

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-1529-MSW-E **TCEQ ID:** RN100833136 **CASE NO.:** 38398
RESPONDENT NAME: SGP Holdings Inc dba Total Recycling Technologies

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Total Recycling Technologies, 1601 South Belknap Street, Mexia, Limestone County</p> <p>TYPE OF OPERATION: Used oil filter and oil containing material recycling center</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on May 29, 2009, alleging that oil was running out of the building and being covered with gravel at the Facility. The complaint further alleges that 30-40 totes on-site are leaking oil, and there is a highly flammable yellow rubber being stored near the back of the Facility. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 19, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. John Shelton, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-2563; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. William Jarrell, President, SGP Holdings Inc, 1601 South Belknap Street, Mexia, Texas 76667 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: May 29, 2009</p> <p>Date of Investigation Relating to this Case: June 10, 2009</p> <p>Date of NOV Relating to this Case: August 11, 2009</p> <p>Background Facts: This was a complaint investigation.</p> <p>WASTE</p> <p>1) Failure to prevent the storage, processing, or disposal of used oil filters in a manner that results in the discharge of oil into soil or water. Specifically, the storage activities resulted in a discharge of used oil into the soil adjacent to the east building at the Facility [30 TEX. ADMIN. CODE § 328.23(a)].</p> <p>2) Failure to prevent the storage and/or management of used oil in waste piles. Specifically, the Respondent stored used oil and used oil containing materials in waste piles at the Facility [30 TEX. ADMIN. CODE § 324.1 and 40 CODE OF FEDERAL REGULATIONS (“CFR”) § 279.12(a)].</p> <p>3) Failure to provide secondary containment for all areas where used oil is stored, transferred, or otherwise handled. Specifically, the Respondent stored used oil and used oil containing material in areas where no secondary containment was present [30 TEX. ADMIN. CODE § 324.22(d)(3)].</p> <p>4) Failure to maintain a fire prevention and suppression plan, or a contingency plan that shall be made available to the local fire prevention authority having jurisdiction over the Facility. Specifically, the Respondent did not have a fire prevention plan or contingency plan at the time of the investigation [30 TEX. ADMIN. CODE § 328.5(h) and 40 CFR § 279.52(b)(1)].</p>	<p>Total Assessed: \$2,875</p> <p>Total Deferred: \$575 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,300</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately after the effective date of this Agreed Order:</p> <p>i. Cease storing any additional used oil and used oil containing material in waste piles;</p> <p>ii. Begin properly storing, processing, and disposing of all used oil filters and other used oil-containing material.</p> <p>b. Within 30 days after the effective date of this Agreed Order, take necessary response actions to remove oil-contaminated soil and waste piles from the Facility and dispose at an authorized facility.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Provide secondary containment for all areas where used oil is stored, transferred, or otherwise handled;</p> <p>ii. Develop and submit an analysis plan; and</p> <p>iii. Develop and submit a fire prevention and contingency plan to local fire officials; or</p> <p>iv. Cease accepting additional used oil and used oil filters at the Facility, remove all previous stored used oil and used oil filters and dispose of it at an authorized facility and close the Facility.</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. through c.</p>

5) Failure to prepare an analysis plan for sampling and analysis of used oil [30 TEX. ADMIN. CODE § 324.12(3) and 40 CFR § 279.55].		
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Additional ID No(s): Municipal Solid Waste Processing – 100091
Used Oil – A85533



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	27-Aug-2009	Screening	8-Sep-2009	EPA Due	
	PCW	14-Jan-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	SGP Holdings Inc dba Total Recycling Technologies		
Reg. Ent. Ref. No.	RN100833136		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38398	No. of Violations	5
Docket No.	2009-1529-MSW-E	Order Type	1660
Media Program(s)	Used Oil and Used Oil Filters	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Shelton
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$2,500

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit **Subtotal 6**

Total EB Amounts	\$638
Approx. Cost of Compliance	\$12,857

*Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 8-Sep-2009

Docket No. 2009-1529-MSW-E

PCW

Respondent SGP Holdings Inc dba Total Recycling Technologies

Policy Revision 2 (September 2002)

Case ID No. 38398

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100833136

Media [Statute] Used Oil and Used Oil Filters

Enf. Coordinator John Shelton

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 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

No adjustments due to compliance history.

