

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-1411-MLM-E    **TCEQ ID:** RN102415429    **CASE NO.:** 30956  
**RESPONDENT NAME:** United Recyclers Services of Texas, Inc.

**ORDER TYPE:**

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

**CASE TYPE:**

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input checked="" type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

**SITE WHERE VIOLATION(S) OCCURRED:** United Recyclers Services of Texas, 1340 Manufacturing Street, Dallas, Dallas County

**TYPE OF OPERATION:** Used oil transporter and transfer facility

**SMALL BUSINESS:**     Yes     No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on March 19, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Mr. Michael Meyer, Enforcement Division, Enforcement Section IV, MC 128, (512) 239-4492; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**TCEQ Field Investigator:** Ms. Paula Sen, DFW Regional Office, MC R-04, (817) 588-5800

**Respondent:** Mr. E.D. Pittman, General Manager, United Recyclers Services of Texas, Inc., 1340 Manufacturing Street, Dallas, Texas 75207

**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**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 of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 19, 2006</p> <p>Date of NOE Relating to this Case: July 14, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. Five violations were documented.</p> <p><b>WASTE</b></p> <p>1) Failed to prevent industrial solid and hazardous wastes from being stored, processed and/or disposed of at an unauthorized facility. Specifically, United Recyclers processed 220 gallons of oil/solvent which exhibited the hazardous waste characteristic of ignitability (D001). In addition, United Recyclers transferred 20 drums of carbon rubber sludge to a 30 cubic yard roll-off bin where it was mixed with used oil absorbent, oily rags, and industrial filters and transported to BFI Itasca Landfill which is not authorized to accept Class I Non-Hazardous Waste [30 TEX. ADMIN. CODE § 335.2(b)].</p> <p>2) Failed to have properly completed or accurately filled out manifests for transporting solid waste(s). Specifically, carbon rubber sludge, water solvent and scrap tire solvent were transported from Crawford Tire Retreading without a manifest. On January 27, 2006, United Recyclers submitted manifests for the transport of the wastes listed above. However, TCEQ Manifest Document No. 02557863 did not include a correct TCEQ waste code for the shipment of mixed scrap tire pyrolysis sediment (carbon rubber sludge) and used oil sediment nor did it include the DOT proper shipping name, hazard class and identification number for each hazardous waste [30 TEX. ADMIN. CODE §§ 335.11(a) and 335.10(c) (formerly 30 TEX. ADMIN. CODE §§ 335.10(b)(18) and (22))].</p>	<p>Total Assessed: \$5,693</p> <p>Total Deferred: \$1,139  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$759 (remaining \$3,795 due in 5 monthly payments of \$759 each)</p> <p>Site Compliance History Classification: <input checked="" type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input checked="" type="checkbox"/> High <input type="checkbox"/> Avg. <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><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that United Recyclers has implemented the following corrective measures at the Facility:</p> <p>a. On January 27, 2006, amended the manifest and DOT shipping name to indicate the following TCEQ waste classification codes: oily water (205); used oil (206); ethylene glycol (antifreeze 107-21-1); petroleum contaminated solid (489); and oily sludge (603). United Recyclers also implemented a program for screening used oil for total halogen content and began maintaining rebuttable presumption records on-site; and</p> <p>b. On January 19, 2006, submitted documentation indicating that labels had been placed on the previously unlabeled aboveground storage tanks and updated information on Notice of Registration to indicate solid waste registration as active.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease the unauthorized storage and disposal of municipal hazardous waste;</p> <p>b. Within 30 days after the effective date of this Agreed Order, develop and implement standard operational procedures to be employed by staff to ensure the storage and disposal of wastes only at authorized waste management facilities; and</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions 2.a. and b.</p>

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>3) Failed to update the Notice of Registration. Specifically, the investigator documented that United Recyclers' solid waste registration was listed as inactive and its Used Oil Handler Registration did not reflect the Facility's used oil processing activity [30 TEX. ADMIN. CODE § 335.6(b)].</p> <p>4) Failed to ensure that the used oil was not a hazardous waste by not determining whether the total halogen content of the used oil being transported or stored at the Facility was above or below 1,000 parts per million [30 TEX. ADMIN. CODE § 324.1 and 40 CODE OF FEDERAL REGULATIONS § 279.44(a)].</p> <p>5) Failed to have aboveground tanks used to stored used oil labeled or clearly marked with the words "Used Oil". Specifically, two aboveground storage tanks were not labeled [30 TEX. ADMIN. CODE § 324.1 and 40 CODE OF FEDERAL REGULATIONS § 279.45(g)].</p>		

