

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO. 2007-0715-MSW-E TCEQ ID RN104872528 CASE NO. 33340
RESPONDENT NAME: VEGA WASTE DISPOSAL SERVICES INC.
DBA VEGA WASTE DISPOSAL SERVICES

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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 checked="" type="checkbox"/> USED OIL	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATIONS OCCURRED: 2425 and 2355 Decatur Avenue, Fort Worth, Tarrant County

TYPE OF OPERATION: used oil and used oil filter processing, generation, collection, and storage facility

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: One complaint was received, alleging that sludge boxes that should go to a landfill were being stored at the facility. There is an additional pending enforcement action against the owner of this facility, which has been severed from this case for settlement purposes.

INTERESTED PARTIES: The complainant has not indicated a desire to protest this action or speak at Agenda. The following governmental entities have expressed an interest in this matter: City of Fort Worth Building Code Enforcement and Compliance, City of Fort Worth Fire Department - Fire Prevention Bureau, City of Fort Worth Police Department - Secondary Metal Recyclers Compliance Office, City of Fort Worth Environmental Spill Response Unit, and City of Fort Worth Governmental Relations.

COMMENTS RECEIVED: The *Texas Register* comment period expired March 15, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Barham A. Richard, Litigation Division, MC 175, (512) 239-0107
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Mr. Michael Meyer, Waste Enforcement Section, MC 128, (512) 239-4492

TCEQ Regional Contact: Mr. Sam Barrett, Dallas/Fort Worth Regional Office, MC R-4, (817) 588-5903

Respondent: Mr. David Vega, Director, Vega Waste Disposal Services Inc., 2425 Decatur Avenue, Fort Worth, Texas 76106;
Mr. David Vega, Director, Vega Waste Disposal Services Inc., 4128 Huckleberry, Fort Worth, Texas 76137

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: October 19, 2006</p> <p>Dates of Investigation Relating to this Case: September 5, 2006; November 2, 2006</p> <p>Date of NOE Relating to this Case: February 23, 2007</p> <p>Background Facts: This case initially involved two respondents (Vega Waste and McQuerry Properties) and was referred to the Litigation Division on June 25, 2007. The EDPRP was filed on November 5, 2007, and re-filed for service on November 21, 2007, and on March 20, 2008. Both Respondents filed answers and the case was referred to SOAH. The preliminary hearing was waived and the evidentiary hearing was set for January 29, 2009. Counsel for Respondent Vega Waste withdrew from the case and the evidentiary hearing was continued several times. On November 12, 2009, the ALJ issued an Order setting the evidentiary hearing for December 1, 2009. The SOAH docket clerk sent a copy of the Order to each Respondent.</p> <p>An EDFARP was filed on November 24, 2009, and mailed to each Respondent via UPS overnight delivery. According to the UPS tracking receipt, Respondent Vega Waste received notice of the EDFARP on November 25, 2009. The ALJ convened the evidentiary hearing on December 1, 2009, but Respondent Vega Waste failed to appear. Respondent McQuerry Properties agreed to settle and was severed from the case. The ALJ found that Respondent Vega Waste was served with proper notice of the hearing, and the matter was remanded to the Executive Director for default proceedings.</p> <p>Current Compliance Status: Not yet in compliance.</p> <p>MSW:</p> <p>1. Failed to prevent the unauthorized storage of municipal solid waste [30 TEX. ADMIN. CODE § 330.15(a)].</p>	<p>Total Assessed: \$25,000</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$25,000</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Immediately:</p> <p>a. Register used oil activities through the Commission using EPA form 8700-12 (violation 3);</p> <p>b. Ensure all containers and aboveground storage tanks used to store used oil are clearly marked or labeled with the words "Used Oil" (violation 2);</p> <p>c. Begin maintaining all records for used oil shipments accepted at the Facility and keep a written operating record at the Facility (violation 9);</p> <p>d. Begin maintaining copies of the bill of lading for each shipment of used oil filters (violation 11); and</p> <p>e. Cease denying TCEQ employees entry to the Facility (violation 13).</p> <p>2. Within 30 days:</p> <p>a. Begin maintaining required safety equipment and implement procedures to ensure aisles are unobstructed and allow for the movement of personnel and fire control equipment; provide documentation showing arrangements for the following local authorities: arrangements to familiarize police, fire departments, and emergency response teams with the layout of the Facility, agreements with State emergency response teams, and arrangements to familiarize local hospitals with properties of used oil handled at the Facility; and submit and maintain a contingency plan to be used at the Facility (violation 4);</p> <p>b. Replace or repair all leaking, bent, and dented containers used to store used oil and implement procedures to ensure that all containers storing used oil are kept in good condition and prevented from leaking (violation 6);</p> <p>c. Obtain a TCEQ Registration for the storage of used oil filters or remove and properly dispose of all drums containing used oil filters (violation 14);</p>