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

Screening Date 8-Sep-2009

Docket No. 2009-1529-MSW-E

PCW

Respondent SGP Holdings Inc dba Total Recycling Technologies

Policy Revision 2 (September 2002)

Case ID No. 38398

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100833136

Media [Statute] Used Oil and Used Oil Filters

Enf. Coordinator John Shelton

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 328.23(a)

Violation Description

Failed to prevent the storage, processing, or disposal of used oil filters in a manner that results in the discharge of oil into soil or water. Specifically, the storage activities resulted in a discharge of used oil into the soil adjacent to the east building at the Facility.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$2,250

\$250

Violation Events

Number of Violation Events 1

90 Number of violation days

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

Violation Base Penalty \$250

One quarterly event is recommended from the June 10, 2009 Investigation date to the September 8, 2009 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EOPRP/Settlement Offer
	Extraordinary	
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$119

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

Economic Benefit Worksheet

Respondent SGP Holdings Inc dba Total Recycling Technologies

Case ID No. 38398

Reg. Ent. Reference No. RN100833136

Media Used Oil and Used Oil Fillers

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$2,500	10-Jun-2009	24-May-2010	0.95	\$119	n/a	\$119
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and dispose of the used oil, used oil related products, and contaminated soil from the Facility. The Date Required is the date of the Investigation. The Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$119

Screening Date 8-Sep-2009

Docket No. 2009-1629-MSW-E

PCW

Respondent SGP Holdings Inc dba Total Recycling Technologies

Policy Revision 2 (September 2002)

Case ID No. 38398

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100833136

Media [Statute] Used Oil and Used Oil Filters

Enf. Coordinator John Shelton

Violation Number 2

Rule Cite(s) 30 Tex. Adm'n. Code § 324.1 and 40 Code of Federal Regulations ("CFR") § 279.12(a)

Violation Description Failed to prevent the storage and/or management of used oil in waste piles. Specifically, the Respondent stored used oil and used oil containing materials in waste piles at the Facility.

Base Penalty \$2,600

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	10%
Potential					

>> Programmatic Matrix

OR	Falsification	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$2,250

\$250

Violation Events

Number of Violation Events 1 Number of violation days 90

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$250

One quarterly event is recommended from the June 10, 2009 investigation date to the September 8, 2009 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$156

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

Economic Benefit Worksheet

Respondent SGP Holdings Inc dba Total Recycling Technologies
Case ID No. 38398
Reg. Ent. Reference No. RN100833136
Media Used Oil and Used Oil Filters
Violation No. 2

Percent Interest	Years of Depreciation
5.0	16

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	10-Jun-2009	24-Apr-2010	0.87	\$44	n/a	\$44
Remediation/Disposal	\$2,357	10-Jun-2009	24-May-2010	0.95	\$112	n/a	\$112
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to dispose of existing waste piles and implement procedures to prevent the storage of used oil or used oil related products in waste piles. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,357

TOTAL

\$158

Screening Date 8-Sep-2009

Docket No. 2009-1529-MSW-E

PCW

Respondent SGP Holdings Inc dba Total Recycling Technologies

Policy Revision 2 (September 2002)

Case ID No. 38398

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100833138

Media [Statute] Used Oil and Used Oil Filters

Enf. Coordinator John Shelton

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 324.22(d)(3)

Violation Description

Failed to provide secondary containment for all areas where used oil is stored, transferred, or otherwise handled. Specifically, the Respondent stored used oil and used oil containing material in areas where no secondary containment was present.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would exceed protective levels as a result of the violation.

