

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 6
DOCKET NO.: 2008-0355-MLM-E **TCEQ ID:** RN101445666 **CASE NO.:** 36653
RESPONDENT NAME: US Ecology Texas, 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 checked="" type="checkbox"/> AIR	<input checked="" 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: US Ecology Texas, 3277 County Road 69, Robstown, Nueces County</p> <p>TYPE OF OPERATION: Hazardous waste processing, storage, and disposal facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: Complaints were received on October 31, 2007, alleging that explosions were occurring at the Facility. Additional complaints were received on March 31, 2008, alleging that a chemical odor was emanating from the Facility. Complaints were also received on April 1 and April 7, 2008, alleging that dust was emanating from the property. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: Complaints were received, but the complainants have not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 1, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. Thomas Greimel, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-5690; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Ms. Catherine A. Skurow, General Manager, US Ecology Texas, Inc., P.O. Box 307, Robstown, Texas 78380 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input checked="" type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: October 31, 2007, March 31, April 1, and April 7, 2008</p> <p>Date of Investigation Relating to this Case: November 14, 2007, May 16 and September 15, 2008</p> <p>Date of NOV/NOE Relating to this Case: February 4, August 5, and November 26, 2008 (NOE)</p> <p>Background Facts: These were complaint investigations.</p> <p>AIR/WASTE</p> <p>1) Failure to follow the Facility's Waste Analysis Plan ("WAP") with regard to waste streams subject to treatment for land disposal. Specifically, three waste treatment recipes were developed for incoming waste streams received from a hazardous waste generator; however, the Respondent did not follow the WAP by failing to conduct verification sampling and analysis on one of the three treatment recipes used to treat waste [30 TEX. ADMIN. CODE § 305.125; 40 CODE OF FEDERAL REGULATIONS ("CFR") § 264.13; and Industrial Hazardous Waste ("IHW") Permit No. 50052, Provision Nos. I.G. and I.J.4].</p> <p>2) Failure to comply with Land Disposal Restrictions ("LDR"). Approximately 411,000 pounds of waste received from a hazardous waste generator characterized as hazardous waste on manifests (EPA Hazardous Waste Code D018) was disposed at the Facility without adequate verification that LDR treatment standards were met prior to land disposal. Specifically, one treatment recipe, developed in the laboratory on November 6, 2007, was utilized November 6, 2007 through December 10, 2007 but the bulk treated waste was not sampled and tested</p>	<p>Total Assessed: \$92,650</p> <p>Total Deferred: \$18,530 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$37,060</p> <p>Total Paid to General Revenue: \$37,060</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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order:</p> <p>i. Follow the WAP by conducting confirmational testing on all waste treatment recipes developed for the purpose of meeting LDRs and by adequately characterizing waste streams prior to disposal and by following the SOP for compatibility testing and maintaining the SOP at the Facility;</p> <p>ii. Cease disposal of wastes without adequate verification that LDR standards have been met;</p> <p>iii. Implement operational procedures that will prevent combining of incompatible wastes or materials in the same tank system, prevent improper disposal of spontaneously combustible waste, and operate the Facility to minimize the possibility of a fire, explosion, or release of hazardous constituents which could threaten human health or the environment;</p> <p>iv. Maintain complete, accurate, organized, written, operational records at the Facility which include records of monitoring samples and measurements for compatibility testing, quantity of all reagents and ingredients used per waste stream or waste mix, the identity of incoming waste streams and waste streams mixed during waste treatment processes, and the quantity and location of each hazardous waste stream at the Facility;</p> <p>v. Implement the Facility Contingency Plan immediately, as provided therein, whenever there is a fire, explosion, release of hazardous waste or hazardous constituents which could threaten human health or the environment;</p>

<p>for verification to ensure treatment standards were met prior to disposal of the waste into the landfill [30 TEX. ADMIN. CODE §§ 305.125 and 335.431, CFR 40 § 268.40(a); IHW Permit No. 50052, Provision Nos. I.G., I.G.8., II.S.2, V.G.6. and V.G.7].</p> <p>3) Failure to prevent unauthorized emissions. Specifically, 2.2 pounds ("lbs") of calcium carbonate, 1.38 lbs. of calcium oxide, 0.28 lbs. of crystalline silica, 0.06 lbs. of magnesium oxide, 2.21 lbs of chlorine, 0.49 lbs of benzene, 0.49 lbs of mercaptobezothiazole, and 0.49 lbs of sodium dodecylbenzenesulfonate were released from Permit Unit No. 10 (Stabilization Building No. 1) during mixing of solid and liquid oxidizer wastes and organic wastes resulting in an emissions event which began on March 31, 2008 and lasted 55 minutes (Incident No. 105690). Since the emissions event was avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.110(a) and 305.125; IHW Permit No. 50052, Provision No. I.G.7.; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to minimize the possibility of fire, explosion or release of hazardous constituents and prevent placement of incompatible wastes or materials in the same tank system. Specifically, on February 19, 2008, the Respondent combined incompatible wastes [35,180 lbs of US Ecology Waste Stream (USEWS) No. 090048292-0 with 53,520 lbs of USEWS No. 090059996-0] in a permitted treatment tank (Permit Unit No. 11) resulting in an uncontrolled reaction and fire. In addition, on March 31, 2008, the Respondent combined incompatible wastes and materials (USEWS No. 090051897 added to Batch MX4517) in a permitted treatment tank (Permit Unit No. 10) resulting in an uncontrolled reaction and a release to air [30 TEX. ADMIN. CODE §§ 305.125, 335.152; 40 CFR §§ 264.17(a) and (b), 264.31, and 264.199(a); IHW Permit No. 50052, Provision Nos. I.G., I.I., II.B., II.H., II.R., and IV.F.].</p> <p>5) Failure to follow the Facility's WAP with regard to waste characterization, waste stream verification parameter selection, LDR waste confirmational testing, proper analytical procedures, and waste segregation and classification.</p>		<p>vi. Maintain accurate Facility landfill records which includes, but is not limited to, the correct disposal location of waste; and</p> <p>vii. Apply bulk waste in lifts no greater than three feet and use acceptable daily cover for hazardous waste.</p> <p>b. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the reoccurrence of emissions due to the same causes as that of the February 19, 2008 and March 31, 2008 emissions events; and</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.b.</p>
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Specifically, compatibility test results were not included in the waste stream verification parameter selection, proportional testing was not used, and the Standard Operating Procedures ("SOP") for compatibility testing was not maintained at the Facility or followed [30 TEX. ADMIN. CODE §§ 305.125, 335.152; 40 CFR § 264.13; IHW Permit No. 50052, Provision Nos. I.G., I.I., and I.J.4., and II.R.; and WAP, Sections 2.0., 4.2.1., 4.2.3., 4.2.5., and 5.0.].

6) Failure to comply with permit monitoring and records requirements. Specifically, the Respondent did not provide adequate records demonstrating monitoring samples had been taken and measurements made for compatibility testing of incoming waste streams [USEWS No. 090048292-0 (Dupont waste) and USEWS No. 090059996-0 (MEMC waste)] associated with the February 19, 2008 and March 31, 2008 uncontrolled reaction and release incidents. In addition, Facility operating records, in the form of field sheets, did not accurately indicate the amount of reagents and ingredients used or correctly indicate which waste streams were mixed during the February 19, 2008 and March 31, 2008 incidents [30 TEX. ADMIN. CODE §§ 305.125(11)(A), (B), and (C) and 335.152; 40 CFR § 264.73; and IHW Permit No. 50052, Provision Nos. I.G., I.I., and II.R.].

7) Failure to comply with permit Contingency Plan requirements. Specifically, the Respondent indicated the Contingency Plan was not implemented during the February 19, 2008 fire and explosion incident and the March 31, 2008 uncontrolled reaction and release incident [30 TEX. ADMIN. CODE §§ 305.125 and 335.152; 40 CFR § 264.31; and IHW Permit No. 50052, Provision Nos. I.G., I.I., and I.J.1.].

8) Failure to comply with permit design, construction, and operating requirements by not keeping an accurate record of the disposal location of waste. Specifically, Facility landfill records incorrectly indicated that waste identified on hazardous waste manifest (HWM) no. 003245251JJK was disposed in Landfill Trench 43, Cell 1, Grid Q, Lift 1 on February 18, 2008 and wastes identified on HWM Nos. 003245262JJK and 003245259JJK were disposed in Trench 43, Cell 1, Grid H, Lift 1 on February 19,

2008; however, other Facility documentation indicates these wastes were actually combined with waste listed on HWM no. 000033692GBF and disposed in Trench 43, Cell 1, Grid R, Lift 1 on February 20, 2008 [30 TEX. ADMIN. CODE §§ 305.125 and 335.152; and IHW Permit No. 50052, Provision Nos. I.G. and V.D.4.].

9) Failure to operate in a manner to minimize the possibility of fire, explosion or any unplanned sudden or non-sudden release of hazardous constituents to air, soil or surface water which could threaten human health or the environment. Specifically, on September 13, 2008 and September 14, 2008, a fire occurred in the area of US Ecology Landfill Cell No. 45 as a result of improper disposal (lack of cover material) of a spontaneously combustible waste [US Ecology Waste Stream No. 090051669-0 (assorted filters)] [30 TEX. ADMIN. CODE §§ 305.125 and 335.152; 40 CFR § 264.31; and IHW Permit No. 50052, Provision Nos. I.G., I.I., and II.B.].

10) Failure to follow the Facility's WAP by inadequately characterizing waste streams. Specifically, waste product questionnaires did not adequately define chemical and physical compositions of wastes. Also, supporting documentation used for process knowledge waste classification was conflicting or inadequate (lack of Material Safety Data Sheets) regarding classification of waste associated with the September 13, 2008 and September 14, 2008 fire at the Landfill [30 TEX. ADMIN. CODE §§ 305.125 and 335.152; 40 CFR § 264.13; IHW Permit No. 50052, Provision No. I.J.4.; and WAP Section Nos. 2.0. and 3.0.].

11) Failure to comply with permit design, construction, and operating requirements by not keeping an accurate record of the disposal location of waste. Specifically, Facility records incorrectly indicated that all waste identified on hazardous waste manifest (HWM) no. 004199057JJK was disposed in Landfill Trench 45, Cell 1, Grid C, Lift 2 on September 10, 2008, however, other Facility documentation indicates that part of this waste was treated and disposed in Trench 45, Cell 1, Grid Q, Lift 2 on September 10, 2008. In addition, no record of the amount of waste disposed in the two locations was available [30 TEX. ADMIN. CODE § 305.125 and IHW Permit No. 50052, Provision Nos. I.G. and V.D.4.].

