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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 Elm Street, Suite 500

Dallas, Texas 75270

REGIONAL HEARING CLERK
EPA REGION 6

In the Matter of

§

§

Diamond Marine Services,

§

Docket No. RCRA-06-2024-0969

§

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. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), EPA has provided notice to the state of Texas of this action.

3. Diamond Marine Services ("Respondent") is the owner or operator of the facility located at 16701 Market Street Channelview, Texas 77530 (the "Facility"). The EPA alleges that Respondent violated the following requirements of RCRA and the EPA approved and authorized Texas hazardous waste management program:

- a. **Failure to Meet the Standards for Management of Universal Waste**
Pursuant to 30 TEX.ADMIN.CODE § 335.261, [40 C.F.R. § 273], a person(s) managing universal waste must follow the established requirements for managing universal wastes as defined in this section, and the alternative set of management standards in lieu of regulation, except as provided in this section, under all otherwise applicable chapters under 30 Texas Administrative Code. Such person(s) must also comply with the requirements of 30 TEX.ADMIN.CODE § 335.261 and the requirements in 40 Code of Federal Regulations (CFR) Part 273, Standards for Universal Waste Management (UW). The facility failed to comply with unlabeled UW containers and failed to document length of accumulation of UW under 40 CFR 273.214(a) and 40 CFR 273.15 (c).

4. The EPA and Respondent agree that settlement of this matter for a civil penalty of \$2,500 dollars is in the public interest. Respondent certifies that it has provided payment for the full civil penalty amount, and that such payment identified Respondent by name and docket number was made by certified or cashier's check made payable to the "United States Treasury", and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979078
St. Louis, Missouri 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

Respondent certifies that the original Agreement and a true and accurate copy of the deposit for payment was submitted via email to:

U.S. EPA, Region 6
Enforcement and Compliance Assurance Division (ECADSR)
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102
ATTN: Ashley Pederson
pederson.ashley@epa.gov

5. In signing this Agreement, Respondent: (a) admits that Respondent is subject to RCRA and the implementing regulations; (b) admits that the EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; (e) waives the opportunity for a hearing to contest any issue of fact or law set forth herein; (f) 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 (g) consents to electronic service of the filed ESA.

6. By signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) has corrected the alleged violations, as applicable, and has submitted true and accurate documentation of such correction along with this Agreement; (b) has submitted payment of the civil penalty as set forth below; and (c) has submitted a true and accurate proof of payment of the civil penalty along with this Agreement.

7. 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.

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

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

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

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

12. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.

13. The 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: Pederson.ashley@epa.gov

To Respondent: brad@diamond-marine-services.com

RESPONDENT:
Diamond Marine Services

8/30/24
Date



Signature

JOHN JURCZAK
Name

President / OWNER
Title

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

September 3, 2024
Date


Digitally signed by MARGARET
OSBOURNE
Date: 2024.09.03 10:32:34 -05'00'

Cheryl T. Seager
Director
Enforcement
and Compliance Assurance Division
U.S. EPA, Region 6

FINAL ORDER

Pursuant to 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.

**THOMAS
RUCKI**

Digitally signed by THOMAS RUCKI
Date: 2024.09.04 08:04:40 -04'00'

Thomas Rucki
Regional Judicial Officer

Date

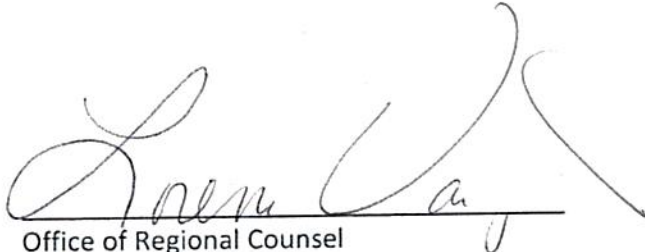
CERTIFICATE OF SERVICE

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 addressees:

Copy via Email to Complainant, EPA:
murdock.russell@epa.gov and
pederson.ashley@epa.gov

Copy via Email to Respondent:

brad@diamond-marine-services.com
Diamond Marine Services
16701 Market Street
Channelview, Texas 77530



Office of Regional Counsel
U.S. EPA, Region 6