

FILED

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 Elm Street, Suite 500
Dallas, Texas 75270**

**30 SEP 25 PM 04:37
REGIONAL HEARING CLERK
EPA REGION 6**

In the Matter of	§	
	§	
	§	
Martin Operating Partnership, L.P.	§	Docket No. RCRA-06-2025-0966
	§	
	§	
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. 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. Martin Operating Partnership, L.P. ("MOP" or "Respondent") is the owner or operator of the facility located at 10 Sulfur Plant Rd., Beaumont, Texas 77701 (the "Facility"). EPA conducted a Compliance Inspection at the Facility on November 6, 2024. EPA alleges that Respondent violated the following requirements of the RCRA and the EPA approved and authorized Texas hazardous waste management programs:

I. Failure to Make a Hazardous Waste Determination

Pursuant to 30 TEX.ADMIN.CODE § 335.504, [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 November 6, 2024, MOP representatives failed to provide hazardous waste determinations for unlabeled drums at the time of the inspection, in violation of 40 C.F.R. § 262.11.

II. Failure to Meet the Labeling/Marking Requirements for Containers

Pursuant to 30 TEX.ADMIN.CODE § 335.60, [40 C.F.R. § 262.232(a)(4)(i)], A very small quantity generator when accumulating hazardous waste in containers and tanks from an episodic event must mark or label its containers with the following:

- (A) The words "Episodic Hazardous Waste";
- (B) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s); hazard communication consistent with the Department of Transportation requirements at 49 C.F.R. Part 172 Subpart E or Subpart F; a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 C.F.R. 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704); and
- (C) The date upon which the episodic event began, clearly visible for inspection on each container.

On November 6, 2024, MOP failed to meet the labeling/marketing requirements for containers, in violation of 40 C.F.R. § 262.232(a)(4)(i).

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

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

U.S. Environmental Protection Agency
Cincinnati Finance Center
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 of 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 and Thapa.Tripti@epa.gov

To Respondent: Joshua.Tallina@MartinCP.com
James.Alford@MartinCP.com

RESPONDENT:

Martin Operating Partnership, L.P.

9/24/25

Date

Matt Yost

Signature

Matt Yost

Name

Sr Vice President

Title

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

September 30, 2025

Date

Cheryl T. Seager

Digitally signed by
CHERYL SEAGER
Date: 2025.09.30
15:52:00 -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: 2025.09.30
17:14:25 -04'00'

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

Tripti Thapa
U.S. Environmental Protection Agency, Region 6
Thapa.Tripti@epa.gov

Copy via Email to Respondent:

Joshua Tallina
Joshua.Tallina@MartinCP.com
James Alford
James.Alford@MartinCP.com
Martin Operating Partnership, L.P.
10 Sulfur Plant Rd.
Beaumont, TX 77701

LORENA
VAUGHN

Digitally signed by
LORENA VAUGHN
Date: 2025.09.30
16:37:02 -05'00'

U.S. EPA, Region 6
Regional Hearing Clerk