

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-0455-IHW-E **TCEQ ID:** RN100785195 **CASE NO.:** 33085
RESPONDENT NAME: PSC Recovery Systems, Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: PSC Recovery Systems, 2131 Progressive Drive, Dallas, Dallas County</p> <p>TYPE OF OPERATION: Wastewater/liquids pretreatment facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 13, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Clinton Sims, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-6933; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Herman Cryer, Facility Manager, PSC Recovery Systems, Inc., 2131 Progressive Drive, Dallas, Texas 75212 Ms. Deborah S. Huston, Secretary, PSC Recovery Systems, Inc., 2131 Progressive Drive, Dallas, Texas 75212 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 2, 2006 and March 22, 2007</p> <p>Date of NOE Relating to this Case: February 28, 2007 (NOE)</p> <p>Background Facts: These were routine investigations. Two violations were documented.</p> <p>WASTE</p> <p>1) Failure to prevent the receipt and processing of an unauthorized F-listed hazardous waste. Specifically, the Respondent processed and disposed through a wastewater pre-treatment system approximately 1,000 gallons of oily wastewater, generated by A-One Aircraft Paint and transported by Dial Lubricants, Inc., that contained levels of methylene chloride (an F002 listed hazardous waste) as a Class 2 non-hazardous wastestream. The Respondent is not authorized to receive and process RCRA F-listed hazardous wastes [30 TEX. ADMIN. CODE § 335.2(b)].</p> <p>2) Failure to pay fees for General Permits Stormwater TCEQ Account Number 20020299 and associated late fees for Fiscal Year 2007 [30 TEX. ADMIN. CODE § 205.6 and TEX. WATER CODE § 5.702].</p>	<p>Total Assessed: \$1,020</p> <p>Total Deferred: \$204 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$816</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease receiving and processing unauthorized waste at the Facility;</p> <p>b. Within 15 days after the effective date of this Agreed Order, implement procedures to ensure that only authorized wastes are received and processed at the Facility;</p> <p>c. Within 30 days after the effective date of this Agreed Order, submit payment for outstanding fees, including any associated penalties and interest; and</p> <p>d. Within 45 days after the effective date of this Agreed Order, submit written certification encompassing detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a through c.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES	Assigned	5-Mar-2007	Screening	29-Mar-2007	EPA Due	
	PCW	30-Mar-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	PSC Recovery Systems, Inc.		
Reg. Ent. Ref. No.	RN100785195		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	33085	No. of Violations	2
Docket No.	2007-0455-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Clinton Sims
Multi-Media		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	2% Enhancement	Subtotals 2, 3, & 7	\$20
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Notes The Respondent has received one NOV without same or similar violations for this site in the past five years.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Subtotal 6	0% Enhancement*	\$0
Total EB Amounts	\$58	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,020
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount	\$1,020
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,020
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DEFERRAL	20% Reduction	Adjustment	-\$204
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$816
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Screening Date 29-Mar-2007

Docket No. 2007-0455-IHW-E

PCW

Respondent PSC Recovery Systems, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33085

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100785195

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Clinton Sims

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has received one NOV without same or similar violations for this site in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 2%

Screening Date 29-Mar-2007

Docket No. 2007-0455-IHW-E

PCW

Respondent PSC Recovery Systems, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33085

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100785195

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Clinton Sims

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 335.2(b)

Violation Description

Failed to prevent the receipt and processing of an unauthorized F-listed hazardous waste, as documented during an investigation conducted on October 2, 2006. Specifically, the Respondent processed and disposed through a wastewater pre-treatment system approximately 1,000 gallons of oily wastewater, generated by A-One Aircraft Paint and transported by Dial Lubricants, Inc., that contained levels of methylene chloride (an F002 listed hazardous waste) as a Class 2 non-hazardous wastestream. The Respondent is not authorized to receive and process RCRA F-listed hazardous wastes.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$58

Violation Final Penalty Total \$1,020

This violation Final Assessed Penalty (adjusted for limits) \$1,020

Economic Benefit Worksheet

Respondent: PSC Recovery Systems, Inc.
Case ID No.: 33085
Reg. Ent. Reference No.: RN100785195
Media: Industrial and Hazardous Waste
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	2-Oct-2006	30-Nov-2007	1.2	\$58	n/a	\$58
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement procedures to ensure that only authorized wastes are received and process from the investigation date to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$58

Screening Date 29-Mar-2007

Docket No. 2007-0455-IHW-E

PCW

Respondent PSC Recovery Systems, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33085

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100785195

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Clinton Sims

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 205.6 and Tex. Water Code § 5.702

Violation Description

Failed to pay fees for General Permits Stormwater TCEQ Account Number 20020299 and associated late fees for Fiscal Year 2007, as documented during a record review conducted on March 22, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

No penalty is calculated for this violation.