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  
DATE 07/11/2001 BY 60322 UCBAW

--	--	--



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b> 17-Jul-2006	<b>Screening</b> 25-Aug-2006	<b>EPA Due</b> 16-Sep-2006
	<b>PCW</b> 01-Nov-2006		

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	United Recyclers Services of Texas, Inc.
<b>Reg. Ent. Ref. No.</b>	RN102415429
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	30956	<b>No. of Violations</b>	3
<b>Docket No.</b>	2006-1411-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Enf. Coordinator</b>	Michael Meyer
<b>Multi-Media</b>	IHW and MSW	<b>EC's Team</b>	Enforcement Team 8
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History** -10% Enhancement **Subtotals 2, 3, & 7**

**Notes**

**Culpability** No  0% Enhancement **Subtotal 4**

**Notes**

**Good Faith Effort to Comply** 0% Reduction **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

**Notes**

**Economic Benefit** 0% Enhancement\* **Subtotal 6**

Total EB Amounts	<input type="text" value="\$14,027"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$14,175"/>	

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL** 20% Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

**PAYABLE PENALTY**

**Screening Date** 25-Aug-2006

**Docket No.** 2006-1411-MLM-E

**PCW**

**Respondent** United Recyclers Services of Texas, Inc.

*Policy Revision 2 (September 2002)*

**Case ID No.** 30956

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN102415429

**Media [Statute]** Industrial and Hazardous Waste

**Enf. Coordinator** Michael Meyer

**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 ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <i>number of judgements or consent decrees meeting criteria</i> )	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 ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	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 ( <i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	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)**

>> **Repeat Violator (Subtotal 3)**

**Adjustment Percentage (Subtotal 3)**

>> **Compliance History Person Classification (Subtotal 7)**

**Adjustment Percentage (Subtotal 7)**

>> **Compliance History Summary**

**Compliance History Notes**

The respondent is classified as a high performer.

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

**Screening Date** 25-Aug-2006 **Docket No.** 2006-1411-MLM-E **PCW**  
**Respondent** United Recyclers Services of Texas, Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 30956 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN102415429  
**Media [Statute]** Industrial and Hazardous Waste  
**Enf. Coordinator** Michael Meyer  
**Violation Number** 1  
**Primary Rule Cite(s)** 30 Tex. Admin. Code § 335.2(b)  
**Secondary Rule Cite(s)**

**Violation Description**  
 Failure to prevent industrial solid and hazardous wastes from being stored, processed and/or disposed of at an unauthorized facility, as documented during an investigation conducted on January 19, 2006. Specifically, the respondent processed 220 gallons of oil/solvent, a hazardous waste exhibiting the ignitability characteristic (D001), at a transfer facility that isn't authorized to process hazardous wastes. In addition, a class I non-hazardous waste consisting of a mixture of carbon rubber sludge, used oil absorbent and oily rags, was transported to the BFI Itasca landfill which isn't authorized to accept this type of waste.

**Base Penalty** \$10,000

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential	X			

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

**Matrix Notes**  
 Human health or the environment could be exposed to pollutants which would exceed levels that are protective of human health or the environmental receptors as a result of the violation.

**Adjustment** -\$7,500

**Base Penalty Subtotal** \$2,500

**Violation Events**

**Number of Violation Events** 2

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

**Violation Base Penalty** \$5,000

Two events are recommended (one event for the unauthorized processing of oil/water solvent and one event for the unauthorized disposal of carbon sludge waste).

**Economic Benefit (EB) for this violation**

**Estimated EB Amount** \$14,000

**Statutory Limit Test**

**Violation Final Penalty Total** \$4,500

**This violation Final Assessed Penalty (adjusted for limits)** \$4,500

### Economic Benefit Worksheet

Respondent United Recyclers Services of Texas, Inc.  
 Case ID No. 30956  
 Reg. Ent. Reference No. RN102415429  
 Media [Statute] 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
<b>Delayed Costs</b>							
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

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$14,000	14-Oct-2005	27-Oct-2005	0.0	\$0	\$14,000	\$14,000
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to properly dispose of 30 cubic yards of the Class I non-hazardous waste mixture and of the 220 gallons of hazardous waste oil/solvent. The Date Required is based on the initial shipment of these wastes to the Respondent and the Final Date is the shipment date to the BFI Itasca Landfill.

