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REGIONAL HEARING CLERK
EPA REGION 6

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS 75270**

In the Matter of	§	
	§	
	§	
Dole Fresh Fruit Company,	§	Docket No. RCRA-06-2025-0930
	§	
	§	
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 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. Dole Fresh Fruit Company ("Dole" or "Respondent") is the owner or operator of the facility at 700 Pete Schaff Blvd, Freeport, TX 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 Standard for the Management of Used Oil

Pursuant to 30 TEX.ADMIN.CODE § 324.1, [40 C.F.R. § 279.22], a person(s)
managing used oil must comply with the requirements of 30 TEX.ADMIN.CODE

Chapter 324 and the requirements in 40 C.F.R. Part 279, Standards for the Management of Used Oil.

- i. 30 TEX.ADMIN.CODE § 324.15, [40 C.F.R. § 279.22(d)(3)], requires that upon detection of a release of used oil to the environment, a generator must clean up and manage properly the released used oil and other materials. On June 26, 2024, signs of spilled used oil were observed outside of Dole's used oil storage container and secondary containment area, in violation of 40 C.F.R. § 279.22(d)(3).

b. Failure to Meet Standards for Universal Waste Management

Pursuant to 30 TEX.ADMIN.CODE § 335.261, [40 C.F.R. § 273.2], requirements of this part apply to persons managing batteries, as described in § 273.9.

- i. 30 TEX.ADMIN.CODE § 335.261, [40 C.F.R. § 273.14(a)], requires that universal waste batteries, or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)." On June 26, 2024, five used lead-acid batteries

were observed inside the facility's Maintenance Shop and were not labeled or clearly marked, in violation of 40 C.F.R. § 273.14(a).

- ii. 30 TEX.ADMIN.CODE § 335.261, [40 C.F.R. § 273.15(c)], a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. On June 26, 2024, the facility did not demonstrate the length of time that the universal waste batteries had been accumulated, in violation of 40 C.F.R. § 273.15(c).

4. EPA and Respondent agree that settlement of this matter for a civil penalty of three thousand seven hundred and fifty (\$3,750) dollars 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 \$3,750 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:

Sandesh Thapa
U.S. EPA, Region 6
thapa.sandesh@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. This 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 EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.

16. 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:

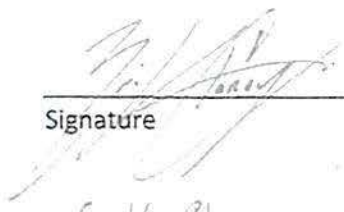
To EPA: murdock.russell@epa.gov and thapa.sandesh@epa.gov

To Respondent: erik.clancy@dole.com

RESPONDENT:

Dole Fresh Fruit Company

Date: 5/1/2025


Signature

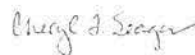
Erik Clancy
Name

Terminal Manager
Title

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: May 5, 2025



Digitally signed by
CHERYL SEAGER
Date: 2025.05.05
15:45:15 -05'00'

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

FINAL ORDER

Pursuant to the authority of 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.

Rucki,
Thomas

Digitally signed by Rucki, Thomas
Date: 2025.05.05 18:04:25 -04'00'

Thomas Rucki
Regional Judicial Officer, Region 6

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 email addresses below:

Copy via Email to Complainant:

Russell Murdock
U.S. EPA, Region 6
murdock.russell@epa.gov

Sandesh Thapa
U.S. EPA, Region 6
thapa.sandesh@epa.gov

Copy via Email to Respondent:

Erik Clancy
erik.clancy@dole.com
Dole Fresh Fruit Company
700 Pete Schaff Blvd,
Freeport, TX 77541



U.S. EPA, Region 6
Regional Hearing Clerk