

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
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REGIONAL HEARING CLERK
EPA REGION 6

In the Matter of	§	
	§	
Environmental Safety & Health Consulting	§	Docket No. RCRA-06-2025-0968
Services, Inc.	§	
Houma, LA	§	
	§	
Respondent.		

CONSENT AGREEMENT AND FINAL ORDER

I. PRELIMINARY STATEMENT

1. This is an administrative action commenced and concluded under Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA" or the "Act"), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules") as codified at 40 C.F.R. Part 22.

2. The Administrator of the U.S. Environmental Protection Agency has delegated enforcement authority under Section 3008 of RCRA, 42 U.S.C. § 6928, to the Regional Administrator of EPA Region 6, who in turn has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, EPA Region 6 ("EPA" or "Complainant").

3. Environmental Safety & Health Consulting Services, Inc. ("ES&H" or "Respondent") is a corporation doing business in the State of Louisiana.

4. Notice of this action has been given to the State of Louisiana, under Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

5. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this Consent Agreement along with the corresponding Final Order hereinafter known together as the "CAFO" without the adjudication of any issues of law or fact herein.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

II. JURISDICTION

7. This CAFO is entered into under Section 3008(a) of RCRA, as amended, 42 U.S.C. § 6928(a), and 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

8. Jurisdiction for this action is conferred upon EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 and 6928.

9. The Regional Judicial Officer is authorized to ratify this CAFO which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b).

10. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

III. STATUTORY AND REGULATORY BACKGROUND

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

12. RCRA's Subchapter III (RCRA §§ 3001-3023, 42 U.S.C. §§ 6921-6940, 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.

13. 40 C.F.R. Parts 260 through 279, govern generators and transporters of hazardous waste and facilities that treat, store, and dispose of hazardous waste, pursuant to Sections 3002, 3003, and 3004 of RCRA, 42 U.S.C. §§ 6922, 6923, and 6924. These regulations prohibit land disposal of certain hazardous wastes and provide detailed requirements governing the activities of those who generate hazardous waste and those who are lawfully permitted to store, treat, and dispose of hazardous waste.

14. Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), directed EPA to promulgate regulations requiring each person owning or operating a hazardous waste treatment, storage, or disposal facility to have a RCRA permit; this section of RCRA further provides in relevant part that the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a RCRA permit.

15. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of EPA may 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. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e) or any state provision authorized pursuant to Section 3006 of RCRA, constitutes a violation of RCRA, subject to the assessment of

civil penalties¹ and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

16. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA granted the State of Louisiana final authorization to administer a state hazardous waste program in lieu of the federal RCRA program.²

17. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), EPA may enforce the federally approved State of Louisiana's hazardous waste program. EPA also 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. 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 at Title 33 of the Louisiana Administrative Code ("LAC"), Part V, Chapters 1 through 51 [40 C.F.R. Part 262, 265, and/or 270].

¹ The Administrator may assess an inflation-adjusted civil penalty per day for each violation of Subtitle C of RCRA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. § 19.4.

² On January 24, 1985, the State of Louisiana received final authorization for its base Hazardous Waste Management Program (50 Fed. Reg. 3348). Subsequent revisions have been made to the Louisiana Hazardous Waste Program and authorized by EPA. Except as otherwise provided, all citations found within this CAFO 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. 66143; 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. For ease of reference, the corresponding C.F.R. citations will follow in brackets.

Definitions

19. 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 or that is not excluded by a variance granted under LAC 33:V.105.O, [40 C.F.R. § 261.4(a)]. 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.109.2, [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.

20. LAC 33:V.109, defines a "hazardous waste" as any waste listed in LAC 33:V.4901 and has not been excluded from the lists in LAC 33:V.4901, regulation as a hazardous waste under LAC 33:V.105.D, by EPA or the administrative authority and exhibits any of the characteristics of hazardous waste identified in LAC 33:V.4903.

21. Characteristic hazardous wastes are assigned "D" codes in LAC 33:V.4903, [40 C.F.R. Part 261, Subpart C], depending on the specific hazardous characteristic that the waste exhibits.

