

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 6**

**1201 Elm Street, Suite 500**

**Dallas, Texas 75270**

IN THE MATTER OF:	§	
	§	
	§	Consent Agreement and Final Order
T&T Marine Salvage, Inc.	§	USEPA Docket No. RCRA-06-2024-0938
	§	
	§	
RESPONDENT	§	

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**CONSENT AGREEMENT AND FINAL ORDER**

**I. PRELIMINARY STATEMENT**

1. This Consent Agreement and Final Order ("CAFO") is entered into by the United States Environmental Protection Agency, Region 6 ("EPA" or "Complainant") and Respondent, T&T Offshore, Inc. ("Respondent" or "T&T Marine Salvage, Inc.") before taking testimony and without adjudication of any issues of fact or law herein. This CAFO concerns the facility located at 2915 Todd Road Galveston, TX 77554 ("Facility").
2. Notice of this action has been given to the State of Texas, under Section 3008(a)(2) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(2)<sup>1</sup>.
3. Complainant and Respondent, having conferred for the purposes of settlement and expressing a mutual desire to enter into a settlement have agreed to the execution of this CAFO. For the

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<sup>1</sup> On December 26, 1984, the State of Texas received final authorization for its base Hazardous Waste Management Program (49 FR 48300). Subsequent revisions have been made to the Texas Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this order are to the "EPA-Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" dated December 2015, incorporated by reference under 40 C.F.R. § 272.2201(c)(1)(i) effective on April 10, 2020. 85 Fed. Reg. 20190 (April 10, 2020); 40 C.F.R. 272.2201: Texas State-Administered Program: Final Authorization. References and citations to the "EPA-Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" may vary slightly from the State of Texas' published version. The corresponding C.F.R. citations are also provided.

purpose of this CAFO, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations contained in this CAFO.

This CAFO states a claim upon which relief may be granted.

4. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may enforce the federally approved State of Texas's hazardous waste program.
5. Respondent waives any right to contest the allegations and its right to appeal the proposed final order contained in this CAFO and waives all defenses which have been raised or could have been raised to the claims in the CAFO.
6. Full payment of the penalty set forth in this CAFO shall only resolve respondent's liability for Federal civil penalties for the violations and facts alleged in the complaint.
7. Respondent consents to the issuance of this CAFO as the most appropriate means of settling EPA's allegations without any adjudication of issues of law or fact, consents to the assessment and payment of the civil penalty in the amount and by the method set out in this CAFO, and consents to the compliance order in this CAFO.
8. By their signatures to this CAFO, the EPA and T&T Marine Salvage Inc. (the "Parties") agree to the use of electronic signatures for this matter. The Parties further agree to electronic service of this CAFO, pursuant to 40 C.F.R. § 22.6, by email to the following addresses:

EPA: Nathan Taylor, Taylor.Nathan@EPA.gov

Respondent: Benjamin Cobb, BCobb@teichmangroup.com  
Victor L. Cardenas Jr., vcardenas@sheehyware.com

## II. JURISDICTION

9. This CAFO is issued by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), as amended by the Hazardous and Solid Waste Amendments of 1984 and is simultaneously commenced and concluded through the issuance of this CAFO under Title 40 of the Code of Federal Regulations (C.F.R.) §§ 22.13(b) and 22.18(b)(2) and (3).
10. Respondent consents to perform the terms and conditions of this CAFO. In any action by EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of EPA to issue or enforce this CAFO and agrees not to contest the validity of this CAFO or its terms or conditions, provided that Respondent does not waive any claims or defenses Respondent has to the interpretation of this CAFO or its terms.

### **III. ALLEGED FACTS AND VIOLATIONS**

11. Respondent is a Texas corporation authorized to do business in the State of Texas.
12. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 30 Texas Admin. Code ("T.A.C.") § 3.2(25) [40 C.F.R. § 260.10].
13. Respondent operates the Facility.
14. The Facility is a "facility" within the meaning of 30 T.A.C. § 335.1(60) [40 C.F.R. § 260.10].
15. On March 9, 2023, EPA conducted an Inspection and a record review of the Facility's activities (the Inspection).
16. During the period investigated, Respondent generated wastes including ignitable spent parts washer solvent; universal waste paint related materials and lamps; used oil; used oil contaminated filters and absorbent/rags; and obsolete or off-specification products.
17. The wastes identified in Paragraph 16 are "solid wastes" as defined by 30 T.A.C. § 335.1(140) [40 C.F.R. § 261.2].

