

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
Dallas, Texas 75270

FILED

02 MAY 24 PM 01:44

REGIONAL HEARING CLERK  
EPA REGION 6

In the Matter of

§

§

Port of Texas City,

Advario Galveston County, LLC

§

Docket No. RCRA-06-2024- 0952

§

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. Advario Galveston County, LLC ("Respondent") is the owner or operator of the facility located at 2301 Highway 146 S, Texas City, Texas 77590 (the "Facility").

4. The EPA alleges that Respondent violated the following requirements of RCRA, and the EPA approved and authorized Texas hazardous waste management program:

**a. Accumulation of Waste**

Failure to either obtain a permit for the treatment, storage, or disposal of waste under 40 C.F.R. § 270 or satisfy the terms of the exemption from that permit requirement for generators of hazardous waste in 40 C.F.R. § 262 (and particularly those in sections 262.14, 262.16, and 262.17, whichever is applicable)."

During the period of August 2023 to February 2024, the Facility accumulated 110 gallons (two 55-gallon drums) of hazardous waste on site with a start date of August 2023.

Respondent did not request an extension to the 90-day period, for the relevant hazardous waste, pursuant to 30 TEX.ADMIN.CODE § 335.69(b), [40 C.F.R. § 262.34(b)]. For the time periods described above, Respondent stored hazardous waste at the facility in violation of 30 TEX.ADMIN.CODE Subchapters C and F, [40 C.F.R. Parts 264, 265, 267, and 270].

5. The EPA and Respondent agree that settlement of this matter for a civil penalty of two thousand (\$2,000) 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 to:

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

6. 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; and (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.

7. 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.

8. 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.

9. 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.

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

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

12. 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.

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

14. 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](mailto:pederson.ashley@epa.gov)

To Respondent: [robert.silvertooth@advario.com](mailto:robert.silvertooth@advario.com)

**RESPONDENT:**  
Advario Galveston County, LLC

Date: 4-23-2024

Robert Silvertooth  
Signature

Robert Silvertooth  
Name

Operations Manager  
Title

**COMPLAINANT:**  
U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: April 25, 2024

Cheryl T. Seager

Digitally signed by  
Cheryl T. Seager  
Date: 2024.04.25  
16:39:28 -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 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: 2024.04.29  
17:54:48 -04'00'

Thomas Rucki  
Regional Judicial Officer

\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

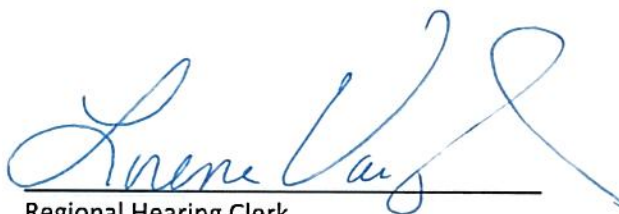
I certify that a true and correct copy of the foregoing Expedited Settlement Agreement was filed with me, the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to the email addresses:

Copy via Email to Complainant, EPA:

murdock.russell@epa.gov

Copy via Email to Respondent:

robert.silvertooth@advario.com  
Advario Galveston County, LLC



Regional Hearing Clerk  
U.S. EPA, Region 6