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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TX

RECEIVED HEARING CLERK
EPA REGION VI

In the Matter of

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Norwegian Cruise Line Holdings Ltd.

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Respondent

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Docket No. RCRA-06-2025-0967

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 ("EPA" or "Complainant"), Region 6, and Norwegian Cruise Line Holdings Ltd. ("NCLH" or "Respondent") and concerns the following four cruise vessels that have offloaded waste at the Port of New Orleans, Louisiana, United States as well as at least one other port in EPA Region 6. Each vessel is listed below with its respective EPA identification number:

- a. Norwegian Breakaway-FLR000198069;
- b. Seven Seas Mariner-FLR000220905;
- c. Norwegian Prima-FLR000258269; and
- d. Norwegian Getaway-FLR000206623.

2. Notice of the commencement of this action has been given to the State of

Louisiana under Section 3008(a)(2) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(2).¹

3. For purposes of this proceeding, Respondent admits the jurisdictional allegations herein; however, the Respondent neither admits nor denies the specific factual allegations and the alleged violations of law contained in this CAFO.

4. The Respondent explicitly waives any right to contest the allegations and its right to appeal the final order contained in this CAFO and, for purposes of this proceeding only, waives all defenses which have been raised or could have been raised to the claims set forth in the CAFO.

5. This CAFO resolves only the claims alleged herein, which relate to Respondent's management of waste offloaded from the vessels identified in Paragraph one (1) of this CAFO.

6. Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 Code of Federal Regulations ("C.F.R.") Part 22, EPA, Region 6 issues, and Respondent agrees to the issuance of this CAFO.

7. The Respondent consents to the issuance of this CAFO hereinafter recited,

¹ On January 24, 1985, the State of Louisiana received final authorization for its base Hazardous Waste Management Program (50 Fed. Reg. 3,348). Subsequent revisions have been made to the Louisiana Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, citations found within this Consent Agreement are to the "EPA-Approved Louisiana Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" dated November 2015, incorporated by reference under 40 C.F.R. § 272.951(c)(1)(i) effective on December 26, 2018. (83 Fed. Reg. 6,6143; 40 C.F.R. § 272.951: Louisiana State-Administered Program: Final Authorization). References and citations to the "EPA-Approved Louisiana Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" may vary slightly from the State of Louisiana's published version. The corresponding C.F.R. citations are also provided for ease of reference.

consents to assessment and payment of the stated civil penalty in the amount and by the method set out in this CAFO, and consents to the specific time periods and requirements stated in Section V (Compliance Order).

8. By their signatures to this CAFO, the EPA and NCLH (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-Cavazos.Christyn@epa.gov, and for Respondent as follows: Anne.Carpenter@hoganlovells.com.

II. JURISDICTION

9. This CAFO is issued by EPA, Region 6, pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), as amended by the Hazardous and Solid Waste Amendments of 1984 ("HSWA") and is simultaneously commenced and concluded through the issuance of this CAFO under 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

10. Respondent agrees to undertake and complete all actions required by 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 the Regional Administrator of EPA, Region 6, to issue or enforce this CAFO, as to waste offloaded in a U.S. port in Region 6 and agrees not to contest the validity of this CAFO or its terms or conditions.

11. Section IV of this CAFO contains concise statements of the factual and legal basis for EPA's alleged violations of RCRA together with specific provisions of RCRA and the implementing regulations that Respondent is alleged by EPA to have violated.

III. STATUTORY AND REGULATORY BACKGROUND

12. Federal regulation of hazardous waste is primarily based on RCRA, enacted on October 21, 1976, to amend the Solid Waste Disposal Act, and on the Hazardous and Solid Waste Amendments (“HSWA”) enacted by Congress in 1984 to further amend the Solid Waste Disposal Act. RCRA establishes a “cradle-to-grave” program to be administered by the Administrator of EPA and authorized states to regulate the generation, transportation, treatment, storage, and disposal of hazardous waste. See 42 U.S.C. § 6901 *et seq.*

13. RCRA’s Subchapter III (RCRA §§ 3001-3023, 42 U.S.C. §§ 6921-6939(g), known as “Subtitle C”) required EPA to promulgate regulations establishing performance standards applicable to facilities that generate, transport, treat, store, or dispose of hazardous wastes. Together, RCRA Subtitle C and its implementing regulations, set forth at 40 C.F.R. Parts 260 – 279, comprise EPA’s RCRA hazardous waste program.

