Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 2, 2016

Bridget C. Bohac, Chief Clerk
Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC-105 Austin
Texas 78711-3087

Re: ELG Metals, Inc.; 2016-0613-MIS-U; Property Use Determination No. 19451

Dear Ms. Bohac:

Attached for filing please find the Revised Application Materials for ELG Metals Inc. Property Use Determination No. 19451. Please feel free to contact me at Colleen.Lenahan@tceq.texas.gov or Guy Henry at Guy.Henry@tceq.texas.gov if you have any questions.

Sincerely,

Colleen Lenahan
Staff Attorney
Environmental Law Division

Enclosure

Attachment 1

19451
Rev2

RECEIVED
FEB 03 2015
BY:

Texas Commission on Environmental Quality

Use Determination for Pollution Control Property Application

A person seeking a use determination must complete this application form. For assistance in completing the application form please refer to the *Instructions for Use Determination for Pollution Control Property Application Form TCEQ-00611*, as well as the rules governing the Tax Relief Program in Title 30 Texas Administrative Code Chapter 17 (30 TAC 17). Information relating to completing this application form is also available in the TCEQ regulatory guidance document, *Property-Tax Exemptions for Pollution Control Property, RG-461*. For additional assistance, please call the Tax Relief Program at 512-239-4900.

You must supply information for each field of this application form unless otherwise noted.

Section 1. Property Owner Information

1. Company Name of Owner: ELG Metals Inc.
2. Mailing Address: 15135 JACINTOPORT BLVD
3. City, State, Zip: HOUSTON TX 77015
4. Customer Number (CN): CN601181027
5. Regulated Entity Number (RN): RN102185733
6. Is this property/equipment owned by the CN listed in Question 4? Yes ☒ No ☐

If the answer is 'No,' please explain:

To be eligible for a positive use determination the property must be owned and operated by the same entity.

7. Is this property subject to any lease or lease-to-own agreement? Yes ☐ No ☒

If the answer is 'Yes,' please explain:

8. Is this property operated by the RN listed in Question 5? Yes ☒ No ☐

If the answer is 'No,' please explain:

To be eligible for a positive use determination the property must be owned and operated by the same entity.

Section 2. Physical Location of Property

1. Name of Facility or Unit where the property is physically located: Scrap Metal Reclaiming Facility
2. Type of Mfg. Process or Service: Scrap and Waste Materials
3. Street Address: 15135 JACINTOPORT BLVD
4. City, State, Zip: HOUSTON TX 77015
5. County: Harris
6. Appraisal District Account Number(s): 0452730 and 041-032-001-0103

Section 3. Contact Name

1. Company Name: Associated Tax Appraisers
2. First Name of Contact: Andrej
3. Middle Initial:
4. Last Name of Contact: Fedor
5. Salutation: Mr. ☒ Mrs. ☐ Ms. ☐ Dr. ☐ Other:
6. Title:
7. Suffix:
8. Mailing Address: P.O. Box 91119
9. City, State, Zip: Austin, Texas 78709
10. Phone Number/Fax Number: 281-497-2200 / 713-627-8454
11. Email Address: afedor@nationalrealty.com
12. Self-Assigned Tracking Number (optional): 15-TCEQ-ELG Metals-003

Section 4. General Information

1. What is the type of ownership of this facility?

Corporation ☒	Limited Partner ☐	Other:
Sole Proprietor ☐	Limited Liability Corporation ☐	
Partnership ☐	Utility ☐	

2. Size of Company: Number of Employees

1 to 99 ☐	500 to 999 ☐	2,000 to 4,999 ☐
100 to 499 ☒	1,000 to 1,999 ☐	5,000 or more ☐

3. Business Description: (Briefly describe the type of business or activity at the facility)
   Scrap and Waste Materials
4. Provide the North American Industry Classification System (NAICS) six-digit code for this facility. NAICS 423930 / SIC 5093

Section 5. Property Description, Applicable Rule, and Environmental Benefit

For each piece, or each category, of pollution control property for which a use determination is being sought, answer the following questions.

Attach additional response sheets to the application for each piece of integrated pollution control property if a use determination is being sought for more than one (1) piece.

General Information

1. Name the property: Turnings Facility
2. Is the property used 100% as pollution control equipment? Yes ☒ No ☐
   Explain your answer: This property is in standard use and identified on the TCEQ's Tier I Table. In addition, the property was installed solely for the abatement of pollution as required by law.
3. Does the property generate a Marketable Product? Yes ☐ No ☒

Marketable Product: Anything produced or recovered using pollution control property that is sold as a product, is accumulated for later use, or is used as a raw material in a manufacturing process. Marketable product includes, but is not limited to, anything recovered or produced using the pollution control property and sold, traded, accumulated for later use, or used in a manufacturing process (including at a different facility).

If the answer is 'Yes,' describe the marketable product:

4. What is the appropriate Tier I Table or Expedited Review List number? S-20
5. Is the property integrated pollution control equipment? Yes ☒ No ☐

   If the answer is 'No,' separate applications must be filed for each piece of property.
6. List applicable permit number(s) for the pollution control property: WQ0005018000, TX0106861 and TX0134619

Incremental Cost Difference

7. Is the Tier I Table item number A-86, A-112, A-114, A-182, or S-22? Yes ☐ No ☒

   If the answer is 'Yes,' the use determination percentage is based on the incremental cost difference and you must answer the following questions:
8. What is the cost of the new piece of property?
9. What is the cost of the comparable property without controls?
10. How was the value of the comparable property calculated?

Property Description

11. Describe the property. (What is it? Where is it located within the production process? How is it used to control, prevent, or monitor pollution?) Building, containment walls, tanks, piping and pumps used to contain cutting fluids from incomi loads of metal turnings. The facility was constructed to keep oils and greases from discharging into storm water runoff as required by ELG's active Permit to Discharge Wastes (WQ005018000 effluent limitations. The cutting fluids/oils are captured in a pit, which is cleaned out either annually/bi-annually and hauled away and disposed of in a registered landfill. The qualifying la was acquired in1989, but installation of the pollution control property and change in use of the la occurred in 2001.

Applicable Rule

12. What adopted environmental rule or regulation is being met by the construction or installation of the property? The citation must be to the specific section, subsection, paragraph, subparagraph, or clause level. Describe how the property meets or exceeds the requirements. 30 TAC §305.125(1) requires a permittee to comply with all permit conditions. In that regard, please see the attached Permit to Discharge Wastes (WQ0003324000), page 12, section 5, which requires the permittee to deveople and implement a storm water pollution prevention plan. A copy of ELG's Industrial Wastewater Permit Compliance Evaluation and Spill Prevention, Control and Countermeasure Plan are also attached. The Turnings facility roof, walls and foundation are secondary sturtures required under the SPCC Plan.

Environmental Benefit

13. What is the anticipated environmental benefit related to the construction or installation of the property? The facility provides containment of cutting fluids as required by permit.

Section 6. Process Flow Diagram (Optional)

Attach documentation to the application showing a Process Flow Diagram for the property.

Section 7. Partial-Use Percentage Calculation

This section must be completed for all Tier III applications. Attach documentation to the application showing the calculations used to determine the partial-use percentage for the property.

Section 8. Property Categories and Costs

List each piece of integrated pollution control property for which a use determination is being sought.

Property Name	Tier 1 Table No. or Expedited Review List No.	Use Percent	Estimated Dollar Value
Land:			
Property: **SEE ATTACHED**	**S-20**	**100%**	**SEE ATTACHED**
Property: **All qualifying land**			
Property:			
Property:			
		Total:	

Attach additional response sheets to the application if more than five (5) pieces of property need to be listed.

NOTE: Separate applications must be filed for each piece of nonintegrated pollution control property.

Section 9. Type of Application and Fee

1. Type of Application being filed: *Select only one.*

Tier I – Fee: $150 ☒ Tier II – Fee: $1,000 ☐ Tier III – Fee: $2,500 ☐

2. Fee Payment Type:

Check ☐ Money Order ☐ Electronic Payment ☒

3. Payment Receipt Number: SEE ATTACHED
4. Payment Amount: $150
5. Payer Name on Payment: SEE ATTACHED
6. Total Amount of Payment: $150

NOTE: Enclose a check, money order to the TCEQ, or a copy of the ePay receipt along with the application to cover the required fee.

In accordance with the TCEQ's Delinquent Fee Protocol, the Tax Relief Program will not consider applications administratively complete until all delinquent fees the company owes to the TCEQ are paid.

Information regarding the TCEQ's Delinquent Fee Protocol is available at:

http://www.tceq.state.tx.us/agency/delin/index.html.

Section 10. Certification Statement

Must be signed by owner or designated representative.

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 further certify that the property listed in this application is eligible for a tax exemption under Texas Tax Code, §11.31 given that:

- the property is not solely used, constructed, acquired, or installed to manufacture or produce a good or provide a service, including a good or service that prevents, monitors, controls, or reduces air, water, or land pollution,
- the environmental benefit associated with the property is not wholly derived from the use or characteristics of the goods or services produced by the property,
- the property is wholly or partly used, constructed, acquired, or installed to meet or exceed law, rule, regulation adopted by an environmental protection agency of the United States, Texas, or a political subdivision of Texas for the prevention, monitoring, control, or reduction of air, water, or land pollution,
- the property is not used for residential purposes, or for recreational, park, or scenic uses as defined by Texas Tax Code, §23.81,
- the property is not a motor vehicle, except for a dedicated service motor vehicle used solely for pollution control, and
- the property was not acquired, constructed, or installed before January 1, 1994.

I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name: Andrej Fedor Date: 02/01/16

Signature: _____

Title:

Company Name: Associated Tax Appraisers

Under Texas Penal Code 37.10, if you make a false statement on this application, you could receive a jail term of up to one year and a fine up to $2,000, or a prison term of two to 10 years and a fine of up to $5,000.

Application Submission

Send the completed application and the appropriate fee, along with a complete copy of the completed application for the appraisal district, to:

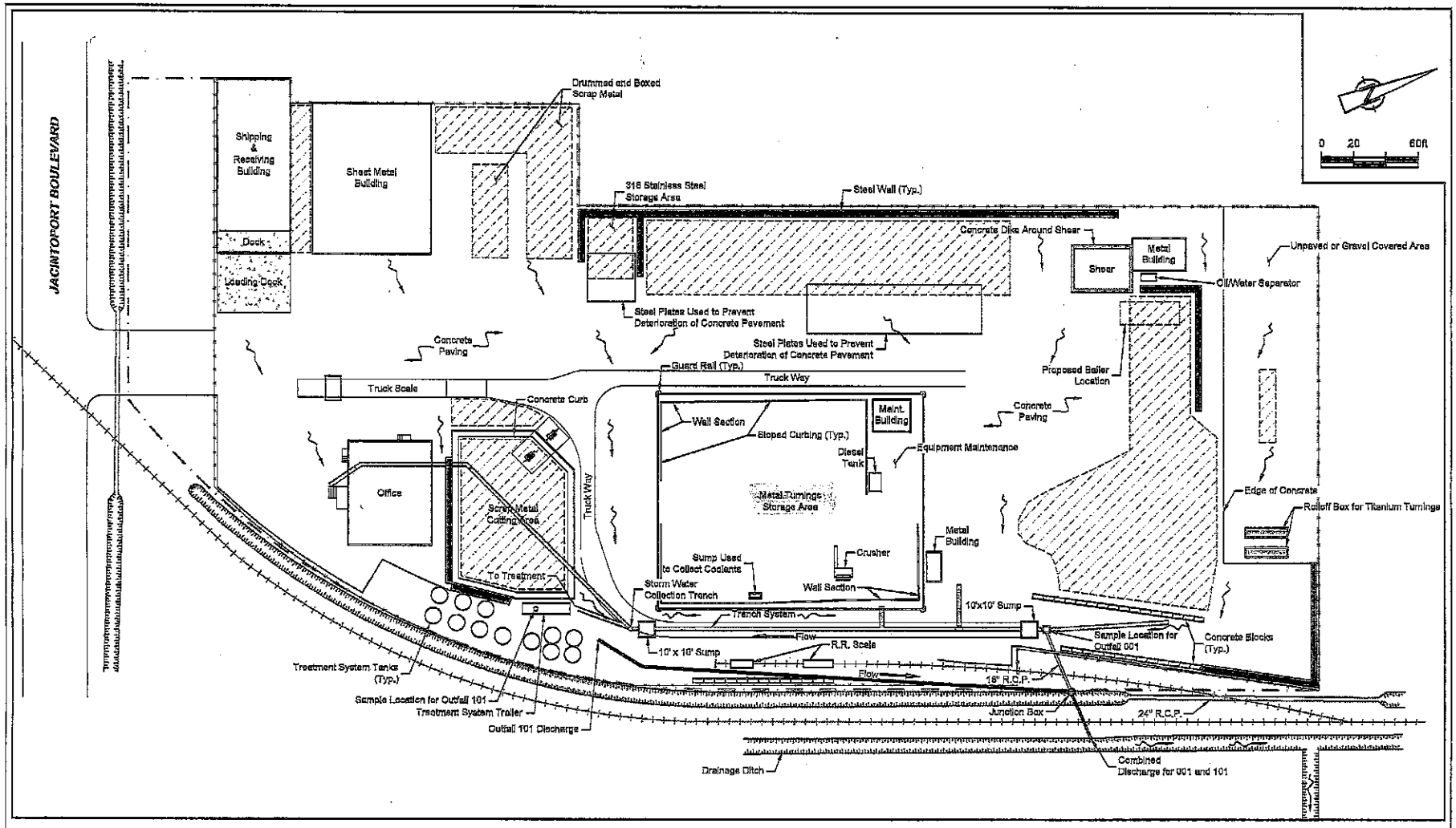
U.S. Mail

Cashiers Office, MC 214
Tax Relief Program
TCEQ
PO Box 13088
Austin TX 78711-3088