Adjustment \$10,000

\$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$0

No additional administrative penalty was calculated for this violation as penalties and interest will be assessed on the next fee billing.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent: PSC Recovery Systems, Inc.
Case ID No.: 33085
Reg. Ent. Reference No.: RN100785195
Media: Industrial and Hazardous Waste
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

N/A

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN601670136 PSC Recovery Systems, Inc.	Classification: AVERAGE	Rating: 1.57
Regulated Entity:	RN100785195 PSC RECOVERY SYSTEMS	Classification: AVERAGE	Site Rating: 0.14
ID Number(s):	AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS INDUSTRIAL AND HAZARDOUS WASTE GENERATION INDUSTRIAL AND HAZARDOUS WASTE GENERATION MUNICIPAL SOLID WASTE PROCESSING USED OIL SLUDGE	PERMIT ACCOUNT NUMBER EPA ID SOLID WASTE REGISTRATION # (SWR) PERMIT REGISTRATION REGISTRATION	12637 DB1138K TXD102599339 40759 1421 A85837 20124
Location:	2131 PROGRESSIVE DR, DALLAS, TX, 75212	Rating Date: September 01 06 Repeat Violator: NO	
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	March 22, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 22, 2002 to March 22, 2007		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>Alison Echlin</u>	Phone:	<u>512-239-3308</u>

Site Compliance History Components

- | | |
|--|---|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | Yes |
| 3. If Yes, who is the current owner? | <u>N/A</u>
<u>Philip Services Corporation</u>
<u>PSC Recovery Systems, Inc.</u>
<u>Philip Services Corporation</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>Allwaste Recovery Services, Inc.</u>
<u>N/A</u>
<u>PSC Recovery Systems, Inc.</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u>
<u>04/28/2003</u>
<u>01/01/2005</u> |

Components (Multimedia) for the Site :

- | | | |
|----|---|-----|
| A. | Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. | N/A |
| B. | Any criminal convictions of the state of Texas and the federal government. | N/A |
| C. | Chronic excessive emissions events. | N/A |
| D. | The approval dates of investigations. (CCEDS Inv. Track. No.) | |
| | 1 03/28/2003 (29231) | N/A |
| | 2 12/16/2003 (256660) | |
| | 3 11/15/2004 (341036) | |
| | 4 11/24/2004 (336620) | |
| | 5 12/06/2005 (434855) | |
| | 6 12/21/2005 (433496) | |
| | 7 02/28/2007 (517997) | |

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/01/2004 (335491)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.4

Description: Failure to prevent discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use

and

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
PSC RECOVERY SYSTEMS, INC.
RN100785195**

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§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2007-0455-IHW-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding PSC Recovery Systems, Inc. ("PSC") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 5 and 7. The Executive Director of the TCEQ, through the Enforcement Division, and PSC appear before the Commission and together stipulate that:

1. PSC owns and operates a wastewater/liquids pretreatment facility at 2131 Progressive Drive in Dallas, Dallas County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and PSC agree that the Commission has jurisdiction to enter this Agreed Order, and that PSC is subject to the Commission's jurisdiction.
4. PSC received notice of the violations alleged in Section II ("Allegations") on or about March 5, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by PSC of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Twenty Dollars (\$1,020) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). PSC has paid Eight Hundred Sixteen Dollars (\$816) of the administrative penalty and Two Hundred Four

Dollars (\$204) is deferred contingent upon PSC's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If PSC fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require PSC to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and PSC have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that PSC has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, PSC is alleged to have:

1. Failed to prevent the receipt and processing of an unauthorized F-listed hazardous waste, in violation of 30 TEX. ADMIN. CODE § 335.2(b), as documented during an investigation conducted on October 2, 2006. Specifically, PSC processed and disposed through a wastewater pre-treatment system approximately 1,000 gallons of oily wastewater, generated by A-One Aircraft Paint and transported by Dial Lubricants, Inc., that contained levels of methylene chloride (an F002 listed hazardous waste) as a Class 2 non-hazardous wastestream. PSC is not authorized to receive and process RCRA F-listed hazardous wastes.
2. Failed to pay fees for General Permits Stormwater TCEQ Account Number 20020299 and associated late fees for Fiscal Year 2007, in violation of 30 TEX. ADMIN. CODE § 205.6 and TEX. WATER CODE § 5.702, as documented during a record review conducted on March 22, 2007.

III. DENIALS

PSC generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that PSC pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and PSC's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: PSC Recovery Systems, Inc., Docket No. 2007-0455-IHW-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that PSC shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, cease receiving and processing unauthorized waste at the Facility;
 - b. Within 15 days after the effective date of this Agreed Order, implement procedures to ensure that only authorized wastes are received and processed at the Facility;
 - c. Within 30 days after the effective date of this Agreed Order, submit payment for outstanding fees, including any associated penalties and interest and with the notation, "PSC Recovery Systems, Inc., Account No. 20020299", to the address listed in Ordering Provision 1; and
 - d. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No(s). 2.a. through 2.c.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is 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."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Industrial and Hazardous Waste Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon PSC. PSC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If PSC fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, PSC's failure to comply is not a violation of this Agreed Order. PSC shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. PSC shall notify the Executive Director within seven days after PSC becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by PSC shall be made in writing to the Executive Director. Extensions are not effective until PSC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against PSC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to PSC, or three days after the date on which the Commission mails notice of the Order to PSC, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

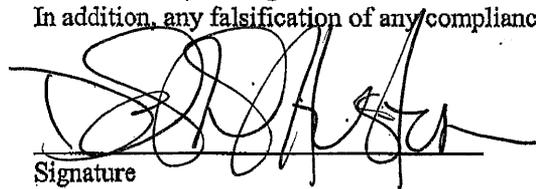
Date 8/29/07

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

June 1, 2007

Date

Deborah S. Huston
Name (Printed or typed)
Authorized Representative of
PSC Recovery Systems, Inc.

Secretary

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