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

23. LAC 33:V.1501, [40 C.F.R. Parts 264 and/or 265], applies to owners and operators of facilities that treat, store and/or dispose of hazardous waste.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

24. Respondent owns and operates a hazardous waste transfer facility that provides spill response, vessel and tank cleaning, and waste transportation services located at 1730 Coteau Road, Houma, LA 70361 (the "Facility").

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. The Facility is a "facility" within the meaning of LAC 33:V.109, [40 C.F.R. § 260.10].

27. On April 18, 2024, EPA conducted a Compliance and Enforcement Inspection and RCRA record review of the Facility's activities as a generator of hazardous waste (the "Inspection").

28. Respondent is a "generator" of "hazardous waste" and "used oil" as those terms are defined in LAC 33:V.109, [40 C.F.R. § 260.10].

29. As a generator of hazardous waste and used oil, Respondent is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth in Title 33 of LAC Part V, Chapters 1 through 51, [40 C.F.R. Part 262, 265, 270 and/or 279].

V. ALLEGED VIOLATIONS

30. The facts stated in the EPA Findings of Fact and Conclusions of Law above are herein incorporated.

31. Complainant hereby states and alleges that Respondent has violated RCRA and federal and state regulations promulgated thereunder, as stated below.

Count 1. Failure to make adequate hazardous waste determinations

32. Pursuant to LAC:33.V.1103, [40 C.F.R. § 262.11(c)], a person who generates a solid waste, as defined in LAC:33.V.109, [40 C.F.R. § 262.40(c)], 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.

33. EPA reviewed Respondent's records and determined that Respondent failed to make adequate hazardous waste determinations on solid waste streams at the Respondent's Facility.

34. Respondent violated the requirements of RCRA, and the regulations promulgated at LAC:33V.1103, [40 C.F.R. § 262.11] by failing to make the requisite hazardous waste determination on solid waste streams generated by Respondent at the Facility.

Count 2. Failure to meet used oil generator standards

35. Under LAC 33:V.4013.D.1, [40 C.F.R. § 279.22(c)(1)], any person who generates used oil must clearly label or mark containers and aboveground tanks used to store used oil at a generator facility with the words "Used Oil."

36. During the Inspection, EPA determined that the Respondent's Facility had six unlabeled containers inside its maintenance shop and two unlabeled drums containing oil filters with used oil. Respondent subsequently labeled all containers in this area.

37. At all times relevant to this CAFO, Respondent violated the requirements of RCRA, and the regulations promulgated at LAC 33:V.4013.D.1, [40 C.F.R. § 279.22(c)(1)] by failing to clearly label or mark containers used to store used oil with the words "Used Oil."

Count 3. Failure to meet the used oil transporter and transfer facility standards

38. Under LAC 33:V.4033.D, [40 C.F.R. § 279.44(d)], to ensure that used oil is not a hazardous waste under the rebuttable presumption of LAC 33:V.4003.B.1.b, [40 C.F.R. § 279.10(b)(1)(ii)], the used oil transporter must maintain records of analyses conducted or information used to comply with LAC 33:V.4033.A-C, [40 C.F.R. § 279.44(a)-(c)] for at least three years.

39. During the Inspection, the Facility was unable to provide records to rebut hazardous waste presumption. Respondent subsequently implemented halogen testing for all pickups.

40. At all times relevant to this CAFO, Respondent violated the requirements of RCRA, and the regulations promulgated at LAC 33:V.4033.D, [40 C.F.R. § 279.44(d)] by failing maintain records of analyses conducted or information used to comply with LAC 33:V.4033.A-C, [40 C.F.R. § 279.44(a)-(c)] for at least three years.

41. Under LAC 33:V.4035.E.2, [40 C.F.R. § 279.45(e)(2)], used oil transporters must store used oil in aboveground tanks equipped with an impervious secondary containment system.

