

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 Elm Street, Suite 500
Dallas, Texas 75270

FILED

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REGIONAL HEARING CLERK
EPA REGION 6

In the Matter of

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Kinder Morgan Delta Terminal Services, LLC
Harvey Terminal

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Respondent.

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Docket No. RCRA-06-2026-0905

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 Louisiana 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. Kinder Morgan Delta Terminal Services, LLC – Harvey Terminal ("KMDH" or "Respondent") is the owner or operator of the facility located at 3540 River Rd, Harvey, LA 70058 (the "Facility"), EPA ID LAD062637368. EPA conducted a compliance inspection ("Inspection") at the facility on April 21, 2025. EPA alleges that Respondent violated the following requirements of RCRA and the EPA approved and authorized Louisiana hazardous waste management program:

- a. Failure to meet the special conditions for accumulation of incompatible waste

Pursuant to Louisiana Admin Code 33:V.1015.B.1.g.iii, [40 CFR § 262.17(a)(1)(vii)(C)], A container holding a hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device. On April 21, 2025, Respondent failed to accumulate incompatible waste separated or protected by means of a dike, berm, wall, or other device, in violation of 40 CFR § 262.17(a)(1)(vii)(C).

- b. Failure to meet special conditions for accumulation of ignitable and reactive waste

Pursuant to Louisiana Admin Code 33:V.1015.B.1.f.ii, [40 CFR § 262.17(a)(1)(vi)(B)], The large quantity generator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to the following: Open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the large quantity generator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste. On April 21, 2025, Respondent failed to place any "No Smoking" signs at flammable waste storage areas, in violation of 40 § CFR 262.17(a)(1)(vi)(B).

- c. Failure to meet the accumulation requirement regarding conditions for exemption for large quantity generators that accumulate hazardous waste

Pursuant to Louisiana Admin Code 33:V.1015.B, [40 CFR § 262.17(a)], A large quantity generator may accumulate hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in paragraphs (b) through (e) of 40 CFR § 262.17. On April 21, 2025, Respondent stored hazardous waste past the 90-day accumulation limit, in violation of 40 CFR § 262.17(a).

4. The EPA and Respondent agree that settlement of this matter for a civil penalty of \$8,750 dollars is in public interest.

5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and the implementing regulations; (2) admits that the 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 \$8,750 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., 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
EPA, Region 6
Thapa.Tripti@epa.gov

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 its rights to take 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: Barry_mader@kindermorgan.com and

Matthew_santiago@kindermorgan.com

RESPONDENT:

KINDER MORGAN DELTA TERMINAL SERVICES, LLC – HARVEY TERMINAL

1/5/2026
Date

Matthew Santiago
Signature

Matthew Santiago
Name

EHS-Manager
Title

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

January 14, 2026
Date

Cheryl T. Seager
Digitally signed by
CHERYL SEAGER
Date: 2026.01.14
16:15:27 -06'00'
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.

Ryland,
Renea

Digitally signed by
Ryland, Renea
Date: 2026.01.15
13:27:40 -06'00'

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:

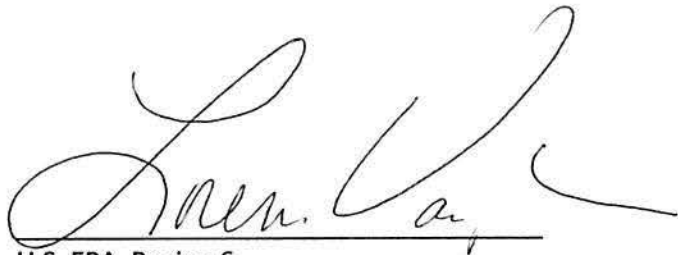
Copy via Email to Complainant, EPA:

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

Tripti Thapa
U.S. EPA, Region 6
Thapa.Tripti@epa.gov

Copy via Email to Respondent:

Barry_mader@kindermorgan.com
Matthew_santiago@kindermorgan.com
Kinder Morgan Delta Terminal Services, LLC – Harvey Terminal
3540 River Rd
Harvey, LA 70058

A handwritten signature in black ink, appearing to read "Allen V. [unclear]", is written over a horizontal line.

U.S. EPA, Region 6
Regional Hearing Clerk