<p>12) Failure to comply with landfill operating requirements by applying waste in lifts greater than three feet and using unacceptable daily cover for hazardous waste. Specifically, it was documented that bulk waste was being applied in five foot lifts and non hazardous waste was being used as daily cover material [30 TEX. ADMIN. CODE §§ 305.125 and 335.152 and IHW Permit No. 50052, Provision Nos. I.G. and V.D.3.b].</p>		
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Additional ID No(s): 50052

Attachment A

Docket Number: 2008-0355-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: US Ecology Texas, Inc.
Payable Penalty Amount: Seventy-Four Thousand One Hundred Twenty Dollars (\$74,120)
SEP Amount: Thirty-Seven Thousand Sixty Dollars (\$37,060)
Type of SEP: Pre-approved
Third-Party Recipient: Coastal Bend Bays and Estuaries Program, Inc.
Location of SEP: Nueces County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. **Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used for the Colonial Waterbird Rookery Island Enhancement Project. Shamrock and Causeway Islands are important rookery islands with heavy bird usage that are experiencing significant loss of wetland and rookery habitat due to dredging activities and erosion from waves and ships. SEP monies will be used to pay for the labor and material costs associated with preventing erosion in the unprotected areas of the islands and restoring parts of the islands that have suffered from erosion. The project will protect critical bird habitat and also enhance the wetlands.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by enhancing the colonial waterbird habitat on Causeway and Shamrock Islands in Nueces County. The project will result in: stabilization of the islands, protection of the birds, reduction of erosion, creation of wetland habitat and bird nesting habitat, creation of submerged aquatic vegetation, and maintenance of the Corpus Christi Bay system.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. **Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Coastal Bend Bays and Estuaries Program, Inc.
Attn: Ray Allen, Executive Director
1305 North Shoreline Drive, Suite 205
Corpus Christi, Texas 78401

3. **Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

US Ecology Texas, Inc.
Agreed Order – Attachment A

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

DATES	Assigned	4-Feb-2008	Screening	11-Feb-2008	EPA Due	
	PCW	14-Mar-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	US Ecology Texas, Inc.		
Reg. Ent. Ref. No.	RN101445666		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36653	No. of Violations	2
Docket No.	2008-0355-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Thomas Greimel
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$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 Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply 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	<input checked="" type="checkbox"/>	(mark with x)

Notes

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 11-Feb-2008

Docket No. 2008-0355-MLM-E

PCW

Respondent US Ecology Texas, Inc.

Policy Revision 2 (September 2002)

Case ID No. 36653

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101445666

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

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)	1	5%
	Other written NOVs	5	10%
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	1	25%
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 judgements 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)	2	-2%
	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%

Please Enter Yes or No

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) 38%

>> 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

Enhancement for one order without denial of liability, one NOV with same or similar violations and 5 NOVs without same or similar violations and reduction for 2 NOIs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 38%

Screening Date 11-Feb-2008 **Docket No.** 2008-0355-MLM-E **PCW**
Respondent US Ecology Texas, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 36653 *PCW Revision January 29, 2008*
Reg. Ent. Reference No. RN101445666
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Thomas Greimel
Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 305.125; 40 CFR § 264.13; IHW Permit No. 50052, Provision Nos. I.G. and I.J.4.
Violation Description Failed to follow the Facility's Waste Analysis Plan (WAP) with regard to waste streams subject to treatment for land disposal. Specifically, the Respondent did not follow the WAP by failing to conduct verification sampling and analysis on one treatment recipe used to treat waste.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			25%
100% of the rule requirement was not met.					

Adjustment \$7,500
Base Penalty \$10,000
Adjusted Penalty \$2,500

Violation Events

Number of Violation Events 1 **Number of violation days** 1
mark only one with an x
 daily
 monthly
 quarterly
 semiannual
 annual
 single event

Violation Base Penalty \$2,500
 One single event is recommended based on the documentation of the violation during the November 14, 2007 investigation.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$74	Violation Final Penalty Total \$3,450
This violation Final Assessed Penalty (adjusted for limits) \$3,450	

Economic Benefit Worksheet

Respondent US Ecology Texas, Inc.
Case ID No. 36653
Reg. Ent. Reference No. RN101445666
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
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)	\$1,000	6-Nov-2007	30-Apr-2009	1.5	\$74	n/a	\$74

Notes for DELAYED costs

Estimated cost to conduct verification sampling on a waste treatment recipe. Date Required is the beginning date the treatment recipe was utilized. Final Date is the date the Respondent is expected to come into 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

\$74

Screening Date 11-Feb-2008 **Docket No.** 2008-0355-MLM-E **PCW**
Respondent US Ecology Texas, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 36653 *PCW Revision January 29, 2008*

Reg. Ent. Reference No. RN101445666
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Thomas Greimel

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125 and 335.431; 40 CFR § 268.40(a); IHW Permit No. 50052, Provision Nos. I.G., I.G.8., II.S.2, V.G.6. and V.G.7.

Violation Description

Failed to comply with Land Disposal Restrictions (LDR). Approximately 411,000 pounds of waste received from a hazardous waste generator characterized as hazardous waste on manifests (EPA Hazardous Waste Code D018) was disposed at the Facility without adequate verification that LDR treatment standards were met prior to land disposal. Specifically, one treatment recipe, developed in the laboratory on November 6, 2007 was utilized November 6, 2007 through December 10, 2007 but the bulk treated waste was not sampled and tested for verification to ensure treatment standards were met prior to disposal of the waste into the landfill.

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="50%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Two monthly events are recommended for the period from November 6, 2007 to December 10, 2007 during which waste was land disposed without verification that treatment standards had been met.

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 US Ecology Texas, Inc.
Case ID No. 36653
Reg. Ent. Reference No. RN101445666
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

Economic benefit included in violation no. 1.

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 \$0

TOTAL \$0

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603247974 US Ecology Texas, Inc.	Classification: AVERAGE	Rating: 18.88
Regulated Entity:	RN101445666 US ECOLOGY TEXAS	Classification: AVERAGE	Site Rating: 34.76
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	NE0126S
	AIR OPERATING PERMITS	PERMIT	2300
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD069452340
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	50052
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50052
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50052
	WASTEWATER	PERMIT	WQ0002888000
	WASTEWATER	PERMIT	TPDES0104400
	WASTEWATER	PERMIT	TX0104400
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW278
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW279
	AIR NEW SOURCE PERMITS	PERMIT	31382
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NE0126S
	AIR NEW SOURCE PERMITS	AFS NUM	4835500096
	AIR NEW SOURCE PERMITS	REGISTRATION	84525
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	59303
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50052

Location: 3277 CR 69, ROBSTOWN, TX, 78380

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: February 05, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 13, 2003 to February 13, 2008

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

Name: Thomas Greimel Phone: (512) 239-5690

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? | US Ecology Texas, Inc. |
| 4. If Yes, who was/were the prior owner(s)? | US Ecology Texas, L.P.
Texas Ecologists, Inc. |
| 5. When did the change(s) in ownership occur? | 7/16/2007
4/30/2003 |
| 6. Rating Date: 9/1/2008 Repeat Violator: NO | |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- | | |
|--|----------------------------|
| Effective Date: 07/14/2006 | ADMINORDER 2004-1146-MLM-E |
| Classification: - Minor | |
| Citation: 30 TAC Chapter 335, SubChapter A 335.4
30 TAC Chapter 335, SubChapter F 335.152(a)(7) | |
| 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.171 | |
| Rqmt Prov: III.D. PERMIT | |

Description: Failure to maintain Hazardous Waste containers in good condition.

Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15

Rqmt Prov: HW-50052 OP

Description: Failure to follow the inspection schedule set out in application Table III.D entitled Inspection Schedule which is included in Permit - HW-50052 as "Attachment E".

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(7)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.173(a)

Rqmt Prov: III.F. PERMIT

Description: Failure to keep a hazardous waste container closed during storage except when adding or removing waste.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: CP-50052 VI.B.1&2 IHWPERMTCP

Description: USET failed to sample all wells in accordance with the current Groundwater Sampling and Analysis Plan (GWSAP), or modify the current plan to reflect current sampling procedures.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193

Description: Failure to comply with the standards in 40 CFR §265 Subchapter J for hazardous waste tanks. specifically, secondary containment, certification, etc.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(12)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.301(g)

Rqmt Prov: 50052 PERMIT

HW-50052 PERMIT

Description: Failure to operate all leachate collection/leak detection systems with less than twelve (12) inches of head on each liner system.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(12)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.303(b)

Rqmt Prov: 50052 PERMIT

Description: Failure to inspect active landfill cells after rainfall events.

Classification: Moderate

Rqmt Prov: 50052 PERMIT

Description: Failed to record and convert action leakage rate calculation amounts of liquids removed from each leak detection system sump at least monthly during the post-closure period after the final cover is installed.

Classification: Moderate

Rqmt Prov: 50052 PERMIT

Description: During the investigation it was noted that there was standing water on the active face of the landfill. Although the water was being pumped from the active face, waste was being placed in the water on the active face of Cell 48 of the landfill.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(a)

Description: Failed to notify of a hazardous waste storage tank.

Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.64(c)(1)

30 TAC Chapter 331, SubChapter D 331.64(c)(2)

Rqmt Prov: Permit Provision XI.E.2. OP

Description: USET failed to maintain an automatic alarm shutoff system designed to sound and shut-in the well when pressures and flow rates or other parameters approved by the executive director exceed a range and/or gradient specified in the permit (Permit No. WDW-278).

Classification: Minor

Citation: 30 TAC Chapter 331, SubChapter D 331.64(c)

40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(f)

Rqmt Prov: Permit Provision VIII.A. OP

Description: USET failed to properly maintain and use continuous recording devices to record injection tubing pressures and injection flow rates.

Classification: Minor

Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(1)

40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.69(a)

Rqmt Prov: Permit Provision XI.E.2 OP

Description: USET failed to submit a quarterly report that complies with the reporting requirements of 40 CFR 146.69(a).

Classification: Major

Citation: 30 TAC Chapter 331, SubChapter D 331.63(d)

Rqmt Prov: Permit Provision VII.F. OP

Description: USET failed to maintain the annulus pressure at least 100 psi greater than the injection tubing pressure.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(8)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.192

Rqmt Prov: 50052 PERMIT

Description: USET failed to obtain the required certification for all components of the tank system.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(20)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT DD 264.1101(c)(3)

Rqmt Prov: 50052 PERMIT

Description: USET failed to collect, detect, and remove accumulated liquid in the secondary containment/leak detection system of the containment building within 24 hours.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4

30 TAC Chapter 335, SubChapter F 335.152(a)(20)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT DD 264.1101(c)(1)(iii)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT DD 264.1101(d)(2)

Rqmt Prov: 50052 PERMIT

Description: USET failed to collect decontamination liquids from containment building.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(2)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.35

Rqmt Prov: 50052 PERMIT

Description: USET failed to maintain required aisle space.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(20)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT DD 264.1101(c)(3)

Rqmt Prov: HW-50052 PERMIT

Description: USET failed to repair the secondary containment system of the containment building, failed to record the discovery of the failure, and failed to immediately remove the portion of the containment building affected by the condition from service.

Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.13(a)

Rqmt Prov: HW-50052-001 PERMIT

Description: USET failed to follow the waste analysis plan (WAP) as required by permit no. HW-50052.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: HW-50052-001 PERMIT

Description: USET accepted unauthorized waste.

Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.31

Rqmt Prov: HW-50052-001 PERMIT

Description: USET failed to operate the facility properly.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.12(c)(2)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.72(b)

Rqmt Prov: I.H.1. PERMIT

Description: USET failed to reconcile waste manifest discrepancy within 15 days.

