



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

**1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270**

July 5, 2023

VIA E-MAIL: esteen@tdw.com

Elton Steen
Tidewater Marine LLC
200 Ford Industrial Road
Amelia, LA 70340

RE: Notice of Potential Violation and Opportunity to Confer

Dear Mr. Steen,

The United States Environmental Protection Agency, Region 6 ("EPA"), through its investigation and records review, made certain determinations about Tidewater Marine LLC and its facility located at 200 Ford Industrial Road, Amelia, LA. Information currently available to the EPA suggests that Tidewater Marine LLC may be in violation of/have committed a violation(s) of the Resource Conservation and Recovery Act ("RCRA"), and the regulations promulgated thereunder. By this letter, the EPA is extending to you an opportunity to advise the Agency, in person, via a conference call, or in writing, of any further information the EPA should consider with respect to the potential violation(s). Specifically, EPA has identified potential violations of the Resource Conservation and Recovery Act ("RCRA"), and the regulations promulgated thereunder. I therefore write to share with you: (1) the current areas of concern; (2) an option for resolution; and (3) a timeline for resolution.

Current Areas of Concern

As a generator of hazardous waste, Tidewater Marine LLC is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth at Title 33 of the Louisiana Administrative Code (LAC) Part V, Chapters 3-5, 7, and 11 [40 Code of Federal Regulations (C.F.R.) Parts 262 and/or 270]. Upon further investigation, EPA may determine that Tidewater Marine LLC is also subject to Sections 3004 and 3005 of RCRA, 42 U.S.C. §§ 6924 and 6925, and the regulations promulgated thereunder.

Based on EPA's current investigation and records review, Tidewater Marine LLC is identified as a RCRA Very Small Quantity Generator. However, according to eManifest(s) listed in Attachment 1, at least once within the last five calendar years, the Tidewater Marine LLC generated hazardous waste in quantities between 100 kilograms and 1,000 kilograms per calendar month, which qualified the Tidewater Marine LLC as a Small Quantity Generator as established under Title 33 of the Louisiana Administrative Code (LAC) Part V, Chapters 3-5, 7, and 11 [40 Code of Federal Regulations (C.F.R.) Parts 262 and/or 270].

At a minimum, EPA identified the following potential violations:

- i. Failure to meet RCRA notification requirements, in violation of RCRA § 3010(a), 42 U.S.C. § 6930(a);
- ii. Failure to operate within its stated generator status for at least one (1) year, in violation of LAC: Part V, Chapter 11, 40 C.F.R. Parts 262 and/or 270.

EPA is prepared to meet and discuss the potential violations, and other areas of concern, with Tidewater Marine LLC, with the aim of resolving this matter through a timely settlement process.

An Option for Resolution

Upon receipt of this letter, if Tidewater Marine LLC is interested in resolving the matter through settlement, Tidewater Marine LLC has until 07/17/2023, to inform EPA by telephone or e-mail by contacting:

U.S. EPA, Region 6
1201 Elm Street, Suite 500
Enforcement and Compliance Assurance Division (ECDSR)
ATTN: Tripti Thapa
Dallas, Texas 75270-2102
e-mail: thapa.tripti@epa.gov
Phone: 214-665-7563

Thereafter, Tripti Thapa will make arrangements to discuss this letter with Tidewater Marine LLC facility representatives via a conference call. During this conference call, Tidewater Marine LLC may address the potential violations and present evidence that contravenes EPA's evidence. The main goal of this option is to bring the facility into timely compliance with the applicable environmental laws and regulations.

To the extent that Tidewater Marine LLC qualifies as a "small business" under the Small Business Regulatory Enforcement Fairness Act, enclosed is an Information for Small Businesses sheet that provides information on compliance assistance.