18. The wastes identified in Paragraph 16 include hazardous waste under federal or state law with characteristics for ignitability pursuant to 30 T.A.C. § 335.1(70) [40 C.F.R. §§ 261.21], bearing the hazardous waste code D001; universal waste paint and paint related materials and lamps pursuant to 30 T.A.C. § 335.261 [40 C.F.R. §§ 273]; and used oil and used oil contaminated materials pursuant to 30 T.A.C. § 324 [40 C.F.R. §§ 279].
19. During the period investigated, Respondent generated hazardous waste in quantities that did not exceed the threshold amount of 100 kilograms of non-acute hazardous waste in a month, consistent with Very Small Quantity Generator (“VSQG”) status under 30 Texas Admin. Code, Chapter 335, Subchapter C [40 C.F.R. Part 262], for the periods that such wastes remained onsite.
20. During the period investigated, Respondent accumulated universal waste in quantities below the threshold amount of 5,000 kilograms, corresponding to Small Quantity Handler of Universal Waste (“SQHUW”) status under 30 T.A.C. § 335.261 [40 C.F.R. Part 273], for the periods that such wastes remained onsite.
21. During the period investigated, respondent generated used oil waste, corresponding to a Used Oil Generator status under 30 Texas Admin. Code, Chapter § 324.6 [40 C.F.R. § 279 Subpart C], for the periods that such wastes remained onsite.
22. As a VSQG, Respondent is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth in 30 Texas Admin. Code, Chapter 335, Subchapter C [40 C.F.R Part 262]; as a Small Quantity Handler of Universal Waste (“SQHUW”), Respondent is subject to 30 Texas Admin. Code, Chapter 335, Subchapter H Division 5 [40 C.F.R. Part 273]; and as a Used Oil Generator, Respondent is subject to 30 T.A.C. § 324.6 [40 C.F.R. § 279 Subpart C].

23. Following the Inspection, Respondent voluntarily engaged in communications with the EPA, supplemented documentation, and took immediate action to implement an enhanced hazardous waste management system, negotiations which led the parties to agreeing to this settlement agreement. In conference calls on October 5, 2023, and November 6, 2023, EPA conferred with Respondent regarding voluntary actions taken in light of the violations alleged herein.

#### **IV. ALLEGED VIOLATIONS**

**Claim 1: Failure to make Adequate Hazardous Waste Determinations pursuant to  
30 T.A.C. § 335.62 [40 C.F.R. § 262.11]**

24. The allegations in Paragraphs 1-23 are realleged and incorporated by reference.
25. Pursuant to 30 T.A.C. § 335.62 [40 C.F.R. § 262.11(c)], a person who generates a solid waste, as defined in 30 T.A.C. § 335.1 [40 C.F.R. § 261.2] must determine if the solid waste is a hazardous waste either by applying the required test method or by applying its knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.
26. Sufficient hazardous waste determinations were not consistently made with respect to the waste identified in Paragraph 16 .
27. Respondent violated the regulations promulgated at 30 T.A.C. § 335.62 [40 C.F.R. § 262.11] by failing to make the requisite hazardous waste determination on all solid waste generated during the period investigated.

**Claim 2: Failure to respond to a release of universal waste pursuant to 30 T.A.C. §  
335.262.(c)(1) [40 C.F.R. § 273.17]**

28. The allegations in Paragraphs 1-23 are realleged and incorporated herein by reference.

29. Under 30 Texas Admin. Code Chapter 335.261 [40 C.F.R. Part 273], a small quantity handler of universal waste (SQHUW) is subject to the applicable requirements of 30 T.A.C. § 335 Subchapter H, Division 5 [40 C.F.R. Part 273].
30. Under 30 T.A.C. § 335.262.(c)(1) [40 C.F.R. Part 273.17], a SQHUW must immediately contain all releases of universal wastes and other residues from universal wastes and determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements.
31. During the inspection, the EPA observed an uncontained spill of universal waste paint on Respondent's premises.
32. From the Inspection, EPA found that Respondent's failure to immediately contain the spill while operating the Facility as SQHUW violated the requirements of 30 T.A.C. § 335.262.(c)(1) [40 C.F.R. Part 273.17].

**Claim 3: Failure to label containers of used oil as "Used Oil" pursuant to  
30 T.A.C. § 324.6 [40 C.F.R. § 279.22(c)(1)]**

33. The allegations in Paragraphs 1-23 are realleged and incorporated by reference.
34. As a Used Oil Generator, Respondent is subject to 30 Texas Admin. Code § 324.6 [40 C.F.R. § 279 Subpart C].
35. Pursuant to 30 T.A.C. § 324.6 [40 C.F.R. § 279.22(c)(1)], a Used Oil Generator must label containers storing used oil clearly with the words "Used Oil."
36. During the Inspection, EPA observed containers of used oil lacking the required phrase. Respondent's failure to appropriately label containers of used oil violated 30 T.A.C. §§ 335.6 [40 CFR 279.22(c)(1)].