14. RCRA Section 3006, 42 U.S.C. § 6926, allows the Administrator to authorize a state to administer its own hazardous waste program in lieu of the federal program when the Administrator deems the state program to be equivalent to and consistent with the federal program.

15. Pursuant to its authority under Subtitle C of RCRA, 42 U.S.C. §§ 6922(a), 6923(a), and 6924(a), EPA has promulgated regulations applicable to solid and hazardous waste generators at 40 C.F.R. Parts 261 and 262; to transporters at Part 263; to owner/operators of hazardous waste facilities at 40 C.F.R. Parts 264 and 265; and to land disposal of solid and hazardous waste at 40 C.F.R. Part 268.

16. In connection with EPA's delegation of RCRA authority to the State of Louisiana, like EPA, the Louisiana Department of Environmental Quality ("LDEQ") has promulgated rules and regulations applicable to solid and hazardous waste generators, to transporters, to owner/operators of hazardous waste facilities, and to land disposal of solid and hazardous waste at Title 33 of the Louisiana Administrative Code ("LAC"); Chapters 1- 51, [40 C.F.R. Part 262].

17. Although EPA has granted the State of Louisiana authority to enforce its own hazardous waste program, EPA retains jurisdiction and authority to initiate an independent enforcement action, pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. 6928(a)(2).

18. As the authorized provisions of Louisiana's hazardous waste program operate in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized Louisiana program, as applicable; the applicable federal citations will follow.

19. The regulations at LAC 33:V.109, [40 C.F.R. § 261.2], defines a "solid waste" as any discarded material that is not otherwise excluded under LAC 33:V.105.D, [40 C.F.R. § 261.4(a)], or that is not excluded by variance, or a non-waste determination granted under LAC 33:V.105.O.

20. A discarded material is any material which is abandoned, recycled, inherently waste-like, or a military munition. Materials are solid waste, as defined in LAC 33:V.109, [40 C.F.R. § 261.2(b)], if they are abandoned by being disposed of, burned or incinerated, or accumulated, stored, or treated (but not recycled) before, or in lieu of, being abandoned by being disposed of, burned, or incinerated.

21. The regulations at LAC 33:V.109, [40 C.F.R. § 261.3], defines a “hazardous waste” as any waste identified or listed as hazardous waste by the Administrator of the EPA in accordance with the federal Solid Waste Disposal Act, as amended by the Resources Conservation and Recovery Act, 42 United States Code, §§ 6901 et seq. And EPA defines a “hazardous waste” as a solid waste that is not excluded from regulation, and it exhibits any of the characteristics of hazardous waste identified in 40 C.F.R. Part 261, Subpart C, or it is listed in Part 261, Subpart D, [40 C.F.R. § 261.3].

22. Pursuant to the LAC 33:V.109, [40 C.F.R. § 260.10], a generator is any person whose act first causes a hazardous waste to become subject to regulation.

IV. FACTUAL ALLEGATIONS AND ALLEGED VIOLATIONS

23. NCLH is a Bermuda entity that operates the foreign-flagged vessels, identified in Paragraph 1, which are registered in the Bahamas.

24. Respondent’s four (4) vessels identified in Paragraph 1 above have offloaded waste at the Port of New Orleans, Louisiana, one or more times in the last five (5) years.²

25. Respondent is a “person” within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), LAC 33:V.109, [40 C.F.R. § 260.10].

26. On September 19, 2024, EPA, Region 6 issued an information request to NCLH pursuant to Section 3007 of RCRA, (the “Request”) regarding Respondent’s waste offloads in Region 6.