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>2. Failed to label or clearly mark containers and aboveground storage tanks used to store used oil with the words "Used Oil" [30 TEX. ADMIN. CODE §§ 324.12 and 324.6 and 40 CFR §§ 279.22 (c)(1) and 279.54(f)].</p> <p>3. Failed to register used oil activities through the Commission and EPA using the EPA form 8700-12 [30 TEX. ADMIN. CODE § 324.12(2) and 40 CFR § 279.51(a)].</p> <p>4. Failed to maintain required safety equipment and aisle space for used oil processors, failed to attempt to make arrangements with local authorities, and failed to have a contingency plan for the Facility [30 TEX. ADMIN. CODE § 324.12 and 40 CFR § 279.52(a)(2), (a)(5), (a)(6), and (b)].</p> <p>5. Failed to determine if the total halogen content of the used oil managed at the Facility is above or below 1,000 parts per million ("ppm") [30 TEX. ADMIN. CODE § 324.12 and 40 CFR § 279.53].</p> <p>6. Failed to respond to the release of used oil upon detection and to keep containers storing used oil in good condition and to prevent them from leaking [30 TEX. ADMIN. CODE § 324.12 and 40 CFR § 279.54(b) and (g)].</p> <p>7. Failed to have a secondary containment system for a facility that processes used oil [30 TEX. ADMIN. CODE § 324.12 and 40 CFR § 279.54(c) and (e)].</p> <p>8. Failed to prepare an analysis plan [30 TEX. ADMIN. CODE § 324.12(3) and 40 CFR § 279.55(a)].</p> <p>9. Failed to keep records for each used oil shipment accepted at the Facility and to keep written operating record at the Facility [30 TEX. ADMIN. CODE § 324.12 and 40 CFR §§ 279.56(a) and 279.57(a)].</p> <p>10. Failed to provide evidence of financial responsibility with registration as to assure the Facility has sufficient assets to provide for proper closure of the Facility [30 TEX. ADMIN. CODE § 328.24(e)].</p>		<p>d. Remove and properly dispose of the municipal solid waste inside all open-top roll-off containers located at the Facility (violation 1); and</p> <p>e. Conduct sampling of any soil surrounding areas where the spillage of used oil occurred and remove and properly dispose of any materials that show characteristics of hazardous waste (violation 6).</p> <p>3. Within 60 days:</p> <p>a. Install and maintain a secondary containment unit for containers and aboveground storage tanks of used oil at the Facility (violation 7);</p> <p>b. Develop and maintain a written analysis plan for sampling and analyzing, keeping records, and complying with analytical requirements for documenting that used oil is not listed hazardous and/or the used oil fuel specification has been met (violations 5 and 8);</p> <p>c. Demonstrate Financial Responsibility (violation 10); and</p> <p>d. Develop and maintain a spill prevention, control and countermeasures plan at the Facility (violation 12).</p> <p>4. Within 75 days, submit written certification demonstrating compliance with Ordering Provisions Nos. 1.a. through 3.d.</p>

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>11. Failed to maintain copies of the bill of lading for each shipment of used oil filters [30 TEX. ADMIN. CODE § 328.25(b)].</p> <p>12. Failed to develop a plan to prevent and respond to spills in accordance with the federal spill prevention, control and countermeasures requirements [30 TEX. ADMIN. CODE §§ 324.6, 324.12, and 328.28 and 40 CFR §§ 279.22 and 279.54].</p> <p>13. Failed to allow employees of the commission to inspect and investigate conditions at the Facility [TEX. HEALTH & SAFETY CODE § 361.032].</p> <p>14. Failed to obtain TCEQ approval prior to storing, processing, recycling or disposing of used oil filters, and failed to prevent the storage of used oil filters for more than 120 days [30 TEX. ADMIN. CODE §§ 328.24(a) and 328.26(a)].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

TCEQ

DATES	Assigned	5-Mar-2007	Screening	27-Apr-2007	EPA Due	
	PCW	20-Nov-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services		
Reg. Ent. Ref. No.	RN104872528		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	33340	No. of Violations	2
Docket No.	2007-0715-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	Michael Meyer
Multi-Media		EC's Team	EnforcementTeam 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$2,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **0% Enhancement** **Subtotals 2, 3, & 7** **\$0**

Notes: The respondent has no record of any previous NOV's or Orders at this site in the past five years.

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

Notes: The Respondent does not meet the culpability criteria.

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

There is no econo 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.

0% Enhancement* **Subtotal 6** **\$0**
 Total EB Amounts \$82
 Approx. Cost of Compliance \$1,170
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$2,500**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** **\$0**

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

Notes:

Final Penalty Amount **\$2,500**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$2,500**

DEFERRAL **Reduction** **Adjustment** **\$0**

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

Notes:

No deferral due to non-settlement.

PAYABLE PENALTY **\$2,500**

Screening Date 27-Apr-2007	Docket No. 2007-0715-MSW-E	PCW
Vega Waste Disposal Services Inc. dba Vega Waste		
Respondent Disposal Services	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 33340	<i>PCW Revision April 26, 2007</i>	
Reg. Ent. Reference No. RN104872528		
Media [Statute] Municipal Solid Waste		
Enf. Coordinator Michael Meyer		

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	<i>Enter Number Here</i>	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%

Please Enter Yes or No

There is no economic benefit for this this violation.	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) 0%

>> Repeat Violator (Subtotal 3)

economic benefit for this t **Adjustment Percentage (Subtotal 3)** 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer **Adjustment Percentage (Subtotal 7)** 0%

>> Compliance History Summary

Compliance History Notes	The respondent has no record of any previous NOVs or Orders at this site in the past five years.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date	27-Apr-2007	Docket No.	2007-0715-MSW-E	PCW
Respondent	Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	33340			<i>PCW Revision April 26, 2007</i>
Reg. Ent. Reference No.	RN104872528			
Media [Statute]	Municipal Solid Waste			
Enf. Coordinator	Michael Meyer			

Violation Number	1
Rule Cite(s)	30 Tex. Admin. Code § 330.15(a)
Violation Description	Failed to prevent the unauthorized storage of municipal solid waste, as documented during an investigation conducted on September 5, 2006. Specifically, the investigator observed three open-top roll-off containers with various municipal solid waste being stored at the facility.

Base Penalty

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

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>		

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<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 will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health and environmental receptors as a result of this violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Three single events are recommended (one event for each container).

Economic Benefit (EB) for this violation	Statutory Limit Test
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Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services
Case ID No. 33340
Reg. Ent. Reference No. RN104872528
Media Municipal Solid 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
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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)	\$1,170	5-Sep-2006	28-Jan-2008	1.4	\$82	n/a	\$82

Notes for DELAYED costs

There is no economic benefit for this this violation.

