPA does not waive any rights or remedies available to EPA for any other violations by Respondents of Federal or State laws, regulations, or permitting conditions. Nothing in this CAFO shall limit the power and authority of EPA or the United States to take, direct, or order all actions to protect public health, welfare, or the environment, or prevent, abate or minimize an actual or threatened release of hazardous substances, pollutants, or contaminants at or from the Facility. Furthermore, nothing in this CAFO shall be construed to prevent or limit EPA's civil and criminal authorities or those of other Federal, State, or local agencies or departments to obtain penalties or injunctive relief under other Federal, State, or local laws or regulations.

81. In any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, or any other appropriate relief relating to the Facility, Respondents shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the Complainant or the United States in the subsequent proceeding were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to this CAFO.

F. OTHER CLAIMS

82. Neither EPA nor the United States Government shall be liable for any injuries or damages to any person or property resulting from the acts or omissions of Respondents, their officers, directors, employees, agents, receivers, trustees, successors, assigns, or contractors in carrying out the activities required by this CAFO, nor shall EPA or the United States Government be held out as a party to any contract entered into by Respondents in carrying out the activities required by this CAFO.

G. COSTS

83. Each party shall bear its own costs and attorney's fees. Furthermore, Respondents specifically waive their right to seek reimbursement of their costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17.

H. TERMINATION

84. At such time as Respondents believe they have completed all of the requirements of this CAFO, they may request that EPA concur whether all of the requirements of this CAFO have been satisfied. Such request shall be in writing and shall provide the necessary

documentation to establish whether there has been full compliance with the terms and conditions of this CAFO. EPA will respond to said request in writing within ninety (90) days of receipt of the request. This CAFO shall terminate when all actions required to be taken by this CAFO have been completed, and Respondents have been notified by the EPA in writing that this CAFO has been satisfied and terminated.

I. EFFECTIVE DATE

85. This CAFO, and any subsequent modifications, become effective upon filing with the Regional Hearing Clerk.

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

FOR RESPONDENTS:

Date: 09/03/2014

Maverick Tube Corporation

Date: 09/03/2014

Hydril Company

Date: 09/03/2014

Tenaris Coiled Tubes, LLC

FOR THE COMPLAINANT:

Date: 09/8/14

John Blevins
Director
Compliance Assurance and
Enforcement Division

FINAL ORDER

Pursuant to the Section 3008 of RCRA, 42 U.S.C. § 6928, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby ratified. This Final Order shall resolve only those causes of action alleged in this CAFO. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondents' (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. Respondents are ordered to comply with the Compliance Order and terms of settlement as set forth in the Consent Agreement. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: 9/11/14

Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of September, 2014, the original and one copy of the foregoing Consent Agreement and Final Order (CAFO) was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that a true and correct copies of the CAFO were placed in the United States Mail, certified mail, return receipt requested, 7014 0150 0000 2453 5386 addressed to the following:

Maverick Tube Corporation
1999 Bryan St. STE. 900
Dallas, TX 75201-3136

Hydril Company
1999 Bryan St. STE. 900
Dallas, TX 75201-3136

Tenaris Coiled Tubes, LLC
1999 Bryan St. STE. 900
Dallas, TX 75201-3136

Aileen Hooks
98 San Jacinto Boulevard, STE 1500
Austin, TX 78701-4078

Copy hand-delivered: Mr. Russell Murdock (6RC-EW)
1445 Ross Ave., STE 1200
Dallas, TX 75202

Lori Jackson