27. On November 15, 2024, December 20, 2024, February 5, 2025, and June 2, 2025,

² Except for Norwegian Getaway-(FLR000206623), for which the most recent offload identified by EPA at the Port of New Orleans occurred on March 26, 2020.

Respondent submitted responses to the Request ("Responses").

28. In connection with the Request and Responses, EPA Region 6 conducted a Compliance and Enforcement investigation and RCRA record review into the activities as a generator of hazardous waste of each of the vessels identified in Paragraph 1 (the "Investigation") which covered the period from 2020 to 2025.

29. Respondent is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and LAC 33:V.1101, and/or 40 C.F.R. Part 262, for waste offloaded in the United States.

Claim I Failure to Revise RCRA 3010 Notifications

30. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a) and LAC 33:V.105.A, any person generating regulated waste must notify EPA of its activities, including the location and general description of such activity and the regulated waste being handled and/or managed. Respondent must submit the information required in the RCRA Subtitle C Reporting Instructions and Forms by completing the RCRA Subtitle C Site Identification Form (EPA Form 8700-12).

31. Pursuant to the LAC 33:V.109, [40 C.F.R. § 260.10], a "small quantity generator" ("SQG") is a generator who generates less than 1,000 kilograms of hazardous waste or less than or equal to 1 kilogram of acute hazardous waste in a calendar month.

32. For the relevant period of this Investigation, EPA determined that Respondent notified as a SQG on its Form(s), (EPA Form 8700-12).

33. During the relevant period of this Investigation, for the applicable years, and for the respective vessels, Norwegian Prima-FLR000258269 in 2024, and Norwegian Breakaway-FLR000198069 for 2022 and 2023, EPA determined that Respondent generated quantities of

hazardous waste greater than 1,000 kilograms of hazardous waste or greater than 1 kilogram of acute hazardous waste in a calendar month, which classified Respondent as a large quantity generator ("LQG") in at least one calendar month for the vessels identified in this Paragraph.

34. Respondent did not revise its EPA Form 8700-12 to notify EPA, of this change in the quantity of waste that it generated and offered for transportation and disposal, in violation of Section 3010 of RCRA, 42 U.S.C. § 6930.

35. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$25,000, and increased for inflation, per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, requiring compliance immediately or within a specific time period, or both.

Claim II Failure to File Annual and/or Biennial Reports

36. Pursuant to LAC 33:V.1111.B.1 and 40 C.F.R. § 262.41, a LQG who ships any hazardous waste off-site for treatment, storage, and/or disposal must prepare and submit, respectively, for the State of Louisiana an accurate annual report and for EPA an accurate Biennial Report to EPA's Regional Administrator, by March 1 of every year for the annual report and March 1 of each even-numbered year for the biennial report.

37. During the relevant period of the Investigation, EPA did not identify any annual and/or biennial reports submitted by NCLH to the State of Louisiana or the EPA for Norwegian Prima-FLR000258269 for wastes it generated in 2024 and off-loaded in the United States, including Region 6, and for Norwegian Breakaway-FLR000198069 for wastes it generated in 2022 and 2023 and off-loaded in the United States, including Louisiana as these vessels in the respective years on more than one occasion should have been classified as LQGs,

and therefore, Respondent violated LAC 33:V.1111.B.1 and/or 40 C.F.R. § 262.41.

38. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$25,000 and increased for inflation, per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, requiring compliance immediately or within a specific time period, or both.

Claim III. Failure to Make Accurate Hazardous Waste Determination

39. Pursuant to LAC 33:V.1103 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in LAC 33:V.109 [40 C.F.R. § 261.2], must determine if that waste is hazardous.

40. During the relevant period of the Investigation, EPA determined that NCLH did not make accurate hazardous waste determinations in at least seven instances for the following vessels identified in Paragraph 1 of CAFO, in violation of LAC 33:V.1111.B.1.or B.2 and/or 40 C.F.R. § 262.11:

- a. Norwegian Breakaway-FLR000198069;
- b. Seven Seas-FLR000220905;
- c. Norwegian Prima-FLR000258269;
- d. Norwegian Getaway-FLR000206623.

41. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$25,000, and increased for inflation, per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, requiring compliance immediately or within a specific time period, or both.

Claim IV. Failure to Comply with the Land Disposal Restrictions for the Incinerator Ash

42. Pursuant to LAC 33:V.2245.B and LAC 33:V.2245.C.1 [40 C.F.R. §§ 268.7(a)(2) and 268.7(a)(3(i))], if and in accordance with all applicable requirements of the land disposal restrictions (“LDR”) found at 40 C.F.R. Part 268, at a minimum, a generator with its initial shipment of a hazardous waste sent to each treatment, storage, or disposal facility must send a one-time written notice and place a copy in its file.

43. During the relevant period of the Investigation, in two instances associated with Claim III, NCLH did not send a one-time written notice with its initial shipment of a hazardous waste to the treatment, storage, or disposal facility in violation of 40 C.F.R. Part 268.

44. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$25,000, and increased for inflation, per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, requiring compliance immediately or within a specific time period, or both.

Claim V. Failure to Comply with the Obligations of Training as a Large Quantity Generator

45. Pursuant to LAC 33:V.108.E [40 C.F.R. § 262.34], a generator of 1,000 kilograms or greater of hazardous waste in a calendar month or greater than one (1) kilogram of acute hazardous waste in a calendar month, does not require a permit or interim status provided certain conditions are met.

46. The relevant RCRA statutory and regulatory requirements require that a generator of solid waste and hazardous waste must, among other things: Meet the LQG generator conditions for exemption from treatment, storage, and disposal facility requirements

set forth at LAC 33:V.1515, [40 C.F.R. § 262.17], or comply with the specific requirements set forth at LAC 33:V.Subpart 1, 40 C.F.R. § 270.10.

47. Pursuant to LAC 33:V.1515 [40 C.F.R. § 262.17(a)(7)(iii)], Facility personnel must take part in an annual review of the initial training required in LAC 33:V.1515.A.

48. During the relevant period of the Investigation, EPA determined that, in at least one instance for the vessels identified in Paragraph 1, NCLH did not facilitate proper personnel training to shipboard employees under LAC 33:V.1515 and/or 40 C.F.R. § 262.17(a)(7)(iii).

49. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$25,000, and increased for inflation, per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, requiring compliance immediately or within a specific time period, or both.

Claim VI. Failure to Create and Keep Records for Hazardous Waste Determination

50. Pursuant to LAC 33:V.1111.A.3, [40 C.F.R. § 262.11(f)], a generator shall keep records that are sufficiently detailed and complete to support any contentions or claims made by the generator with respect to: the description; character; and classification of each waste.

51. During the relevant period of the Investigation, NCLH did not create and/or share with EPA, upon EPA's request, records that are sufficiently detailed and complete to support all contentions or claims made by the generator with respect to: the description; character; and classification of certain wastes offloaded from the vessels identified in Paragraph 1 in violation of LAC 33:V.1111.A.3 and/or 40 C.F.R. § 262.40(c).

52. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$25,000, and increased for inflation, per day of

noncompliance for each violation of a requirement of Subtitle C of RCRA, requiring compliance immediately or within a specific time period, or both.

Claim VII. Failure to Ship Hazardous Waste to a Permitted Treatment, Storage and Disposal Facility

53. Pursuant to LAC 33:V.1105.C, [40 C.F.R. § 262.12(c)], a generator must not send its hazardous waste to treatment, storage, or disposal facilities that have not received an active EPA identification number and/or the required permit(s) necessary to receive and manage the generator's hazardous waste.

54. Respondent has, in at least two instances for the Norwegian Prima and at least four instances for the Norwegian Breakaway, offered for offsite disposal its hazardous waste to a solid waste facility in violation of LAC 33:V.1105.C and/or 40 C.F.R. § 262.12(c).

55. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$25,000, and increased for inflation, per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, requiring compliance immediately or within a specific time period, or both.

V. COMPLIANCE ORDER

56. Respondent is hereby ordered to comply with the following requirements pursuant to Section 3008(a) of RCRA, 42 U.S.C § 6928(a) and within the specific time period set forth in each Subparagraph below:

- a. Within one hundred and eighty (180) days of the Effective Date of this CAFO, Respondent shall certify that it has reviewed and updated, as appropriate, its Standard Operating Procedures ("SOPs") for its waste handling and management including:
 - i. Appropriate documentation of materials incinerated on board its vessels;
 - ii. Segregation of waste that is excluded from RCRA from waste that is not excluded from RCRA, or procedures to treat the combined waste

- according to RCRA;
- iii. Appropriate documentation of hazardous waste determinations for all solid wastes generated when offloaded at all U.S. ports in EPA, Region 6 and maintaining such documentation for the length of time required by the regulations;
 - iv. The accurate preparation and completion of all Hazardous Waste Manifests to comply with 40 C.F.R. Part 262; and
 - v. Management of RCRA hazardous wastes in compliance with RCRA from "Cradle to Grave," wherein the "Cradle" is the U.S. port at which waste is offloaded from a foreign-flagged vessel and first becomes subject to RCRA, and further, when the SOPs are implemented as intended, the allegations cited in this CAFO will not recur as a pattern of non-compliance.
- b. Upon the Effective Date of the CAFO, Respondent will make arrangements to analyze the next batch of incinerator ash from each vessel that it operates and which offloads incinerator ash at any U.S. port in EPA, Region 6. Respondent shall provide EPA with Toxicity Characteristic Leaching Procedure ("TCLP") test results within two weeks of obtaining such results. If the TCLP test results demonstrate that the waste is hazardous waste, Respondent shall also submit how NCLH is complying with the Land Disposal Restrictions in 40 C.F.R. Part 268. If Respondent concludes that the incinerator ash is not a hazardous waste, Respondent must provide EPA with the waste determination and supporting documentation. Respondent will repeat the testing of its incinerator ash for the next two batches of incinerator ash from each of the vessels that it operates and which offloads incinerator ash at any U.S. port in EPA, Region 6 within one hundred and eighty (180) days of the Effective Date of this CAFO. If any of these series of testing results in the incinerator ash exhibiting characteristics of hazardous waste, Respondent will make arrangements to manage the incinerator ash as RCRA hazardous waste to its final disposal. Respondent will thereafter continue to manage its incinerator ash as RCRA hazardous waste for such vessels that offload incinerator ash at any U.S. port in EPA, Region 6 until it can provide EPA with subsequent analysis and documentation of incinerator ash on a per vessel basis demonstrating that the incinerator ash from the named vessel does not meet the definition of a RCRA hazardous.
- c. Within one hundred and eighty (180) days of the Effective date of this CAFO, Respondent shall have in place a plan for managing any pharmaceutical drugs and any solvent rags, whether incinerated or otherwise disposed. Respondent shall also have a plan in place to manage in accordance with RCRA waste that, if incinerated, could potentially result in incinerator ash that is characteristic for toxicity.

57. 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's designee 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.

58. Copies of all documents required by this CAFO shall be sent to following:
U.S. EPA, Region 6 Dale Thrush via email at Thrush.Dale@epa.gov.

VI. TERMS OF SETTLEMENT

i. Penalty Provisions

59. Pursuant to the authority granted in Section 3008(g) of RCRA, 42 U.S.C. § 6928(g) and upon consideration of the entire record herein, including the above referenced Factual Allegations and Alleged Violations, 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, which includes Respondent's cooperation throughout the negotiation and information provided to EPA, Region 6 during the Investigation, it is ordered that Respondent be assessed a civil penalty of \$250,000 that shall be paid by Respondent within thirty (30) days of the Effective Date of this CAFO.