Approx. Cost of Compliance **\$14,000**

**TOTAL \$14,000**

**Screening Date** 25-Aug-2006 **Docket No.** 2006-1411-MLM-E **PCW**

**Respondent** United Recyclers Services of Texas, Inc. *Policy Revision 2 (September 2002)*

**Case ID No.** 30956 *PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN102415429

**Media [Statute]** Industrial and Hazardous Waste

**Enf. Coordinator** Michael Meyer

**Violation Number**

**Primary Rule Cite(s)**

**Secondary Rule Cite(s)**

**Violation Description**

Failure to have properly completed or accurately filled out manifests for transporting solid waste(s), as documented during an investigation conducted on January 19, 2006. Specifically, carbon rubber sludge, watery solvent and scrap tire solvent were transported from Crawford Tire Retreading without a manifest. On January 27, 2006, the respondent submitted manifests for the transport of the wastes listed above. However, TCEQ Manifest Document No. 02557863 did not include a correct TCEQ waste code for the shipment of mixed scrap tire pyrolysis sediment (carbon rubber sludge) and used oil sediment nor did it include the DOT proper shipping name, hazard class and identification number for each hazardous waste.

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="1%"/>

Matrix Notes

Adjustment

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

**Violation Base Penalty**

**Economic Benefit (EB) for this violation**

Estimated EB Amount

**Statutory Limit Test**

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

### Economic Benefit Worksheet

Respondent United Recyclers Services of Texas, Inc.  
 Case ID No. 30956  
 Reg. Ent. Reference No. RN102415429  
 Media [Statute] 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
<b>Delayed Costs</b>							
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

**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]	\$25	27-Oct-2005	27-Jan-2006	1.0	\$1	\$25	\$26
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to accurately complete the US DOT Description on Manifest No. 02557863 and retain the manifest on-site and available for inspection.

Approx. Cost of Compliance **\$25**

**TOTAL \$26**

**Screening Date** 25-Aug-2006 **Docket No.** 2006-1411-MLM-E **PCW**

**Respondent** United Recyclers Services of Texas, Inc. *Policy Revision 2 (September 2002)*

**Case ID No.** 30956 *PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN102415429

**Media [Statute]** Industrial and Hazardous Waste

**Enf. Coordinator** Michael Meyer

**Violation Number**

**Primary Rule Cite(s)**

**Secondary Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

**Harm**

Release	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="1%"/>

Matrix Notes

Adjustment

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

mark only one use a small x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

**Violation Base Penalty**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent United Recyclers Services of Texas, Inc.  
 Case ID No. 30956  
 Reg. Ent. Reference No. RN102415429  
 Media [Statute] Industrial and Hazardous Waste  
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$150	19-Jan-2006	24-Feb-2006	0.1	\$1	n/a	\$1
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: Estimated cost of updating Notice of Registration. The Date Required is the January 19, 2006 investigation and the Final Date is the date of compliance.

Item Description	ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>					
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 **\$150** **TOTAL AVOIDED \$1**



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b>	17-Jul-2006	<b>Screening</b>	25-Aug-2006	<b>EPA Due</b>	
	<b>PCW</b>	06-Oct-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	United Recyclers Services of Texas, Inc.
<b>Reg. Ent. Ref. No.</b>	RN102415429
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	30956	<b>No. of Violations</b>	2
<b>Docket No.</b>	2006-1411-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Used Oil	<b>Enf. Coordinator</b>	Michael Meyer
<b>Multi-Media</b>	MSW	<b>EC's Team</b>	Enforcement Team 8
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$2,500

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

**Good Faith Effort to Comply**  Reduction **Subtotal 5**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with a small x)

Notes

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts	<input type="text" value="\$0"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$300"/>	

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

**PAYABLE PENALTY**

**Screening Date** 25-Aug-2006,

**Docket No.** 2006-1411-MLM-E

**PCW**

**Respondent** United Recyclers Services of Texas, Inc.

*Policy Revision 2 (September 2002)*

**Case ID No.** 30956

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN102415429

**Media [Statute]** Used Oil

**Enf. Coordinator** Michael Meyer

**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 ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <i>number of judgements or consent decrees meeting criteria</i> )	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 ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	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 ( <i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
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%

*Please Enter Yes or No*

**Adjustment Percentage (Subtotal 2)** 0%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

>> **Compliance History Summary**

**Compliance History Notes**

The respondent is classified as a high performer.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** -10%

Screening Date 25-Aug-2006

Docket No. 2006-1411-MLM-E

PCW

Respondent United Recyclers Services of Texas, Inc.