42. During the Inspection, EPA determined that used oil frac tanks FT-7033 and FT-6333 were not inside any form of secondary containment. Respondent subsequently placed the frac tanks in high-density polyethylene trays.

43. At all times relevant to this CAFO, Respondent violated the requirements of RCRA and the regulations promulgated at LAC 33:V.4035.E.2, [40 C.F.R. § 279.45(e)(2)] by failing to

store used oil in aboveground tanks equipped with an impervious secondary containment system.

44. Under LAC 33:V.4035.G.1, [40 C.F.R. § 279.45(g)(1)], used oil transporters must label or mark clearly containers and aboveground tanks used to store used oil at transfer facilities with the words "Used Oil."

45. During the Inspection, EPA determined that used oil frac tanks FT-7033 and FT-6333 at the Facility were not labeled with the words "Used Oil." Respondent subsequently labelled the frac tanks with the words "Used Oil."

46. At all times relevant to this CAFO, Respondent violated the requirements of RCRA, and the regulations promulgated at LAC 33:V.4035.G.1, [40 C.F.R. § 279.45(g)(1)] by failing to label or mark clearly containers and aboveground tanks used to store used oil at transfer facilities with the words "Used Oil."

47. Under LAC 33:V.4035.A, [40 C.F.R. § 279.45(a)], a used oil transfer facility can only be exempt from LAC 33:V.Chapter 40.Subchapter E, [40 C.R.F. Subchapter F] if its shipments of used oil are held for less than 35 days.

48. During its investigation of the Facility, EPA determined that bilge bottom sludge in FT-7033 and FT-6333 had a residency of greater than 35 days. Respondent subsequently disposed of the sludge.

49. At all times relevant to this CAFO, Respondent violated the requirements of RCRA and the regulations promulgated at LAC 33:V.4035.A, [40 C.F.R. § 279.45(a)] by storing shipments of used oil more than 35 days.

VI. CONSENT AGREEMENT AND CIVIL PENALTY

General

50. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2),

Respondent:

- a. admits the jurisdictional allegations set forth herein;
- b. neither admits nor denies the specific factual allegations stated herein;
- c. consents to the assessment of a civil penalty, as stated herein;
- d. consents to the issuance of any specified compliance or corrective action order;
- e. consents to any conditions specified herein;
- f. consents to any stated Permit Action;
- g. waives any right to contest the allegations set forth herein; and
- h. waives its rights to appeal the Final Order accompanying this CAFO.

51. By signing this CAFO, 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 this CAFO.

52. Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty specified herein.

53. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

Penalty Assessment and Collection

54. 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 \$45,197.00 (the "EPA Penalty").

55. Respondent agrees to pay the EPA Penalty within thirty (30) days after the Effective Date of this CAFO.

56. 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>.

57. When making a payment, Respondent shall:

58. Identify every payment with Respondent's name and the docket number of this Agreement, Docket No. RCRA-06-2025-0968.

a. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Erin Young-Dahl
U.S. EPA Region 6
youngdahl.erin@epa.gov

Region 6 Hearing Clerk
U.S. EPA Region 6
Vaughn.Lorena@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, 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, in the amount due.

59. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the EPA Penalty per this CAFO, EPA is authorized to recover, in addition to the amount of the unpaid EPA Penalty, the following amounts.

a. Interest. Interest begins to accrue from the Filing Date. If the EPA Penalty is paid in full within thirty (30) days, interest accrued is waived. If the EPA Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the EPA Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS “standard” underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.

b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA’s costs of processing and handling overdue debts. If Respondent fails to pay the EPA Penalty in accordance with this CAFO, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Effective Date.

Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the EPA Penalty as well as any accrued interest, penalties, and other charges are paid in full.

c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the EPA Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Effective Date.

60. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the EPA Penalty, interest, or other charges and penalties per this CAFO, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following:

a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.

d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

61. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding EPA Penalty amount.

62. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

Conditions of Settlement

63. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and within sixty (60) 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 of its solid waste streams at the Facility to determine the accurate waste codes and has developed and implemented standard operating procedures ("SOPs") to ensure that Respondent is operating the 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 Facility and within the prescribed time period.
- c. Respondent shall provide, with its certification, a copy of Respondent's SOPs as described 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).