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

There is no economic benefit for this this violation.

Approx. Cost of Compliance

\$1,170

TOTAL

\$82

Screening Date	27-Apr-2007	Docket No.	2007-0715-MSW-E	PCW
Respondent	Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	33340			<i>PCW Revision April 26, 2007</i>
Reg. Ent. Reference No.	RN104872528			
Media [Statute]	Municipal Solid Waste			
Enf. Coordinator	Michael Meyer			
Violation Number	<input type="text" value="2"/>			
Rule Cite(s)	Texas Health & Safety Code § 361.032			
Violation Description	Failed to allow for employees of the commission to inspect and investigate conditions at the facility, as documented during an investigation conducted on November 2, 2006. Specifically, on November 2, 2006 the respondent ordered TCEQ employees to leave the property while an investigation was being conducted.			
		Base Penalty	<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
			Percent	<input type="text" value="0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>
			Percent	<input type="text" value="10%"/>
Matrix Notes	100% of the rule requirement was not met.			
			Adjustment	<input type="text" value="\$9,000"/>
				<input type="text" value="\$1,000"/>
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="176"/>	Number of violation days
		daily	<input type="text"/>	
		monthly	<input type="text"/>	
		quarterly	<input type="text"/>	
		semiannual	<input type="text"/>	
		annual	<input type="text"/>	
		single event	x	
<i>mark only one with an x</i>				Violation Base Penalty
				<input type="text" value="\$1,000"/>
	One single event is recommended.			
Economic Benefit (EB) for this violation			Statutory Limit Test	
	Estimated EB Amount	<input type="text" value="\$0"/>	Violation Final Penalty Total	<input type="text" value="\$1,000"/>
			This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$1,000"/>

Economic Benefit Worksheet

Respondent Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services
Case ID No. 33340
Reg. Ent. Reference No. RN104872528
Media Municipal Solid 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

There is no economic benefit for this this violation.

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

There is no economic benefit for this this violation.

Approx. Cost of Compliance

TOTAL



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

TCEQ

DATES	Assigned PCW	5-Mar-2007	Screening	27-Apr-2007	EPA Due	
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RESPONDENT/FACILITY INFORMATION

Respondent	Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services		
Reg. Ent. Ref. No.	RN104872528		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	33340	No. of Violations	12	
Docket No.	2007-0715-MSW-E	Order Type	1660	
Media Program(s)	Used Oil	Enf. Coordinator	Michael Meyer	
Multi-Media		EC's Team	EnforcementTeam 6	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$2,500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: The respondent has no record of any previous NOV's or Orders at this site in the past five years.

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

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

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts	\$11,413	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$36,310	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$22,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$22,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$22,500
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DEFERRAL		Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral due to non-settlement.

PAYABLE PENALTY	\$22,500
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Screening Date 27-Apr-2007	Docket No. 2007-0715-MSW-E	PCW
Respondent Vega Waste Disposal Services Inc. dba Vega Waste		
Case ID No. 33340		<i>Policy Revision 2 (September 2002)</i>
Reg. Ent. Reference No. RN104872528		<i>PCW Revision April 26, 2007</i>
Media [Statute] Used Oil		
Enf. Coordinator Michael Meyer		

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

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

Adjustment Percentage (Subtotal 2) 0%

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

No **Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer **Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

Compliance History Notes The respondent has no record of any previous NOVs or Orders at this site in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date	27-Apr-2007	Docket No.	2007-0715-MSW-E	PCW
Respondent	Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	33340			<i>PCW Revision April 26, 2007</i>
Reg. Ent. Reference No.	RN104872528			
Media [Statute]	Used Oil			
Enf. Coordinator	Michael Meyer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>				

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services
Case ID No. 33340
Reg. Ent. Reference No. RN104872528
Media Used Oil
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$940	5-Sep-2006	31-May-2010	3.7	\$176	n/a	\$176

Notes for DELAYED costs Estimated cost to label or mark 187 containers and one aboveground storage tank with the words "Used Oil" from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance **TOTAL**

Screening Date	27-Apr-2007	Docket No.	2007-0715-MSW-E	PCW
Respondent	Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	33340			<i>PCW Revision April 26, 2007</i>
Reg. Ent. Reference No.	RN104872528			
Media [Statute]	Used Oil			
Enf. Coordinator	Michael Meyer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="0%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent <input type="text" value="10%"/>
		<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
	100% of the rule requirement was not met.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text" value="x"/>

Violation Base Penalty

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services
Case ID No. 33340
Reg. Ent. Reference No. RN104872528
Media Used Oil
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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)	\$200	5-Sep-2006	30-Jun-2010	3.8	\$38	n/a	\$38

Notes for DELAYED costs Estimated cost to register used oil activities with the EPA from the investigation date to the estimated date of compliance.

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance **TOTAL**

Screening Date	27-Apr-2007	Docket No.	2007-0715-MSW-E	PCW
Respondent	Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	33340			<i>PCW Revision April 26, 2007</i>
Reg. Ent. Reference No.	RN104872528			
Media [Statute]	Used Oil			
Enf. Coordinator	Michael Meyer			

Violation Number

Rule Cite(s)

Violation Description Failed to maintain required safety equipment and aisle space for used oil processors, failed to attempt to make arrangements with local authorities, and failed to have a contingency plan for the facility, as documented during an investigation conducted on September 5, 2006. Specifically, at the time of the investigation the facility did not have fire control equipment or water spray systems and aisle space did not allow for unobstructed movement of personnel and fire protection equipment. Also, the facility did not have documentation showing the attempted arrangements with the following local authorities: arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility; agreements with State emergency response teams; and arrangements to familiarize local hospitals with properties of used oil handled at the facility. In addition the facility did not have a contingency plan to be used immediately upon the discovery of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="25%"/>