Physical Address

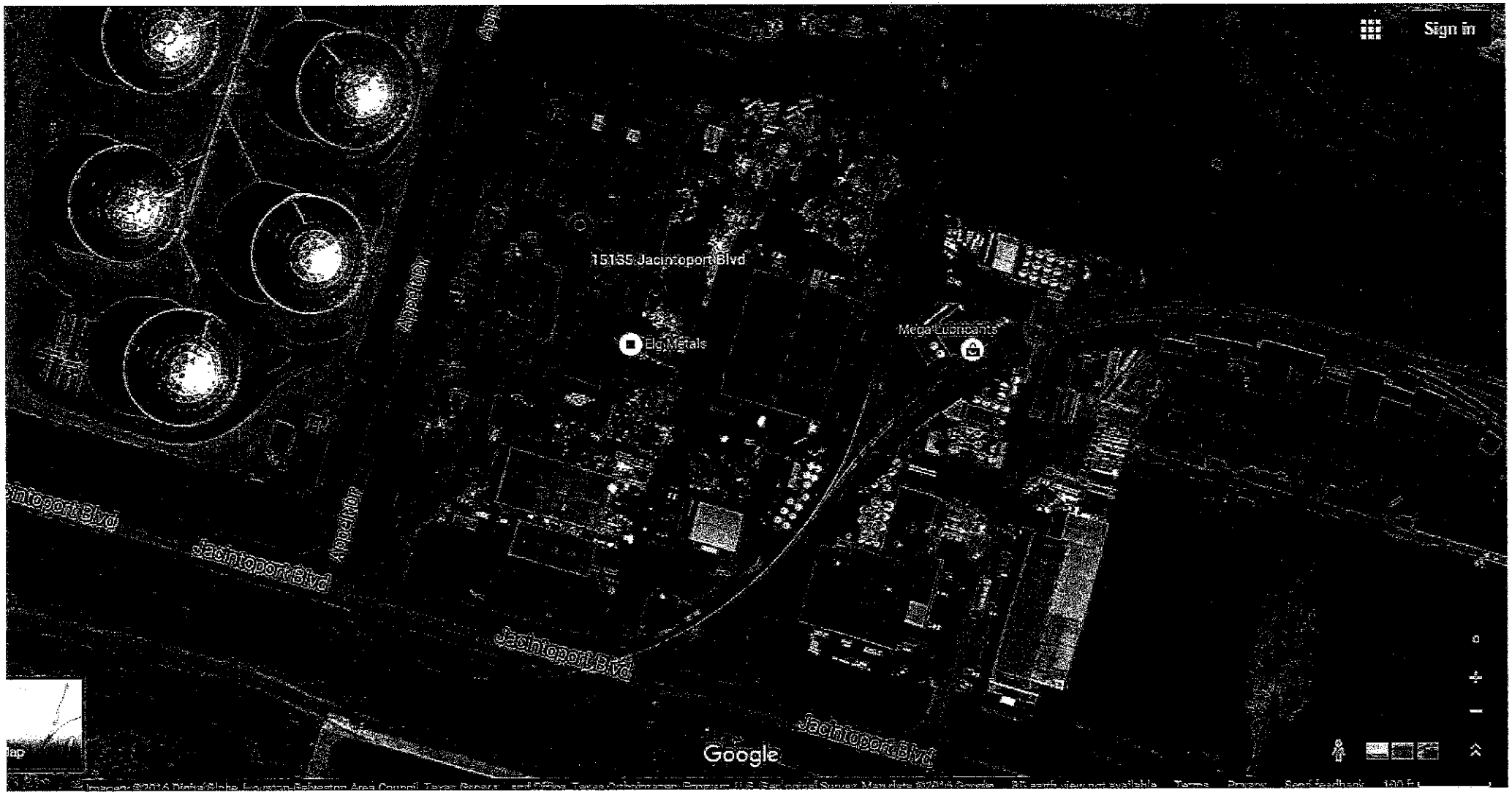
Cashier's Office, MC 214
Building A
TCEQ
12100 Park 35 Circle
Austin TX 78753

ELG Metals Inc.		
15135 Jacintoport Blvd.		
HCAD Account No(s). 0452730 & 0410320010103		
Tax Year 2015		
Pollution Controll Equipment	**Date Acq.**	**Cost**
New Turnings Facility	3/1/2001	$748,452



FACILITY MAP
TPDES PERMIT APPLICATION
HOUSTON, HARRIS COUNTY, TEXAS
ELG Metals, Inc.

082188-00(000)GN-DL001 MAY 31/2013


Sign in
15135 Jacintoport Blvd
Elg Metals
Mega Lubricants
Airport Blvd
Airport Blvd
Jacintoport Blvd
Jacintoport Blvd
Jacintoport Blvd
Jacintoport Blvd
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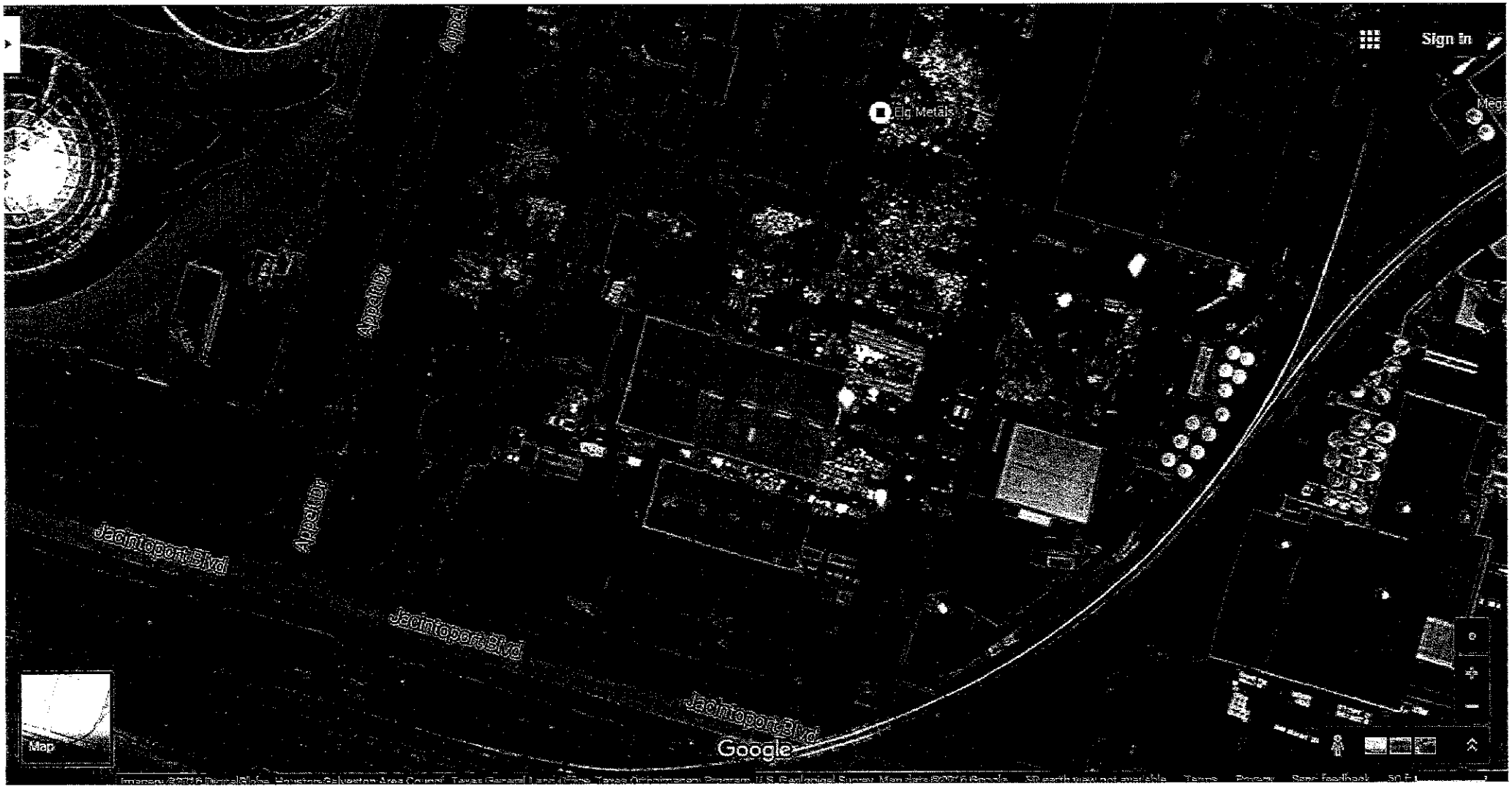
Sign in
Big Metals
Appaloosa Dr
Appaloosa Dr
Jacintoport Blvd
Jacintoport Blvd
Jacintoport Blvd
Google
Map

Print this voucher for your records. If you are sending the TCEQ hardcopy documents related to this payment, include a copy of this voucher.

Transaction Information

Voucher Number:	251296
Trace Number:	582EA000198278
Date:	09/04/2015 06:52 PM
Payment Method:	CC - Authorization 000007774D
Amount:	$150.00
Fee Type:	TIER I, II, & III POLLUTION CONTROL EQUIPMENT EXEMPTION FEES
ePay Actor:	Andrej Fedor
Actor Email:	afedor@nationalrealty.com
IP:	173.11.244.9

Payment Contact Information

Name:	Ronald P Little
Company:	Associated Tax Appraisers
Address:	4543 Post Oak Place Ste 232, Houston, TX 77027
Phone:	281-497-2200

Site Information

RN:	RN102185733
Site Name:	SCRAP METAL RECLAIMING FACILITY
Site Address:	15135 JACINTOPORT BLVD, HOUSTON, TX 77015
Site Location:	15135 JACINTOPORT BLVD HOUSTON TX 77015

Customer Information

Customer Name:	ELG METALS INC
Customer Address:	15135 JACINTOPORT BLVD, HOUSTON, TX 77015

Other Information

Comments:	15-TCEQ-ELG Metals-003

Close

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Attachment 2

C. DRAFT

REVIEW AND COMMENT

ELG Metals Southern, Inc.

Jacintoport, Texas

TNRCC Industrial Wastewater Permit Compliance Evaluation

September 7, 1999

Prepared By

Triune Engineering, Inc.
P. O. Box 5803
Kingwood, Texas 77325

Richard T. Frantz, P.E.

Clifford E. Woodward, P.E.

REV	0						
ISSUE	CLIENT REVIEW						
	By:	DATE:					
BY	CEW/RTF	8/30/99					
CHECKED							
APPROVED							

Triune Engineering, Inc.

TEI Project No:
Client: ELG Metals Southern, Inc.
Date: September 7, 1999

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REVIEW AND COMMENT

DRAFT

1.0 EXECUTIVE SUMMARY

2.0 DESCRIPTION OF OPTIONS

3.0 COMPARATIVE ECONOMICS

4.0 FUTURE TNRCC REGULATIONS

Triune Engineering, Inc.

TEI Project No:
Client: ELG Metals Southern, Inc.
Date: September 7, 1999

REVIEW AND COMMENT

DRAFT

1.0 EXECUTIVE SUMMARY

ELG Metals Southern, Inc. has completed engineering work to develop an effective solution to storm water pollution at Jacintoport. This program was initiated following legal action brought by the Texas Natural Resources and Conservation Commission (TNRCC) which issued an enforcement order on May 26, 1999 to compel ELG Metals Southern, Inc. to meet all permit conditions. The five-year order gives ELG six (6) months to install facilities to fully comply with the permit.

Cutting oils in the turnings area are the dominant source of contamination from the plant site. It is necessary to eliminate this source of contamination to meet TNRCC mandates. Rainwater from turnings area is highly contaminated with cutting oil. The milky white emulsions have been sampled six times in 1998 and 1999 and found to have from 1000 to 3000 ppm COD and 10 – 90 ppm oil and grease. This contamination accounts for from 20% to 80% of the total COD and from 10% to 60% of the total oil and grease in the plant outfall. There are no plans to limit use of turnings and a solution to this problem is required to meet TNRCC mandates.

ELG has considered eight options to reduce storm water contamination. The options consist of a covered building to keep the turnings dry and seven possible treatment schemes to purify the milky emulsion rich storm water before it exits the plant. The cover is strongly preferred.