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	03/14/2003	(26552)
2	05/08/2003	(28695)
3	05/08/2003	(33231)
4	02/04/2004	(257694)
5	06/24/2004	(264023)
6	06/24/2004	(265644)
7	06/24/2004	(266828)
8	06/24/2004	(274199)
9	07/29/2004	(281224)
10	08/30/2004	(290093)
11	06/10/2005	(378141)
12	07/27/2005	(400726)
13	08/31/2005	(405295)
14	01/19/2006	(435501)
15	04/17/2006	(461246)
16	04/20/2006	(462816)
17	05/12/2006	(464550)
18	08/15/2006	(497258)
19	08/30/2006	(488343)
20	01/30/2007	(538022)
21	02/13/2007	(538881)
22	03/12/2007	(540589)
23	04/25/2007	(554394)
24	04/25/2007	(555967)
25	05/31/2007	(542910)
26	08/23/2007	(570743)
27	10/17/2007	(567717)
28	11/20/2007	(601146)
29	02/13/2008	(615613)

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

Date: 06/09/2005 (378141)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(7)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.171
HW-50052 OP

Description: Failure to maintain hazardous waste containers in good condition.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(d)
HW-50052 OP

Description: Failure to document corrective action on inspection records.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(12)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.301(a)(2)
HW-50052 OP

Description: Failure to operate leachate collection/leak detection systems with less than 12 inches of head on system.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
HW-50052 OP

Description: Failed to properly and clearly label a hazardous waste storage tank with the "Hazardous Waste".

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(7)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.173
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.173(a)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.173(b)
 HW-50052 OP
 Description: Failure to maintain closed hazardous waste containers.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)
 40 CFR Chapter 268, SubChapter I, PT 268, SubPT E 268.50(a)(2)(i)

Description: Failure to clearly mark each container to identify its contents.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter E 335.124(b)
 30 TAC Chapter 335, SubChapter F 335.173(h)

Description: Failure to immediately remove rainwater from the active landfill cell(s) and manage it as contaminated wastewater.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(3)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT D 264.54(d)
 HW-50052 OP

Description: Failure to update the Contingency Plan and Emergency Procedures Emergency contacts Lists.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
 30 TAC Chapter 335, SubChapter E 335.112(a)(9)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.192(a)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(f)
 HW-50052 OP

Description: Failure to provide adequate secondary containment for ancillary equipment.

Date: 01/19/2006 (435501)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(20)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT DD 264.1101(a)(1)
 VI. D. 1. OP

Description: Failure to ensure that the Containment Building is completely enclosed.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)
 40 CFR Chapter 268, SubChapter I, PT 268, SubPT E 268.50(a)(2)(i)

Description: USET failed to clearly mark and identify contents of all hazardous containers in storage.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(d)

Description: Failure to document the date and time of the inspections and the date and nature of any repairs or remedial actions in the inspection record.

Date: 11/30/2006 (518126)

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.13(b)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.314(c)
 Permit Provision V.G PERMIT

Description: Failure to follow the Waste Analysis Plan and failure to demonstrate the absence or presence of free liquids in either a containerized or a bulk waste in accordance with 264.314(c).

Date: 01/17/2007 (518127)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125
 Permit Section I.B. Permit Application PERMIT
 Permit Section I.G. Permit Conditions PERMIT
 Permit Section I.G.6. Modification PERMIT
 Permit Section I.J.5. Application PERMIT
 Permit Section II.A. Facility Design PERMIT

Description: Failure to comply with the permit by failing to follow the construction sequence as written for Cells 43-46.

Date: 05/31/2007 (542910)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
HW-50052-001 Permit Provision V.D.1.a. PERMIT
Description: Failure to install piezometer wells or test pits in the proximity of each cell corner for the purpose of determining groundwater elevation prior to cell excavation of cells 43-46 as required by the facility's permit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
HW-50052-001 Provision Section 1.D.2. PERMIT
Description: Failure to operate Permitted Drum Building within the maximum authorized permitted capacity.

Date: 10/17/2007 (567717)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
CP-50052, Section VI.C.5.b. IHWPERMTCP
Description: Failure to perform field determinations in accordance with Compliance Plan No. 50052, Class 1-1 Modification.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
CP-50052, Section VI.B.1. IHWPERMTCP
Description: Failure to sample wells in accordance with the Sampling and Analysis Plan (SAP).

F. Environmental audits.

Notice of Intent Date: 06/23/2004 (347017)

No DOV Associated

Notice of Intent Date: 10/13/2005 (451916)

No DOV Associated

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	11-Aug-2008	Screening	13-Aug-2008	EPA Due	
	PCW	13-Aug-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	US Ecology Texas, Inc.		
Reg. Ent. Ref. No.	RN101445666		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36653	No. of Violations	5
Docket No.	2008-0355-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media	Air	Enf. Coordinator	Thomas Greimel
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$30,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	42.0% Enhancement	Subtotals 2, 3, & 7 \$12,600
Notes	Enhancement for one order without denial of liability, one NOV with same or similar violations and seven NOVs without same or similar violations and reduction for 2 NOIs.	
Culpability	No 0.0% Enhancement	Subtotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments		Subtotal 5 \$0
Economic Benefit	0.0% Enhancement*	Subtotal 6 \$0
Total EB Amounts	\$3,152	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$6,100	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$42,600
OTHER FACTORS AS JUSTICE MAY REQUIRE	6.3%	Adjustment \$3,000
Reduces or enhances the Final Subtotal by the indicated percentage.		
Notes	Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 2 and 4.	
	Final Penalty Amount	\$45,600
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty \$45,600
DEFERRAL	20.0% Reduction	Adjustment -\$9,120
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		\$36,480

Screening Date 13-Aug-2008

Docket No. 2008-0355-MLM-E

PCW

Respondent US Ecology Texas, Inc.

Policy Revision 2 (September 2002)

Case ID No. 36653

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101445666

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

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)	1	5%
	Other written NOVs	7	14%
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	1	25%
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 judgements 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)	2	-2%
	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%

Please Enter Yes or No

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) 42%

>> **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

Enhancement for one order without denial of liability, one NOV with same or similar violations and seven NOVs without same or similar violations and reduction for 2 NOIs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 42%

Screening Date 13-Aug-2008	Docket No. 2008-0355-MLM-E	PCW	
Respondent US Ecology Texas, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36653	<i>PCW Revision June 12, 2008</i>		
Reg. Ent. Reference No. RN101445666			
Media [Statute] Industrial and Hazardous Waste			
Enf. Coordinator Thomas Greimel			
Violation Number <input type="text" value="1"/>			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.110(a) and 305.125, IHW Permit No. 50052, Provision No. I.G.7., and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to prevent unauthorized emissions. Specifically, 2.2 lbs of calcium carbonate, 1.38 lbs. of calcium oxide, 0.28 lbs. of crystalline silica, 0.06 lbs of magnesium oxide, 2.21 lbs of chlorine, 0.49 lbs of benzene, 0.49 lbs of mercaptobezothiazole, 0.49 lbs of sodium dodecylbenzenesulfonate were released from Permit Unit No. 10 (Stabilization Building No. 1) during mixing of solid and liquid oxidizer wastes and organic wastes resulting in an emissions event which began on March 31, 2008 and lasted 55 minutes (Incident No. 105690). Since the emissions event was avoidable by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.		
Base Penalty		<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual <input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>
	Potential <input type="text"/>	<input type="text"/>	<input type="text"/>
Percent		<input type="text" value="25%"/>	
>> Programmatic Matrix			
	Major	Moderate	Minor
Falsification <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percent		<input type="text" value="0%"/>	
Matrix Notes	Human health or the environment was exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.		
Adjustment		<input type="text" value="\$7,500"/>	
			<input type="text" value="\$2,500"/>
Violation Events			
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="89"/>
		Number of violation days	
mark only one with an x	daily	<input type="text"/>	Violation Base Penalty
	monthly	<input type="text"/>	
	quarterly	<input checked="" type="text" value="x"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
Violation Base Penalty		<input type="text" value="\$2,500"/>	
One quarterly event is recommended from the May 16, 2008 investigation date to the August 13, 2008 screening date.			
Good Faith Efforts to Comply			<input type="text" value="\$0"/>
0.0% Reduction			
Before NOV		NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="text" value="x"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		<input type="text" value="\$2,500"/>	
Economic Benefit (EB) for this violation			Statutory Limit Test
Estimated EB Amount		<input type="text" value="\$52"/>	Violation Final Penalty Total
		<input type="text" value="\$3,772"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$3,772"/>

Economic Benefit Worksheet

Respondent US Ecology Texas, Inc.
Case ID No. 36653
Reg. Ent. Reference No. RN101445666
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$1,000	16-May-2008	30-May-2009	1.04	\$52	n/a	\$52
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to implement operational procedures to prevent the recurrence of an emission event. Date Required is the date of the investigation. Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$52

Screening Date 13-Aug-2008

Docket No. 2008-0355-MLM-E

PCW

Respondent US Ecology Texas, Inc.

Policy Revision 2 (September 2002)

Case ID No. 36653

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101445666

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125 and 335.152, 40 Code of Federal Regulations (CFR) §§ 264.13, 264.17(a) and (b), 264.31, and 264.199(a), IHW Permit No. 50052, Provision Nos. I.G., I.I., I.J.4., II.B., II.H., II.R. and IV.F., Waste Analysis Plan (WAP), Sections 2.0., 4.2.1., 4.2.3., 4.2.5., and 5.0.

Violation Description

Failed to minimize the possibility of fire, explosion or release of hazardous constituents and prevent placement of incompatible wastes or materials in the same tank system. Specifically, on February 19, 2008, the Respondent combined incompatible wastes [35,180 lbs of US Ecology Waste Stream (USEWS) No. 090048292-0 with 53,520 lbs of USEWS No. 090059996-0] in a permitted treatment tank (Permit Unit No. 11) resulting in an uncontrolled reaction and fire. In addition, on March 31, 2008, the Respondent combined incompatible wastes and materials (USEWS No. 090051897 added to Batch MX4517) in a permitted treatment tank (Permit Unit No. 10) resulting in an uncontrolled reaction. Failed to follow the Facility's WAP with regard to waste characterization, waste stream verification parameter selection, proper analytical procedures, and waste segregation and classification. Specifically, compatibility test results were not included in the waste stream verification parameter selection, proportional testing was not used, and the Standard Operating Procedures ("SOP") were not maintained or followed.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		50%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health and safety and the environment have been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 2 Number of violation days 2

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10,000

Two single events are recommended for the fire and release incidents which occurred on February 19, 2008 and March 31, 2008, respectively, based on documentation of the violations during the May 16, 2008 investigation.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	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 for this violation.

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,000

Violation Final Penalty Total \$15,088

This violation Final Assessed Penalty (adjusted for limits) \$15,088

Economic Benefit Worksheet

Respondent US Ecology Texas, Inc.
Case ID No. 36653
Reg. Ent. Reference No. RN101445666
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	19-Feb-2008	19-Feb-2008	0.00	\$0	\$1,000	\$1,000
ONE-TIME avoided costs [4]	\$1,000	31-Mar-2008	31-Mar-2008	0.00	\$0	\$1,000	\$1,000

Notes for AVOIDED costs

Estimated cost to follow WAP procedures and take precautions necessary to minimize the possibility of fire, explosion or release of hazardous constituents. Dates Required and Final Dates are the dates of a fire and explosion incident and an uncontrolled reaction and release incident at the Facility.