>> Programmatic Matrix

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

Matrix Notes

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

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 Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services
Case ID No. 33340
Reg. Ent. Reference No. RN104872528
Media Used Oil
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
No commas or \$							

Delayed Costs

Equipment	\$500	5-Sep-2006	30-Jun-2010	3.8	\$6	\$127	\$134
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)	\$200	5-Sep-2006	30-Jun-2010	3.8	\$38	n/a	\$38

Notes for DELAYED costs Estimated cost to maintain required aisle space and safety equipment at the facility from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$700 **TOTAL** \$172

Screening Date	27-Apr-2007	Docket No.	2007-0715-MSW-E	PCW
Respondent	Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	33340			<i>PCW Revision April 26, 2007</i>
Reg. Ent. Reference No.	RN104872528			
Media [Statute]	Used Oil			
Enf. Coordinator	Michael Meyer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="25%"/>

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	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

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 Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services
Case ID No. 33340
Reg. Ent. Reference No. RN104872528
Media Used Oil
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,345	5-Sep-2006	31-Jul-2010	3.9	\$263	n/a	\$263
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to test the halogen content for approximately 250 drums and one aboveground storage tank of used oil from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,345

TOTAL

\$263

Screening Date	27-Apr-2007	Docket No.	2007-0715-MSW-E	PCW
Respondent	Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	33340			<i>PCW Revision April 26, 2007</i>
Reg. Ent. Reference No.	RN104872528			
Media [Statute]	Used Oil			
Enf. Coordinator	Michael Meyer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	x	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	x
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services
Case ID No. 33340
Reg. Ent. Reference No. RN104872528
Media Used Oil
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				0.0	\$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)	\$3,000	5-Sep-2006	30-Jun-2010	3.8	\$573	n/a	\$573

Notes for DELAYED costs

Estimated cost to respond properly to used oil spills and ensure used oil is stored in containers in good condition that will prevent leaking from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$573

Screening Date	27-Apr-2007	Docket No.	2007-0715-MSW-E	PCW
Respondent	Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	33340			<i>PCW Revision April 26, 2007</i>
Reg. Ent. Reference No.	RN104872528			
Media [Statute]	Used Oil			
Enf. Coordinator	Michael Meyer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="25%"/>

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	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

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 Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services
Case ID No. 33340
Reg. Ent. Reference No. RN104872528
Media Used Oil
Violation No. 6

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)	\$5,000	5-Sep-2006	31-Jul-2010	3.9	\$976	n/a	\$976

Notes for DELAYED costs: Estimated cost to provide a secondary containment system for the facility from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

Screening Date	27-Apr-2007	Docket No.	2007-0715-MSW-E	PCW
Respondent	Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	33340			<i>PCW Revision April 26, 2007</i>
Reg. Ent. Reference No.	RN104872528			
Media [Statute]	Used Oil			
Enf. Coordinator	Michael Meyer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Major	Moderate	Minor	
	Actual <input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
	Potential <input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>				

Adjustment

Violation Events

Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>	

Violation Base Penalty

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services
Case ID No. 33340
Reg. Ent. Reference No. RN104872528
Media Used Oil
Violation No. 7

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)	\$500	5-Sep-2006	31-Jul-2010	3.9	\$98	n/a	\$98

Notes for DELAYED costs

Estimated cost to prepare an analysis plan for the facility from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$98

Screening Date	27-Apr-2007	Docket No.	2007-0715-MSW-E	PCW
Respondent	Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	33340			<i>PCW Revision April 26, 2007</i>
Reg. Ent. Reference No.	RN104872528			
Media [Statute]	Used Oil			
Enf. Coordinator	Michael Meyer			
Violation Number	8			
Rule Cite(s)	30 Tex. Admin. Code § 324.12 and 40 Code of Federal Regulations §§ 279.56(a) and 279.57(a)			
Violation Description	Failed to keep records for each used oil shipment accepted at the facility and to keep a written operating record at the facility, as documented during an investigation conducted on September 5, 2006.			
		Base Penalty	\$2,500	

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Matrix Notes	100% of the rule requirement was not met.				

Adjustment

Violation Events

	<input type="text" value="1"/>	<input type="text" value="234"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="text" value="x"/>	
			Violation Base Penalty <input type="text" value="\$250"/>

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$93"/>	Violation Final Penalty Total <input type="text" value="\$250"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$250"/>	

Economic Benefit Worksheet

Respondent Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services
Case ID No. 33340
Reg. Ent. Reference No. RN104872528
Media Used Oil
Violation No. 8

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				0.0	\$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	\$500	5-Sep-2006	31-May-2010	3.7	\$93	n/a	\$93
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain records for each used oil shipment and a written operating record at the facility from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$93

Screening Date	27-Apr-2007	Docket No.	2007-0715-MSW-E	PCW
Respondent	Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	33340			<i>PCW Revision April 26, 2007</i>
Reg. Ent. Reference No.	RN104872528			
Media [Statute]	Used Oil			
Enf. Coordinator	Michael Meyer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="0%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	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

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 Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services
Case ID No. 33340
Reg. Ent. Reference No. RN104872528
Media Used Oil
Violation No. 9

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	\$22,500	5-Sep-2006	31-May-2010	3.7	\$4,204	n/a	\$4,204
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and properly dispose of 300 drums of used oil filters that have been at the facility for more than 120 days and to obtain a TCEQ registration to process, recycle, or store used oil filters from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$22,500

TOTAL

\$4,204

Screening Date	27-Apr-2007	Docket No.	2007-0715-MSW-E	PCW
Respondent	Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	33340			<i>PCW Revision April 26, 2007</i>
Reg. Ent. Reference No.	RN104872528			
Media [Statute]	Used Oil			
Enf. Coordinator	Michael Meyer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>				

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

Violation Base Penalty

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services
Case ID No. 33340
Reg. Ent. Reference No. RN104872528
Media Used Oil
Violation No. 10

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

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]	\$1,125	5-Sep-2006	31-Jul-2010	4.0	\$225	\$4,500	\$4,725
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to provide financial assurance for the closure of the facility from the investigation date to the estimated date of compliance.