The cover has the lowest total long term cost. The total project has been estimated at $450,000. The project cost estimate includes a Butler design for 145' wide, 150' / 180' long and 50' high building ($207,124); building installation ($140,000); relocation of timber walls ($40,000); building ventilation (to expel crusher oil vapors) ($10,000); relocation of electrical power supply center for the two crushers; and curbing of the South entry and wall ($10,000). A ten (10) percent engineering cost and contingency is also reflected in the estimated project cost.

Triune Engineering, Inc.

TEI Project No:
Client: ELG Metals Southern, Inc.
Date: September 7, 1999

The cover will prohibit rain from contacting turnings and will completely eliminate washout. In addition to completely eliminating this major source of pollution, it represents Best Practice as defined by the EPA in their Pollution Prevention Plan guidelines for the metals recycling industry and it adds real value to the site which could be recovered should the site be sold

Treatment options have high ongoing operating costs and would be subject to overload during several large storms a year and risk more serious TNRCC action and fines. The cover will totally eliminate washout of contaminants from the turnings in the covered area and give a positive long-term solution not subject to tightening TNRCC regulations. Options to treat the contaminated storm water have the risk of upset, more punitive TNRCC fines estimated from $10,000 to $50,000 per year and higher life cycle cost. The cover is the cheapest long-term option and is recommended.

REVIEW AND COMMENT

DRAFT

REVIEW AND COMMENT

Triune Engineering, Inc.

TEI Project No:
Client: ELG Metals Southern, Inc.
Date: September 7, 1999

DRAFT

2.0 DESCRIPTION OF OPTIONS

Eight options were considered to correct the permit problems in the outfall from the production of highly contaminated storm water from the turnings area. These are discussed in more detail below:

Option 1 – Building Rain Cover:

The building rain cover has the lowest total long term cost. The total project has been estimated at $450,000. This cost estimate includes a Butler design for 145' wide, 150' / 180' long and 50' high building ($207, 124); building installation ($140,000); relocation of timber walls ($40,000); building ventilation (to expel crusher oil vapors) ($10,000); relocation of electrical power supply center for the two crushers; curbing of the South entry and wall ($10,000). A ten (10) percent engineering cost and contingency (10%) is also reflected in the total estimated project cost.

The cover will prohibit rain from contacting turnings thereby completely eliminating washout. The EPA considers a cover to keep raw materials dry as Best Practice in their storm water guidelines for the metals recycling industry.

Option 2 – Contract Disposal

Two 20,000 gallon batch holding and assay tanks would be installed to collect, pre-treat and batch ship by pump or truck to one of the two area waste disposal plants. Initial costs have been estimated at $230,000. Transport and treatment charges would be around $30,000/yr, for Industrial Utility Services in Jacintoport and $60,000 for the Gulf Coast Waste Disposal Authority some 5 miles away. Two companies were evaluated for disposal: IUS and GCWDA.

Triune Engineering, Inc.

TEI Project No:
Client: ELG Metals Southern, Inc.
Date: September 7, 1999

REVIEW AND COMMENT
DRAFT

Option 3 – Chemical Coagulation

Cutting oil emulsions were broken with coagulants provided by Ashland Chemical Company. This technology involves the addition of two 20,000-gallon batch treating tanks, two circulating pumps and two chemical addition systems with batch controls. Estimated cost is approximately $250,000 with annual operating costs of $30,000 for chemical treatment and sludge disposal. Removal efficiency is estimated at 60% to 70% for this process.

Option 4 – Acid Treatment _

Acid treatment will precipitate turnings area emulsions from the flow. This involves acidification sedimentation and pH adjustment. This process results in formation of metal hydroxide precipitates, which would require disposal. This process involves multiple process systems. Estimated cost is approximately $300,000 with annual operating costs of at least $40,000 for acid treatment, neutralization and disposal of precipitated sludge. An expensive laboratory development program would be required to fully develop this route.

Option 5 - Electrocoagulation

Electrocoagulation is the method of using electrical current for the precipitation of emulsions. Estimated cost would be from $400,000 to $500,000 with annual operating costs of $30,000 for pretreatment and sludge disposal. Field test and optimization work would be required to optimize this route.

Option 5 – Activated Carbon and Oil Water Adsorption Towers

Estimated cost would be from $400,000 to $500,000 with annual operating costs of $150,000 to $250,000, depending on the amount of contaminants present in the stormwater.

Triune Engineering, Inc.

TEI Project No:
Client: ELG Metals Southern, Inc.
Date: September 7, 1999

REVIEW AND COMMENT

DRAFT

Option 7 – The WILSA Process

Herb Holland of WILSA (TNRCC listed industry consultant) is yet to provide an adsorbent "can" for field-testing. If feasible, the estimated annual replacement costs are around $ 65,000 plus for the elastomer-polymer based filter (absorption) process currently being used for bilge water at flow rates 2 gpm per 10 gallon canister. At this time this is not considered viable as the vendor has failed to prove his system.

Option 8 – Dissolved Air Flotation System

Treating of the entire storm water runoff with a Dissolved Air Flotation System. This option was estimated at $1,150,000 by Thompson Engineering and includes a 400,000 gallon settling/equalization tank. Operating costs would be significant to maintain and control these facilities. These are estimated at above $100,000/year. Field development would be required to refine the operating conditions for DAF.

Triune Engineering, Inc.

Project: TNRCC

CLIENT: ELG Metals Southern, Inc.
Jacinoport, Texas

3.0 COMPARATIVE ECONOMICS

Capital and operating costs were developed for each option as mentioned in the preceding sections. A 20-year life cycle cost was calculated for comparison. This is shown below. The costs include a 3% per year cost escalation, 2% taxes and insurance and a 6% capital charge. Depreciation, salvage and federal income tax impact are not included.

Option	Description	Removal %	Capital Cost 1999 $'s	Operating Cost 1999's / yr	20 Year Life Cycle Cost (Estimated)
1	Building Cover	100	450,000	1,000	1,197,000
2A	IUS Disposal	100	230,000	30,000	1,404,000
2B	GCWDA Disposal	100	230,000	60,000	2,210,000
3	Chem. Coagulation	60 - 80	250,000	30,000	1,456,000
4	Acid Precipitation	80 - 90	300,000	40,000	1,456,000
5	Electrocoagulation	80-90	500,000	30,000	2,106,000
6	Activated Carbon	80 - 90	500,000	250,000	8,017,000
7	WILSA	80 -90	300,000	65,000	2,526,000
8	DAF	80 - 90	1,150,00	100,000	5,547,000

The building cover has the lowest 20-year cost. The cover would require routine painting and would be a capital asset and enhance the value of the Jacintoport site. The other alternatives would have little salvage value.

Process overload during heavy violent Gulf Coast storms could result in on-going fines (risk at $10,000 to $50,000 a year). This legal risk for treatment options (Options 3, 4, 5, 6, 7, and 8) is not included in the economics.

The treatment alternatives have the common drawback of high ongoing operating costs for labor, supplies and contract services without payback. The cheapest treatment alternative is for disposal by Industrial Utility Services. IUS provides Jacintoport with sanitary services and would be connected by pipeline for treatment of the turnings area runoff. Capital cost is estimated at $230,000 with $30,000 per year annual operating costs for collection and disposal of storm water at Industrial Utility Service. This option may not be available as the storm water is too contaminated (exceeding 1500 ppm COD max and with marginal biotreatability) for IUS. In this case, disposal at Gulf Coast Waste Disposal Authority would be necessary at a 30% greater life cycle cost.

Options 3 and 4 have process risks with possibility of costly fines from TNRCC and options 5 through 8 are very much more expensive than the building cover.

Triune Engineering, Inc.

TEI Project No:
Client: ELG Metals Southern, Inc.
Date: September 7, 1999

4.0 FUTURE TNRCC REGULATIONS

Since the initial water permit was issued for the ELG Jacintoport site, there have been a number of modifications and/or changes to the water quality discharge by TNRCC field or office personnel. For example, there have been modifications to discharge location, method of sampling, duration and frequency of sampling, etc. There have also been major changes to the permit levels for metals; COD and TOC based on interpretation of TNRCC and EPA regulations.

In consideration of possible future changes in TNRCC and/or EPA water quality regulations, Options 2 through 8 may require major technical modifications that cannot be forecasted at this time. Historically, water quality regulations have become more stringent. As water quality regulation become stringent, the processes and methods of treatment may also change or become outdated.

DRAFT

REVIEW AND COMMENT

Attachment 3

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 6, 2009

Mr. Rich Koschik
ELG Metals, Inc.
P.O. Box 1319
Channelview, Texas 77530-1319

Re: ELG Metals, Inc., Authorization No. WQ0003324000
(RN 102185733, CN 601181027)

Dear Koschik:

Enclosed is a copy of the above referenced permit for a wastewater treatment facility issued on behalf of the Executive Director pursuant to Chapter 26 of the Texas Water Code.

Self-reporting or Discharge Monitoring Forms and instructions will be forwarded to you from the Water Quality Management Information Systems Team so that you may comply with monitoring requirements. For existing facilities, revised forms will be forwarded if monitoring requirements have changed.

Enclosed is a "Notification of Completion of Wastewater Treatment Facilities" form. Use this form when the facility begins to operate or goes into a new phase. The form notifies the agency when the proposed facility is completed or when it is placed in operation. This notification complies with the special provision incorporated into the permit.

Should you have any questions, please contact Mr. Gordon Copper of the Texas Commission on Environmental Quality's (TCEQ) Wastewater Permitting Section at (512) 239-4671 or if by correspondence, include MC 148 in the letterhead address below.

Sincerely,

L'Oreal W. Stepney, P.E., Director
Water Quality Division

LWS/GC/evm/

Enclosures

ccs: TCEQ, Region 12
Ms. Arleen Arone-Zuniga, Conestoga-Rovers & Associates, 6320 Rothway Street Suite 100, Houston, Texas 77040

TPDES PERMIT NO. WQ0003324000
[For TCEQ office use only -
EPA I.D. No. TX0106861]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P. O. Box 13087

Austin, Texas 78711-3087

This is a renewal of TPDES Permit No. WQ0003324000, issued on February 14, 2005.

PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

ELG Metals, Inc.

whose mailing address is

P.O. Box 1319
Channelview Texas 77530-1319

is authorized to treat and discharge wastes from a scrap metal processing facility (SIC 5093)

located at 15135 Jacintoport Boulevard, in Houston, Texas

to an unnamed ditch; thence to Senterra Development Drainage ditch; thence to Carpenters Bayou; thence to the Houston Ship Channel Tidal in Segment No. 1006 of the San Jacinto River Basin

only according to effluent limitations, monitoring requirements and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight on May 1, 2013.

ISSUED DATE: JAN 27 2009

For the Commission

1. During the period beginning three (3) years from the date of issuance and lasting through the expiration date, the permittee is authorized to discharge storm water associated with industrial activity subject to the following effluent limitations:

Volume: Intermittent and Flow Variable

Effluent Characteristic	Discharge Limitations			Minimum Self-Monitoring Requirements	
				Report Daily Avg. & Daily Max.	
	Daily Avg. mg/L	Daily Max. mg/L	Single Grab mg/L	Measurement Frequency	Sample Type
Flow (MGD)	Report	Report	N/A	1/quarter (*1)	Instantaneous
Copper, total	N/A	0.158	0.158	1/quarter (*1)(*2)	Grab
Lead, total	N/A	0.645	0.645	1/quarter (*1)(*2)	Grab
Zinc, total	N/A	0.683	0.683	1/quarter (*1)(*2)	Grab

(*1) Samples shall be collected within the first 30 minutes of beginning of discharge, while the facility is in operation and during hours of operation. See "Other Requirement" No. 4.

(*2) Samples shall be collected if the storm water treatment system is not operational for period of 24 hours or more. See "Other Requirement" No. 9.

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/quarter (*1), by grab sample.

3. There shall be no visible discharge of floating solids or foam and no discharge of visible oil.

4. Effluent monitoring samples shall be taken at the following location:

Outfall 101 - Located in the northeast portion of the facility, near the storm water treatment system, at the north end of the storm trench system prior to Outfall 001.

1. During the period beginning upon date of issuance and lasting through the expiration date, the permittee is authorized to discharge storm water associated with industrial activity subject to the following effluent limitations:

Volume: Intermittent and Flow Variable

Effluent Characteristic	Discharge Limitations			Minimum Self-Monitoring Requirements	
				Report Daily Avg. & Daily Max.	
	Daily Avg. mg/L	Daily Max. mg/L	Single Grab mg/L	Measurement Frequency	Sample Type
Flow (MGD)	(Report)	(Report)	N/A	1/day (*1)	Instantaneous
Total Organic Carbon (TOC)	N/A	80	80	1/day (*1)	Grab
Oil and Grease	N/A	20	20	1/day (*1)	Grab
Copper, total	N/A	2.0	2.0	1/week (*1)(*2)	Grab
Lead, total	N/A	1.5	1.5	1/day (*1)	Grab
Nickel, total	N/A	3.0	3.0	1/week (*1)(*2)	Grab
Zinc, total	N/A	6.0	6.0	1/week (*1)(*2)	Grab

(*1) Samples shall be collected within the first 30 minutes of when the beginning of discharge, while the facility is in operation and during hours of operation. See "Other Requirement" No. 4.
(*2) Samples shall be collected 1/day for storm water that is not routed through Internal Outfall 101.

