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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS 75270

REGIONAL HEARING CLERK
EPA REGION 6

In the Matter of

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Westport Orange Shipyard (Port of Orange)

Docket No. RCRA- 06-2026-0928

Respondent.

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The U.S. Environmental Protection Agency, Region 6 ("EPA") is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928 and 40 C.F.R. § 22.13(b).

2. By copy of this letter, EPA is providing the state of Texas with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2), 42 U.S.C. § 6928(a)(2).

3. Westport Orange Shipyard ("WOS" or "Respondent") is the owner or operator of the facility at 91 W. Front Street, Orange, TX 77630 (the "Facility"), EPA ID No. TXD008079949. EPA conducted a Compliance Inspection at the Facility on June 18, 2025. EPA alleges that Respondent violated the following requirements of the RCRA and the EPA approved and authorized Texas hazardous waste management programs:

a. Failure to Make Hazardous Waste Determination for Tank Bottom Sludge

Pursuant to 30 TEX.ADMIN.CODE § 335.504, [40 CFR § 262.11], A person who generates a solid waste, as defined in 40 CFR 261.2, must make an

accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations. At the time of the inspection, the Respondent stored sludge bottoms onsite in dumpsters and had not performed a hazardous waste determination to ensure the waste is properly managed, in violation of 40 CFR § 262.11.

- b. Failure to Meet Standards for Small Quantity Handlers of Universal Waste**
 - i. Pursuant to 30 TEX.ADMIN.CODE § 335.261, [40 CFR § 273.14(e)], Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)". At the time of the inspection, the Respondent stored one four-foot box of universal waste lamps that was not labeled with the phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)", in violation of 40 CFR § 273.14(e).
 - ii. Pursuant to 30 TEX.ADMIN.CODE § 335.261, [40 CFR § 273.15(c)], A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by: (1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or

was received; (2) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received; (3) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received; (4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received; (5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or (6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. At the time of the inspection, the Respondent's universal waste storage area contained one four-foot box of universal waste lamps that did not have an accumulation start date, in violation of 40 CFR § 273.15(c).

- iii. Pursuant to 30 TEX.ADMIN.CODE § 335.261, [40 CFR § 273.13(d)(1)], A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. At the time of the inspection, the Respondent's

universal waste storage area contained one four-foot box of universal waste lamps that were open and they were not in a container to prevent damage, in violation of 40 CFR § 273.13(d)(1).

4. EPA and Respondent agree that settlement of this matter for a civil penalty of \$6,250 is in the public interest.

5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing to contest any issue of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b); and (7) consents to electronic service of the filed ESA.

6. Within thirty (30) calendar days of the effective date of this Agreement, Respondent must pay the civil penalty of \$6,250 using any method provided on the following website: <https://www.epa.gov/financial/makepayment>. Such payment shall identify Respondent by name and include the docket number assigned to this Agreement by the Regional Hearing Clerk.

7. Within 24 hours of payment, email proof of payment (e.g., confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements), including Respondent's name, complete address, and docket number to the following:

Adolphus Talton
U.S. EPA, Region 6
talton.adolphus@epa.gov

U.S. EPA, Region 6 Hearing Clerk
vaughn.loreana@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

8. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Expedited Settlement and Final Order shall be claimed by Respondent as a deduction for federal, state or local income tax purposes.

9. By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Agreement.

10. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the alleged violations have been corrected, and Respondent has submitted true and accurate documentation of such correction.

11. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Expedited Settlement Agreement and Final Order and to execute and legally bind Respondent to it. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.

12. Full payment of the civil penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. EPA reserves all of its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.

13. Each party shall bear its own costs and fees, if any.

14. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

15. This Agreement authorized by EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.

16. EPA and Respondent agree to the use of electronic signatures for this matter pursuant to 40 C.F.R. § 22.6. The EPA and Respondent further agree to electronic service of this Agreement by email to the following:

To EPA: roland.alexandrea@epa.gov and talton.adolphus@epa.gov

To Respondent: Dchacin@westportorange.com

RESPONDENT:
WESTPORT ORANGE SHIPYARD

Date: MAY 16, 2026 Anandly
Signature

ANAND RAMAMURTHY
Name

PRESIDENT
Title 713 419 0087
ANAND@WESTPORTORANGE.COM

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: May 22, 2026

Cheryl T. Seager
Digitally signed by
CHERYL SEAGER
Date: 2026.05.22
09:56:17 -05'00'
Cheryl T. Seager
Director
Enforcement
and Compliance Assurance Division
U.S. EPA, Region 6

FINAL ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Expedited Settlement Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Expedited Settlement Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

This Final Order shall resolve only those causes of action alleged in the Expedited Settlement Agreement. 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.

IT IS SO ORDERED.

ELIZABETH RYLAND
Digitally signed by
ELIZABETH RYLAND
Date: 2026.05.26
16:03:56 -05'00'

Renea Ryland
Regional Judicial Officer, Region 6

CERTIFICATE OF SERVICE

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

Copy via Email to Complainant:

Alex Roland
U.S. EPA, Region 6
roland.alexandrea@epa.gov

Adolphus Talton
U.S. EPA, Region 6
talton.adolphus@epa.gov

Copy via Email to Respondent:

Diego E. Chacin
Dchacin@westportorange.com
Westport Orange Shipyard
91 W. Front Street
Orange, TX 77630

LORENA
VAUGHN
U.S. EPA, Region 6
Regional Hearing Clerk

Digitally signed by
LORENA VAUGHN
Date: 2026.05.26
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