Approx. Cost of Compliance

\$1,125

TOTAL

\$4,725

Screening Date	27-Apr-2007	Docket No.	2007-0715-MSW-E	PCW
Respondent	Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	33340			<i>PCW Revision April 26, 2007</i>
Reg. Ent. Reference No.	RN104872528			
Media [Statute]	Used Oil			
Enf. Coordinator	Michael Meyer			
Violation Number	11			
Rule Cite(s)	30 Tex. Admin. Code § 328.25(b)			
Violation Description	Failed to maintain copies of the bill of lading for each shipment of used oil filters, as documented during an investigation conducted on September 5, 2006.			
		Base Penalty	\$2,500	

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				Percent 0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification				
		Major	Moderate	Minor	
		x			Percent 10%
	100% of the rule requirement was not met.				
			Adjustment	\$2,250	

\$250

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$47"/>	Violation Final Penalty Total <input type="text" value="\$250"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$250"/>	

Economic Benefit Worksheet

Respondent Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services
Case ID No. 33340
Reg. Ent. Reference No. RN104872528
Media Used Oil
Violation No. 11

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				0.0	\$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	\$250	5-Sep-2006	31-May-2010	3.7	\$47	n/a	\$47
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to maintain bills of lading for each used oil filter shipment from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

Screening Date	27-Apr-2007	Docket No.	2007-0715-MSW-E	PCW
Respondent	Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	33340			<i>PCW Revision April 26, 2007</i>
Reg. Ent. Reference No.	RN104872528			
Media [Statute]	Used Oil			
Enf. Coordinator	Michael Meyer			

V12

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services
Case ID No. 33340
Reg. Ent. Reference No. RN104872528
Media Used Oil
Violation No. 12

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				0.0	\$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)	\$250	5-Sep-2006	31-Jul-2010	3.9	\$49	n/a	\$49

Notes for DELAYED costs Estimated cost to prepare a spill prevention, control and countermeasures plan from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN602977746	Vega Waste Disposal Services Inc.	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN104872528	VEGA WASTE DISPOSAL SERVICES INC	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	MUNICIPAL SOLID WASTE NON PERMITTED	ID NUMBER		455040162
	STORMWATER	PERMIT		TXR05T122
	STORMWATER	PERMIT		TXR05V467
Location:	2425 DECATUR AVE, FORT WORTH, TX, 76106		Rating Date: September 01 06	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared	August 14, 2007			
Agency Decision Requiring Compliance	Enforcement			
Compliance Period:	August 14, 2002 to August 14, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	<u>Colin Barth</u>	Phone:	<u>512 239 0086</u>	

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 02/26/2007
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
VEGA WASTE DISPOSAL	§	TEXAS COMMISSION ON
SERVICES, INC. DBA VEGA	§	
WASTE DISPOSAL SERVICES;	§	
RN104872528	§	ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2007-0715-MSW-E

At its _____ agenda, the Texas Commission on Environmental Quality, (“Commission” or “TCEQ”) considered the Executive Director’s First Amended Report and Petition filed pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE chs. 361 and 371, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Vega Waste Disposal Services, Inc. dba Vega Waste Disposal Services (“Vega Waste”).

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Vega Waste operates a used oil and used oil filter processing, generation, collection, and storage facility located at 2425 and 2355 Decatur Avenue, Fort Worth, Tarrant County, Texas (the “Facility”).
2. The Facility involves the management and/or disposal of municipal solid waste, used oil, and used oil filters as defined in TEX. HEALTH & SAFETY CODE chs. 361 and 371.
3. During an investigation conducted on September 5, 2006, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Vega Waste:
 - a. Failed to prevent the unauthorized storage of municipal solid waste. Specifically, the investigator observed three open-top roll-off containers with various municipal solid waste being stored at the Facility;

- b. Failed to label or clearly mark containers and aboveground storage tanks used to store used oil with the words "Used Oil". Specifically, the investigator observed approximately 187 drums and one aboveground storage tank used to store used oil not labeled or marked clearly with the words "Used Oil";
- c. Failed to register used oil activities through the commission and EPA using the EPA form 8700-12. Specifically, at the time of the investigation the Facility had not obtained a TCEQ registration or EPA identification number as a used oil processor;
- d. Failed to maintain required safety equipment and aisle space for used oil processors, failed to attempt to make arrangements with local authorities, and failed to have a contingency plan for the Facility. Specifically, at the time of the investigation the Facility did not have fire control equipment or water spray systems and aisle space did not allow for unobstructed movement of personnel and fire protection equipment. Also, the Facility did not have documentation showing the attempted arrangements with the following local authorities: arrangements to familiarize police, fire departments, and emergency response teams with the layout of the Facility; agreements with State emergency response teams; and arrangements to familiarize local hospitals with properties of used oil handled at the Facility. In addition the Facility did not have a contingency plan to be used immediately upon the discovery of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water;
- e. Failed to determine if the total halogen content of the used oil managed at the Facility is above or below 1,000 parts per million ("ppm"). Specifically, at the time of the investigation, Vega Waste had not determined the total halogen content for approximately 250 drums and an aboveground storage tank used to store used oil at the Facility;
- f. Failed to respond to the release of used oil upon detection and to keep containers storing used oil in good condition and to prevent them from leaking. Specifically, at the time of the investigation the spillage of used oil was observed inside and outside the Facility as well as the surrounding concrete drainage way, but no attempt was made to stop, clean up, and contain the release or to repair any leaking containers, including bent and dented containers with spilled oil beneath them;
- g. Failed to have a secondary containment system for a facility that processes used oil. Specifically, at the time of the investigation no secondary containment system was present at the Facility;
- h. Failed to prepare an analysis plan. Specifically, at the time of the investigation the Facility did not have an analysis plan to be used when sampling and analyzing,

