

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
Dallas, Texas 75270

FILED
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REGIONAL HEARING CLERK
EPA REGION 6

In the Matter of	§	
	§	
Odfjell Terminals Houston,	§	Docket No. RCRA-06-2024-1013
	§	
Respondent.	§	

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. Odfjell Terminals Houston (“Respondent”) is the owner or operator of the facility located at 12211 Port Road, Seabrook, TX 77586 (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 Close Container Holding Hazardous Waste

Pursuant to 40 CFR 262.17(a)(1)(iv)(A), a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

During the time of inspection, one roll-off container holding solid hazardous debris with waste codes D019, D035, D040, U007 was found uncovered.

b. Failure to Mark or Label Containers

Pursuant to 40 CFR 262.17(a)(5)(i), a large quantity generator must mark or label its containers with the following: the words “Hazardous Waste”; an indication of the hazards of the contents; the date upon which each period of accumulation begins clearly visible for inspection on each container.

During the time of inspection, a railcar filled with off spec methyl methacrylate product was deemed hazardous waste but there was no label designating that the contents were hazardous.

c. Failure to Meet Requirements of a Large Quantity Generator

Pursuant to 40 CFR 262.17, a large quantity generator may accumulate hazardous waste on site without a permit or interim status, or the notification requirements of section 3010 of RCRA for treatment, storage, and disposal facilities, provided that the conditions for exemption are met.

During the time of inspection, a railcar filled with off spec methyl methacrylate product was deemed hazardous waste and the Facility did not adhere to weekly inspections, update the Contingency Plan, and manage the waste in a central accumulation area.

5. The EPA and Respondent agree that settlement of this matter for a civil penalty of fifteen thousand dollars (\$15,000.00) is in the public interest. 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 (ECDSR)
ATTN: Elizabeth Pham
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102
Pham.elizabeth@epa.gov

6. 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; (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.

7. 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.

8. 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.

9. 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.

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

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

12. 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.

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

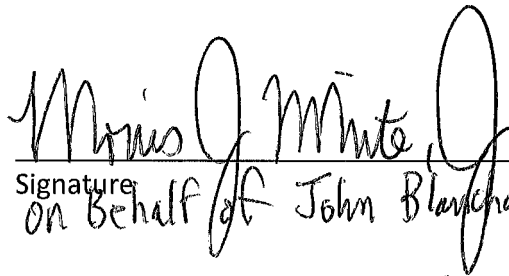
14. The EPA and Respondent agree to the use of electronic signatures for this matter pursuant to 40 C.F.R. § 22.6. The EPA and Respondent further agree to electronic service of this Agreement by email to the following:

To EPA: henley.hollis@epa.gov

To Respondent: edwin.marcial@odfjell.com

RESPONDENT:
Odfjell Terminals Houston

Date: 5 Sep 24


Signature
on behalf of John Blanchard (CEO)

Morris J. White, Jr.
Name

CFO
Title

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: September 9, 2024

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

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:

henley.hollis@epa.gov
pham.elizabeth@epa.gov

Copy via Email to Respondent:

edwin.marcial@odfjell.com
12211 Port Rd
Seabrook, TX 77586

Regional Hearing Clerk
U.S. EPA, Region 6