60. Respondent shall pay the EPA Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA

website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. In accordance with the March 25, 2025, Executive Order on *Modernizing Payments To and From America's Bank Account*, Respondent shall pay using one of the electronic payments and will not pay with a paper check.

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

Lorena S. Vaughn
Regional Hearing Clerk (ORCD)
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75202-2733
Vaughn.Lorena@epa.gov

Jeff Yurk, Manager
Waste and Chemical Enforcement Branch (ECDS)
Enforcement and Compliance Assurance Division
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270
Attn: Mr. Dale Thrush
Thrush.Dale@epa.gov

62. 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 process 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). 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 fifteen dollar (\$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 fifteen dollars (\$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).

63. 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.

ii. Stipulated Penalties

64. In addition to any other remedies or sanctions available to EPA, Region 6, if the Respondent fails or refuses to comply with the specific actions in the provisions of this CAFO set forth in Subparagraph a., below, within the agreed upon time period for each provision, then the Respondent shall pay stipulated penalties in the amounts set forth in Subparagraph b., below, for each day during which each failure or refusal to comply continues.

a. Applicable actions and CAFO provisions:

- i. Following the Effective Date of this CAFO, analysis of the next batch of incinerator ash from each vessel that offloads incinerator ash at a U.S. port in EPA, Region 6, as required under Subparagraph 55.b.
- ii. Following the Effective Date of this CAFO, analysis of the second batch of incinerator ash from each vessel that offloads incinerator ash at a U.S. port in EPA, Region 6, as required under Subparagraph 55.b.
- iii. Following the Effective Date of this CAFO, analysis of the third batch of incinerator ash from each vessel that offloads incinerator ash at a U.S. port in EPA, Region 6, as required under Subparagraph 55.b.

- iv. Within thirty (30) days of the Effective Date of this CAFO, payment of the civil penalty, as required under Paragraph 58.

b. Stipulated Penalty Amounts:

<u>Period of Failure to Comply</u>	<u>Penalty Per Violation Per Day</u>
1st through 15th day	\$1,000.00
16th through 30th day	\$1,500.00
31st day and beyond	\$5,000.00

65. Penalties shall accrue from the date of the noncompliance with the specific actions in Subparagraph 64.a., of this CAFO until the date the violation is corrected and/or compliance is achieved, as determined by EPA, Region 6. The payment of stipulated penalties shall be made in accordance with the options set forth in Paragraph 60 (Penalty Provision) of this CAFO. For purposes of timely payment, stipulated penalties will be due within thirty (30) days of a demand for the full amount by EPA, Region 6, unless Respondent invokes Subsection VI.iii (Dispute Resolution) procedures of this CAFO.

66. The Respondent shall send simultaneous notices of such payments to the following:

Ms. Lorena S. Vaughn
Regional Hearing Clerk (ORCD)
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270
Vaughn.Lorena@epa.gov

Jeff Yurk, Manager
Waste and Chemical Enforcement Branch (ECDS)
Enforcement and Compliance Assurance Division
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270

Attn: Mr. Dale Thrush
Thrush.Dale@epa.gov.

Manager, RCRA Legal Branch (ORC-R)
Office of Regional Counsel
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270
Attn: Ms. Christyn Cavazos
Cavazos.Christyn@epa.gov

67. Adherence to these procedures in addition to Respondent's compliance with the provisions of Section VI, concerning interest, penalties, and administrative costs, will ensure proper credit when payments are received.

68. If Respondent disputes the basis for imposition of stipulated penalties, then the issue shall be resolved under the Dispute Resolution procedures of this CAFO. All applicable stipulated penalties shall continue to accrue through the period that the dispute resolution is ongoing. Invoking dispute resolution shall not stay the accrual of stipulated penalties; however, the obligation to pay shall be stayed pending resolution of the dispute.

iii. Dispute Resolution

69. If Respondent objects to any decision or directive of EPA, Region 6 regarding Section V (Compliance Order) or Subsection VI.ii. (Stipulated Penalties), then Respondent shall notify the following persons in writing of its objections, and the basis for those objections, within fifteen (15) calendar days of receipt of EPA's decision or directive:

Jeff Yurk, Manager
Waste and Chemical Enforcement Branch (ECDS)
Enforcement and Compliance Assurance Division
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270
Attn: Mr. Dale Thrush

Thrush.Dale@EPA.gov.