- keeping records, and complying with analytical requirements for documenting that used oil is not listed hazardous and/or the used oil fuel specification has been met;
- i. Failed to keep records for each used oil shipment accepted at the Facility and to keep a written operating record at the Facility;
 - j. Failed to provide evidence of financial responsibility with registration as to assure the Facility has sufficient assets to provide for proper closure of the Facility. Specifically, at the time of the investigation the Facility had no evidence of acceptable financial assurance for closure of the Facility;
 - k. Failed to maintain copies of the bill of lading for each shipment of used oil filters; and
 - l. Failed to develop a plan to prevent and respond to spills in accordance with the federal spill prevention, control and countermeasures requirements.
4. During an investigation conducted on November 2, 2006, a TCEQ Dallas / Fort Worth Regional Office investigator documented that Vega Waste:
- a. Failed to allow for employees of the commission to inspect and investigate conditions at the Facility. Specifically, Vega Waste ordered TCEQ employees to leave the property while an investigation was being conducted; and
 - b. Failed to obtain TCEQ approval prior to storing, processing, recycling or disposing of used oil filters, and failed to prevent the storage of used oil filters for more than 120 days. Specifically, the Facility did not have a registration for the storage of used oil filters and the investigator observed 300 drums containing used oil filters had been at the Facility since April of 2006;
5. Vega Waste received notice of the violations on or about February 28, 2007.
6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Vega Waste Disposal Services, Inc. dba Vega Waste Disposal Services" (the "EDPRP") in the TCEQ Chief Clerk's office on March 20, 2008.
7. By letter dated March 20, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Vega Waste with notice of the EDPRP. According to the return receipt "green card," Vega Waste received notice of the EDPRP on March 25, 2008, as evidenced by the signature on the card.

8. Vega Waste filed an answer requesting a hearing on April 15, 2008, and, pursuant to 30 TEX. ADMIN. CODE § 70.109, the matter was referred to the State Office of Administrative Hearings (“SOAH”) on May 14, 2008.
9. The preliminary hearing was waived, and the evidentiary hearing was set for January 29, 2009. On December 12, 2008, the Administrative Law Judge (“ALJ”) granted a Motion filed by Vega Waste’s attorney to withdraw as counsel for Vega Waste. The evidentiary hearing was continued several times, and on November 12, 2009, the ALJ issued Order No. 9 re-setting the evidentiary hearing for December 1, 2009. The SOAH docket clerk mailed a copy of Order No. 9 to Vega Waste at its last known address via first class mail, postage pre-paid.
10. The Executive Director filed the “Executive Director’s First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Vega Waste Disposal Services, Inc. dba Vega Waste Disposal Services” (the “EDFARP”) in the TCEQ Chief Clerk’s office on November 24, 2009.
11. By letter dated November 24, 2009, sent via UPS Overnight Delivery, the Executive Director served Vega Waste with notice of the EDFARP. According to and evidenced by the UPS tracking receipt, Vega Waste received notice of the EDFARP on November 25, 2009.
12. On December 1, 2009, the ALJ convened the evidentiary hearing, but Vega Waste failed to appear. The ALJ entered a finding that Vega Waste was served with proper notice of the evidentiary hearing, and the Executive Director requested that the matter be remanded to the Executive Director so that a Default Order may be entered and the case may be dismissed from the SOAH Docket.
13. The ALJ remanded the matter to the Executive Director by SOAH Order No. 10, granting Remand and Dismissal from SOAH Docket, on December 1, 2009, so that TCEQ may dispose of this case on a default basis.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, Vega Waste is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE chs. 361 and 371, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Vega Waste failed to prevent the unauthorized storage of municipal solid waste, in violation of 30 TEX. ADMIN. CODE § 330.15(a).

3. As evidenced by Finding of Fact No. 3.b., Vega Waste failed to label or clearly mark containers and aboveground storage tanks used to store used oil with the words "Used Oil", in violation of 30 TEX. ADMIN. CODE §§ 324.12 and 324.6 and 40 CFR §§ 279.22(c)(1) and 279.54(f)
4. As evidenced by Finding of Fact No. 3.c., Vega Waste failed to register used oil activities through the commission and EPA using the EPA form 8700-12, in violation of 30 TEX. ADMIN. CODE § 324.12(2) and 40 CFR § 279.51(a).
5. As evidenced by Finding of Fact No. 3.d., Vega Waste failed to maintain required safety equipment and aisle space for used oil processors, failed to attempt to make arrangements with local authorities, and failed to have a contingency plan for the Facility, in violation of 30 TEX. ADMIN. CODE § 324.12 and 40 CFR § 279.52(a)(2), (a)(5), (a)(6), and (b).
6. As evidenced by Finding of Fact No. 3.e., Vega Waste failed to determine if the total halogen content of the used oil managed at the Facility is above or below 1,000 ppm, in violation of 30 TEX. ADMIN. CODE § 324.12 and 40 CFR § 279.53.
7. As evidenced by Finding of Fact No. 3.f., Vega Waste failed to respond to the release of used oil upon detection and to keep containers storing used oil in good condition and to prevent them from leaking, in violation of 30 TEX. ADMIN. CODE § 324.12 and 40 CFR § 279.54(b) and (g).
8. As evidenced by Finding of Fact No. 3.g., Vega Waste failed to have a secondary containment system for a facility that processes used oil, in violation of 30 TEX. ADMIN. CODE § 324.12 and 40 CFR § 279.54(c) and (e).
9. As evidenced by Finding of Fact No. 3.h., Vega Waste failed to prepare an analysis plan, in violation of 30 TEX. ADMIN. CODE § 324.12(3) and 40 CFR § 279.55(a).
10. As evidenced by Finding of Fact No. 3.i., Vega Waste failed to keep records for each used oil shipment accepted at the Facility and to keep a written operating record at the Facility, in violation of 30 TEX. ADMIN. CODE § 324.12 and 40 CFR §§ 279.56(a) and 279.57(a).
11. As evidenced by Finding of Fact No. 3.j., Vega Waste failed to provide evidence of financial responsibility with registration as to assure the Facility has sufficient assets to provide for proper closure of the Facility, in violation of 30 TEX. ADMIN. CODE § 328.24(e).
12. As evidenced by Finding of Fact No. 3.k., Vega Waste failed to maintain copies of the bill of lading for each shipment of used oil filters, in violation of 30 TEX. ADMIN. CODE § 328.25(b).