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day (*1), by grab sample.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

4. Effluent monitoring samples shall be taken at the following location:

Outfall 001- Located in the northeast portion of the facility near the east ditch and railroad tracks.

e. Fecal coliform bacteria concentration - the number of colonies of fecal coliform bacteria per 100 milliliters effluent. The daily average fecal coliform bacteria concentration is a geometric mean of the values for the effluent samples collected in one calendar month. The geometric mean shall be determined by calculating the nth root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or, computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of fecal coliform bacteria equaling zero, a substituted value of one shall be made for input into either computation method. The 7-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as (Flow, MGD x Concentration, mg/l x 8.34).

Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.

3. Sample Type

a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (b).

b. Grab sample - an individual sample collected in less than 15 minutes.

4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.

5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids which have not been classified as hazardous waste separated from wastewater by unit processes.

6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, a monthly effluent report shall be submitted each month, to the Enforcement Division (MC 224), by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be reported on an approved self-report form, that is signed and certified as required by Monitoring and Reporting Requirements No. 10.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act, the Texas Water Code, Chapters 26, 27, and 28, and Texas Health and Safety Code, Chapter 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

2. Test Procedures

Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§319.11 - 319.12. Measurements, tests and calculations shall be accurately accomplished in a representative manner.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

As required by Title 30 Texas Administrative Code (TAC) Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC §§ 305.121 - 305.129 (relating to Permit Characteristics and Conditions) as promulgated under the Texas Water Code §§ 5.103 and 5.105, and the Texas Health and Safety Code §§ 361.017 and 361.024(a), establish the characteristics and standards for waste discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) Part 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit. All definitions in Section 26.001 of the Texas Water Code and 30 TAC Chapter 305 shall apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

1. Flow Measurements

   a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with a 1 million gallons per day or greater permitted flow.

   b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

   c. Daily maximum flow - the highest total flow for any 24-hour period in a month.

   d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

   e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.

   f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

   a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.

      i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

      ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.

   b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.

   c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

   d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day.

      The "daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that day.

3. Records of Results

   a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.

   b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR § 264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.

   c. Records of monitoring activities shall include the following:

      i. date, time and place of sample or measurement;
      ii identity of individual who collected the sample or made the measurement.
      iii date and time of analysis;
      iv identity of the individual and laboratory who performed the analysis;
      v the technique or method of analysis; and
      vi the results of the analysis or measurement and quality assurance/quality control records.

   The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that maybe instituted against the permittee.

4. Additional Monitoring by Permittee

   If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in the calculation and reporting of the values submitted on the approved self-report form. Increased frequency of sampling shall be indicated on the self-report form.

5. Calibration of Instruments

   All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site and/or shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

   Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date to the Regional Office and the Enforcement Division (MC 224).

7. Noncompliance Notification

   a. In accordance with 30 TAC § 305.125(9) any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

   b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:

      i. Unauthorized discharges as defined in Permit Condition 2(g).
      ii. Any unanticipated bypass which exceeds any effluent limitation in the permit.
      iii. Violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.

c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.

8. In accordance with the procedures described in 30 TAC §§ 35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.

9. Changes in Discharges of Toxic Substances

All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Office, orally or by facsimile transmission within 24 hours, and both the Regional Office and the Enforcement Division (MC 224) in writing within five (5) working days, after becoming aware of or having reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. One hundred micrograms per liter (100 µg/L);
ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
iv. The level established by the TCEQ

b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. Five hundred micrograms per liter (500 µg/L);
ii. One milligram per liter (1 mg/L) for antimony;
iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
iv. The level established by the TCEQ

10. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

11. All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Executive Director of the following:

a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the CWA if it were directly discharging those pollutants;

b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and

c. For the purpose of this paragraph, adequate notice shall include information on:

i. The quality and quantity of effluent introduced into the POTW; and
ii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW

PERMIT CONDITIONS

1. General

a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.

b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:

i. Violation of any terms or conditions of this permit;
ii Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

2. Compliance

a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.

b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment.

e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.

f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and Texas Water Code Section 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.

h. In accordance with 30 TAC § 305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility which does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.

i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §§7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal Clean Water Act, §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).

3. Inspections and Entry

a. Inspection and entry shall be allowed as prescribed in the Texas Water Code Chapters 26, 27, and 28, and Texas Health and Safety Code Chapter 361.

b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state.

Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in Texas Water Code Section 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment and/or Renewal

a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:

i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC § 305.534 (relating to New Sources and New Dischargers); or

ii The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9;

iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.

c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.

d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.

e. In accordance with the Texas Water Code § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.

f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.

b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

This permit does not authorize any activity of hazardous waste storage, processing, or disposal which requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Relationship to Water Rights

Disposal of treated effluent by any means other than discharge directly to water in the state must be specifically authorized in this permit and may require a permit pursuant to Chapter 11 of the Texas Water Code.

8. Property Rights

A permit does not convey any property rights of any sort, or any exclusive privilege.

9. Permit Enforceability

The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

10. Relationship to Permit Application

The application pursuant to which the permit has been issued is incorporated herein; provided, however, that in the event of a conflict between the provisions of this permit and the application, the provisions of the permit shall control.

11. Notice of Bankruptcy.

a. Each permittee shall notify the executive director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:

i. the permittee;
ii an entity (as that term is defined in 11 USC, §101(15)) controlling the permittee or listing the permit or permittee as property of the estate; or
iii. an affiliate (as that term is defined in 11 USC, §101(2)) of the permittee.

b. This notification must indicate:

i the name of the permittee;
ii the permit number(s);
iii the bankruptcy court in which the petition for bankruptcy was filed; and
iv the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.

2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.

3. Domestic wastewater treatment facilities shall comply with the following provisions:

a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.

b. The permittee shall submit a closure plan for review and approval to the Land Application Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.

4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.

6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under Texas Water Code § 7.302(b)(6).

7. Documentation

   For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for information required for TPDES permit applications, effluent data, including effluent data in permits, draft permits and permit applications, and other information specified as not confidential in 30 TAC § 1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice. If the Commission or Executive Director agrees with the designation of confidentiality, the TCEQ will not provide the information for public inspection unless required by the Texas Attorney General or a court pursuant to an open records request. If the Executive Director does not agree with the designation of confidentiality, the person submitting the information will be notified.

8. Facilities which generate domestic wastewater shall comply with the following provisions; domestic wastewater treatment facilities at permitted industrial sites are excluded.

   a. Whenever flow measurements for any domestic sewage treatment facility reach 75 percent of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90 percent of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility which reaches 75 percent of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

      If in the judgement of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 149) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

   b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.

   c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.

10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85 percent, unless otherwise authorized by this permit.

11. Facilities which generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:

    a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.

    b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.

    c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Corrective Action Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

    d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.

    e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.

    f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:

        i. Volume of waste and date(s) generated from treatment process;
        ii. Volume of waste disposed of on-site or shipped off-site;
        iii. Date(s) of disposal;
        iv Identity of hauler or transporter;
        v. Location of disposal site; and
        vi. Method of final disposal.

    The above records shall be maintained on a monthly basis. The records shall be retained at the facility site, or shall be readily available for review by authorized representatives of the TCEQ for at least five years.

12. For industrial facilities to which the requirements of 30 TAC Chapter 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with Chapter 361 of the Texas Health and Safety Code.

TCEQ Revision 04/2006

OTHER REQUIREMENTS

1. The Executive Director has reviewed this action for consitency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the Coastal Coordination Council (CCC) and has determined that the action is consistent with the applicable CMP goals and policies

2. Violations of daily maximum limitations for the following pollutants shall be reported orally or by facsimile to TCEQ Region 12 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 12 and the Enforcement Division (MC 224).

POLLUTANT	MAL (mg/L)
Copper, total	0.010
Lead, total	0.005
Nickel, total	0.010
Zinc, total	0.005

Test methods utilized shall be sensitive enough to demonstrate compliance with the permit effluent limitations. Permit compliance/noncompliance determinations will be based on the effluent limitations contained in this permit with consideration given to the MAL for the parameters specified above.

When an analysis of an effluent sample for any of the parameters listed above indicates no detectable levels above the MAL and the test method detection level is as sensitive as the specified MAL, a value of zero (0) shall be used for that measurement when determining calculations and reporting requirements for the self-reporting form. This applies to determinations of daily maximum concentration, calculations of loading and daily averages, and other reportable results.

When a reported value is zero (0) based on this MAL provision, the permittee shall submit the following statement with the self-reporting form either as a separate attachment to the form or as a statement in the comments section of the form.

"The reported values of zero (0) for **[list parameter(s)]** on the self-reporting form for **[monitoring period date range]** is based on the following conditions: 1) the analytical method used had a method detection level as sensitive as the MAL specified in the permit, and 2) the analytical results contained no detectable levels above the specified MAL."

When an analysis of an effluent sample for a parameter indicates no detectable levels and the test method detection level is not as sensitive as the MAL specified in the permit, or an MAL is not specified in the permit for that parameter, the level of detection achieved shall be used for that measurement when determining calculations and reporting requirements for the self-reporting form. A zero (0) may not be used.

3. There is no mixing zone established for this discharge of storm water runoff to an intermittent stream.

4. The facility is in operation six (6) days a week, between the hours of 7:00 am and 5:00 p.m. In addition, for 16 weeks, the facility is in operation typically seven (7) days per week between the hours of 6:00 a.m. and 10:00 p.m. While the facility is in operation, trained personnel shall remain on-site to perform the required outfall sampling. The permittee shall notify the TCEQ in writing if the hours of operation change significantly.

5. The permittee must develop and implement a storm water pollution prevention plan (SWP3) that includes a set of best management practices (BMPs) to eliminate or reduce the exposure of storm water to industrial activities and pollutants. The SWP3 must be maintained on site and be made readily available for review by authorized TCEQ personnel. The SWP3 must contain elements, or sections, to require implementation of the following activities:

a. Good Housekeeping Measures - Activities must be defined and implemented to ensure that areas of the facility that either contribute or potentially contribute pollutants to storm water discharges are maintained and operated in a clean and orderly manner. This includes but is not limited to unloading dock areas; scrap metal processing and storage areas; and any additional areas that have a potential to expose any industrial activities or waste to storm water. The frequency for conducting each of the good housekeeping measures must be defined in the SWP3.

I. Within 30 days of permit issuance, the permittee shall update the SWP3, to address the pollutants that may be discharged from the various types of scrap metals and materials handled at the facility. The SWP3 must state how the permittee will:

A. identify and evaluate the metals and materials involved;
B. identify the types of pollutants that can be generated by those metals and materials;
C. create a procedure that will be used to manage and contain the pollutants generated, and any additional pollutants that can come from the items of scrap or materials due to the sources of the scrap metals and materials.

II. The permittee shall conduct the following activities related to removing the accumulations of residues and metals and use equipment that will include but not be limited to sweepers, brushes, shovels, skid steer loaders, and brooms; and shall update the SWP3 to include these requirements:

A. Within 90 days of permit issuance, the permittee shall insure that equipment for the purpose of removing the accumulations of residues and metals is available and fully operational.

i. The SWP3 shall describe the frequency that accumulations of residues and metals removal activities shall be conducted at a minimum of 1/week, or once per occurrence at a spill of material, or after a storage pile is removed.
ii. The removal of the accumulations of residues and metals activities must commence within 90 days of the issuance of this permit.
iii. Malfunctioning, inoperable, or broken-down equipment used to remove accumulations of residues and metals shall be repaired or replaced as soon as practicable. The permittee shall keep enough equipment on-hand that would be sufficient enough to remove accumulations of residues and metals.

B. The following records must be kept for the removal of accumulations of residues and metals activities conducted at this site:

i. the frequency that for the removal of accumulations of residues and metals activities are performed;
ii. when weather or any other conditions preventing the use of equipment that will include but not be limited to sweepers, brushes, shovels, skid steer loaders, and brooms from being performed at the site.