Manager, RCRA Legal Branch (ORC-R)
Office of Regional Counsel
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270
Attn: Ms. Christyn Cavazos
Cavazos.Christyn@epa.gov

70. The Waste and Chemical Enforcement Branch Manager ("Branch Manager") or his/her designee and the Respondent shall then have an additional fifteen (15) calendar days from EPA, Region 6's receipt of the Respondent's written objections to attempt to resolve the dispute. If an agreement is reached between the Branch Manager and the Respondent, the agreement shall be reduced to writing and signed by the Branch Manager and the Respondent and incorporated by reference into this CAFO.

71. If no agreement is reached between the Branch Manager and the Respondent within that time, then the dispute shall be submitted to the Director of the Enforcement and Compliance Assurance Division ("Division Director") or his/her designee. The Division Director and the Respondent shall then have a second fifteen (15)-day period to resolve the dispute. If an agreement is reached between the Division Director and the Respondent, then the resolution shall be reduced to writing and signed by the Division Director and Respondent and incorporated by reference into this CAFO. If the Division Director and the Respondent are unable to reach agreement within this second fifteen (15)-day period, then the Division Director shall provide a written statement of EPA, Region 6's decision to the Respondent, which shall be binding upon the Respondent and incorporated by reference into the CAFO, unless challenged by Respondent in the appropriate United States District Court and after the Respondent has

exhausted the applicable administrative processes.

72. If the Dispute Resolution process results in a modification of this CAFO, the modified CAFO must be approved by the Regional Judicial Officer and filed pursuant to the Subsection on Modification, below.

iv. Notification

73. Unless otherwise specified elsewhere in this CAFO, whenever written notice is required to be given, whenever a report or other document is required to be forwarded by one party to another, or whenever a submission or demonstration is required to be made, it shall be directed to the individuals specified below at the email addresses given (in addition to any action specified by law or regulation), unless these individuals or their successors give notice in writing to the other party that another individual has been designated to receive the communication:

EPA: Jeff Yurk, Manager
Waste and Chemical Enforcement Branch (ECDS)
Enforcement and Compliance Assurance Division
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270
Attn: Mr. Dale Thrush
Thrush.Dale@epa.gov

Respondent: Daniel S. Farkas
Executive Vice President, General Counsel, Chief Development Officer &
Secretary

Copies to: Anne.carpenter@hoganlovells.com

v. Modification

74. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of all parties, and approved by a Regional Judicial Officer, and such modification or amendment being filed with the Regional Hearing Clerk.

vi. Retention of Enforcement Rights

75. EPA, Region 6 does not waive any rights or remedies available to EPA for any other violations by the Respondent of Federal or State laws, regulations, or permitting conditions.

76. Except as specifically provided in this CAFO, nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions to protect public health, welfare, or the environment, or prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants, or contaminants, in accordance with RCRA or other federal law, as applicable. Furthermore, nothing in this CAFO shall be construed to prevent or limit EPA's civil and criminal authorities, or that of other federal, state, or local agencies or departments to obtain penalties or injunctive relief under other federal, state, or local laws or regulations.

vii. Indemnification

77. Neither EPA nor the United States Government shall be liable for any injuries or damages to person or property resulting from the acts or omissions of the Respondent, its officers, directors, employees, agents, receivers, trustees, successors, assigns, or contractors in carrying out the activities required by this CAFO, nor shall EPA or the United States Government

be held out as a party to any contract entered into by a Respondent in carrying out the activities required by this CAFO.

viii. Record Preservation

78. Respondent shall preserve, during the pendency of this CAFO, all records in its possession or in the possession of its, employees, agents, contractors, or successors, which relates to Respondent's completion of the requirements of Section V (Compliance Order) of this CAFO regardless of any document retention policy to the contrary.

ix. Cost

79. 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. 104-121), and any regulations promulgated pursuant to those Acts.

x. Tax Reporting

80. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution [or] remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same

information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable.