Policy Revision 2 (September 2002)

Case ID No. 30956

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102415429

Media [Statute] Used Oil

Enf. Coordinator Michael Meyer

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Failure to ensure that the used oil was not a hazardous waste by not determining whether the total halogen content of the used oil being transported or stored at the Facility was above or below 1,000 parts per million (ppm), as documented during an investigation conducted on January 19, 2006.

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm		
Release		Major	Moderate	Minor
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

### Economic Benefit Worksheet

Respondent United Recyclers Services of Texas, Inc.  
 Case ID No. 30956  
 Reg. Ent. Reference No. RN102415429  
 Media [Statute] Used Oil  
 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
<b>Delayed Costs</b>							
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	\$200	19-Jan-2006	27-Jan-2006	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: Estimated cost to determine the total halogen content of used oil being transported or stored. The date required is the investigation date and final date is the date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
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 **\$200** TOTAL **\$0**

**Screening Date** 25-Aug-2006 **Docket No.** 2006-1411-MLM-E **PCW**

**Respondent** United Recyclers Services of Texas, Inc. *Policy Revision 2 (September 2002)*

**Case ID No.** 30956 *PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN102415429

**Media [Statute]** Used Oil

**Enf. Coordinator** Michael Meyer

**Violation Number**

**Primary Rule Cite(s)**

**Secondary Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="10%"/>

Matrix Notes

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

**Violation Base Penalty**

**Economic Benefit (EB) for this violation**

Estimated EB Amount

**Statutory Limit Test**

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

### Economic Benefit Worksheet

Respondent United Recyclers Services of Texas, Inc.  
 Case ID No. 30956  
 Reg. Ent. Reference No. RN102415429  
 Media [Statute] Used Oil  
 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
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$100	19-Jan-2006	19-Jan-2006	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: Estimated cost to label two aboveground storage tanks. The date required is the date of the investigation and the final date is the date of compliance.

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>					
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  **TOTAL**

## Compliance History

Customer/Respondent/Owner-Operator:	CN600403323 UNITED RECYCLERS SERVICES OF TEXAS INC	Classification: HIGH	Rating: 0.00																		
Regulated Entity:	RN102415429 UNITED RECYCLERS SERV OF TX INC	Classification: HIGH	Site Rating: 0.00																		
ID Number(s):	<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">AIR NEW SOURCE PERMITS</td> <td style="width: 30%;">PERMIT</td> <td style="width: 20%;">36191</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>DB3090W</td> </tr> <tr> <td>USED OIL</td> <td>REGISTRATION</td> <td>A85005</td> </tr> <tr> <td>USED OIL</td> <td>REGISTRATION</td> <td>A85005</td> </tr> <tr> <td>USED OIL</td> <td>EPA ID</td> <td>TXD981046170</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE PROCESSING</td> <td>ID NUMBER</td> <td>81727</td> </tr> </table>			AIR NEW SOURCE PERMITS	PERMIT	36191	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	DB3090W	USED OIL	REGISTRATION	A85005	USED OIL	REGISTRATION	A85005	USED OIL	EPA ID	TXD981046170	INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	ID NUMBER	81727
AIR NEW SOURCE PERMITS	PERMIT	36191																			
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	DB3090W																			
USED OIL	REGISTRATION	A85005																			
USED OIL	REGISTRATION	A85005																			
USED OIL	EPA ID	TXD981046170																			
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	ID NUMBER	81727																			
Location:	1340 MANUFACTURING ST, DALLAS, TX, 75207	Rating Date: September 01 05	Repeat Violator: NO																		
TCEQ Region:	REGION 04 - DFW METROPLEX.																				
Date Compliance History Prepared:	September 01, 2006																				
Agency Decision Requiring Compliance History:	Enforcement																				
Compliance Period:	September 01, 2001 to September 01, 2006																				

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Michael Meyer Phone: (512) 239-4492

