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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6

1201 Elm Street, Suite 500  
Dallas, Texas 75270

REGIONAL HEARING CLERK  
EPA REGION 6

In the Matter of

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§

Ports America Texas, Inc

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Docket No. RCRA-06-2025-0937

§

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. By the copy of this letter, EPA is providing the state of 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. Ports America Texas, Inc ("Respondent") is the owner or operator of the facility located at 575 Pete Schaff Blvd #206, Freeport, Texas 77541 (the "Facility"). EPA conducted a Compliance Inspection at the Facility on June 26, 2024. EPA alleges that Respondent violated the following requirements of the RCRA and the EPA approved and authorized Texas hazardous waste management programs:

**a. Failure to meet the Standards for the Management of Used Oil**

Pursuant to 40 CFR § 279.22, containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked

clearly with the words "Used Oil." On June 26, 2024, the facility failed to clearly label containers used to store used oil with the words "Used Oil", in violation of 40 C.F.R. § 279.22(c)(1).

**b. Failure to meet Standards Applicable to Generators of Hazardous Waste**

Pursuant to 40 CFR 40 C.F.R. § 262.11, a person who generates a solid waste, as defined in 40 CFR § 261.2, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations. On June 26, 2024, the facility had failed to make a hazardous waste determination on the waste aerosol liquid, in violation of 40 CFR § 262.11.

4. The EPA and Respondent agree that settlement of this matter for a civil penalty \$5,000 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, 42 U.S.C. § 6928(b); 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 by the Regional Hearing Clerk.

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:

Tripti Thapa  
U.S. Environmental Protection Agency, Region 6  
[Thapa.Tripti@epa.gov](mailto:Thapa.Tripti@epa.gov)

U.S. EPA, Region 6 Hearing Clerk  
[Vaughn.Lorena@epa.gov](mailto:Vaughn.Lorena@epa.gov)

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
[CINWD\\_AcctsReceivable@epa.gov](mailto: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 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 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 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. The 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 the 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: [Murdock.Russell@epa.gov](mailto:Murdock.Russell@epa.gov) and [Thapa.Tripti@epa.gov](mailto:Thapa.Tripti@epa.gov)


To Respondent: [Scott.Bowman@portsamerica.com](mailto:Scott.Bowman@portsamerica.com)

**RESPONDENT:**

**Ports America Texas, Inc.**

Apr 1, 2025

Date

  
David Eckles (Apr 1, 2025 12:04 CDT)

Signature

David Eckles

Name


VP

Title

**COMPLAINANT:**

**U.S. ENVIRONMENTAL PROTECTION AGENCY**

April 2, 2025  
Date

  
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  
Regional Judicial Officer

**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 addressees:

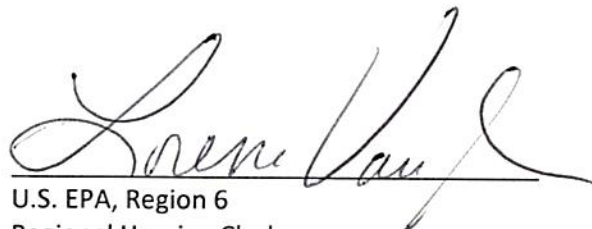
Copy via Email to Complainant, EPA:

Russell Murdock  
U.S. Environmental Protection Agency, Region 6  
[Murdock.Russell@epa.gov](mailto:Murdock.Russell@epa.gov)

Tripti Thapa  
U.S. Environmental Protection Agency, Region 6  
[Thapa.Tripti@epa.gov](mailto:Thapa.Tripti@epa.gov)

Copy via Email to Respondent:

Scott Bowman  
[Scott.Bowman@portsamerica.com](mailto:Scott.Bowman@portsamerica.com)  
Ports America Texas, Inc 575 Pete  
Schaff Blvd #206 Freeport, Texas  
77541



U.S. EPA, Region 6  
Regional Hearing Clerk