IV. Modifications to the SWP3 may be made at any time to replace any of the BMPs listed this permit with equivalent or more effective BMPs. Such changes shall be thoroughly documented in the SWP3. At a minimum, the SWP3 shall indicate how the new BMP(s) are equivalent to or more effective than the existing BMP(s).

b. Spill Prevention and Response Measures – The SWP3 must identify areas where spills or accumulations of materials could occur that would result in the discharge of pollutants in storm water from the metals, oil and grease, TOC, Copper, Lead, Nickel, and Zinc that are limited in the permit. Procedures must be identified and implemented to minimize or prevent contamination of storm water from spills. Spill cleanup techniques must be identified and the necessary materials and equipment for cleanup made available to facility personnel. Facility personnel that work in the identified areas

must be trained in spill prevention and response measures at a minimum frequency of once per year. A record of employee training shall be maintained on a minimum frequency of once per year, maintained on site, and be made readily available for inspection by authorized TCEQ personnel upon request.

c. Maintenance Program for Storm Water Control Structures - A maintenance program must be developed and implemented to maintain the effectiveness of storm water structural controls, including but not limited to the storm water collection trench, sump, and treatment system. The SWP3 must identify specific activities, techniques, and schedules for maintenance of storm water structural controls that ensure continued effective operation of these controls. Maintenance activities must be recorded at a minimum frequency of once per quarter, maintained on site, and be made readily available for inspection by authorized TCEQ personnel upon request.

d. Qualified personnel, who are familiar with the industrial activities performed at the facility, shall conduct weekly inspections to determine the effectiveness of the Good Housekeeping Measures, Maintenance Program for Structural Controls, Best Management Practices, and the Employee Training Program. The weekly inspections shall also focus on the areas and sources of spills and accumulations of materials, that would result in the discharge of pollutants in storm water (e.g., metals, oil & grease, and TOC), that are limited in this permit. The results of inspections must be documented in an inspection summary report; and include a time-frame for implementation of any follow-up actions. The summary report must be maintained on site and be readily available for inspection by authorized TCEQ personnel upon request.

6. Within 730 days (2 years) of permit issuance, the permittee must install the automated storm water treatment system and make it fully operational to reduce metals and TOC. The following records for the automated storm water treatment system must be maintained by the permittee:

   a. list of the day(s) that Outfall 101 and Outfall 001 contain any flow;
   b. estimated volume of water that is being treated each day;
   c. maintenance and operational records on the treatment system (e.g., list of days that the system is down for mechanical repair or maintenance, and the type of maintenance or repair that is being performed);and
   d. dates that the treatment system is in manual operating mode.

   This information shall be added to the SWP3 and retained on-site for review by authorized TCEQ personnel upon request.

7. Storm water that is captured by the treatment system shall be treated as soon as practicable to insure reserve capacities in the treatment system for subsequent storm events.

8. The discharge of decanted waste water from the sludge holding tank of the storm water treatment system, wash water from the treatment system area, water from tank draining, and water drained from various unit operations is not authorized by this permit.

9. If the storm water treatment system is not operational for period of 24 hours or more, then the permittee must collect and analyze a sample of the discharge at Outfall 101, if a discharge occurs.

10. The storm water treatment system and its major components shall be visually inspected once per week and tested once per month. The monthly testing shall be done in a manner that would verify that all of the major components are capable of operation, without producing a discharge, while performing the test. Any malfunctions that are discovered with the storm water treatment system during inspections or testing shall be noted in the SWP3 immediately and repaired or addressed within 30 days of the date discovered.

11. Once per year, by December 31 of each year and during the 2nd, 3rd, and 4th years of the permit term, the permittee shall perform sampling of the effluent from Outfall 101 and from Outfall 001 for the hazardous metals in the following list.

POLLUTANTS	MAL (mg/L)
Arsenic, total	0.010
Barium, total	0.010
Cadmium, total	0.001
Chromium, total	0.010
Manganese, total	0.002
Mercury, total	0.0002
Selenium, total	0.010
Silver, total	0.002

The discharge must be sampled from the outfall and analyzed for the specific pollutants at least once by grab sample during the first 30 minutes or once by a flow weighted composite sample if equipment is available for compositing by flow. Testing shall be conducted according to EPA-approved methodology and test methods shall be sensitive enough to detect the constituent at the Minimum Analytical Level (MAL) specified. Sample results shall be reported to the TCEQ Storm Water and Pre-treatment Team (MC-148) and to the Water Quality Management Information System Team (MC-224) by March 31st, following each year that samples are collected.

Upon examination of the results from the analytical tests of the metals listed in this requirement, this permit may be reopened to incorporate additional effluent limitations and/or revised monitoring requirements.

12. The permittee shall use the following addresses for submitting any information required in this permit to the TCEQ:

Texas Commission on Environmental Quality
(TCEQ)
Storm Water & Pretreatment Team
MC-148
P.O. Box 13087
Austin, TX 78711-3087

Texas Commission on Environmental Quality
(TCEQ)
Water Quality Management Information System
MC-224
P.O. Box 13087
Austin, TX 78711-3087

Attachment 4

SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) PLAN

Prepared for:

ELG METALS, INC.
HOUSTON, TEXAS

Prepared by:

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

CEC Project 110-759.0002

November 2011

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CERTIFICATION INFORMATION

A. Name of Facility: ELG Metals, Inc.

B. Type of Facility: Non-ferrous scrap handling and processing facility

C. Location of Facility: 15135 Jacintoport Boulevard
Houston, Texas 77213-6166

D. Name and Address of Owner: ELG Metals, Inc.
369 River Rd.
McKeesport, Pennsylvania 15132

E. Designated Emergency Coordinator: Rich Koschik, Operations Manager

F. Facility Size: Approximately 6.5 acres

G. Maximum Aboveground Oil Capacity: Approximately 3,600 gallons

H. Management Approval - 40 CFR 112.7: I hereby certify that this Spill Prevention, Control, and Countermeasures (SPCC) Plan has the full approval of management personnel with the authority to commit the necessary manpower, equipment, and materials to expeditiously control and remove any harmful quantity of oil discharged to navigable waters and to implement the provisions of the SPCC Plan. Appropriate procedures for required inspections and testing have been established and this Plan is adequate for this facility.

11/30/11

Signature Date

Andres Montes

Printed Name

General Manager

Title

Professional Engineer Certification - 40 CFR 112.3(d)

- I am familiar with the requirements of 40 CFR Part 112 and have verified that this Plan has been prepared in accordance with the requirements of this Part.
- I or my agent have visited and examined the facility.
- I have verified that this Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards.
- I have verified that the required inspection and testing procedures have been established as described in this Plan.
- I have verified that the Plan is adequate for the facility.

Angelo L. Masullo, Jr.	83004	Texas
Name	Registration Number	State
Signature	11/28/14	(SEAL)
	Date	

STATE OF TEXAS
ANGELO L. MASULLO, JR.
83004
LICENSED
PROFESSIONAL ENGINEER

Certification of Substantial Harm Determination [40 CFR 112 Attachment CII]

Facility Name: ELG Metals, Inc.
Facility Address: 15135 Jacintoport Boulevard, Houston, Texas 77213-6166

1. Does the facility have a maximum storage capacity of oil greater than or equal to 42,000 gallons and do the operations include over water transfers of oil to or from vessels?

   YES _____ NO X

2. Does the facility have a maximum storage of oil greater than or equal to one million (1,000,000) gallons and is the facility without secondary containment for each aboveground storage area sufficiently large to contain the capacity of the largest aboveground storage tank within the storage area?

   YES _____ NO X

3. Does the facility have a maximum storage capacity of oil greater than or equal to one million (1,000,000) gallons and is the facility located at a distance such that a discharge from the facility could cause injury to an environmentally sensitive area?

   YES _____ NO X

4. Does the facility have a maximum storage capacity of oil greater than or equal to one million (1,000,000) gallon and is the facility located at a distance such that a discharge from the facility would shut down a public drinking water intake?

   YES _____ NO X

5. Does the facility have a maximum storage capacity of oil greater than or equal to one million (1,000,000) gallons and within the past 5 years has the facility experienced a reportable spill in an amount greater than or equal to 10,000 gallons?

   YES _____ NO X

CERTIFICATION OF SUBSTANTIAL HARM DETERMINATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

ELG Metals, Inc.

Signature

11/30/11
Date

Andres Montes, General Manager
Printed Name

1.0 SPCC PLAN IMPLEMENTATION

1.1 SCOPE AND OBJECTIVE

This Spill Prevention Control and Countermeasure (SPCC) plan has been prepared for the ELG Metals, Inc. Houston (ELG Houston) facility to comply with the SPCC Plan requirements found in Chapter 40, Part 112 of the Code of Federal Regulations (CFR).

40 CFR Part 112 establishes requirements to prevent the discharge of oil from non-transportation related facilities into the navigable waters of the United States. The regulations apply to "any owner or operator of a non-transportation-related onshore or offshore facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products" that could discharge into navigable waters. In general, a facility that has 1) underground oil storage capacity above 42,000 gallons or 2) aboveground oil storage capacity above 1,320 gallons in containers greater than or equal to 55 gallons each is subject to the regulations put forth in 40 CFR 112. ELG Houston must comply with these regulations because in the operations of the facility, oil and oil-derived products are stored, transferred, and consumed in quantities exceeding the regulatory threshold.

A release is defined by the U. S. Environmental Protection Agency (EPA) as any spilling, leaking, pumping, pouring, emitting, discharging, injecting, escaping, leaching, dumping, or disposing into the environment. The storage and handling methods and procedures outlined in this document are intended to reduce the potential for releases of oil to the environment.

In the event of a release, the contingency plan and emergency procedures discussed in this document will be implemented to mitigate the release. ELG Houston employees are responsible for responding to spills by implementing the procedures found in Sections 4.0 and 5.0 of this document.

2.0 FACILITY DESCRIPTION

ELG Houston is located in Harris County, Texas (Figure 1). The facility occupies approximately 6.5 acres and is bordered on the north by Enigna Corporation, on the west by Houston Rail, on the east by Mega Lubricants, and on the south by Jacintoport Boulevard.

ELG Houston processes steel scrap for sale to steel mills, foundries, other metals manufacturers, processors, and scrap brokers. The facility primarily handles stainless steel scrap and nickel-based alloys.

Operations at the facility include cutting, burning, sorting, shearing, baling, packaging and shipping of steel scrap. Ancillary operations also include maintenance of forklifts, cranes, and other material handling equipment. An aerial photograph of the facility and surrounding areas is included as Figure 2. A site drawing illustrating the locations of oil-containing storage tanks and equipment is provided as Figure 3.

2.1 OIL STORAGE, HANDLING, AND USAGE EQUIPMENT

The SPCC regulations address the storage, handling, and usage of oil, which is defined as all liquid products that are insoluble in water and includes products such as gasoline, diesel fuel, kerosene, hydraulic fluid, gear oil, motor oil, and transformer oil. Oil storage, handling, and usage areas at the facility include:

- Diesel fuel storage and dispensing
- Drum storage areas
- Hydraulic systems, storage and dispensing
- Used oil storage

Major areas of oil storage and usage are listed in Table 1 and are shown in Figure 3.

3.0 SPILL PREVENTION, CONTROL, AND COUNTERMEASURE PLAN

The rules in 40 CFR 112.1 require preparation of an SPCC Plan by facilities that store oil in quantities greater than 1,320 gallons in containers with a capacity of 55 gallons or greater. The following section provides specific information to fulfill these requirements.

3.1 IMPLEMENTATION AND PLAN MAINTENANCE - 40 CFR 112.3

In accordance with 40 CFR Part 112.3, the SPCC Plan will be maintained and amended as necessary. A copy of the SPCC Plan will be maintained in the Operations Manager's Office. This Plan has been prepared under the supervision and oversight of a Registered Professional Engineer (P.E.). The certification, as presented in the previous certification page of this Plan, certifies that the facility has been examined by a qualified individual, and that the Plan has been prepared in accordance with good engineering practices, including consideration of industry standards, and complies with the requirements of 40 CFR Part 112.3 (d).

Copies of the plan will be available to a duly authorized EPA representative for onsite review during normal working hours. ELG Houston will submit copies of this plan to the EPA and to the Texas Commission on Environmental Quality (TCEQ) upon request. Additionally, TCEQ and/or other public safety agencies will be notified during release scenarios in accordance with this Plan. The reportable quantity of spilled oil, if released to the environment, is any quantity of oil that would produce a visible sheen on navigable waters of the State. Additional Texas requirements set the Reportable Quantity (RQ) for a petroleum product and used oil spill or discharge at 25 gallons or more onto land. ELG Houston is required to notify EPA and TCEQ and may be required to revise the plan if the facility experiences a single discharge of more than 1,000 gallons of oil or a discharge of more than 42 gallons of oil in each of two discharges occurring within any twelve-month period.

Personnel who may be involved in responding to an oil release will be trained in the provisions of the SPCC Plan. The SPCC Plan will be maintained by the Operations Manager.

3.2 AGENCY REQUIRED AMENDMENT OF THE SPCC PLAN - 40 CFR 112.4

The EPA Regional Administrator may require a facility to review its SPCC Plan in response to a spill event. This type of action could be initiated by a spill that meets either of the following conditions:

- Discharge from a single spill event exceeding 1,000 gallons.
- Discharge of more than 42 gallons in each of two spill events within any 12-month period that are of harmful quantities, as defined in 40 CFR Part 110.