### 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?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### 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 01/27/2004 (256258)
  - 2 02/27/2006 (456789)
  - 3 12/17/2003 (257644)
  - 4 07/12/2006 (452375)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
- 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  
UNITED RECYCLERS SERVICES OF  
TEXAS, INC.  
RN102415429**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2006-1411-MLM-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 United Recyclers Services of Texas, Inc. ("United Recyclers") under the authority of the TEX. HEALTH & SAFETY CODE chs. 361 and 371 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and United Recyclers appear before the Commission and together stipulate that:

1. United Recyclers owns and operates a used oil transporter and transfer facility located at 1340 Manufacturing Street in Dallas, Dallas County, Texas (the "Facility").
2. The Facility involves or involved the management of municipal and industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361 and of used oil as defined in TEX. HEALTH & SAFETY CODE ch. 371.
3. The Commission and United Recyclers agree that the Commission has jurisdiction to enter this Agreed Order, and that United Recyclers is subject to the Commission's jurisdiction.
4. United Recyclers received notice of the violations alleged in Section II ("Allegations") on or about July 19, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by United Recyclers of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Six Hundred Ninety-Three Dollars (\$5,693) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). United Recyclers has paid Seven Hundred Fifty-Nine Dollars (\$759) of the administrative penalty and One Thousand One Hundred Thirty-Nine Dollars (\$1,139) is deferred

1. The first part of the document is a list of names and addresses of the members of the committee. The names are listed in alphabetical order, and the addresses are given in full, including the street name, number, and city.

2. The second part of the document is a list of the names and addresses of the members of the committee who have been elected to the office of chairman and vice-chairman. The names are listed in alphabetical order, and the addresses are given in full, including the street name, number, and city.

3. The third part of the document is a list of the names and addresses of the members of the committee who have been elected to the office of secretary and treasurer. The names are listed in alphabetical order, and the addresses are given in full, including the street name, number, and city.

4. The fourth part of the document is a list of the names and addresses of the members of the committee who have been elected to the office of clerk and recorder. The names are listed in alphabetical order, and the addresses are given in full, including the street name, number, and city.

5. The fifth part of the document is a list of the names and addresses of the members of the committee who have been elected to the office of auditor and comptroller. The names are listed in alphabetical order, and the addresses are given in full, including the street name, number, and city.

6. The sixth part of the document is a list of the names and addresses of the members of the committee who have been elected to the office of assessor and collector. The names are listed in alphabetical order, and the addresses are given in full, including the street name, number, and city.

7. The seventh part of the document is a list of the names and addresses of the members of the committee who have been elected to the office of engineer and surveyor. The names are listed in alphabetical order, and the addresses are given in full, including the street name, number, and city.

8. The eighth part of the document is a list of the names and addresses of the members of the committee who have been elected to the office of judge and justice. The names are listed in alphabetical order, and the addresses are given in full, including the street name, number, and city.

contingent upon United Recyclers' 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 United Recyclers fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require United Recyclers to pay all or part of the deferred penalty.

The remaining amount of Three Thousand Seven Hundred Ninety-Five Dollars (\$3,795) of the administrative penalty shall be payable in five monthly payments of Seven Hundred Fifty-Nine Dollars (\$759) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If United Recyclers fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure by United Recyclers to meet the payment schedule of this Agreed Order constitutes the failure by United Recyclers to timely and satisfactorily comply with all the terms of this agreed Order.

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 United Recyclers have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that United Recyclers has implemented the following corrective measures at the Facility:
  - a. On January 27, 2006, amended the manifest and DOT shipping name to indicate the following TCEQ waste classification codes: oily water (205); used oil (206); ethylene glycol (antifreeze 107-21-1); petroleum contaminated solid (489); and oily sludge (603). United Recyclers also implemented a program for screening used oil for total halogen content and began maintaining rebuttable presumption records on-site; and
  - b. On January 19, 2006, submitted documentation indicating that labels had been placed on the previously unlabeled aboveground storage tanks and updated information on Notice of Registration to indicate solid waste registration as active.
10. 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 United Recyclers has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.