## V. COMPLIANCE ORDER

37. Pursuant to RCRA § 3008(a), 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and within 30 calendar days of the effective date of this CAFO, Respondent shall provide in writing the following:

- A. Respondent shall certify that it has assessed all its solid waste streams at the T&T Offshore, Inc. Facility to determine the accurate waste codes and has developed and implemented standard operating procedures ("SOPs") to ensure that Respondent is operating the T&T Marine Salvage, Inc. Facility in compliance with RCRA and the regulations promulgated thereunder, including, but not limited to, procedures for: (a) making hazardous waste determinations; (b) managing hazardous wastes; (c) reporting, transporting, and disposing of hazardous waste; (d) preparing its manifests; and (e) meeting the requirements of the land disposal requirements;
- B. Respondent shall certify that it has accurately and adequately complied with its RCRA Section 3010 notification for the T&T Marine Salvage, Inc. Facility and within the prescribed time period; and
- C. Respondent shall provide, with its certification, a copy of Respondent's SOPs as described in subparagraph A above.
- D. Respondent shall certify the cost of implementation of injunctive relief.
- E. Respondent shall certify the environmental benefit (reduction of waste or reduction in the toxicity of waste).

38. In all instances in which this CAFO requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of the Respondent and shall include the following certification:

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Copies of all documents required by this CAFO shall be sent to the following:

U.S. EPA, Region 6  
Enforcement and Compliance Assurance Division (ECDSR)  
1201 Elm Street, Suite 500  
Dallas, Texas 75270-2102  
ATTN: Dedriel Gardner

Where required, notice shall be sent electronically by email to Enforcement Officer Dedriel Gardner at [gardner.dedriel@epa.gov](mailto:gardner.dedriel@epa.gov).

## **VI. TERMS OF SETTLEMENT**

### **A. Penalty Provisions**

39. 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 above referenced Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violations, and Respondent's good faith efforts to comply with the applicable regulations, it is ordered that Respondent be assessed a civil penalty of fifteen thousand dollars and no cents (\$15,000.00)



40. The penalty shall be **paid within thirty (30) calendar days** of the effective date of this CAFO and made payable to the Treasurer United States.

41. The EPA web address, <https://www.epa.gov/financial/additional-instructions-making-payments-epa>, provides a list of options available for transmitting payment of penalties.

Options for payment include:

- A. Electronic payments via Pay.gov. <https://www.pay.gov/public/form/start/11751879>
- B. Remittance by Regular Mail, U.S. Postal Mail (including certified mail) or U.S. Postal Service

Express Mail. The check should be remitted to:

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

- C. Overnight Mail (non-U.S. Postal Service), the check should be remitted to:

U.S. Environmental Protection Agency  
Government Lockbox 979078  
3180 Rider Trail S.  
Earth City, MO 63045

- D. Wire Transfer:

Federal Reserve Bank of New York  
ABA: 021030004  
Account No. 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045

The case name and docket number (**In the Matter of T&T Marine Salvage, Inc. Docket No.**

**RCRA-06-2024-0938**) shall be clearly documented on or within the chosen method of payment to ensure proper credit.

42. The Respondent shall send a simultaneous notice of such payment to the following:

Lorena S. Vaughn  
Regional Hearing Clerk (ORC)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, Texas 75270-2102  
[Vaughn.lorena@epa.gov](mailto:Vaughn.lorena@epa.gov); and

U.S. EPA, Region 6  
Enforcement and Compliance Assurance Division (ECDSR)  
1201 Elm Street, Suite 500  
Dallas, Texas 75270-2102  
[Gardner.dedriel@epa.gov](mailto:Gardner.dedriel@epa.gov)

Respondent's adherence to this request will ensure proper credit is given when penalties are received by EPA.

43. 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 cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and 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).

44. Moreover, the costs of the Agency's administrative handling overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period 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. 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

45. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of the Compliance Order and payment of the civil penalty are restitution, remediation, or required to come into compliance with the law.

#### **B. Costs**

46. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.

#### **C. Termination and Satisfaction**

47. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order and payment of the civil penalty, Respondent shall also certify this in writing and in accordance with the certification language set forth in Section V (Compliance Order). Unless the EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

#### **D. Effective Date of Settlement**

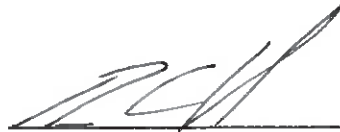
48. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

T&T Marine Salvage, Inc.  
RCRA-06-2024-0938

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

FOR THE RESPONDENT:

Date: 03 June 2024



T&T Marine Salvage, Inc.  
Benjamin Cobb  
Director of Safety & Quality Assurance

FOR THE COMPLAINANT, EPA:

Date: June 4, 2024



Digitally signed by CHERYL SEAGER  
Date: 2024.06.04 13:45:38 -05'00'

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

**FINAL ORDER**

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing CAFO is hereby ratified. 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. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondent's (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. Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: \_\_\_\_\_

\_\_\_\_\_  
Thomas Rucki  
Regional Judicial Officer

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Consent 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:

Copy via Email to Complainant, EPA:

taylor.nathan@epa.gov

Copy via Email to Respondent:

bcobb@teichmangroup.com  
vcardenas@sheehyware.com

Victor Cardenas, Jr.  
Sheehy, Ware, Pappas & Grubbs  
909 Fannin Street  
Suite 2500  
Houston, TX 77010

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Regional Hearing Clerk  
EPA Region 6