Approx. Cost of Compliance

\$2,000

TOTAL

\$2,000

Screening Date 13-Aug-2008	Docket No. 2008-0355-MLM-E	PCW														
Respondent US Ecology Texas, Inc.		<small>Policy Revision 2 (September 2002)</small>														
Case ID No. 36653		<small>PCW Revision June 12, 2008</small>														
Reg. Ent. Reference No. RN101445666																
Media [Statute] Industrial and Hazardous Waste																
Enf. Coordinator Thomas Greimel																
Violation Number <input type="text" value="3"/>																
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1)(A), (B), and (C) and 335.152, 40 CFR § 264.73, IHW Permit No. 50052, Provision Nos. I.G., I.I., and II.R.															
Violation Description	Failed to comply with permit monitoring and records requirements. Specifically, the Respondent did not provide adequate records demonstrating monitoring samples had been taken and measurements made for compatibility testing of incoming waste streams [USEWS No. 090048292-0 (Dupont waste) and USEWS No. 090059996-0 (MEMC waste)] associated with the February 19, 2008 and March 31, 2008 uncontrolled reaction and release incidents. In addition, Facility operating records, in the form of field sheets, did not accurately indicate the amount of reagents and ingredients used or correctly indicate which waste streams were mixed during the February 19, 2008 and March 31, 2008 incidents.															
	Base Penalty	<input type="text" value="\$10,000"/>														
>> Environmental, Property and Human Health Matrix																
OR	Release	Harm														
		Major Moderate Minor														
	Actual	<input type="text"/>	Percent <input type="text" value="0%"/>													
	Potential	<input type="text"/>														
>> Programmatic Matrix																
	Falsification	Major	Moderate	Minor												
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>											
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>															
	Adjustment	<input type="text" value="\$7,500"/>														
		<input type="text" value="\$2,500"/>														
Violation Events																
	Number of Violation Events	<input type="text" value="2"/>	Number of violation days	<input type="text" value="2"/>												
	<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	Violation Base Penalty	<input type="text" value="\$5,000"/>
daily	<input type="text"/>															
monthly	<input type="text"/>															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	x															
	<input type="text" value="Two single events are recommended for the fire and release incidents which occurred on February 19, 2008 and March 31, 2008, respectively, based on documentation of the violations during the May 16, 2008 investigation."/>															
Good Faith Efforts to Comply																
	0.0%	Reduction	<input type="text" value="\$0"/>													
	Extraordinary	Before NOV	NOV to EDPRP/Settlement Offer													
	Ordinary	<input type="text"/>	<input type="text"/>													
	N/A	x	(mark with x)													
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>															
	Violation Subtotal	<input type="text" value="\$5,000"/>														
Economic Benefit (EB) for this violation																
	Estimated EB Amount	<input type="text" value="\$96"/>	Statutory Limit Test													
			Violation Final Penalty Total	<input type="text" value="\$7,544"/>												
			This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$7,544"/>												

Economic Benefit Worksheet

Respondent US Ecology Texas, Inc.
Case ID No. 36653
Reg. Ent. Reference No. RN101445666
Media 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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,000	16-May-2008	30-Apr-2009	0.96	\$48	n/a	\$48
Training/Sampling	\$1,000	16-May-2008	30-Apr-2009	0.96	\$48	n/a	\$48
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain complete and organized records and conduct representative monitoring activities at the Facility. Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$96

Screening Date 13-Aug-2008 Respondent US Ecology Texas, Inc. Case ID No. 36653 Reg. Ent. Reference No. RN101445666 Media [Statute] Industrial and Hazardous Waste Enf. Coordinator Thomas Greimel Violation Number 4 Rule Cite(s) 30 Tex. Admin. Code §§ 305.125 and 335.152, 40 CFR § 264.31, IHW Permit No. 50052, Provision Nos. I.G, I.I. and I.J.1. Violation Description Failed to comply with permit Contingency Plan requirements. Specifically, the Respondent indicated the Contingency Plan was not implemented during the February 19, 2008 fire and explosion incident and the March 31, 2008 uncontrolled reaction and release incident.	Docket No. 2008-0355-MLM-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 12, 2008</i>																												
Base Penalty \$10,000																													
>> Environmental, Property and Human Health Matrix																													
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> <td rowspan="2" style="text-align: right;">Percent 50%</td> </tr> <tr> <td></td> <td style="text-align: center;">Potential</td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table>			Harm						Major	Moderate	Minor		Release	Actual				Percent 50%		Potential	x							
		Harm																											
		Major	Moderate	Minor																									
Release	Actual				Percent 50%																								
	Potential	x																											
>> Programmatic Matrix																													
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">Percent 0%</td> </tr> </table>			Major	Moderate	Minor		Falsification					Percent 0%																
		Major	Moderate	Minor																									
Falsification					Percent 0%																								
Matrix Notes	Human health or the environment will or could be exposed to pollutants and hazards which would exceed levels that are protective of human health or environmental receptors as a result of the violation.																												
Adjustment \$5,000																													
\$5,000																													
Violation Events																													
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: right;">Number of Violation Events</td> <td style="text-align: center;">2</td> <td style="text-align: right;">Number of violation days</td> <td style="text-align: center;">2</td> </tr> <tr> <td style="vertical-align: top;"><i>mark only one with an x</i></td> <td> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td></td></tr> <tr><td style="text-align: center;">monthly</td><td></td></tr> <tr><td style="text-align: center;">quarterly</td><td></td></tr> <tr><td style="text-align: center;">semiannual</td><td></td></tr> <tr><td style="text-align: center;">annual</td><td></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">x</td></tr> </table> </td> <td style="text-align: right;">Violation Base Penalty</td> <td style="text-align: right;">\$10,000</td> </tr> <tr> <td colspan="4" style="text-align: center;"> Two single events are recommended for the fire and explosion and release incidents which occurred on February 19, 2008 and March 31, 2008, respectively, based on documentation of the violations during the May 16, 2008 investigation. </td> </tr> </table>	Number of Violation Events	2	Number of violation days	2	<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td></td></tr> <tr><td style="text-align: center;">monthly</td><td></td></tr> <tr><td style="text-align: center;">quarterly</td><td></td></tr> <tr><td style="text-align: center;">semiannual</td><td></td></tr> <tr><td style="text-align: center;">annual</td><td></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">x</td></tr> </table>	daily		monthly		quarterly		semiannual		annual		single event	x	Violation Base Penalty	\$10,000	Two single events are recommended for the fire and explosion and release incidents which occurred on February 19, 2008 and March 31, 2008, respectively, based on documentation of the violations during the May 16, 2008 investigation.							
Number of Violation Events	2	Number of violation days	2																										
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td></td></tr> <tr><td style="text-align: center;">monthly</td><td></td></tr> <tr><td style="text-align: center;">quarterly</td><td></td></tr> <tr><td style="text-align: center;">semiannual</td><td></td></tr> <tr><td style="text-align: center;">annual</td><td></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">x</td></tr> </table>	daily		monthly		quarterly		semiannual		annual		single event	x	Violation Base Penalty	\$10,000														
daily																													
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single event	x																												
Two single events are recommended for the fire and explosion and release incidents which occurred on February 19, 2008 and March 31, 2008, respectively, based on documentation of the violations during the May 16, 2008 investigation.																													
Good Faith Efforts to Comply																													
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td style="text-align: center;">0.0% Reduction</td> <td></td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td></td> <td colspan="2" style="text-align: center;">(mark with x)</td> </tr> <tr> <td style="vertical-align: top;">Notes</td> <td colspan="3">The Respondent does not meet the good faith criteria for this violation.</td> </tr> <tr> <td colspan="2" style="text-align: right;">Violation Subtotal</td> <td colspan="2" style="text-align: right;">\$0</td> </tr> </table>			0.0% Reduction				Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary				Ordinary				N/A		(mark with x)		Notes	The Respondent does not meet the good faith criteria for this violation.			Violation Subtotal		\$0	
		0.0% Reduction																											
		Before NOV	NOV to EDPRP/Settlement Offer																										
Extraordinary																													
Ordinary																													
N/A		(mark with x)																											
Notes	The Respondent does not meet the good faith criteria for this violation.																												
Violation Subtotal		\$0																											
Economic Benefit (EB) for this violation		Statutory Limit Test																											
Estimated EB Amount	\$1,000	Violation Final Penalty Total	\$15,088																										
This violation Final Assessed Penalty (adjusted for limits)		\$15,088																											

Economic Benefit Worksheet

Respondent US Ecology Texas, Inc.
Case ID No. 36653
Reg. Ent. Reference No. RN101445666
Media Industrial and Hazardous Waste
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$500	19-Feb-2008	19-Feb-2008	0.00	\$0	\$500	\$500
ONE-TIME avoided costs [4]	\$500	31-Mar-2008	31-Mar-2008	0.00	\$0	\$500	\$500

Notes for AVOIDED costs

Estimated cost to implement the Facility Contingency Plan. Dates Required and Final Dates are the dates of a fire and explosion incident and an uncontrolled reaction and release incident at the Facility.

Approx. Cost of Compliance

\$1,000

TOTAL

\$1,000

Screening Date 13-Aug-2008 **Docket No.** 2008-0355-MLM-E **PCW**
Respondent US Ecology Texas, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 36653 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN101445666
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Thomas Greimel

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125 and 335.152, IHW Permit No. 50052, Provision Nos. I.G. and V.D.4.

Violation Description

Failed to comply with permit design, construction, and operating requirements by not keeping an accurate record of the disposal location of waste. Specifically, Facility records incorrectly indicated that waste identified on hazardous waste manifest (HWM) no. 003245251JJK was disposed in Landfill Trench 43, Cell 1, Grid Q, Lift 1 on February 18, 2008 and wastes identified on HWM Nos. 003245262JJK and 003245259JJK were disposed in Trench 43, Cell 1, Grid H, Lift 1 and February 19, 2008, however, other Facility documentation indicates these wastes were actually combined with waste listed on HWM no. 000033692GBF and disposed in Trench 43, Cell 1, Grid R, Lift 1 on February 20, 2008.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			25%
100% of the rule requirement was not met.					
Adjustment					\$7,500

\$2,500

Violation Events

Number of Violation Events 1 175 Number of violation days

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

Violation Base Penalty \$2,500

One single event is recommended for the inaccurate record of the waste disposal which occurred on February 20, 2008, based on documentation of the violations during the May 16, 2008 investigation.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Reduction	
	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 for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$3,772

This violation Final Assessed Penalty (adjusted for limits) \$3,772

Economic Benefit Worksheet

Respondent US Ecology Texas, Inc.
Case ID No. 36653
Reg. Ent. Reference No. RN101445666
Media Industrial and Hazardous Waste
Violation No. 5

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	16-May-2008	30-Apr-2009	0.96	\$5	n/a	\$5
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain records which indicate the correct location of waste disposed in the Facility landfill.
 Date Required is the date of the investigation. Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$5

Compliance History Report

Customer/Respondent/Owner-Operator: CN603247974 US Ecology Texas, Inc. Classification: AVERAGE Rating: 18.88
 Regulated Entity: RN101445666 US ECOLOGY TEXAS Classification: AVERAGE Site Rating: 34.76

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	NE0126S
	AIR OPERATING PERMITS	PERMIT	2300
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD069452340
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	50052
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50052
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50052
	WASTEWATER	PERMIT	WQ0002888000
	WASTEWATER	PERMIT	TPDES0104400
	WASTEWATER	PERMIT	TX0104400
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW278
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW279
	AIR NEW SOURCE PERMITS	PERMIT	31382
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NE0126S
	AIR NEW SOURCE PERMITS	AFS NUM	4835500096
	AIR NEW SOURCE PERMITS	REGISTRATION	84525
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	59303
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50052

Location: 3277 CR 69, ROBSTOWN, TX, 78380

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: January 26, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 07, 2003 to October 07, 2008

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

Name: Thomas Greimel Phone: (512) 239-5690

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? US Ecology Texas, Inc.
4. If Yes, who was/were the prior owner(s)? US Ecology Texas, L.P.
5. When did the change(s) in ownership occur? 7/16/2007
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 07/14/2006 ADMINORDER 2004-1146-MLM-E
 - Classification: Minor
 - Citation: 30 TAC Chapter 335, SubChapter A 335.4
30 TAC Chapter 335, SubChapter F 335.152(a)(7)
 - 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.171
 - Rqmt Prov: III.D. PERMIT
 - Description: Failure to maintain Hazardous Waste containers in good condition.
 - Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15
Rqmt Prov: HW-50052 OP

Description: Failure to follow the inspection schedule set out in application Table III.D entitled Inspection Schedule which is included in Permit - HW-50052 as "Attachment E".

