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**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS**

REGIONAL HEARING CLERK  
EPA REGION 6

IN THE MATTER OF:

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Centurion Container LLC

Consent Agreement and Final Order  
USEPA Docket No. RCRA-06-2024-1009

RESPONDENT

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**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, Region 6 ("EPA" or "Complainant") and Respondent, Centurion Container LLC ("Respondent") and concerns the facility located at 8203 Market Street, Houston, Texas 77029 (the "Facility").
2. Notice of this action has been given to the State of Texas, under Section 3008(a)(2) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(2)<sup>1</sup>.

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<sup>1</sup> On December 26, 1984, the State of Texas received final authorization for its base Hazardous Waste Management Program (49 FR 48300). Subsequent revisions have been made to the Texas Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this order are to the "EPA-Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" dated December 2015, incorporated by reference under 40 C.F.R. § 272.2201(c)(1)(i) effective on April 10, 2020. 85 Fed. Reg. 20190 (April 10, 2020); 40 C.F.R. 272.2201: Texas State-Administered Program: Final Authorization. References and citations to the "EPA-Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" may vary slightly from the State of Texas' published version. The corresponding C.F.R. citations are also provided.

3. For the purpose of this CAFO, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and conclusions of law contained in this CAFO. This CAFO states a claim upon which relief may be granted.
4. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may enforce the federally approved State of Texas' hazardous waste program.
5. Respondent waives any right to contest the allegations and its right to appeal the proposed final order contained in this CAFO and waives all defenses which have been raised or could have been raised to the claim in the CAFO.
6. Full payment of the penalty set forth in this CAFO shall only resolve Respondent's liability for Federal civil penalties for the violations and facts alleged in the complaint.
7. Respondent consents to the issuance of this CAFO as the most appropriate means of settling EPA's allegations without any adjudication of issues of law or fact, consents to the assessment and payment of the civil penalty in the amount and by the method set out in this CAFO, and consents to the compliance order in this CAFO.
8. By their signatures to this CAFO, the EPA and Centurion Container LLC (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, [george.elizabeth.a.gov](mailto:george.elizabeth.a.gov), and for Respondent, [kay.robinson@centurioncontainer.com](mailto:kay.robinson@centurioncontainer.com) (Kay Robinson).

## II. JURISDICTION

9. This CAFO is issued by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), as amended by the Hazardous and Solid Waste Amendments of 1984 and is simultaneously commenced and concluded through the issuance of this CAFO under Title 40 of the Code of Federal Regulations (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 EPA to issue or enforce this CAFO and agrees not to contest the validity of this CAFO or its terms or conditions.

## III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

11. Respondent is a corporation authorized to do business in the State of Texas.
12. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 30 Texas Admin. Code ("T.A.C.") § 335.2(25), [40 C.F.R. § 260.10].
13. Respondent owns and operates the Facility.
14. The Facility is a reconditioning and remanufacturing facility for used intermediate bulk container (IBC) totes.
15. The Facility is a "facility" within the meaning of 30 T.A.C. § 335.1(60) [40 C.F.R. § 260.10].
16. On August 22, 2023, EPA conducted a RCRA onsite inspection and record review of the Facility's activities as a generator of hazardous waste including a review of the information voluntarily provided to EPA by Respondent (the "Inspection").

17. During the Inspection, EPA discovered that Respondent generated, and offered for transport and treatment, hazardous wastes as defined in 30 T.A.C. § 335.1 (70), [40 C.F.R. §§ 261.21, 261.22, 261.24, and 261.33].
18. Based on its review, EPA determined that Respondent generated the hazardous waste streams in quantities that exceeded the threshold amount of 100 kilograms of non-acute hazardous waste in a month, corresponding to a Small Quantity Generator (SQG) status under 30 T.A.C., Chapter 335, Subchapter C, [40 C.F.R. Part 262], for the periods that such wastes remained onsite.
19. Respondent is a "generator" of "hazardous waste" as those terms are defined in 30 T.A.C. §§ 335.1(66) & (70) [40 C.F.R. § 260.10].
20. As a generator of hazardous waste, Respondent is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth in 30 T.A.C. Chapter 335, Subchapter C, [40 C.F.R Part 262].
21. EPA submitted to Respondent on January 23, 2024, a Notice of Potential Violation and Opportunity to Confer. In a conference call on February 13, 2024, EPA conferred with Respondent regarding the violations alleged herein and provided an opportunity for Respondent to submit additional information and materials.

#### IV. ALLEGED VIOLATIONS

##### **Claim 1: Failure to Properly Close Containers Holding a Hazardous Waste**

22. The allegations in Paragraphs 1-21 are realleged and incorporated herein by reference.
23. Pursuant to the EPA authorized version of T.A.C., which incorporates provisions identical in substance to 40 C.F.R. § 262.16(b)(2)(iii)(A) and 40 C.F.R. § 262.15(a)(4), keeping containers

used to accumulate waste closed when not open to add or remove waste is a condition for SQGs to accumulate waste without a permit.