In the event of a release of oil to the waters of the State such that it forms a film, sheen, or discoloration, the following information required by 40 CFR 112.4 must be provided to EPA Region VI and TCEQ:

1. Name of the facility.
2. Name of the owner or operator of the facility.
3. Location of the facility.
4. Maximum storage or handling capacity of the facility and normal daily throughput.
5. Corrective action and countermeasures taken, including a description of equipment repairs and/or replacements.
6. An adequate description of the facility, including layout maps, flow diagrams, and topographical maps, as necessary.
7. The cause(s) of the spill, including a failure analysis of system or subsystem in which the failure occurred.
8. Additional preventive measures taken or contemplated to minimize the possibility of recurrence.
9. Other information pertinent to the plan or spill event that the Regional Administrator may reasonably require that is pertinent to the Plan or discharge.

Agency contact numbers are:

USEPA (National Response Center)	**1-800-424-8802**
Texas Commission on Environmental Quality (TCEQ)	**1-800-832-8224**

These numbers answer 24 hours a day.

Upon review, the EPA, with possible input from TCEQ, may require ELG Houston to amend the SPCC Plan. Amendments would be necessary if the plan does not meet the requirements necessary to prevent and contain discharges of products from the facility. If the EPA requires an amendment, the EPA will notify ELG Houston by certified mail.

Within 30 days from receipt of such notice, ELG Houston may submit written information, views, or arguments regarding the proposed amendments. If ELG Houston accepts the amendment, the SPCC Plan will be revised within 30 days after receiving notice or at another specified date. EPA may request additional information and will render a decision within 60 days of receiving the appeal, and EPA is required to notify ELG Houston of the decision so that necessary actions may be taken.

3.3 GENERAL REVIEW AND PLAN AMENDMENT - 40 CFR 112.5

ELG Houston will amend the SPCC Plan whenever there is a change in the facility design, construction, operation, or maintenance that materially affects the potential for a release to the environment. Such amendment will be completed as soon as possible, but no later than six (6) months after a change occurs. All related amendments will be certified by a Professional Engineer (P.E.). Changes to names of emergency contacts and other minor changes that do not affect the potential for a spill, secondary containment, or drainage do not require the certification of a P.E.

ELG Houston will review and evaluate this SPCC Plan at least once every five years. If, during this review, ELG Houston identifies alternative spill prevention and control technology that will significantly reduce the likelihood of a spill event from the facility and that has been field-proven

at the time of review, ELG Houston will implement such technology and include it in the revised SPCC Plan.

The SPCC Plan Review Log and the SPCC Plan Amendment Log will be used to keep a record of changes to the facility as well as SPCC Plan reviews and modifications. These logs are included as Appendices A and B respectively.

3.4 GENERAL REQUIREMENTS FOR SPCC PLANS - 40 CFR 112.7

The SPCC Plan has been prepared in accordance with good engineering practices. This Plan has the approval of ELG Houston management who will commit the necessary level of resources for the implementation of the Plan. In addition, this SPCC Plan presents required information in a concise format and includes specific regulatory citations for each section of the SPCC regulations.

3.4.1 Physical Layout of Facility - 40 CFR 112.7 (a)(3)

The ELG Houston facility is comprised of a 6.5-acre facility located in Harris County, Texas (Figures 1 and 2). The facility includes areas for receiving, storing, cutting, sorting, shearing, baling, and shipping scrap. It also includes an equipment maintenance area and administrative offices. Figure 3 provides a site layout plan which shows the location of the major oil storage areas at the facility. Oil storage areas at the facility are the Maintenance Area near the center of the site, and the Shear Building near the northernmost corner.

3.4.1.1 Container Capacity and Contents - 40 CFR 112.7 (3)(a)(i)

ELG Houston stores oil in bulk quantities at a number of locations throughout the facility. A list of regulated storage containers is presented in Table 1. This list includes the type of material stored, container capacity, and any containment or diversionary structures.

It must also be noted that containers of oil may be in use at various work stations at the facility. In these instances, oil is used in single-drum quantities or less and is observed by plant personnel as part of their normal work routines.

Written procedures for spill control and reporting are presented in Sections 4.0 and 5.0 of this Plan.

3.4.1.2 Tank Truck Unloading and Fluid Transfer - 40 CFR 112.7(3)(a)(ii)

Fuels are delivered to and removed from aboveground storage tanks (AST's) in bulk quantities by licensed commercial haulers. Tank truck loading and unloading activities are monitored, and delivery personnel are required to adhere to the following requirements:

- Setting the hand brake on the delivery truck prior to loading and unloading.
- Verifying that transfer connections are properly secured prior to beginning loading or unloading of materials.
- Attendance at the delivery point during the entire fueling operation.
- Monitoring for spills, leaks, or other problems.
- Verifying that transfer connections are disconnected before moving the delivery truck.

ELG Houston personnel and contractors dispense fuel and oils from containers at the site on an as-needed basis. The nozzles and fueling equipment are designed so that when they are placed in the holder when not in use, a lever device automatically shuts off the fuel transfer pump. During transfers, personnel are observant for signs of spills or leakage, and spills are cleaned up immediately to prevent runoff. Spill kits are located in the Turnings Building and are inspected quarterly to ensure that they are adequately stocked.

3.4.1.3 Secondary Containment Structures - 40 CFR 112.7(a)(3)(iii)

Secondary containment systems for oil storage and handling equipment are identified for each storage location presented in Table 1. An evaluation of each containment structure is also

provided. Containment methods utilized at the facility include containment dikes, curbing, barriers, and absorbent materials.

3.4.1.4 Discharge Response and Cleanup - 40 CFR 112.7 (a)(3)(iv)

ELG Houston personnel are trained to respond to an initial release of oil at the facility. Sections 4.0 and 5.0 of this Plan describe specific response, cleanup, and reporting procedures in the event that a reportable release occurs at the facility.

3.4.1.5 Disposal Of Spilled Materials - 40 CFR 112.7 (a)(3)(v)

Refer to section 5.0 of this Plan for specific disposal requirements of spilled materials.

3.4.1.6 Contact List and Phone Numbers - 40 CFR 112.7 (a)(3)(vi)

The main contact for emergencies at the facility is the Operations Manager (Phone: 281-457-2100). Agency contacts and phone numbers are listed in Sections 3.2 and 4.2.1 of this SPCC Plan.

3.4.1.7 Reporting Procedures - 40 CFR 112.7 (a)(4)

Spill reporting procedures are found in Section 4.0 of this Plan.

3.4.1.8 Response Procedures - 40 CFR 112.7 (a)(5)

Spill response procedures are found in Section 5.0 of this Plan.

3.4.2 Spill Prediction - 40 CFR 112.7(b)

Spill prediction scenarios for each oil storage container have been evaluated as part of the preparation of this document and are included in Table 1. Spills of oil inside any containment

area would accumulate within the containment structure and would be removed by a vacuum truck or other similar means for offsite disposal.

3.4.3 Containment and Diversionary Structures - 40 CFR 112.7 (c)

Containment and diversionary structures are addressed in Section 3.4.1.3 of this Plan.

3.4.4 Statement of Impractical Structures - 40 CFR 112.7 (d)

Regulations found in 40 CFR 112 require the installation of containment or diversionary structures around oil storage locations. There are currently no locations at the facility where installation of some kind of containment or diversionary structure is impractical.

ELG Houston has a general duty to prevent oil spills and leaks from equipment from reaching surface water; however, oil-filled operating equipment is not required to be contained as described above. Oil discharges from operating equipment at ELG Houston would be expected to be minor and could be easily cleaned up with absorbent pads, booms, or clay. Additionally, oil-containing equipment is located where the chance of an oil release to surface water is remote.

Equipment which holds oil in quantities over 55 gallons is listed below.

Equipment Identification	Oil Storage Capacity
Shear	1,500 gallons

This unit is considered operating equipment which has gauges to monitor the liquid levels or system operating pressure. Additionally, operators are in the vicinity of this equipment and can monitor the condition daily.

3.4.5 Inspections, Tests and Records - 40 CFR 112.7 (e)

ELG Houston personnel perform quarterly inspections of oil storage containers, virgin and waste petroleum storage areas, and spill kits. A more detailed inspection is conducted annually and is documented with a written checklist. Tanks, pumps, valves, and piping connected to each SPCC Plan unit are included in the visual inspection. The tanks and containers will be inspected for evidence of leaks, spills, signs, lighting, security issues or structural problems.

Problems identified during inspections will be corrected promptly and corrective actions documented. Inspection reports and records of repairs and engineering changes to oil storage facilities are maintained onsite for a minimum of three years.

Sample inspection forms are included as Appendix C.

3.4.6 Personnel, Training, and Discharge Prevention Procedures - 40 CFR 112.7 (f)

3.4.6.1 Content of Training – 40 CFR 112.7 (f)(1)

At a minimum, employee training will consist of the following:

- Appropriate employees review spill prevention techniques, location of spill kits, and other spill containment and cleanup equipment, procedures, and methods.
- Appropriate employees receive instruction on proper handling of hazardous substances such as petroleum products.
- Supervisory personnel receive annual waste management and spill response training. This includes a review of the contents and requirements of the SPCC Plan, measures to prevent the discharge of oil, known spill events or failures, reporting requirements, and applicable water pollution rules and regulations.
- Emergency coordinator responsibilities are reviewed and updated annually.
- Sample training materials are included as Appendix D.

3.4.6.2 Responsibility for Discharge Prevention – 40 CFR 112.7 (f)(2)

ELG Houston has designated the Operations Manager at the Houston facility as the individual who is accountable for discharge prevention at the facility and who reports to facility management.

3.4.6.3 Schedule and Content of Training – 40 CFR 112.7 (f)(3)

At a minimum, ELG Houston will conduct employee training at the introduction of this updated Plan, in the event of a significant spill at the facility, and/or on a periodic basis at the discretion of the General Manager, but no less than annually. Records of the subject and contents of employee training related to this Plan will be retained for a period of at least three years.

Training will include discussions of any known discharges, failures, malfunctioning components, and recently developed precautionary measures, if any.

3.4.7 Security - 40 CFR 112.7 (g)

3.4.7.1 Fencing - 40 CFR 112.7 (g)(1)

The ELG Houston facility is fully fenced and guarded by Plant security.

3.4.7.2 Drain Valves - 40 CFR 112.7 (g)(2)

Containment structures currently in use are equipped with drain plugs or drain valves. They are routinely left in the "closed" position.

3.4.7.3 Starter Controls - 40 CFR 112.7 (g)(3)

Starter controls at fueling stations automatically shut off when the nozzle is returned to its holder. All fueling stations at the facility are located within the fenced boundaries of the plant and are accessible only by authorized personnel.

3.4.7.4 Loading/Unloading Connections and Out-of-Service Piping - 40 CFR 112.7 (g)(4)

Loading/unloading connections are capped or blank-flanged when oil pipelines or facility piping are not in service or when in standby service for an extended time. This security practice also applies to piping that is emptied of liquid content either by draining or by inert gas pressure.

3.4.7.5 Lighting - 40 CFR 112.7 (g)(5)

The facility generally does not operate at night. However, both the exterior and interior of the facility are sufficiently lighted to detect oil releases during hours of darkness and to deter vandalism.

3.4.8 Facility Tank Car and Tank Truck Loading/Unloading Rack - 40 CFR 112.7 (h)

There are no tank car or tank truck loading or unloading racks at the ELG Houston facility.

3.4.9 Field-Constructed Aboveground Containers - 40 CFR 112.7 (i)

There are no field-constructed aboveground storage tanks at the facility. There is, therefore, no need to evaluate the potential for brittle fracture failure.

3.4.10 Additional Discharge Prevention Procedures - 40 CFR 112.7 (j)

The applicable requirements that this Plan must meet are those in 40 CFR Part 112. There are no additional, more stringent state requirements with which the facility must comply.

This Plan has been established to prevent a release of oil from the ELG Houston facility. The Plan has identified the potential sources of petroleum and discussed proper storage and handling of petroleum products. Aboveground tanks, drums, totes, and other storage containers are inspected regularly. Preventive maintenance is performed on equipment and, where practicable, secondary containment is provided. Employees involved in oil-handling activities are trained in the contents of this Plan, as well as proper procedures to take in the event there are any releases.

In addition, ELG Houston will provide a copy of this Plan, where appropriate, to its resident contractors and vendors that are located at the facility. A copy of this Plan will also be kept with security personnel located at the main entrance to the facility.

3.5 SPCC PLAN REQUIREMENTS FOR ONSHORE FACILITIES - 40 CFR 112.8

The SPCC Plan is designed specifically to meet the requirements of 40 CFR Part 112.7. The following presents additional requirements for onshore facilities as required in Part 112.8.

3.5.1 Facility Drainage - 40 CFR 112.8 (b)

There are a number of catch basins located throughout the ELG Houston facility which convey storm water to the storm sewers. ELG Houston has recently installed a drainage system and storm water treatment system. This storm water treatment system will reportedly collect and prevent any oily discharges from being released from the site.

Any spills or releases from the facility would be captured by their secondary containment structures. In the event that an oil discharge was able to get outside the secondary containment (e.g. a hydraulic line failed on some piece of equipment) then the spill would be addressed through the use of spill control equipment readily available onsite. However, if the spill did enter the storm drain system at the site, it would be collected in one of two large sumps that would not allow for the material to be discharged offsite. The oils would be removed from the sump in the event of a spill.

