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EPA REGION 6

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 6**

**Dallas, Texas 75270**

In the Matter of	§	
	§	
Veolia ES Technical Solutions, L.L.C.,	§	Docket No. RCRA-06-2024-0984
	§	
Respondent.	§	

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**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. Veolia ES Technical Solutions, LLC ("Respondent") is the owner or operator of the facility located at 7665 Highway 73, Beaumont, Texas 77705 (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. Failure to Meet the Standards of Hazardous Waste Container**

30 TEX. ADMIN. CODE § 335.53 [40 C.F.R. § 262.17(a)(1)(ii)] requires that if a container holding hazardous waste is not in good condition, then it must be immediately transfer to a container that is in good condition, or immediately manage the waste in some other way that complies with RCRA regulations. One

dedented hazardous waste container was observed at the Central Accumulation Area (CAA). The respondent failed to meet the standards of hazardous waste container in violation of 30 TEX. ADMIN. CODE § 335.53 [40 C.F.R. § 262.17(a)(1)(ii)].

**b. Failure to Maintain Adequate Aisle Spacing**

40 C.F.R. § 262.255 require that adequate aisle space should be maintained to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency. During inspection, there was not adequate aisle space for unobstructed movement of personnel at the CAA. Respondent failed to meet the requirement for aisle space in violation of 40 C.F.R. § 262.255.

5. The EPA and Respondent agree that settlement of this matter for a civil penalty of twenty-five hundred (\$2,500.00) dollars is in the public interest.

6. 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  
ATTN: Sandesh Thapa  
1201 Elm Street, Suite 500  
Dallas, Texas 75270-2102  
Thapa.sandesh@epa.gov

7. 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.

8. 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.

9. 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.

10. 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.

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

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

13. 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.

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

15. 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: [murdock.russell@epa.gov](mailto:murdock.russell@epa.gov) and

[thapa.sandesh@epa.gov](mailto:thapa.sandesh@epa.gov)

To Respondent: [ron.constance@veolia.com](mailto:ron.constance@veolia.com)

**RESPONDENT:**  
**VEOLIA ES TECHNICAL SOLUTIONS, LLC**

Date: 9/18/2024

  
\_\_\_\_\_  
Signature

DIETRICH HOVENER  
\_\_\_\_\_  
Name

GENERAL MANAGER  
\_\_\_\_\_  
Title

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

Date: September 18, 2024

  
\_\_\_\_\_  
Digitally signed by CHERYL  
SEAGER  
Date: 2024.09.18 16:24:00 -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: 2024.09.19 08:49:06  
-04'00'

Thomas Rucki  
Regional Judicial Officer

\_\_\_\_\_  
Date

**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:

[murdock.russell@epa.gov](mailto:murdock.russell@epa.gov) and  
[thapa.sandesh@epa.gov](mailto:thapa.sandesh@epa.gov)

Copy via Email to Respondent:

[ron.constance@veolia.com](mailto:ron.constance@veolia.com)  
Ron Constance  
Plant Manager  
Veolia Environmental Services  
7765 State Hwy 73  
Beaumont, Texas 77705

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