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(7)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.173(a)

Rqmt Prov: III.F. PERMIT

Description: Failure to keep a hazardous waste container closed during storage except when adding or removing waste.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: CP-50052 VI.B.1&2 IHWPERMTCP

Description: USET failed to sample all wells in accordance with the current Groundwater Sampling and Analysis Plan (GWSAP), or modify the current plan to reflect current sampling procedures.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193

Description: Failure to comply with the standards in 40 CFR §265 Subchapter J for hazardous waste tanks. specifically, secondary containment, certification, etc.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(12)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.301(g)

Rqmt Prov: 50052 PERMIT
HW-50052 PERMIT

Description: Failure to operate all leachate collection/leak detection systems with less than twelve (12) inches of head on each liner system.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(12)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.303(b)

Rqmt Prov: 50052 PERMIT

Description: Failure to inspect active landfill cells after rainfall events.

Classification: Moderate

Rqmt Prov: 50052 PERMIT

Description: Failed to record and convert action leakage rate calculation amounts of liquids removed from each leak detection system sump at least monthly during the post-closure period after the final cover is installed.

Classification: Moderate

Rqmt Prov: 50052 PERMIT

Description: During the investigation it was noted that there was standing water on the active face of the landfill. Although the water was being pumped from the active face, waste was being placed in the water on the active face of Cell 48 of the landfill.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(a)
Description: Failed to notify of a hazardous waste storage tank.

Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.64(c)(1)
30 TAC Chapter 331, SubChapter D 331.64(c)(2)

Rqmt Prov: Permit Provision XI.E.2. OP

Description: USET failed to maintain an automatic alarm shutoff system designed to sound and shut-in the well when pressures and flow rates or other parameters approved by the executive director exceed a range and/or gradient specified in the permit (Permit No. WDW-278).

Classification: Minor

Citation: 30 TAC Chapter 331, SubChapter D 331.64(c)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(f)

Rqmt Prov: Permit Provision VIII.A. OP

Description: USET failed to properly maintain and use continuous recording devices to record injection tubing pressures and injection flow rates.

Classification: Minor

Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(1)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.69(a)

Rqmt Prov: Permit Provision XI.E.2 OP

Description: USET failed to submit a quarterly report that complies with the reporting requirements of 40 CFR 146.69(a).

Classification: Major

Citation: 30 TAC Chapter 331, SubChapter D 331.63(d)

Rqmt Prov: Permit Provision VII.F. OP

Description: USET failed to maintain the annulus pressure at least 100 psi greater than the injection tubing pressure.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(8)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.192

Rqmt Prov: 50052 PERMIT

Description: USET failed to obtain the required certification for all components of the tank system.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(20)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT DD 264.1101(c)(3)

Rqmt Prov: 50052 PERMIT

Description: USET failed to collect, detect, and remove accumulated liquid in the secondary containment/leak detection system of the containment building within 24 hours.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4
30 TAC Chapter 335, SubChapter F 335.152(a)(20)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT DD 264.1101(c)(1)(iii)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT DD 264.1101(d)(2)

Rqmt Prov: 50052 PERMIT

Description: USET failed to collect decontamination liquids from containment building.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(2)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.35

Rqmt Prov: 50052 PERMIT

Description: USET failed to maintain required aisle space.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(20)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT DD 264.1101(c)(3)

Rqmt Prov: HW-50052 PERMIT

Description: USET failed to repair the secondary containment system of the containment building, failed to record the discovery of the failure, and failed to immediately remove the portion of the containment building affected by the condition from service.

Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.13(a)

Rqmt Prov: HW-50052-001 PERMIT

Description: USET failed to follow the waste analysis plan (WAP) as required by permit no. HW-50052.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: HW-50052-001 PERMIT

Description: USET accepted unauthorized waste.

Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.31

Rqmt Prov: HW-50052-001 PERMIT

Description: USET failed to operate the facility properly.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.12(c)(2)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.72(b)

Rqmt Prov: I.H.1. PERMIT

Description: USET failed to reconcile waste manifest discrepancy within 15 days.

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	02/04/2004	(257694)
2	06/24/2004	(264023)
3	06/24/2004	(265644)
4	06/24/2004	(266828)
5	06/24/2004	(274199)
6	07/29/2004	(281224)
7	08/30/2004	(290093)
8	06/10/2005	(378141)
9	07/27/2005	(400726)
10	08/31/2005	(405295)
11	01/19/2006	(435501)
12	04/17/2006	(461246)
13	04/20/2006	(462816)
14	05/12/2006	(464550)
15	08/15/2006	(497258)
16	08/30/2006	(488343)
17	01/30/2007	(538022)
18	02/13/2007	(538881)
19	03/12/2007	(540589)
20	04/25/2007	(554394)
21	04/25/2007	(555967)
22	05/31/2007	(542910)
23	08/23/2007	(570743)
24	10/17/2007	(567717)
25	11/20/2007	(601146)
26	02/13/2008	(615613)
27	02/15/2008	(616216)
28	02/26/2008	(618600)
29	03/07/2008	(636414)
30	03/10/2008	(637223)
31	04/29/2008	(639872)
32	04/29/2008	(641091)
33	05/02/2008	(646253)
34	05/16/2008	(657048)
35	05/27/2008	(680148)
36	06/20/2008	(682818)
37	08/06/2008	(653211)

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

Date: 06/09/2005 (378141)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(7)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.171

HW-50052 OP

Description: Failure to maintain hazardous waste containers in good condition.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(d)
 HW-50052 OP
 Description: Failure to document corrective action on inspection records.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(12)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.301(a)(2)
 HW-50052 OP
 Description: Failure to operate leachate collection/leak detection systems with less than 12 inches of head on system.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
 HW-50052 OP
 Description: Failed to properly and clearly label a hazardous waste storage tank with the "Hazardous Waste".
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(7)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.173
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.173(a)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.173(b)
 HW-50052 OP
 Description: Failure to maintain closed hazardous waste containers.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)
 40 CFR Chapter 268, SubChapter I, PT 268, SubPT E 268.50(a)(2)(i)
 Description: Failure to clearly mark each container to identify its contents.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter E 335.124(b)
 30 TAC Chapter 335, SubChapter F 335.173(h)
 Description: Failure to immediately remove rainwater from the active landfill cell(s) and manage it as contaminated wastewater.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(3)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT D 264.54(d)
 HW-50052 OP
 Description: Failure to update the Contingency Plan and Emergency Procedures Emergency contacts Lists.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
 30 TAC Chapter 335, SubChapter E 335.112(a)(9)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.192(a)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(f)
 HW-50052 OP
 Description: Failure to provide adequate secondary containment for ancillary equipment.
 Date: 01/19/2006 (435501)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(20)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT DD 264.1101(a)(1)
 VI. D. 1. OP
 Description: Failure to ensure that the Containment Building is completely enclosed.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)
 40 CFR Chapter 268, SubChapter I, PT 268, SubPT E 268.50(a)(2)(i)
 Description: USET failed to clearly mark and identify contents of all hazardous containers in storage.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(d)
 Description: Failure to document the date and time of the inspections and the date and nature of any repairs or remedial actions in the inspection record.
 Date: 11/30/2006 (518126)
 Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.13(b)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.314(c)

Permit Provision V.G PERMIT

Description: Failure to follow the Waste Analysis Plan and failure to demonstrate the absence or presence of free liquids in either a containerized or a bulk waste in accordance with 264.314(c).

Date: 01/17/2007 (518127)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125
Permit Section I.B. Permit Application PERMIT
Permit Section I.G. Permit Conditions PERMIT
Permit Section I.G.6. Modification PERMIT
Permit Section I.J.5. Application PERMIT
Permit Section II.A. Facility Design PERMIT

Description: Failure to comply with the permit by failing to follow the construction sequence as written for Cells 43-46.

Date: 05/31/2007 (542910)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
HW-50052-001 Permit Provision V.D.1.a. PERMIT

Description: Failure to install piezometer wells or test pits in the proximity of each cell corner for the purpose of determining groundwater elevation prior to cell excavation of cells 43-46 as required by the facility's permit.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
HW-50052-001 Provision Section 1.D.2. PERMIT

Description: Failure to operate Permitted Drum Building within the maximum authorized permitted capacity.

Date: 10/17/2007 (567717)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
CP-50052, Section VI.C.5.b. IHWPERMTCP

Description: Failure to perform field determinations in accordance with Compliance Plan No. 50052, Class 1-1 Modification.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
CP-50052, Section VI.B.1. IHWPERMTCP

Description: Failure to sample wells in accordance with the Sampling and Analysis Plan (SAP).

Date: 05/02/2008 (646253)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125
40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.314(a)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.314(b)
PP. I. G. Standard Permit Conditions OP
PP. V.G. Special Requirements For Liquid OP

Description: Failure to follow the special requirements for liquid wastes, Permit Provision V.G.1-9. Failure to conduct a paint filter test pursuant to 40 CFR 264.314.

Date: 05/14/2008 (657048)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(12)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.301(g)
50052 PERMIT
HW-50052 PERMIT

Description: Failure to operate all leachate collection/leak detection systems with less than twelve (12) inches of head on each liner system.

Self Report? NO

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.051(a)(1)(B)
OP 3.a.v. ORDER

Description: Failed to comply with Ordering Provisions of Commission Order Docket No. 2004-1146-MLM-E.