64. 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 Facility and shall include the following certification:

"I certify under the penalty of law that this document and all of 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 electronically by email to:

Erin Young-Dahl
youngdahl.erin@epa.gov
U.S. EPA Region 6
youngdahl.erin@epa.gov

Additional Terms of Settlement

65. The provisions of this CAFO shall apply to and be binding on Respondent, Respondent's officers, directors, partners, agents, employees, contractors, successors and

assigns. Action or inaction of any persons, firms, contractors, employees, agents, or corporations acting under, through, or for Respondent shall not excuse any failure of Respondent to fully perform its obligations under this CAFO. Changes in ownership, real property interest, or transfer of personal assets shall not alter Respondent's obligations under this CAFO. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.

66. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information. See 40 C.F.R. Part 2, Subpart B (Confidentiality of Business Information).

67. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

68. By signing this CAFO, Respondent certifies that it is presently in compliance with all requirements of RCRA and its implementing regulations.

69. By signing this CAFO, the undersigned representative of Respondent certifies that it is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party it represents to this CAFO.

70. Respondent and EPA agree to the use of electronic signatures for this matter. EPA and Respondent consent to service of this CAFO and final order by email at the following valid email addresses: Hollis Henley (for EPA) and henley.hollis@epa.gov (for Respondent).

71. Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17.

VII. EFFECT OF CONSENT AGREEMENT AND RESERVATION OF RIGHTS

72. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability, under Sections 3005(a) and 3008(a) of RCRA, 42 U.S.C. §§ 6925(a) and 6928(a), for federal civil penalties for the violations and facts alleged in Sections IV and V above. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

73. The terms, conditions and requirements of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

74. Penalties paid pursuant to this CAFO shall not be deductible for purposes of Federal, State, and local taxes.

75. 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 VI (Compliance Order).

76. Any violation of the included Final Order may result in a civil judicial action for an injunction or civil penalties as well as criminal sanctions. EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

77. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit. EPA does not, by its consent to the entry of this CAFO, warrant or aver in any manner that Respondent's compliance with any aspect of this CAFO will result in compliance with provisions of RCRA, 42 U.S.C. § 6901 *et seq.*, or with any other provisions of federal, state, or local laws, regulations, or permits.

78. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

79. If and to the extent EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to EPA, EPA reserves any and all of its legal and equitable rights.

VIII. EFFECTIVE DATE

80. Respondent and Complainant agree to the issuance of the included Final Order. Upon filing, EPA will transmit a copy of the filed CAFO to Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer on the date of filing

with the Regional Hearing Clerk. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

The foregoing Consent Agreement in the Matter of Environmental Safety & Health Consulting Services, Inc., Docket No. RCRA-06-2025-0968, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

ENVIRONMENTAL SAFETY & HEALTH CONSULTING SERVICES, INC.

Date: 8-8-2025

Signature

Lee Arcement
Print Name

Title

Facility Manager

FOR COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: September 9, 2025

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

Digitally signed by
CHERYL SEAGER
Date: 2025.09.09
13:27:58 -05'00'

FINAL ORDER

Pursuant to Sections 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 Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Environmental Safety & Health Consulting Services, Inc. is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

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.

IT IS SO ORDERED.

Dated _____

THOMAS
RUCKI

Digitally signed by
THOMAS RUCKI
Date: 2025.09.10
09:40:24 -04'00'

Thomas Rucki
Regional Judicial Officer, Region 6

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:

henley.hollis@epa.gov

Copy via Email to Respondent:

hdanos@forefrontem.com

Heidi Danos
Vice President
Forefront Emergency Managment
1730 Coteau Road
Houma, LA 70364

LORENA
VAUGHN

Digitally signed by
LORENA VAUGHN
Date: 2025.09.10
10:21:16 -05'00'

Regional Hearing Clerk
U.S. EPA, Region 6