When rainfall occurs at the ELG Metals facility, the first flush of storm water (approximately 120,000 gallons) is captured and treated in a system designed by WATERTECHTONICS. There are two collection sumps (both approximately 15,000 gallons each), plus the storm water collection trench (holds about 10,000 gallons). There are two pumps in each sump, with controls set to operate at different heights to handle variable flow rates. The storm water system involves pumping of storm water from the collection sumps to a number of onsite storage tanks that contain the storm water for treatment prior to discharge. If a large rainfall event occurs, the flow exceeding 120,000 gallons is allowed to bypass the collection system. However, for all practical purposes, a spill should normally be retained in the sump and treatment tanks, and most storm water discharges will undergo treatment.

This Plan is written to reflect the installation of the storm water treatment at the facility.

3.5.1.1 Control Of Drainage From Diked Storage Areas - 40 CFR 112.8 (b)(1) and (b)(2)

Diked storage areas at the ELG Houston facility are equipped with drain plugs that are typically closed. Oil from diked areas are pumped out by a contractor and the materials are taken offsite for processing.

3.5.1.2 Drainage from Undiked Areas - 40 CFR 112.8 (b)(3)

ELG Houston typically avoids using or storing oil in outdoor areas where spills could occur. The likelihood of spills reaching the storm water system from indoor oil tank systems or indoor oil handling areas is remote because the indoor areas are curbed and contained.

In instances where containers are located in undiked areas, they drain to the facility storm drainage system which will collect and prevent the oil from being released.

3.5.1.3 Treatment of Drainage Waters - 40 CFR 112.8 (b)(5)

Drainage waters are conveyed to the storm sewer system by gravity. The storm water treatment system provides for proper treatment and removal of any oils that may be present in the water. The storm water treatment system is discussed within Section 3.5.2.9.

3.5.2 Bulk Storage Containers - 40 CFR 112.8 (c)

3.5.2.1 Materials of Construction - 40 CFR 112.8 (c)(1)

No bulk storage containers will be used unless the container materials and construction are compatible with the materials stored.

3.5.2.2 Secondary Containment - 40 CFR 112.8 (c)(2)

Oil storage areas identified in this plan have sufficient secondary containment to contain potential spills. Secondary containment structures are constructed from impervious materials (i.e. concrete or steel) which are sufficient to contain discharged oil.

Secondary containment structures are described in Table 1.

3.5.2.3 Drainage from Diked Areas - 40 CFR 112.8 (c)(3)

Water that has collected in containment structures is removed by vacuum truck or other appropriate means.

3.5.2.4 Buried Metallic Storage Tanks – 40 CFR 112.8 (c)(4)

There are no buried metallic storage tanks at the facility.

3.5.2.5 Partially Buried Metallic Storage Tanks – 40 CFR 112.8 (c)(5)

There are no partially buried metallic storage tanks at the facility.

3.5.2.6 Testing of Aboveground Containers - 40 CFR 112.8 (c)(6)

Integrity testing is required only on field-constructed tanks with capacities exceeding 30,000 gallons. There are no tanks on site that meet these criteria.

3.5.2.7 Internal Heating Coils - 40 CFR 112.8 (c)(7)

There are no internal heating coils at the facility.

3.5.2.8 Alarm Systems - 40 CFR 112.8 (c)(8)

Tanks at the ELG Houston facility are not equipped with overfill alarms. The ELG Houston facility provides equivalent environmental protection against overfills by verifying the capacity remaining in the tank prior to the delivery of fluids. All fluid transfers are attended, and, in the event of an overfill, the transfer is stopped promptly and the spilled material is properly contained and removed.

The ELG employee providing the attended monitoring of the filling of the tank first measures the liquid level in the tank to be filled and determines the capacity available for filling. The employee communicates this volume to the driver prior to beginning the transfer. The driver and ELG employee remain at the loading station until the transfer is complete. The ELG employee carries a radio or cellular phone and can summon assistance for spill response if needed.

3.5.2.9 Effluent Treatment Facilities - 40 CFR 112.8 (c)(9)

Effluent treatment facilities consist of a storm water treatment system that treats the first flush of any stormwater discharges from the site. This collection system will also serve to collect any

spills that may occur during periods when rainfall is not occurring. The storm water treatment system is shown on the southeast corner of the ELG facility (see Figure 3). The treatment system was designed by WATERTECHTONICS. The water treatment system is proprietary and ELG metals personnel were not permitted to share detailed information about the treatment system. In general, the storm water is treated using electrocoagulation and sand filters. Salt and caustic soda are used as components of the treatment system. After treating the stormwater, the system reportedly tests the water to verify it is acceptable for discharge. If acceptable, the treated storm water is discharged out a new outfall (101) for treated storm water. If the water requires further treatment, it is returned to the front end of the treatment system.

The water treatment system is inspected in accordance with the manufacturer's recommendations, and waste materials collected by the treatment system are periodically removed to prevent excessive accumulation of the waste materials.

3.5.2.10 Removal of Discharged Oil - 40 CFR 112.8 (c)(10)

Visible discharges from containers are promptly corrected as part of normal work practice. Oil that has collected in containment structures is removed by a contractor and managed off-site.

3.5.2.11 Portable Oil Storage Containers - 40 CFR 112.8 (c)(11)

Portable oil storage containers currently in use at the ELG Houston facility are stored under roof and provided with secondary containment.

3.5.3 Transfer Operations - 40 CFR 112.8(d)

3.5.3.1 Buried Piping - 40 CFR 112.8 (d)(1)

Buried piping does not exist at this facility.

3.5.3.2 Out-of-Service Piping - 40 CFR 112.8 (d)(2)

There is no out-of-service piping at this facility. Loading/unloading connections are capped or blank-flanged when oil pipelines or facility piping are not in service or when in standby service for an extended time. This security practice also applies to piping that is emptied of liquid content either by draining or by inert gas pressure.

3.5.3.3 Abrasion, Corrosion, and Damage - 40 CFR 112.8 (d)(3)

Aboveground lines are examined during quarterly inspections. Any corrosion or damage identified would result in additional examination and corrective action.

3.5.3.4 Pipeline Inspections and Integrity Testing - 40 CFR 112.8 (d)(4)

Aboveground lines are examined during quarterly inspections for leaks, pressure, and temperature malfunctions.

3.5.3.5 Vehicular Traffic- 40 CFR 112.8 (d)(5)

Containers and pipelines are protected from damage by barriers or proper location.

3.6 SPCC PLAN REQUIREMENTS FOR ONSHORE OIL PRODUCTION FACILITIES - 40 CFR 112.9

The ELG Houston facility is not an onshore oil production facility and therefore is exempt from this portion of the regulation.

3.7 SPCC Plan Requirements for Onshore Oil Drilling and Workover Facilities - 40 CFR 112.10

The ELG Houston Facility is not an onshore oil drilling or workover facility and therefore is exempt from this portion of the regulation.

3.8 SPCC Plan Requirements for Offshore Oil Drilling and Workover Facilities - 40 CFR 112.11

The ELG Houston facility is not an offshore oil drilling or workover facility and therefore is exempt from this portion of the regulation.

3.9 SUBPART C - 40 CFR 112.12 THROUGH 112.15

ELG Houston does not have, use, or produce animal fats, oils and grease; fish and marine mammal oils; and vegetable oils and therefore is exempt for this portion of the regulation.

3.10 FACILITY RESPONSE PLAN - 40 CFR 112.20

In determining the need for a Facility Response Plan, the criteria for establishing the applicability for substantial harm, found in 40 CFR Part 112, were reviewed. Based on the findings from the review of the criteria, it is demonstrated that the facility does not meet the applicability for substantial harm, therefore no facility response plan is included herein. A certification of the non-applicability of the substantial criteria is included at the front of this plan.

4.0 NOTIFICATION PROCEDURES

4.1 INTERNAL REPORTING

In the event of an actual spill, the ELG Houston employee discovering the release will notify his or her supervisor immediately after the spill is discovered. The supervisor will notify the Emergency Coordinator of the event.

The Operations Manager serves as the primary Emergency Coordinator at the ELG Houston facility. The Maintenance Foreman, Mechanic and Maintenance personnel may also be involved in the emergency response procedures.

4.2 EXTERNAL REPORTING

The Emergency Coordinator reports releases to outside agencies, if necessary. Releases of oil that cause a film, sheen, or discoloration to surface water must be reported to federal and state agencies.

The Emergency Coordinator must provide the following information to outside agencies when reporting a spill:

- Name, title, telephone number, and address of reporter;
- Name, telephone number, and address of the site/spill;
- Time, type, and amount of material involved;
- Extent of injuries/illnesses, if known;
- Possible hazards to human health and the environment;
- Any body of water involved;
- The cause of the accident/spill; and
- The action taken or proposed by the site personnel.

4.2.1 Agency Contact Numbers

Spills must be reported to the United States Environmental Protection Agency's National Response Center at **800-424-8802.**

Spills must be reported to the Texas Commission on Environmental Quality at **800-832-8224.**

Only the Emergency Coordinator is authorized to make notifications to regulatory agencies.

4.3 EXTERNAL AGREEMENTS

4.3.1 Agreements with Local Authorities

Copies of this Plan may be submitted to the local fire department, police department, and local hospital as requested or as deemed necessary. It is important that the personnel responding to an emergency are familiar with the chemicals used, the possibilities for release of hazardous materials and the location of fire equipment such as hydrants, stand pipes, etc.

4.3.2 Agreements with Emergency Response Contractors

ELG Houston maintains agreements with the following response contractor who can assist plant personnel in the event of an emergency:

Conestoga-Rovers **(713) 734-3090**

5.0 SPILL RESPONSE PROCEDURES

5.1 POTENTIAL SPILL SOURCES

The following have been identified as the most likely potential spill sources at the ELG Houston facility:

- Delivery of fuel.
- Use of facility fueling equipment.
- Releases from motorized vehicles.
- Hydraulic systems leakage/failure.
- Releases of petroleum products from drums and tanks.

5.2 EMPLOYEE RESPONSIBILITIES

Employees at the ELG Houston facility will likely be first responders in the event of a spill at the facility. The responsibilities of responding personnel are:

- Extinguish ignition sources and remove people from the immediate area.
- Notify Supervisor.
- Obtain proper personal protective equipment, as necessary.
- Cover storm and sewer drains if located in immediate spill area.
- Stop the source of the release.
- Contain the spill by use of proper materials (absorbents).
- Clean up the release immediately and place waste in appropriate containers for recycling or disposal.

If the release cannot be handled by employees and becomes an emergency situation requiring additional assistance, contact the Emergency Coordinator **IMMEDIATELY**.

Supervisor Responsibilities:

- Inform Emergency Coordinator of situation.
- Assist employees in spill response activities.
- Call Spill Response Contractor, if necessary.
- Inform Emergency Coordinator of actions taken as situation progresses.

Emergency Coordinator Responsibilities:

- Monitor cleanup activities.
- Report spills to environmental agencies, if required.
- Maintain contact with facility management.