F. Environmental audits.

Notice of Intent Date: 06/23/2004 (347017)

No DOV Associated

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	1-Dec-2008	Screening	11-Dec-2008	EPA Due	
	PCW	16-Jan-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	US Ecology Texas, Inc.		
Reg. Ent. Ref. No.	RN101445666		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36653	No. of Violations	3
Docket No.	2008-0355-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Thomas Greimel
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$20,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 39.0% Enhancement Subtotals 2, 3, & 7 \$7,800

Notes: Enhancement for one order without denial of liability and 8 NOVs without same or similar violations and reduction for 2 NOIs.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts	\$2,004
Approx. Cost of Compliance	\$2,100

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$27,800

OTHER FACTORS AS JUSTICE MAY REQUIRE 7.2% Adjustment \$2,000

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 1 and 3.

Final Penalty Amount \$29,800

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$29,800

DEFERRAL 20.0% Reduction Adjustment -\$5,960

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 \$23,840

Screening Date 11-Dec-2008

Docket No. 2008-0355-MLM-E

PCW

Respondent US Ecology Texas, Inc.

Policy Revision 2 (September 2002)

Case ID No. 36653

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101445666

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

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	8	16%
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	1	25%
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 judgements 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)	2	-2%
	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%
Please Enter Yes or No			
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

Enhancement for one order without denial of liability and 8 NOVs without same or similar violations and reduction for 2 NOIs.

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

Screening Date 11-Dec-2008 **Docket No.** 2008-0355-MLM-E **PCW**
Respondent US Ecology Texas, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 36653 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101445666
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Thomas Greimel

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125, 335.152; 40 Code of Federal Regulations (CFR) §§ 264.13 and 264.31; IHW Permit No. 50052, Provision Nos. I.G., I.I., I.J.4., and II.B.; and Waste Analysis Plan (WAP), Section Nos. 2.0. and 3.0.

Violation Description
 Failed to operate in a manner to minimize the possibility of fire, explosion or or any unplanned sudden or non-sudden release of hazardous constituents to air soil or surface water which could threaten human health or the environment. Specifically, on September 13, 2008 and September 14, 2008, a fire occurred in the area of US Ecology Landfill Cell No. 45 as a result of improper disposal (lack of cover material) of a spontaneously combustible waste [US Ecology Waste Stream No. 090051669-0 (assorted filters)]. Failed to follow the Facility's WAP by inadequately characterizing waste streams. Specifically, waste product questionnaires did not adequately define chemical and physical compositions of wastes. Also, supporting documentation used for process knowledge waste classification was conflicting or inadequate (lack of Material Safety Data Sheets) regarding classification of waste associated with the September 13, 2008 and September 14, 2008 fire at the Landfill.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
OR		Major	Moderate	Minor	
Actual				X	Percent 25%
Potential					

>> Programmatic Matrix

		Major	Moderate	Minor	
Falsification					Percent 0%

Matrix Notes Human health or the environment was exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 **Number of violation days** 2

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,500

One single event is recommended for the fire incident.

Good Faith Efforts to Comply

0.0% Reduction \$0

	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 for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,000

Violation Final Penalty Total \$3,725

This violation Final Assessed Penalty (adjusted for limits) \$3,725

Economic Benefit Worksheet

Respondent US Ecology Texas, Inc.
Case ID No. 36653
Reg. Ent. Reference No. RN101445666
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	13-Sep-2008	14-Sep-2008	0.00	\$0	\$1,000	\$1,000
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to follow WAP procedures and take precautions necessary to minimize the possibility of fire, explosion or release of hazardous constituents. Date Required is the beginning date of the fire incident and Final Date is the ending date of the fire incident at the Landfill.

Approx. Cost of Compliance \$1,000

TOTAL \$1,000

Screening Date 11-Dec-2008	Docket No. 2008-0355-MLM-E	PCW																
Respondent US Ecology Texas, Inc.		<small>Policy Revision 2 (September 2002)</small>																
Case ID No. 36653		<small>PCW Revision October 30, 2008</small>																
Reg. Ent. Reference No. RN101445666																		
Media [Statute] Industrial and Hazardous Waste																		
Enf. Coordinator Thomas Greimel																		
Violation Number <input type="text" value="2"/>																		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 305.125 and IHW Permit No. 50052, Provision Nos. I.G. and V.D.4."/>																	
Violation Description	<input type="text" value="Failed to comply with permit design, construction, and operating requirements by not keeping an accurate record of the disposal location of waste. Specifically, Facility records incorrectly indicated that all waste identified on hazardous waste manifest (HWM) no. 004199057.JJK was disposed in Landfill Trench 45, Cell 1, Grid C, Lift 2 on September 10, 2008, however, other Facility documentation indicates that part of this waste was treated and disposed in Trench 45, Cell 1, Grid Q, Lift 2 on September 10, 2008. In addition, no record of the amount of waste disposed in the two locations was available."/>																	
	Base Penalty	<input type="text" value="\$10,000"/>																
>> Environmental, Property and Human Health Matrix																		
OR	Release	Harm																
		Major Moderate Minor																
	Actual	<input type="text"/>	Percent <input type="text" value="0%"/>															
	Potential	<input type="text"/>																
>> Programmatic Matrix																		
	Falsification	Major	Moderate	Minor														
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>													
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>																	
	Adjustment	<input type="text" value="\$7,500"/>																
		<input type="text" value="\$2,500"/>																
Violation Events																		
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="88"/>														
<small>mark only one with an x</small>		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x		Violation Base Penalty <input type="text" value="\$2,500"/>
daily	<input type="text"/>																	
weekly	<input type="text"/>																	
monthly	<input type="text"/>																	
quarterly	<input type="text"/>																	
semiannual	<input type="text"/>																	
annual	<input type="text"/>																	
single event	x																	
	<input type="text" value="One single event is recommended based on documentation of the violations during the September 15, 2008 investigation."/>																	
Good Faith Efforts to Comply		0.0% Reduction	<input type="text" value="\$0"/>															
		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 x)															
	Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>																
	Violation Subtotal	<input type="text" value="\$2,500"/>																
Economic Benefit (EB) for this violation		Statutory Limit Test																
	Estimated EB Amount	<input type="text" value="\$4"/>	Violation Final Penalty Total	<input type="text" value="\$3,725"/>														
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$3,725"/>																

Economic Benefit Worksheet

Respondent US Ecology Texas, Inc.
Case ID No. 36653
Reg. Ent. Reference No. RN101445666
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	15-Sep-2008	30-Jun-2009	0.79	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain records which indicate the correct location of waste disposed in the Facility landfill.
 Date Required is the date of the investigation. Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

Screening Date 11-Dec-2008	Docket No. 2008-0355-MLM-E	PCW		
Respondent US Ecology Texas, Inc.	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36653	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN101445666				
Media [Statute] Industrial and Hazardous Waste				
Enf. Coordinator Thomas Greimel				
Violation Number 3				
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125 and 335.152 and IHW Permit No. 50052, Provision Nos. I.G. and V.D.3.b.			
Violation Description	Failed to comply with landfill operating requirements by applying waste in lifts greater than three feet and using unacceptable daily cover for hazardous waste. Specifically, it was documented that bulk waste was being applied in five foot lifts and non hazardous waste was being used as a daily cover material.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Percent	50%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Percent	0%	
Matrix Notes	Human health or the environment will or could be exposed to pollutants and hazards which would exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment		\$5,000		
		\$5,000		
Violation Events				
	Number of Violation Events	3	Number of violation days	
		88		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
Violation Base Penalty		\$15,000		
Three monthly events are recommended from the September 15, 2008 investigation date to the December 11, 2008 screening date.				
Good Faith Efforts to Comply				
		0.0% Reduction	\$0	
		Before NOV NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal		\$15,000		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$1,000	Violation Final Penalty Total	\$22,350	
		This violation Final Assessed Penalty (adjusted for limits)	\$22,350	

Economic Benefit Worksheet

Respondent US Ecology Texas, Inc.
Case ID No. 36653
Reg. Ent. Reference No. RN101445666
Media 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
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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	10-Sep-2008	15-Sep-2008	0.00	\$0	\$1,000	\$1,000
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost associated with improper application of waste and final cover material in the Landfill. Date Required is the date when the Respondent did not provide proper daily cover to incoming wastes. Final Date is the investigation date.

Approx. Cost of Compliance \$1,000

TOTAL \$1,000

Compliance History Report

Customer/Respondent/Owner-Operator: CN603247974 US Ecology Texas, Inc. Classification: AVERAGE Rating: 18.88
 Regulated Entity: RN101445666 US ECOLOGY TEXAS Classification: AVERAGE Site Rating: 34.76

ID Number(s):	Category	Account Number	Value
	AIR OPERATING PERMITS	ACCOUNT NUMBER	NE0126S
	AIR OPERATING PERMITS	PERMIT	2300
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD069452340
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	50052
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50052
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50052
	WASTEWATER	PERMIT	WQ0002888000
	WASTEWATER	PERMIT	TPDES0104400
	WASTEWATER	PERMIT	TX0104400
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW278
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW279
	AIR NEW SOURCE PERMITS	PERMIT	31382
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NE0126S
	AIR NEW SOURCE PERMITS	AFS NUM	4835500096
	AIR NEW SOURCE PERMITS	REGISTRATION	84525
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	59303
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50052

Location: 3277 CR 69, ROBSTOWN, TX, 78380

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: December 16, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 16, 2003 to December 16, 2008

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

Name: Thomas Greimel Phone: (512) 239-5690

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? US Ecology Texas, Inc.
4. If Yes, who was/were the prior owner(s)? US Ecology Texas, L.P.
5. When did the change(s) in ownership occur? 7/16/07
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 07/14/2006

ADMINORDER 2004-1146-MLM-E

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.4

30 TAC Chapter 335, SubChapter F 335.152(a)(7)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.171

Rqmt Prov: III.D. PERMIT

Description: Failure to maintain Hazardous Waste containers in good condition.

Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15

Rqmt Prov: HW-50052 OP

Description: Failure to follow the inspection schedule set out in application Table III.D entitled Inspection Schedule which is included in Permit - HW-50052 as "Attachment E".

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(7)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.173(a)

Rqmt Prov: III.F. PERMIT

Description: Failure to keep a hazardous waste container closed during storage except when adding or removing waste.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: CP-50052 VI.B.1&2 IHWPERMTCP

Description: USET failed to sample all wells in accordance with the current Groundwater Sampling and Analysis Plan (GWSAP), or modify the current plan to reflect current sampling procedures.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193

Description: Failure to comply with the standards in 40 CFR §265 Subchapter J for hazardous waste tanks. specifically, secondary containment, certification, etc.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(12)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.301(g)

Rqmt Prov: 50052 PERMIT

HW-50052 PERMIT

Description: Failure to operate all leachate collection/leak detection systems with less than twelve (12) inches of head on each liner system.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(12)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.303(b)

Rqmt Prov: 50052 PERMIT

Description: Failure to inspect active landfill cells after rainfall events.

Classification: Moderate

Rqmt Prov: 50052 PERMIT

Description: Failed to record and convert action leakage rate calculation amounts of liquids removed from each leak detection system sump at least monthly during the post-closure period after the final cover is installed.

Classification: Moderate

Rqmt Prov: 50052 PERMIT

Description: During the investigation it was noted that there was standing water on the active face of the landfill. Although the water was being pumped from the active face, waste was being placed in the water on the active face of Cell 48 of the landfill.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(a)

Description: Failed to notify of a hazardous waste storage tank.

Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.64(c)(1)

30 TAC Chapter 331, SubChapter D 331.64(c)(2)

Rqmt Prov: Permit Provision XI.E.2. OP

Description: USET failed to maintain an automatic alarm shutoff system designed to sound and shut-in the well when pressures and flow rates or other parameters approved by the executive director exceed a range and/or gradient specified in the permit (Permit No. WDW-278).

Classification: Minor

Citation: 30 TAC Chapter 331, SubChapter D 331.64(c)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(f)

Rqmt Prov: Permit Provision VIII.A. OP

Description: USET failed to properly maintain and use continuous recording devices to record injection tubing pressures and injection flow rates.

Classification: Minor

Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(1)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.69(a)

Rqmt Prov: Permit Provision XI.E.2 OP

Description: USET failed to submit a quarterly report that complies with the reporting requirements of 40 CFR 146.69(a).

Classification: Major

Citation: 30 TAC Chapter 331, SubChapter D 331.63(d)

Rqmt Prov: Permit Provision VII.F. OP

Description: USET failed to maintain the annulus pressure at least 100 psi greater than the injection tubing pressure.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(8)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.192

Rqmt Prov: 50052 PERMIT

Description: USET failed to obtain the required certification for all components of the tank system.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(20)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT DD 264.1101(c)(3)

Rqmt Prov: 50052 PERMIT

Description: USET failed to collect, detect, and remove accumulated liquid in the secondary containment/leak detection system of the containment building within 24 hours.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4
30 TAC Chapter 335, SubChapter F 335.152(a)(20)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT DD 264.1101(c)(1)(iii)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT DD 264.1101(d)(2)

Rqmt Prov: 50052 PERMIT

Description: USET failed to collect decontamination liquids from containment building.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(2)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.35

Rqmt Prov: 50052 PERMIT

Description: USET failed to maintain required aisle space.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(20)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT DD 264.1101(c)(3)

Rqmt Prov: HW-50052 PERMIT

Description: USET failed to repair the secondary containment system of the containment building, failed to record the discovery of the failure, and failed to immediately remove the portion of the containment building affected by the condition from service.

Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.13(a)

Rqmt Prov: HW-50052-001 PERMIT

Description: USET failed to follow the waste analysis plan (WAP) as required by permit no. HW-50052.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: HW-50052-001 PERMIT

Description: USET accepted unauthorized waste.

Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.31

Rqmt Prov: HW-50052-001 PERMIT

Description: USET failed to operate the facility properly.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.12(c)(2)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.72(b)

Rqmt Prov: I.H.1. PERMIT

Description: USET failed to reconcile waste manifest discrepancy within 15 days.

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	02/04/2004	(257694)
2	06/24/2004	(264023)
3	06/24/2004	(265644)
4	06/24/2004	(266828)
5	06/24/2004	(274199)
6	07/29/2004	(281224)
7	08/30/2004	(290093)
8	06/10/2005	(378141)
9	07/27/2005	(400726)
10	08/31/2005	(405295)
11	01/19/2006	(435501)
12	04/17/2006	(461246)
13	04/20/2006	(462816)
14	05/12/2006	(464550)
15	08/15/2006	(497258)
16	08/30/2006	(488343)
17	01/30/2007	(538022)
18	02/13/2007	(538881)
19	03/12/2007	(540589)
20	04/25/2007	(554394)
21	04/25/2007	(555967)
22	05/31/2007	(542910)
23	08/23/2007	(570743)
24	10/17/2007	(567717)
25	11/20/2007	(601146)
26	02/13/2008	(615613)
27	02/15/2008	(616216)
28	02/26/2008	(618600)
29	03/07/2008	(636414)
30	03/10/2008	(637223)
31	04/29/2008	(639872)
32	04/29/2008	(641091)
33	05/02/2008	(646253)
34	05/16/2008	(657048)
35	05/27/2008	(680148)
36	06/20/2008	(682818)
37	08/06/2008	(653211)
38	11/24/2008	(703159)
39	11/26/2008	(706107)

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

Date: 06/09/2005 (378141)

N/A Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(7)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.171
HW-50052 OP

Description: Failure to maintain hazardous waste containers in good condition.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(d)
 HW-50052 OP

Description: Failure to document corrective action on inspection records.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(12)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.301(a)(2)
 HW-50052 OP

Description: Failure to operate leachate collection/leak detection systems with less than 12 inches of head on system.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
 HW-50052 OP

Description: Failed to properly and clearly label a hazardous waste storage tank with the "Hazardous Waste".
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(7)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.173
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.173(a)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.173(b)
 HW-50052 OP

Description: Failure to maintain closed hazardous waste containers.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)
 40 CFR Chapter 268, SubChapter I, PT 268, SubPT E 268.50(a)(2)(i)

Description: Failure to clearly mark each container to identify its contents.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter E 335.124(b)
 30 TAC Chapter 335, SubChapter F 335.173(h)

Description: Failure to immediately remove rainwater from the active landfill cell(s) and manage it as contaminated wastewater.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(3)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT D 264.54(d)
 HW-50052 OP

Description: Failure to update the Contingency Plan and Emergency Procedures Emergency contacts Lists.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
 30 TAC Chapter 335, SubChapter E 335.112(a)(9)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.192(a)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(f)
 HW-50052 OP

Description: Failure to provide adequate secondary containment for ancillary equipment.
 Date: 01/19/2006 (435501)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(20)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT DD 264.1101(a)(1)
 VI. D. 1. OP

Description: Failure to ensure that the Containment Building is completely enclosed.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)
 40 CFR Chapter 268, SubChapter I, PT 268, SubPT E 268.50(a)(2)(i)

Description: USET failed to clearly mark and identify contents of all hazardous containers in storage.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(d)

Description: Failure to document the date and time of the inspections and the date and nature of any repairs or remedial actions in the inspection record.

Date: 11/30/2006 (518126)
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.13(b)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.314(c)
Permit Provision V.G PERMIT
Description: Failure to follow the Waste Analysis Plan and failure to demonstrate the absence or presence of free liquids in either a containerized or a bulk waste in accordance with 264.314(c).

Date: 01/17/2007 (518127)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125
Permit Section I.B. Permit Application PERMIT
Permit Section I.G. Permit Conditions PERMIT
Permit Section I.G.6. Modification PERMIT
Permit Section I.J.5. Application PERMIT
Permit Section II.A. Facility Design PERMIT
Description: Failure to comply with the permit by failing to follow the construction sequence as written for Cells 43-46.

Date: 05/31/2007 (542910)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
HW-50052-001 Permit Provision V.D.1.a. PERMIT
Description: Failure to install piezometer wells or test pits in the proximity of each cell corner for the purpose of determining groundwater elevation prior to cell excavation of cells 43-46 as required by the facility's permit.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
HW-50052-001 Provision Section 1.D.2. PERMIT
Description: Failure to operate Permitted Drum Building within the maximum authorized permitted capacity.

Date: 10/17/2007 (567717)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
CP-50052, Section VI.C.5.b. IHWPERMTCP
Description: Failure to perform field determinations in accordance with Compliance Plan No. 50052, Class -1-1 Modification.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
CP-50052, Section VI.B.1. IHWPERMTCP
Description: Failure to sample wells in accordance with the Sampling and Analysis Plan (SAP).

Date: 05/02/2008 (646253)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125
40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.314(a)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.314(b)
PP. I. G. Standard Permit Conditions OP
PP. V.G. Special Requirements For Liquid OP
Description: Failure to follow the special requirements for liquid wastes, Permit Provision V.G.1-9. Failure to conduct a paint filter test pursuant to 40 CFR 264.314.

Date: 05/14/2008 (657048)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(12)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT N 264.301(g)
50052 PERMIT
HW-50052 PERMIT

Description: Failure to operate all leachate collection/leak detection systems with less than twelve (12) inches of head on each liner system.

Self Report? NO

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.051(a)(1)(B)
OP 3.a.v. ORDER

Description: Failed to comply with Ordering Provisions of Commission Order Docket No. 2004-1146-MLM-E.

F. Environmental audits.

06/23/2004 (347017)

Notice of Intent Date:

No DOV Associated

10/13/2005 (451916)

Notice of Intent Date:

No DOV Associated

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
US ECOLOGY TEXAS, INC.
RN101445666

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0355-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 US Ecology Texas, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a hazardous waste processing, storage, and disposal facility at 3277 County Road 69 in Robstown, Nueces County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial solid waste and hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361 and consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about February 9, 2008, August 10, 2008, and December 1, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ninety-Two Thousand Six Hundred Fifty Dollars (\$92,650) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Thirty-Seven Thousand Sixty Dollars (\$37,060) of the administrative penalty and Eighteen Thousand Five Hundred Thirty Dollars (\$18,530) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Thirty-Seven Thousand Sixty Dollars (\$37,060) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 the Respondent 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 the Respondent 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, the Respondent is alleged to have:

1. Failed to follow the Facility's Waste Analysis Plan ("WAP") with regard to waste streams subject to treatment for land disposal, in violation of 30 TEX. ADMIN. CODE § 305.125; 40 CODE OF FEDERAL REGULATIONS ("CFR") § 264.13; IHW Permit No. 50052, Provision Nos. I.G. and I.J.4., as documented during an investigation conducted on November 14, 2007. Specifically, three waste treatment recipes were developed for incoming waste streams received from a hazardous waste generator, however, the Respondent did not follow the WAP by failing to conduct verification sampling and analysis on one of the three treatment recipes used to treat waste.
2. Failed to comply with Land Disposal Restrictions ("LDR"), in violation of 30 TEX. ADMIN. CODE §§ 305.125 and 335.431, 40 CFR § 268.40(a); IHW Permit No. 50052, Provision Nos. I.G., I.G.8., II.S.2, V.G.6. and V.G.7., as documented during an investigation conducted on November 14, 2007. Approximately 411,000 pounds of waste received from a hazardous waste generator characterized as hazardous waste on manifests (EPA Hazardous Waste Code D018) was disposed at the Facility without adequate verification that LDR treatment standards were met prior to land disposal. Specifically, one treatment recipe, developed in the laboratory on November 6, 2007 was utilized November 6, 2007 through December 10, 2007 but the bulk treated waste was not