Adjustment \$1,875

\$625

Violation Events

Number of Violation Events 3

90 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,875

Three monthly events are recommended from the June 10, 2009 investigation date to the September 8, 2009 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$259

Violation Final Penalty Total \$1,875

This violation Final Assessed Penalty (adjusted for limits) \$1,875

Economic Benefit Worksheet

Respondent SGP Holdings Inc dba Total Recycling Technologies
Case ID No. 38398
Reg. Ent. Reference No. RN100833136
Media Used Oil and Used Oil Filters
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
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	10-Jun-2009	23-Jun-2010	1.04	\$259	n/a	\$259

Notes for DELAYED costs
 Estimated cost to install secondary containment for the used oil storage areas. The Date Required is the date of the investigation. The Final Date is the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **TOTAL**
\$5,000 \$259

Screening Date 8-Sep-2009

Docket No. 2009-1529-MSW-E

PCW

Respondent SGP Holdings Inc dba Total Recycling Technologies

Policy Revision 2 (September 2002)

Case ID No. 38398

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100833136

Media [Statute] Used Oil and Used Oil Filters

Enf. Coordinator John Shelton

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 328.5(h) and 40 CFR § 279.52(b)(1)

Violation Description Failed to maintain a fire prevention and suppression plan, or a contingency plan that shall be made available to the local fire prevention authority having jurisdiction over the facility. Specifically, the Respondent did not have a fire prevention plan or contingency plan at the time of the investigation.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (10%).

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$2,250

\$250

Violation Events

Number of Violation Events 1 Number of violation days 90

Table for frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with X).

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with X).

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$52

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

Economic Benefit Worksheet

Respondent SGP Holdings Inc dba Total Recycling Technologies

Case ID No. 36396

Reg. Ent. Reference No. RN100833136

Media Used Oil and Used Oil Filters

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	10-Jun-2009	23-Jun-2010	1.04	\$52	n/a	\$52

Notes for DELAYED costs

Estimated cost to develop and implement a fire prevention plan and contingency plan. The Date Required is the date of the investigation. The Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$52

Screening Date 8-Sep-2009

Docket No. 2009-1529-MSW-E

PCW

Respondent SGP Holdings Inc dba Total Recycling Technologies

Policy Revision 2 (September 2002)

Case ID No. 38398

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100833138

Media [Statute] Used Oil and Used Oil Filters

Enf. Coordinator John Shelton

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 324.12(3) and 40 CFR § 279.55

Violation Description

Failed to prepare an analysis plan for sampling and analysis of used oil.

Base Penalty \$2,600

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$2,250

\$250

Violation Events

Number of Violation Events 1

91 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$62

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

Economic Benefit Worksheet

Respondent SGP Holdings Inc dba Total Recycling Technologies

Case ID No. 38398

Reg. Ent. Reference No. RN100833136

Media Used Oil and Used Oil Filters

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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	10-Jun-2009	23-Jun-2010	1.04	\$52	n/a	\$52

Notes for DELAYED costs

Estimated cost to develop a site specific analysis plan. Date Required is the investigation date and Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$52

Compliance History Report

Customer/Respondent/Owner-Operator: CN603361296 SGP Holdings Inc Classification: AVERAGE Rating:3.01
Regulated Entity: RN100833136 TOTAL RECYCLING TECHNOLOGIES Classification: AVERAGE Site Rating:3.01
BY DEFAULT

ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER LI0099J
AIR NEW SOURCE PERMITS REGISTRATION 85054
AIR NEW SOURCE PERMITS AFS NUM 4829300680
USED OIL REGISTRATION A85533
MUNICIPAL SOLID WASTE PROCESSING REGISTRATION 100091
STORMWATER PERMIT TXRNET685
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR0000299
TRANSPORTATION
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 87609
TRANSPORTATION (SWR)
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR0000299
TRANSPORTATION
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 87609
TRANSPORTATION (SWR)
MUNICIPAL SOLID WASTE NON ID NUMBER 100091

Location: 1601 S BELKNAP ST, MEXIA, TX, 76667

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: August 26, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 26, 2004 to August 26, 2009

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

Name: John Shelton Phone: (512) 239-2563

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/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? _____

SGP Holdings Inc

4. If Yes, who was/were the prior owner(s)/operator(s) ? Total Recycling Technologies, Inc.

5. When did the change(s) in owner or operator occur? 01/08/2008
Total Recycling Technologies, Inc.

6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

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

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 06/29/2009 (749606)