13. As evidenced by Finding of Fact No. 3.1., Vega Waste failed to develop a plan to prevent and respond to spills in accordance with the federal spill prevention, control and countermeasures requirements, in violation of 30 TEX. ADMIN. CODE §§ 324.6, 324.12, and 328.28 and 40 CFR §§ 279.22 and 279.54.
14. As evidenced by Finding of Fact No. 4.a., Vega Waste failed to allow for employees of the commission to inspect and investigate conditions at the Facility, in violation of TEX. HEALTH & SAFETY CODE § 361.032.
15. As evidenced by Finding of Fact No. 4.b., Vega Waste failed to obtain TCEQ approval prior to storing, processing, recycling or disposing of used oil filters, and failed to prevent the storage of used oil filters for more than 120 days, in violation of 30 TEX. ADMIN. CODE §§ 328.24(a) and 328.26(a).
16. As evidenced by Findings of Fact Nos. 6 and 7, the Executive Director timely served Vega Waste with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
17. As evidenced by Findings of Fact Nos. 10 and 11, the Executive Director timely served Vega Waste with proper notice of the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(d).
18. As evidenced by Finding of Fact No. 8, Vega Waste filed an answer requesting a hearing as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105, and the matter was referred to SOAH pursuant to 30 TEX. ADMIN. CODE § 70.109.
19. As evidenced by Finding of Fact No. 9, Vega Waste was provided proper notice of the evidentiary hearing pursuant to TEX. GOV'T CODE §§ 2001.051(1) and 2001.052, TEX. WATER CODE § 7.058, 1 TEX. ADMIN. CODE § 155.501(c) and (e)(2), and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.425, 70.104, and 80.6(b)(3).
20. As evidenced by Findings of Fact Nos. 12 and 13, Vega Waste failed to appear for the evidentiary hearing. Pursuant to TEX. GOV'T CODE § 2001.056, TEX. WATER CODE § 7.057, 1 TEX. ADMIN. CODE § 155.501(e)(1)(A), and 30 TEX. ADMIN. CODE § 70.106(b), the ALJ dismissed the case from the SOAH docket so that the Commission may enter a Default Order against Vega Waste and assess the penalty recommended by the Executive Director.
21. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Vega Waste for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

22. An administrative penalty in the amount of twenty-five thousand dollars (\$25,000.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
23. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Vega Waste is assessed an administrative penalty in the amount of twenty-five thousand dollars (\$25,000.00) for violations of state statutes and the rules of the TCEQ. The payment of this administrative penalty and Vega Waste's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Vega Waste Disposal Services, Inc. dba Vega Waste Disposal Services; Docket No. 2007-0715-MSW-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. Vega Waste shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, Vega Waste shall:
 - i. Register used oil activities through the Commission using EPA form 8700-12, in accordance with 30 TEX. ADMIN. CODE § 324.12(2) and 40 CFR § 279.51(a);
 - ii. Ensure all containers and aboveground storage tanks used to store used oil are clearly marked or labeled with the words "Used Oil", in accordance with 30 TEX. ADMIN. CODE §§ 324.12 and 324.6, and 40 CFR §§ 279.22(c)(1) and 279.54(f);

- iii. Begin maintaining all records for used oil shipments accepted at the Facility and keep a written operating record at the Facility, in accordance with 30 TEX. ADMIN. CODE § 324.12 and 40 CFR §§ 279.56(a) and 279.57(a);
 - iv. Begin maintaining copies of the bill of lading for each shipment of used oil filters, in accordance with 30 TEX. ADMIN. CODE § 328.25(b);
 - v. Cease denying TCEQ employees entry to the Facility, in accordance with TEX. HEALTH & SAFETY CODE § 361.032;
- b. Within 30 days upon the effective date of this Order, Vega Waste shall:
- i. Begin maintaining required safety equipment and implement procedures to ensure aisles are unobstructed and allow for the movement of personnel and fire control equipment; provide documentation showing arrangements for the following local authorities: arrangements to familiarize police, fire departments, and emergency response teams with the layout of the Facility, agreements with State emergency response teams, and arrangements to familiarize local hospitals with properties of used oil handled at the Facility; and, submit and maintain a contingency plan to be used at the Facility, in accordance with 30 TEX. ADMIN. CODE § 324.12 and 40 CFR § 279.52(a)(2), (a)(5), (a)(6), and (b);
 - ii. Replace or repair all leaking, bent, and dented containers used to store used oil and implement procedures to ensure that all containers storing used oil are kept in good condition and prevented from leaking, in accordance with 30 TEX. ADMIN. CODE § 324.12 and 40 CFR § 279.54(b);
 - iii. Obtain a TCEQ Registration for the storage of used oil filters or remove and properly dispose of all drums containing used oil filters, in accordance with 30 TEX. ADMIN. CODE §§ 328.24(a) and 328.26(a);
 - iv. Remove and properly dispose of the municipal solid waste inside all open-top roll-off containers located at the Facility, in accordance with 30 TEX. ADMIN. CODE § 330.15(a);
 - v. Conduct sampling of any soil surrounding areas where the spillage of used oil occurred and remove and properly dispose of any materials that show characteristics of hazardous waste, in accordance with 30 TEX. ADMIN. CODE § 324.12 and 40 CFR § 279.54(g); and
- c. Within 60 days upon the effective date of this Order, Vega Waste shall:

- i. Install and maintain a secondary containment unit for containers and above-ground storage tanks of used oil at the Facility, in accordance with 30 TEX. ADMIN. CODE § 324.12 and 40 CFR § 279.54(c) and (e);
 - ii. Develop and maintain a written analysis plan for sampling and analyzing, keeping records, and complying with analytical requirements for documenting that used oil is not listed hazardous and/or the used oil fuel specification has been met, in accordance with 30 TEX. ADMIN. CODE § 324.12(3) and 40 CFR §§ 279.53 and 279.55(a);
 - iii. Demonstrate Financial Responsibility, in accordance with 30 TEX. ADMIN. CODE § 324.24(e); and
 - iv. Develop and maintain a spill prevention, control and countermeasures plan at the Facility, in accordance with 30 TEX. ADMIN. CODE §§ 324.6, 324.12, and 328.28, and 40 CFR §§ 279.22 and 279.54;
- d. Within 75 days after the effective date of this Order, Vega Waste shall submit written certification and detailed supporting documentation, including photographs, receipts, and /or other records, to demonstrate compliance with Ordering Provision Nos. 2.a.i. through c.iv. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Vega Waste shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

with copies to:

Sam Barrett, Waste Section Manager
Dallas-Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

Don Hawkins
Secondary Metal Recyclers Compliance Office
City of Fort Worth Police Department
3457 Decatur Avenue
Fort Worth, Texas 76106-4538

Brandon Bennett
City of Fort Worth Code Enforcement
7451 North Beach
Fort Worth, Texas 76137-1504

James Johns, Fire Marshal
Fire Prevention Bureau
City of Fort Worth Fire Department
1000 Throckmorton Street
Fort Worth, Texas 76102-6312

Al Godwin, Assistant Director
Development Department
City of Fort Worth Building Compliance Office
1000 Throckmorton Street
Fort Worth, Texas 76102-6312

Jimmy McClurg, Supervisor
Environmental Spill Response Unit
City of Fort Worth Department of Environmental Management
1000 Throckmorton Street
Fort Worth, Texas 76102-6312

Mark Worley, Supervisor
City of Fort Worth Code Compliance Department
715 Texas Street
Fort Worth, Texas 76102

Thomas Patterson, Jr., Attorney
City of Fort Worth Governmental Relations
1000 Throckmorton Street
Fort Worth, Texas 76102-6312

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Vega Waste. Vega Waste is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If Vega Waste fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Vega Waste's failure to comply is not a violation of this Order. Vega Waste shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Vega Waste shall notify the Executive Director within seven days after Vega Waste 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 Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Vega Waste shall be made in writing to the Executive Director. Extensions are not effective until Vega Waste receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Vega Waste if the Executive Director determines that Vega Waste has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF BARHAM A. RICHARD

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Barham A. Richard. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Vega Waste Disposal Services, Inc. dba Vega Waste Disposal Services” (the “EDPRP”) was filed with the Office of the Chief Clerk on March 20, 2008.

The EDPRP was mailed to Vega Waste at its last known address on March 20, 2008, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Vega Waste received notice of the EDPRP on March 25, 2008, as evidenced by the signature on the card.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Vega Waste Disposal Services, Inc. dba Vega Waste Disposal Services” (the “EDFARP”) was filed with the Office of the Chief Clerk on November 24, 2009.

The EDFARP was mailed to Vega Waste at its last known address on November 24, 2009, via UPS overnight delivery. According to and evidenced by the UPS tracking receipt, Vega Waste received notice of the EDFARP on November 25, 2009.

Vega Waste filed an answer requesting a hearing on April 15, 2008, and the matter was referred to the State Office of Administrative Hearings (“SOAH”) on May 14, 2008.

The preliminary hearing was waived, and evidentiary hearing was set. On November 12, 2009, the Administrative Law Judge (“ALJ”) issued Order No. 9 re-setting the evidentiary hearing for December 1, 2009. The SOAH docket clerk mailed a copy of Order No. 9 to Vega Waste at its last known address via first class mail, postage pre-paid.

Vega Waste failed to appear at the evidentiary hearing on December 1, 2009. At that hearing, I requested and received a finding that Vega Waste was served with proper notice of the hearing pursuant to 1 TEX. ADMIN. CODE § 155.501(e)(2). I also requested and received a remand from the Administrative Law Judge pursuant to 1 TEX. ADMIN. CODE § 155.501(e)(1), which gives an ALJ the

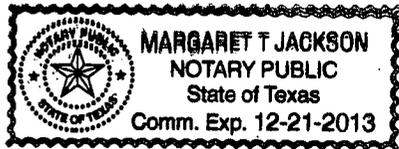
authority to remand the case back to the agency "to allow the agency to dispose of the case on a default basis under TEX. GOV'T CODE § 2001.056 and the referring agency's rules." Pursuant to TEX. GOV'T CODE § 2001.056, TEX. WATER CODE § 7.057, and 30 TEX. ADMIN. CODE § 70.106(b), the Commission may enter a Default Order against Vega Waste and assess the penalty recommended by the Executive Director.



Barham A. Richard, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Barham A. Richard, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 20 day of January, A.D., 2010.



Notary Signature