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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS**

REGIONAL HEARING CLERK
EPA REGION 6

In the Matter of

§

Martin Energy,

§

Docket No. RCRA-06-2025-0917

§

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 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. Martin Energy ("Respondent") is the owner or operator of the facility located at 1 Harbor Island Rd, Aransas Pass, Texas 75663 (the "Facility"). The EPA conducted a Compliance Inspection on May 20, 2024. EPA alleges that Respondent violated the following requirements of RCRA and the EPA approved and authorized Texas hazardous waste management programs:

a. Failure to Meet the Standards for Management of Used Oil

Pursuant to 30 TEX.ADMIN.CODE § 324.1, [40 C.F.R. § 279], a person(s) managing used oil must comply with the requirements of 30 TEX.ADMIN.CODE Chapter 324 and the requirements in 40 C.F.R. Part 279, Standards for the Management of Used Oil. During the inspection, the facility failed to comply by not clearly labeling containers used to store used oil with the words "Used Oil".

b. 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. During the inspection, the facility failed to comply with properly labeling Universal Waste containers storing batteries, and failed to document length of time universal waste had been accumulated from the date it became a waste or was received.

c. Failure to Meet the Standards for Used Oil Transporter and Transfer Facilities

Pursuant to 30 TEX.ADMIN.CODE § 324.11, [40 C.F.R. § 279.45(a)], used oil transfer facilities are transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days. Transfer facilities that store used oil for more than 35 days are subject to regulation under subpart F of this part [Standards for Used Oil Processors and Re-Refiners]. During the inspection, the facility failed to comply with this transfer facility requirement by holding used oil longer than 35 days.

4. The EPA and Respondent agree that settlement of this matter for a civil penalty of \$5,000 dollars 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; 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 \$5,000 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.

7. Within 24 hours of payment, email proof of payment (e.g., a copy of the check, 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:

U.S. Environmental Protection Agency, Region 6
Region 6 Hearing Clerk
Lorena Vaughn
Vaugh.Lorena@epa.gov

U.S. Environmental Protection Agency, Region 6
Waste and Chemical Enforcement Branch

Ashley Pederson
Pederson.Ashley@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 consent 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 consent 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. 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: Roland.Alexandrea@epa.gov and Pederson.Ashley@epa.gov

To Respondent: Carl.Dimario@martinmlp.com

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.

**Rucki,
Thomas**

Digitally signed by
Rucki, Thomas
Date: 2025.01.21
12:38:10 -05'00'

Thomas Rucki
Regional Judicial Officer, Region 6

CERTIFICATE OF SERVICE

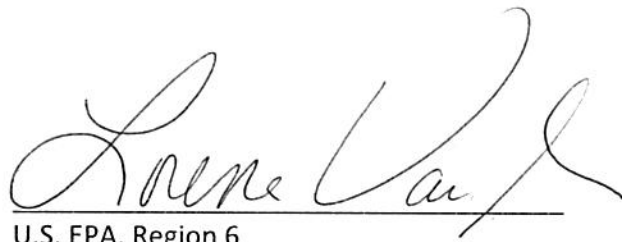
I certify that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order was filed with me, the Regional Hearing Clerk, U.S. EPA, Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to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

Copy via Email to Complainant, EPA:

Roland.Alexandrea@epa.gov
Pederson.Ashley@epa.gov

Copy via Email to Respondent:

Carl.Dimario@martinmlp.com
Carl Dimario
Martin Energy
1 Harbor Island Rd
Aransas Pass, Texas 75663



U.S. EPA, Region 6
Regional Hearing Clerk