Timetable for Resolution

Given the nature of the potential violations listed above and the current evidence that EPA has in support of these violations, EPA estimates that the parties could have an agreed upon Administrative Order on Consent by 09/07/2023. This is contingent on whether Tidewater Marine LLC avails itself of the settlement process now offered and works amicably with the EPA. It should be noted that if Tidewater Marine LLC decides not to accept this streamlined option for settlement, Tidewater Marine LLC should notify EPA of its decision in writing to Tripti Thapa by 07/17/2023. Thereafter, EPA will exercise its other options for ensuring Tidewater Marine LLC's timely compliance with RCRA and the regulations promulgated thereunder.

Please direct questions to Tripti Thapa of the Waste Enforcement Branch at 214-665-7563 or via email at Thapa.tripti@epa.gov. Thank you for your attention to this matter.

Sincerely,

JEFFREY
YURK

Digitally signed by
JEFFREY YURK
Date: 2023.07.05
13:19:58 -05'00'

Jeff Yurk
Manager
Waste Enforcement Branch

Enclosure

U.S. EPA Small Business Resources Information Sheet

eCC: craig.easley@la.gov
jimbo.earles@la.gov

ATTACHMENT 1

Manifest Number	Waste Codes	Quantity in Kilograms
016685093FLE	D001, D035, F003, F005	208
	D001	208
016685330FLE	D001, D035, F003, F005	416
	None	208 (not counted in total)
016695332FLE	D001, D035, F003, F005	416
016695366FLE	D002	416
	D001, D035, F003, F005	61
	D001	61
003070047GBF	D001, D035, F003, F005	208
	None	208 (not counted in total)
006250416GBF	D001, D035, F003, F005	208
006061423GBF	D001, D035, F005	208
006061630GBF	D035, F003, F005, D001	208
000278603GRR	D001, D035, F003, F005	208
003685164GBF	D001, D035, F003, F005	208
003685184GBF	D001, D035, F003, F005	719
006055593GBF	D001, D035, F003, F005	625
	None	208 (not counted in total)

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

<https://www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu>

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

<https://www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman> or 1-800-368-5888

The ASBO helps make technical resources on environmental regulations, asbestos, and compliance assistance information more accessible, while encouraging communication and partnerships with small business on regulatory compliance, and to address asbestos-related questions from the public.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

<https://www.epa.gov/compliance>

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

<https://www.complianceassistance.net/>

EPA-sponsored Compliance Assistance Centers provide the information you need, in a way that helps make sense of environmental regulations. Each Center addresses real world issues faced by a specific industry or government sector. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

<https://www.epa.gov/agriculture>

Automotive Recycling

<http://www.ecarcenter.org>

Automotive Service and Repair

<https://ccar-greenlink.org/> or 1-888- 476-5465

Beneficial Use

<https://www.beneficialuse.org/>

Construction

<https://www.cicacenter.org/>

Education

<https://www.nacubo.org/>

Hazardous Waste Portal

<https://www.hazardouswasteportal.org/>

Healthcare

<http://www.hercenter.org>

Local Government

<https://www.lgean.net/>

Oil/Natural Gas Energy Extraction

<https://www.eciee.org/>

Paints and Coatings

<https://www.paintcenter.org/>

Ports

<https://www.portcompliance.org/>

Surface Technology Environmental Resource Center (STERC)

<https://sterc.org/>

Transportation

<https://www.tercenter.org/>

U.S. Border Compliance and Import/Export Issues

<https://www.bordercenter.org/>

Veterinary Care

<https://vetca.org/>

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/cate or 919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline

to report oil or hazardous substance spills
<https://nrc.uscg.mil>; NRC@uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

ppic@epa.gov or 202-566-0799

Safe Drinking Water Hotline

safewater@epa.gov or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/srl/

The Locators provide state-specific information on regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

<https://www.epa.gov/tribal>

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has several such policies that may apply to small businesses. More information is available at:

- EPA's Small Business Compliance Policy
<https://www.epa.gov/compliance/small-business-compliance>
- EPA's Audit Policy
www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a Small Business Administration (SBA) National Ombudsman and 10 Regional Fairness Boards to receive comments from small business about federal agency enforcement actions.

If you believe that you fall within the SBA's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, you can call the SBA National Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or submit a comment online at: <https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman>.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions, or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes, including the right to take emergency remedial actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.