- sampled and tested for verification to ensure treatment standards were met prior to disposal of the waste into the landfill.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.110(a) and 305.125; IHW Permit No. 50052, Provision No. I.G.7.; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 16, 2008. Specifically, 2.2 lbs of calcium carbonate, 1.38 lbs. of calcium oxide, 0.28 lbs. of crystalline silica, 0.06 lbs. of magnesium oxide, 2.21 lbs of chlorine, 0.49 lbs of benzene, 0.49 lbs of mercaptobezothiazole, 0.49 lbs of sodium dodecylbenzenesulfonate were released from Permit Unit No. 10 (Stabilization Building No. 1) during mixing of solid and liquid oxidizer wastes and organic wastes resulting in an emissions event which began on March 31, 2008 and lasted 55 minutes (Incident No. 105690). Since the emissions event was avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
 4. Failed to minimize the possibility of fire, explosion or release of hazardous constituents and prevent placement of incompatible wastes or materials in the same tank system, in violation of 30 TEX. ADMIN. CODE §§ 305.125, 335.152; 40 CFR §§ 264.17(a) and (b), 264.31, and 264.199(a); IHW Permit No. 50052, Provision Nos. I.G., I.I., I.B., I.H., I.R., and IV.F., as documented during an investigation conducted on May 16, 2008. Specifically, on February 19, 2008, the Respondent combined incompatible wastes [35,180 lbs of USEWS No. 090048292-0 with 53,520 lbs of USEWS No. 090059996-0] in a permitted treatment tank (Permit Unit No. 11) resulting in an uncontrolled reaction and fire. In addition, on March 31, 2008, the Respondent combined incompatible wastes and materials (USEWS No. 090051897 added to Batch MX4517) in a permitted treatment tank (Permit Unit No. 10) resulting in an uncontrolled reaction and a release to air.
 5. Failed to follow the Facility's WAP with regard to waste characterization, waste stream verification parameter selection, LDR waste confirmational testing, proper analytical procedures, and waste segregation and classification, in violation of 30 TEX. ADMIN. CODE §§ 305.125, 335.152; 40 CFR § 264.13; IHW Permit No. 50052, Provision Nos. I.G., I.I., and I.J.4., and I.R.; and WAP, Sections 2.0., 4.2.1., 4.2.3., 4.2.5., and 5.0., as documented during an investigation conducted on May 16, 2008. Specifically, compatibility test results were not included in the waste stream verification parameter selection, proportional testing was not used, and the Standard Operating Procedures ("SOP") for compatibility testing was not maintained at the Facility or followed.
 6. Failed to comply with permit monitoring and records requirements, in violation of 30 TEX. ADMIN. CODE §§ 305.125(11)(A), (B), and (C) and 335.152; 40 CFR § 264.73; and IHW Permit No. 50052, Provision Nos. I.G., I.I., and I.R., as documented during an investigation conducted on May 16, 2008. Specifically, the Respondent did not provide adequate records demonstrating monitoring samples had been taken and measurements made for compatibility testing of incoming waste streams [USEWS No. 090048292-0 (Dupont waste) and USEWS No. 090059996-0 (MEMC waste)] associated with the February 19, 2008 and March 31, 2008 uncontrolled reaction and release incidents. In addition, Facility operating records, in the form of field sheets, did not accurately indicate the amount of reagents and ingredients used or correctly indicate which waste streams were mixed during the February 19, 2008 and March 31, 2008 incidents.
 7. Failed to comply with permit Contingency Plan requirements, in violation of 30 TEX. ADMIN. CODE §§ 305.125 and 335.152; 40 CFR § 264.31; and IHW Permit No. 50052, Provision Nos.

I.G., I.I., and I.J.1., as documented during an investigation conducted on May 16, 2008. Specifically, the Respondent indicated the Contingency Plan was not implemented during the February 19, 2008 fire and explosion incident and the March 31, 2008 uncontrolled reaction and release incident.

8. Failed to comply with permit design, construction, and operating requirements by not keeping an accurate record of the disposal location of waste, in violation of 30 TEX. ADMIN. CODE §§ 305.125 and 335.152; and IHW Permit No. 50052, Provision Nos. I.G and V.D.4., as documented during an investigation conducted on May 16, 2008. Specifically, Facility landfill records incorrectly indicated that waste identified on hazardous waste manifest (HWM) no. 003245251JJK was disposed in Landfill Trench 43, Cell 1, Grid Q, Lift 1 on February 18, 2008 and wastes identified on HWM Nos. 003245262JJK and 003245259JJK were disposed in Trench 43, Cell 1, Grid H, Lift 1 on February 19, 2008, however, other Facility documentation indicates these wastes were actually combined with waste listed on HWM no. 000033692GBF and disposed in Trench 43, Cell 1, Grid R, Lift 1 on February 20, 2008.
9. Failed to operate in a manner to minimize the possibility of fire, explosion or any unplanned sudden or non-sudden release of hazardous constituents to air soil or surface water which could threaten human health or the environment, in violation of 30 TEX. ADMIN. CODE §§ 305.125 and 335.152; 40 CFR § 264.31; and IHW Permit No. 50052, Provision Nos. I.G., I.I., and I.I.B, as documented during an investigation conducted on September 15, 2008. Specifically, on September 13, 2008 and September 14, 2008, a fire occurred in the area of US Ecology Landfill Cell No. 45 as a result of improper disposal (lack of cover material) of a spontaneously combustible waste [US Ecology Waste Stream No. 090051669-0 (assorted filters)].
10. Failed to follow the Facility's WAP by inadequately characterizing waste streams, in violation of 30 TEX. ADMIN. CODE §§ 305.125 and 335.152; 40 CFR § 264.13; IHW Permit No. 50052, Provision No. I.J.4.; and WAP Section Nos. 2.0. and 3.0., as documented during an investigation conducted on September 15, 2008. Specifically, waste product questionnaires did not adequately define chemical and physical compositions of wastes. Also, supporting documentation used for process knowledge waste classification was conflicting or inadequate (lack of Material Safety Data Sheets) regarding classification of waste associated with the September 13, 2008 and September 14, 2008 fire at the Landfill.
11. Failed to comply with permit design, construction, and operating requirements by not keeping an accurate record of the disposal location of waste, in violation of 30 TEX. ADMIN. CODE § 305.125 and IHW Permit No. 50052, Provision Nos. I.G. and V.D.4., as documented during an investigation conducted on September 15, 2008. Specifically, Facility records incorrectly indicated that all waste identified on hazardous waste manifest (HWM) no. 004199057JJK was disposed in Landfill Trench 45, Cell 1, Grid C, Lift 2 on September 10, 2008, however, other Facility documentation indicates that part of this waste was treated and disposed in Trench 45, Cell 1, Grid Q, Lift 2 on September 10, 2008. In addition, no record of the amount of waste disposed in the two locations was available.
12. Failed to comply with landfill operating requirements by applying waste in lifts greater than three feet and using unacceptable daily cover for hazardous waste, in violation of 30 TEX. ADMIN. CODE §§ 305.125 and 335.152 and IHW Permit No. 50052, Provision Nos. I.G. and V.D.3.b, as documented during an investigation conducted on September 15, 2008. Specifically, it was

documented that bulk waste was being applied in five foot lifts and non hazardous waste was being used as daily cover material.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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: US Ecology Texas, Inc., Docket No. 2008-0355-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. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Thirty-Seven Thousand Sixty Dollars (\$37,060) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:
 - i. Follow the WAP by conducting confirmational testing on all waste treatment recipes developed for the purpose of meeting LDRs and by adequately characterizing waste streams prior to disposal and by following the SOP for compatibility testing and maintaining the SOP at the Facility, in accordance with 30 TEX. ADMIN. CODE §§ 305.125, 335.152, 40 CFR §§ 264.13, 264.17(a) and (b), and 264.199(a), IHW Permit No. 50052, Provision Nos. I.G., I.I., I.J.4., II.B., II.H., and IV.F., V.G.6., and V.G.7., and WAP, Sections 2.0., 3.0., 4.2.1., 4.2.3., 4.2.5., and 5.0.;
 - ii. Cease disposal of wastes without adequate verification that LDR standards have been met, in accordance with 30 TEX. ADMIN. CODE §§ 305.125 and 335.431, 40

CFR § 268.40(a), and IHW Permit No. 50052, Provision Nos. I.G., I.G.8., II.S.2, V.G.6. and V.G.7.;

- iii. Implement operational procedures that will prevent combining of incompatible wastes or materials in the same tank system, prevent improper disposal of spontaneously combustible waste, and operate the Facility to minimize the possibility of a fire, explosion, or release of hazardous constituents which could threaten human health or the environment, in accordance with 30 TEX. ADMIN. CODE §§ 305.125 and 335.152, 40 CFR §§ 264.17(a) and (b), and 264.199(a), IHW Permit No. 50052, Provision Nos. I.G., I.I., II.B., II.H., IV.F., and V.D.3.b.;
 - iv. Maintain complete, accurate, organized, written, operational records at the Facility which include, records of monitoring samples and measurements for compatibility testing, quantity of all reagents and ingredients used per waste stream or waste mix, the identity of incoming waste streams and waste streams mixed during waste treatment processes, and the quantity and location of each hazardous waste stream at the Facility, in accordance with 30 TEX. ADMIN. CODE §§ 305.125(11)(A), (B), and (C) and 335.152, 40 CFR § 264.73, IHW Permit No. 50052, Provision Nos. I.G., I.I., and II.R.;
 - v. Implement the Facility Contingency Plan immediately, as provided therein, whenever there is a fire, explosion, release of hazardous waste or hazardous constituents which could threaten human health or the environment, in accordance with 30 TEX. ADMIN. CODE §§ 305.125 and 335.152, 40 CFR § 264.31, IHW Permit No. 50052, Provision Nos. I.G., I.I., and I.J.1.;
 - vi. Maintain accurate Facility landfill records, which includes but is not limited to, the correct disposal location of waste, in accordance with 30 TEX. ADMIN. CODE §§ 305.125 and 335.152, IHW Permit No. 50052, Provision Nos. I.G and V.D.4; and
 - vii. Apply bulk waste in lifts no greater than three feet and use acceptable daily cover for hazardous waste, in accordance with 30 TEX. ADMIN. CODE §§ 305.125 and 335.152 and IHW Permit No. 50052, Provision Nos. I.G. and V.D.3.b.
- b. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the reoccurrence of emissions due to the same causes as that of the February 19, 2008 and March 31, 2008 emissions events; and
 - c. 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 Nos. 3.a.i. through 3.b.

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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed

to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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:

Waste Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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.
5. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.

8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

John S. Green
For the Executive Director

9/3/2009
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 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Catherine A. Skurow
Signature

4/7/09
Date

Catherine A. Skurow
Name (Printed or typed)
Authorized Representative of
US Ecology Texas, Inc.

General 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.

Attachment A

Docket Number: 2008-0355-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: US Ecology Texas, Inc.
Payable Penalty Amount: Seventy-Four Thousand One Hundred Twenty Dollars (\$74,120)
SEP Amount: Thirty-Seven Thousand Sixty Dollars (\$37,060)
Type of SEP: Pre-approved
Third-Party Recipient: Coastal Bend Bays and Estuaries Program, Inc.
Location of SEP: Nueces County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used for the Colonial Waterbird Rookery Island Enhancement Project. Shamrock and Causeway Islands are important rookery islands with heavy bird usage that are experiencing significant loss of wetland and rookery habitat due to dredging activities and erosion from waves and ships. SEP monies will be used to pay for the labor and material costs associated with preventing erosion in the unprotected areas of the islands and restoring parts of the islands that have suffered from erosion. The project will protect critical bird habitat and also enhance the wetlands.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by enhancing the colonial waterbird habitat on Causeway and Shamrock Islands in Nueces County. The project will result in: stabilization of the islands, protection of the birds, reduction of erosion, creation of wetland habitat and bird nesting habitat, creation of submerged aquatic vegetation, and maintenance of the Corpus Christi Bay system.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Coastal Bend Bays and Estuaries Program, Inc.
Attn: Ray Allen, Executive Director
1305 North Shoreline Drive, Suite 205
Corpus Christi, Texas 78401

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