- d. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs/pdf/fw9.pdf>.
- e. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN.
- f. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Division at Chalifoux.jessica@epa.gov, on or before the date that Respondent's initial penalty payment is due, pursuant to Paragraph 73 of this CAFO, or within 7 days should the order become effective between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence.
- g. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by IRS.

xi. Termination and Satisfaction

81. When Respondent believes that it has complied with all the requirements of this CAFO, including payment of the Subsection VI.i. (Civil Penalty), Respondent shall certify in writing and in accordance with the certification language set forth in Section V (Compliance Order). Unless EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, this CAFO will be terminated based on EPA's receipt of Respondent's certification.

82. This CAFO resolves all claims and violations as set forth in Section IV, Factual

Allegations and Alleged Violations. Further, Respondent is released from all liabilities for federal civil penalties and further injunctive relief for the violations alleged in this CAFO that relate to the vessels identified in Paragraph 1 of this CAFO as provided in 40 C.F.R. § 22.18(c).

xii. Effective Date of Settlement

83. This CAFO becomes effective upon filing with the Regional Hearing Clerk.

The foregoing Consent Agreement In the Matter of Norwegian Cruise Line Holdings Ltd., Docket No. RCRA-06-2025-0967, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

Norwegian Cruise Line Holdings Ltd.

Date: 10/14/25



Signature

Daniel S. Farkas

Executive Vice President,
General Counsel,
Chief Development Officer & Secretary

FOR COMPLAINANT:

U.S. Environmental Protection Agency

Date: October 15, 2025

Digitally signed by
CHERYL SEAGER
Date: 2025.10.15
12:47:05 -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 (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. The 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**

Digitally signed by
THOMAS RUCKI
Date: 2025.10.15
18:16:48 -04'00'

Regional Judicial Officer
Thomas Rucki

The foregoing Consent Agreement In the Matter of Norwegian Cruise Line Holdings Ltd., Docket No. RCRA-06-2025-0967, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

Norwegian Cruise Line Holdings Ltd.

Date: 10/14/25


Signature

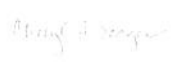
Daniel S. Farkas

Executive Vice President,
General Counsel,
Chief Development Officer & Secretary

FOR COMPLAINANT:

U.S. Environmental Protection Agency

Date: October 15, 2025


Digitally signed by
CHERYL SEAGER
Date: 2025.10.15
12:47:05 -05'00'

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

CERTIFICATE OF SERVICE

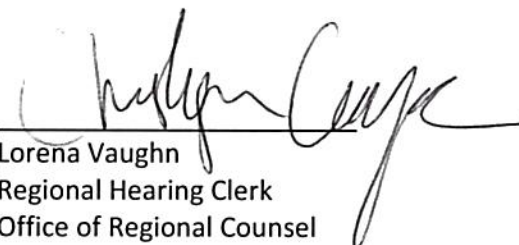
I hereby certify that a true and correct copy of the foregoing RCRA Consent Agreement and Final Order, Docket No. RCRA-06-2025-0967 was filed with me, the Regional Hearing Clerk, U.S. EPA, Region 6, 1201 Elm St., Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in following manner to the email addresses below:

Copy via Email to Complainant, EPA:

Cavazos.Christyn@epa.gov.

Copy via Email to Respondent:

Anne.Carpenter@hoganlovells.com.

A handwritten signature in black ink, appearing to read "Lorena Vaughn", is written over a horizontal line.

Lorena Vaughn
Regional Hearing Clerk
Office of Regional Counsel
U.S. EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270-2102