12. 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, United Recyclers is alleged to have:

1. Failed to prevent industrial solid and hazardous wastes from being stored, processed and/or disposed of at an unauthorized facility, in violation of 30 TEX. ADMIN. CODE § 335.2(b), as documented during an investigation conducted on January 19, 2006. Specifically, United Recyclers processed 220 gallons of oil/solvent which exhibited the hazardous waste characteristic of ignitability (D001). In addition, United Recyclers transferred 20 drums of carbon rubber sludge to a 30 cubic yard roll-off bin where it was mixed with used oil absorbent, oily rags, and industrial filters and transported to BFI Itasca Landfill which is not authorized to accept Class I Non-Hazardous Waste.
2. Failed to have properly completed or accurately filled out manifests for transporting solid waste(s), in violation of 30 TEX. ADMIN. CODE §§ 335.11(a) and 335.10(c) [formerly 30 TEX. ADMIN. CODE §§ 335.10(b)(18) and (22)], as documented during an investigation conducted on January 19, 2006. Specifically, carbon rubber sludge, water solvent and scrap tire solvent were transported from Crawford Tire Retreading without a manifest. On January 27, 2006, United Recyclers submitted manifests for the transport of the wastes listed above. However, TCEQ Manifest Document No. 02557863 did not include a correct TCEQ waste code for the shipment of mixed scrap tire pyrolysis sediment (carbon rubber sludge) and used oil sediment nor did it include the DOT proper shipping name, hazard class and identification number for each hazardous waste.
3. Failed to update the Notice of Registration, in violation of 30 TEX. ADMIN. CODE § 335.6(b), as documented during an investigation conducted on January 19, 2006. Specifically, the investigator documented that United Recyclers' solid waste registration was listed as inactive and its Used Oil Handler Registration did not reflect the Facility's used oil processing activity.
4. Failed to ensure that the used oil was not a hazardous waste by not determining whether the total halogen content of the used oil being transported or stored at the Facility was above or below 1,000 parts per million, in violation of 30 TEX. ADMIN. CODE § 324.1 and 40 CODE OF FEDERAL REGULATIONS § 279.44(a), as documented during an investigation conducted on January 19, 2006.
5. Failed to have aboveground tanks used to store used oil labeled or clearly marked with the words "Used Oil", in violation of 30 TEX. ADMIN. CODE § 324.1 and 40 CODE OF FEDERAL REGULATIONS § 279.45(g), as documented during an investigation conducted on January 19, 2006. Specifically, two aboveground storage tanks were not labeled.

... ..

...

...

...

...

...

...

...

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that United Recyclers pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and United Recyclers' 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: United Recyclers Services of Texas, Inc., Docket No. 2006-1411-MLM-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 United Recyclers shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, cease the unauthorized storage and disposal of municipal hazardous waste;
  - b. Within 30 days after the effective date of this Agreed Order, develop and implement standard operational procedures to be employed by staff to ensure the storage and disposal of wastes only at authorized waste management facilities; and
  - c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions 2.a. and b. as described below:

The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, 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."

10/10/2011

10/10/2011

10/10/2011

10/10/2011

10/10/2011

10/10/2011

10/10/2011

10/10/2011

10/10/2011

10/10/2011

10/10/2011

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

with a copy to:

Manager, Waste Section  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon United Recyclers. United Recyclers 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 United Recyclers 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, United Recyclers' failure to comply is not a violation of this Agreed Order. United Recyclers shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. United Recyclers shall notify the Executive Director within seven days after United Recyclers 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 United Recyclers shall be made in writing to the Executive Director. Extensions are not effective until United Recyclers 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 United Recyclers 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 United Recyclers, or three days after the date on which the Commission mails notice of the Order

Handwritten text at the top of the page, possibly a title or header.

Handwritten text in the upper middle section of the page.

Handwritten text in the middle section of the page.

Main body of handwritten text, consisting of several lines of cursive script.

Handwritten text in the lower middle section of the page.

Handwritten text in the lower section of the page.

Final lines of handwritten text at the bottom of the page.

United Recyclers Services of Texas, Inc.  
DOCKET NO. 2006-1411-MLM-E  
Page 6

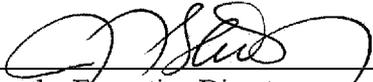
to United Recyclers, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

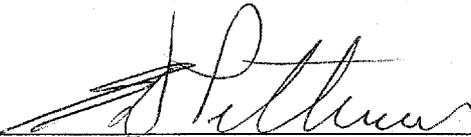
4/12/07  
\_\_\_\_\_  
Date

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

12-13-06  
\_\_\_\_\_  
Date

E.D. PITTMAN  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
United Recyclers Services of Texas, Inc.

MANAGER  
\_\_\_\_\_  
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.

1000  
1000  
1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000