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

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SGP HOLDINGS INC DBA TOTAL
RECYCLING TECHNOLOGIES
RN100833136**

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§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1529-MSW-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding SGP Holdings Inc dba Total Recycling Technologies ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 371 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a used oil filter and oil containing material recycling center at 1601 South Belknap Street in Mexia, Limestone County, Texas (the "Facility").
2. The Facility involves or involved the management of used oil as defined in TEX. HEALTH & SAFETY CODE ch. 371.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 16, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Eight Hundred Seventy-Five Dollars (\$2,875) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Two Thousand Three Hundred Dollars (\$2,300) of the administrative penalty and Five Hundred Seventy-Five Dollars (\$575) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

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

II. ALLEGATIONS

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

1. Failed to prevent the storage, processing, or disposal of used oil filters in a manner that results in the discharge of oil into soil or water, in violation of 30 TEX. ADMIN. CODE § 328.23(a), as documented during an investigation conducted on June 10, 2009. Specifically, the storage activities resulted in a discharge of used oil into the soil adjacent to the east building at the Facility.
2. Failed to prevent the storage and/or management of used oil in waste piles, in violation of 30 TEX. ADMIN. CODE § 324.1 and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 279.12(a), as documented during an investigation conducted on June 10, 2009. Specifically, the Respondent stored used oil and used oil containing materials in waste piles at the Facility.
3. Failed to provide secondary containment for all areas where used oil is stored, transferred, or otherwise handled, in violation of 30 TEX. ADMIN. CODE § 324.22(d)(3), as documented during an investigation conducted on June 10, 2009. Specifically, the Respondent stored used oil and used oil containing material in areas where no secondary containment was present.
4. Failed to maintain a fire prevention and suppression plan, or a contingency plan that shall be made available to the local fire prevention authority having jurisdiction over the facility, in violation of 30 TEX. ADMIN. CODE § 328.5(h) and 40 CFR § 279.52(b)(1), as documented during

an investigation conducted on June 10, 2009. Specifically, the Respondent did not have a fire prevention plan or contingency plan at the time of the investigation.

5. Failed to prepare an analysis plan for sampling and analysis of used oil, in violation of 30 TEX. ADMIN. CODE § 324.12(3) and 40 CFR § 279.55, as documented during an investigation conducted on June 10, 2009.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: SGP Holdings Inc dba Total Recycling Technologies, Docket No. 2009-1529-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately after the effective date of this Agreed Order:
 - i. Cease storing any additional used oil and used oil containing material in waste piles; and
 - ii. Begin properly storing, processing, and disposing of all used oil filters and other used oil-containing material, in accordance with 30 TEX. ADMIN. CODE § 328.23(a);
 - b. Within 30 days after the effective date of this Agreed Order, take necessary response actions to remove oil-contaminated soil and waste piles from the Facility and dispose at an authorized facility, in accordance with 40 CFR § 279.45(h);
 - c. Within 60 days after the effective date of this Agreed Order:
 - i. Provide secondary containment for all areas where used oil is stored, transferred, or otherwise handled, in accordance with 40 CFR § 279.45(d) and (e);

- ii. Develop and submit an analysis plan, in accordance with 30 TEX. ADMIN. CODE § 324.12(3) and 40 CFR § 279.55; and
 - iii. Develop and submit a fire prevention and contingency plan to local fire officials, in accordance with 30 TEX. ADMIN. CODE § 328.5(h) and 40 CFR § 279.52(b)(1);
or
 - iv. Cease accepting additional used oil and used oil filters at the Facility, remove all previous stored used oil and used oil filters and dispose of it at an authorized facility and close the Facility.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The

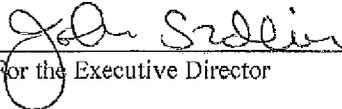
Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 5/24/2010

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

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

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

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



Signature

Date 1-7-10

WILLIAM JANKOVIC

Name (Printed or typed)
Authorized Representative of
SGP Holdings Inc dba Total Recycling Technologies

PRESIDENT

Title

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