24. During the Inspection, the EPA documented two open containers in Respondent's container emptying and processing area containing hazardous waste.
25. Respondent's failure to close containers used to accumulate hazardous waste when not adding or removing waste, which 40 C.F.R. § 262.16(b)(2)(iii)(A) and 40 C.F.R. § 262.15(a)(4) make a condition for the exemption from the requirement of permitting for storage of hazardous waste, is a violation of 30 T.A.C. § 335.2(a) (requiring a permit to store waste) [40 C.F.R. § 270(c)].

**Claim 2: Failure to Mark or Label a Container**

26. The allegations in Paragraphs 1-21 are realleged and incorporated by reference.
27. Pursuant to the EPA authorized version of T.A.C., which incorporates provisions identical in substance to 40 C.F.R. § 262.16(b)(6) and 40 C.F.R. § 262.15(a)(5), marking containers of accumulated hazardous waste with the words "Hazardous Waste" and an indication of the hazards associated with the waste is a condition for SQGs to accumulate waste without a permit.
28. During the Inspection, the EPA documented that the hazardous waste container accumulating flammable residues at the drum emptying trough was not marked as a hazardous waste accumulation container.
29. Respondent's failure to mark a container used to accumulate hazardous waste with the label "Hazardous Waste", which 40 C.F.R. § 262.16(b)(6) and 40 C.F.R. § 262.15(a)(5) make a condition for the exemption from the requirement of permitting for storage of hazardous

waste, is a violation of 30 T.A.C. § 335.2(a) (requiring a permit to store waste) [40 C.F.R. § 270(c)].

#### V. COMPLIANCE ORDER

30. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and within 90 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 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; including (1) identifying hazardous waste that exhibits one or more hazardous waste constituents; (2) address the potential for polymerization in SOPs; (3) update Notice of Registration to reflect all hazardous waste characteristics.
- 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; and
- C. Respondent shall provide, with its certification, a copy of Respondent's SOPs as described in subparagraph A above.



31. 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 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."

Copies of all documents required by this CAFO shall be sent to the following:

U.S. EPA, Region 6  
Enforcement and Compliance Assurance Division (ECDSR)  
1201 Elm Street, Suite 500  
Dallas, Texas 75270-2102  
ATTN: Angela Hays

Where required, notice shall be sent electronically by email to Enforcement Officer Angela Hays, respectively at [hays.angela@epa.gov](mailto:hays.angela@epa.gov) or at 214-665-2285.

## **VI. TERMS OF SETTLEMENT**

### **A. Penalty Provisions**

32. Respondent agrees to pay a civil penalty in the amount of Three Thousand One Hundred Sixty-Two Dollars (\$3,162) ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date").
33. Respondent shall pay the Assessed 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>.

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34. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

35. When making a payment, Respondent shall:

- A. Identify every payment with Respondent's name and the docket number of this Agreement, Docket No. RCRA-06-2024-1009.
- B. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Lorena S. Vaughn  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 6  
1201 Elm Street, Suite 500 (ORC)  
Dallas, Texas 75270-2102  
Vaughn.lorena@epa.gov; and

Angela Hays  
Enforcement and Compliance Assurance Division  
Toxics Enforcement Section  
U.S. Environmental Protection Agency, Region 6  
1201 Elm Street, Suite 500 (ECDST)  
Dallas, Texas 75270-2101  
hays.angela@epa.gov@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, and identified with the appropriate docket number and Respondent's name.

36. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this



Agreement, EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts:

- A. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed 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 large corporate 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 Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed 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 Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

37. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges

and penalties per this Agreement, 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.
38. 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 Assessed Penalty amount.
39. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

**B. Costs**

40. Each party shall bear its own costs and attorneys' fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorneys' 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. 04-121), and any regulations promulgated pursuant to those Acts.

**C. Termination and Satisfaction**

41. 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 V (Compliance Order). Unless the EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

**D. Effective Date of Settlement**

42. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

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**RESPONDENT**  
**CENTURION CONTAINER, LLC**

Date: August 23, 2024

By:   
Signature

Kay Robinson  
Print Name

Corporate SHEQ Director  
Title

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

Date: August 30, 2024

  
Digitally signed by CHERYL  
SEAGER  
Date: 2024.08.30 12:00:57  
-04'00'

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

**FINAL ORDER**

Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(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.

Respondent 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 resolve only those causes of action alleged in the Consent Agreement. 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.

**THOMAS  
RUCKI** Digitally signed by  
THOMAS RUCKI  
Date: 2024.08.30  
14:04:25 -04'00'

Thomas Rucki  
Regional Judicial Officer

\_\_\_\_\_ Date

Centurion Container, LLC  
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**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 was sent this day in the following manner to the email addresses:

Copy via Email to Complainant, EPA:

george.elizabeth.a@epa.gov

Copy via Email to Respondent:

kay.robinson@centurioncontainer.com  
Kay Robinson  
Corporate SHE&Q  
Centurion Container LLC  
8203 Market Street  
Houston, Texas 77029



Regional Hearing Clerk  
EPA Region 6