5.3 SPILL, FIRE, AND SAFETY EQUIPMENT

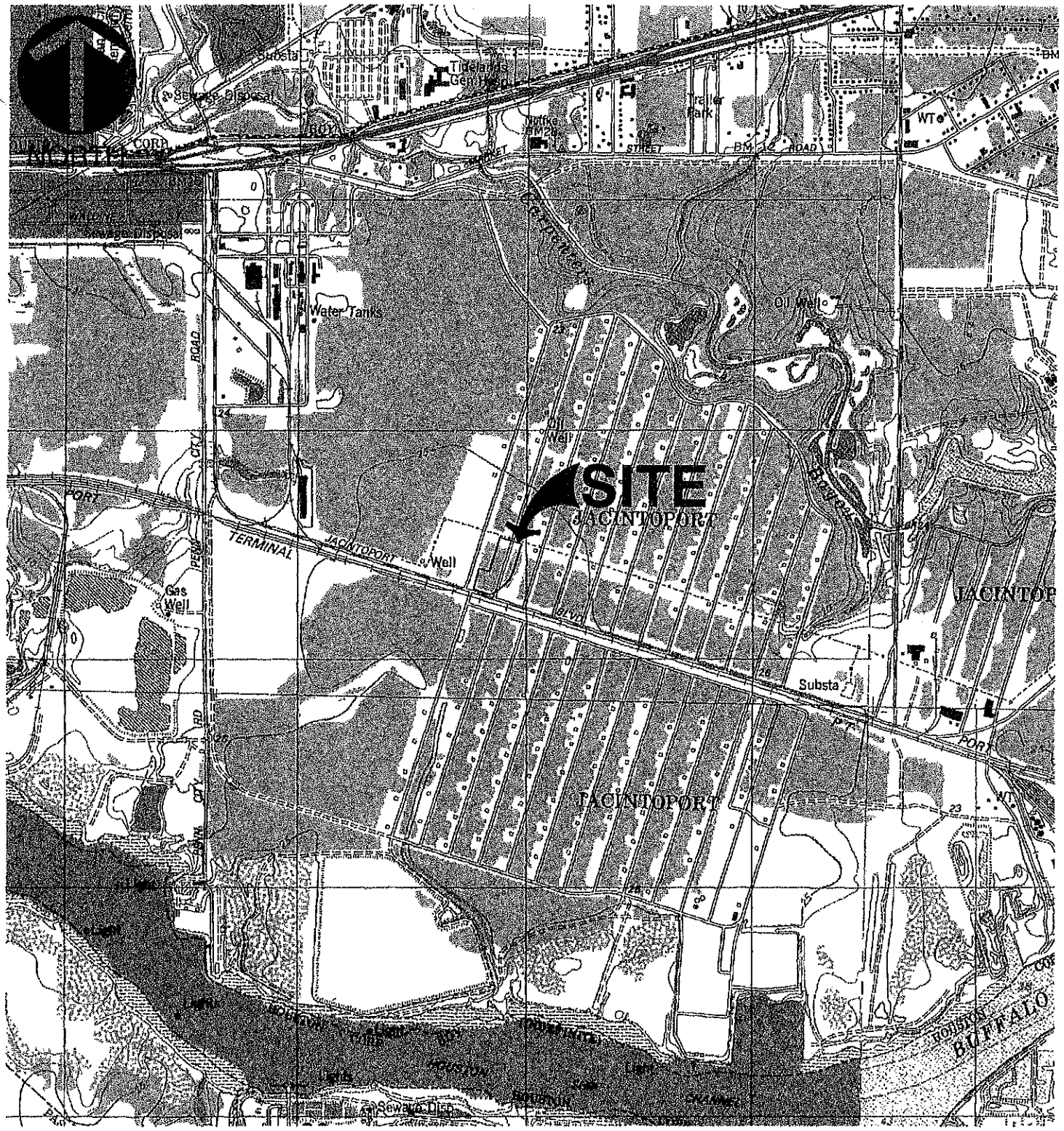
Portable fire extinguishers located throughout the facility are well marked and are easily accessible. Records are kept on all fire equipment in service, and regular testing is performed in accordance with established procedures.

Spill response kits are located throughout the facility and are inspected to ensure that they are adequately stocked.

5.4 DISPOSAL OF RECOVERED MATERIALS

Materials recovered from the ELG Houston facility generally consist of oil-water mixtures. These materials are collected and hauled offsite for further processing by a contractor. Oily materials are processed and resold as oil or are blended with other petroleum products and resold as fuel.

FIGURES



REFERENCE

USGS 7.5 MIN. TOPOGRAPHIC QUADRANGLES
JACINTO CITY, HIGHLANDS, PASADENA, AND LA PORTE, TEXAS

SCALE IN FEET
0 2000 4000

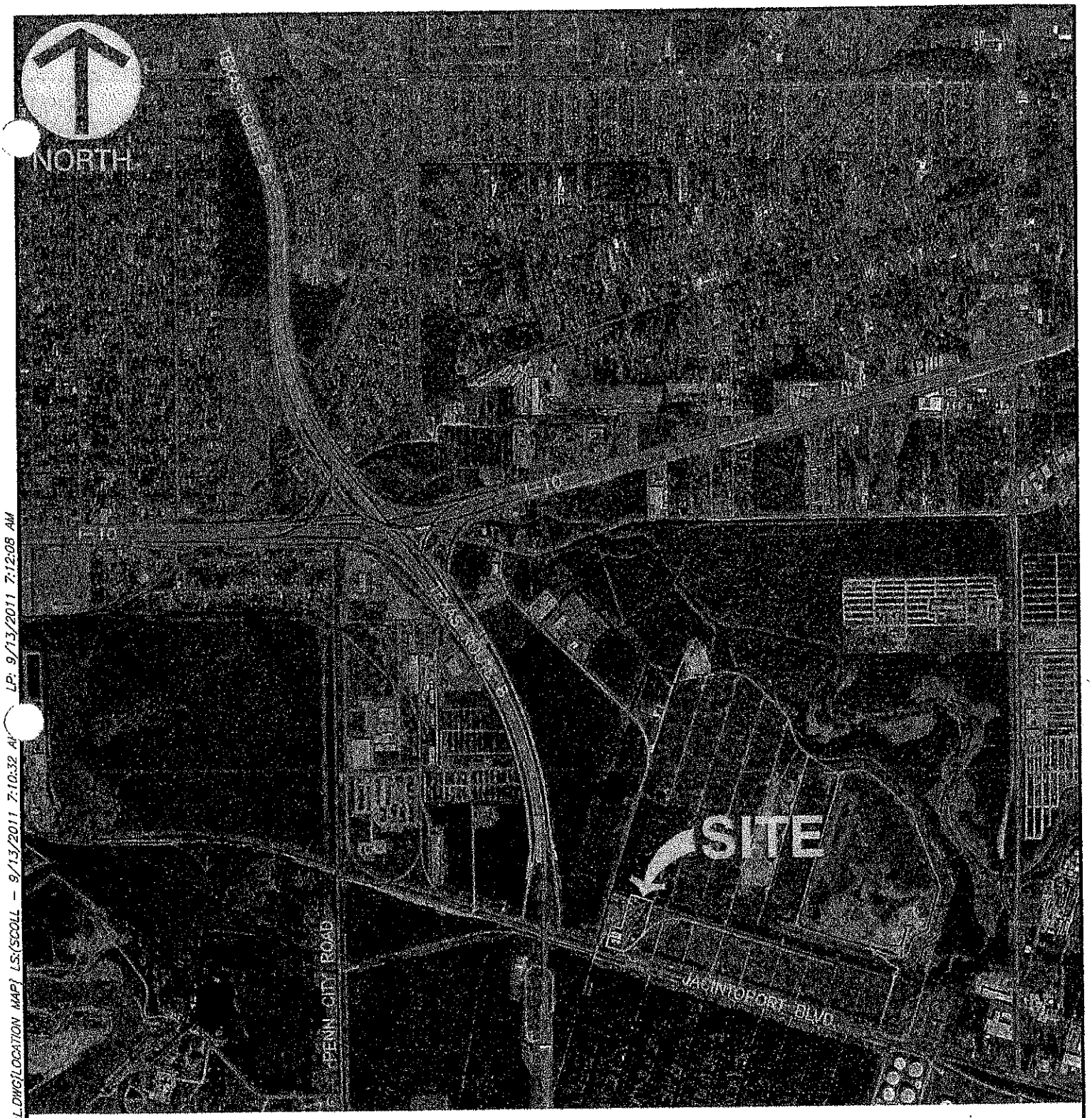
Civil & Environmental Consultants, Inc.
333 Baldwin Road - Pittsburgh, PA 15205
412-429-2324 · 800-365-2324
www.cecinc.com

ELG METALS, INC.
HOUSTON, TEXAS

SITE LOCATION MAP

DRAWN BY:	DWD	CHECKED BY:	PWT	APPROVED BY:	PWT	FIGURE NO.:	1
DATE:	8/24/2011	DWG SCALE:	1"=2000'	PROJECT NO:	110-759.0002		

P:\2011\110-759\D\DWG\110759-SITE LOCATION MAP.DWG(FIGURE NO.1) LS(SCOLL - 11/17/2011 12:53:34 PM) - LP: 11/17/2011 12:53:34 PM



REFERENCE: DOQQ JACINTO CITY, TX. DATED: 01/15/95

SCALE IN FEET

0 2000 4000

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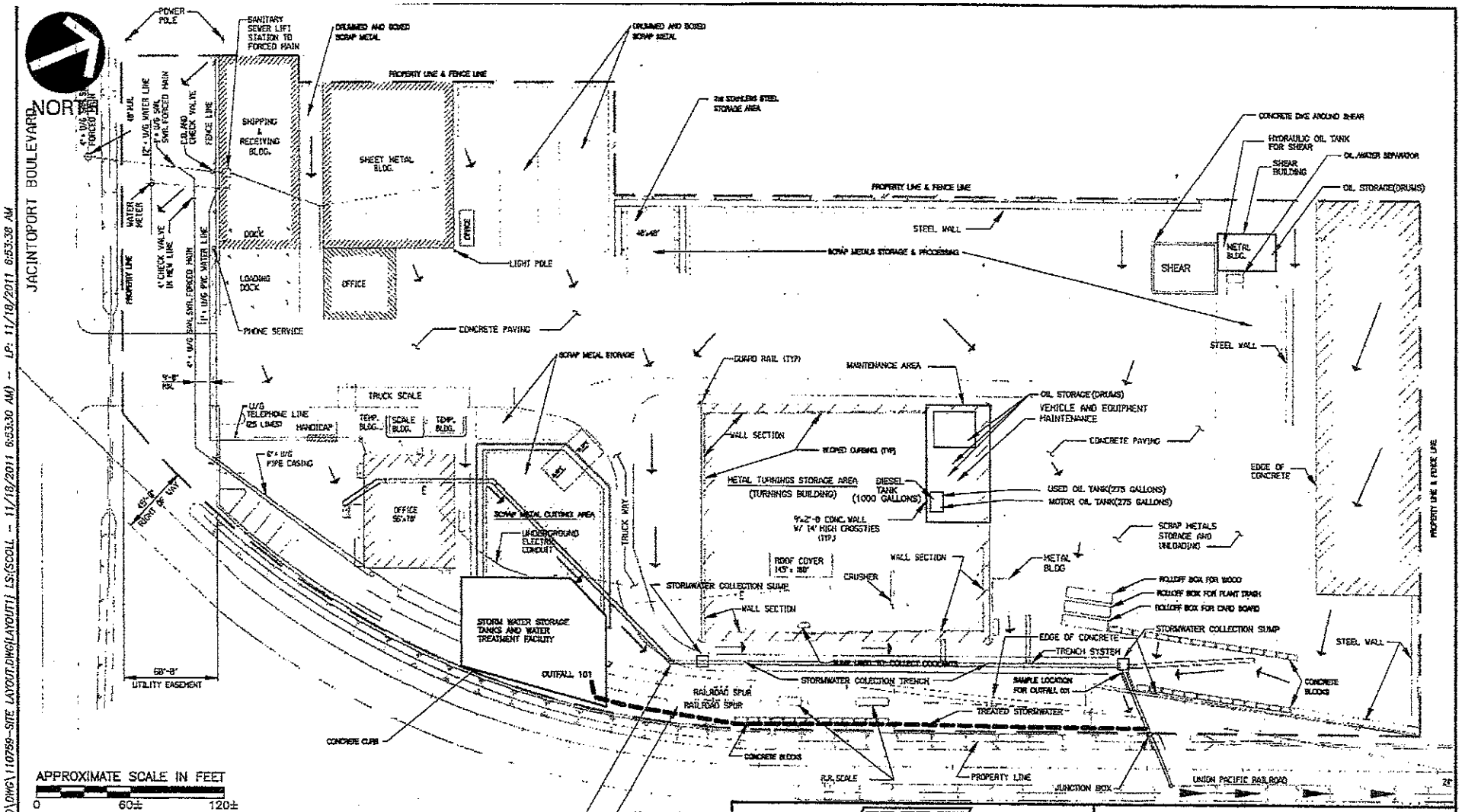
ELG METALS, INC.
HOUSTON, TEXAS

SITE AERIAL PHOTOGRAPH

DRAWN BY:	DWD	CHECKED BY:	PWT	APPROVED BY:	PWT	FIGURE NO.:
DATE:	8/24/2011	DWG SCALE:	1"=2000'	PROJECT NO:	110-759.0002	2

P:\2011\110-759\DWG\110759-SITE AERIAL.DWG\LOCATION MAP\ LS:(SCOLL - 9/13/2011 7:10:32 AM LP: 9/13/2011 7:12:08 AM



REFERENCE: "STORMWATER POLLUTION PREVENTION PLAN SITE MAP" (UNNUMBERED DRAWING DATED 9/21/04) BY OTHERS.

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ELG METALS, INC.
HOUSTON, TEXAS

SITE LAYOUT PLAN

DRAWN BY:	DWD	CHECKED BY:	PWT	APPROVED BY:	PWT	FIGURE NO.:
DATE:	8/24/2011	DWG SCALE:	AS SHOWN	PROJECT NO:	110-759.0002	3

P:\2011\110-759\-CADD\DWG\110759-SITE LAYOUT.DWG(LAYOUT1) LS:(SCOLL - 11/18/2011 6:53:30 AM) - LP: 11/18/2011 6:53:38 AM

TABLES

TABLE 1
OIL STORAGE CONTAINERS AT ELG HOUSTON

Container Identification	Storage Capacity	Secondary Containment	Container Material	Location	Prediction of Flow	Potential Release Events	Rate of Flow (gpm)
Diesel Fuel Tank	1,000 gal.	Steel containment structure	Steel	Maintenance Area	All material would be contained within the area. Any material potentially escaping to a storm sewer would be contained by storm water treatment system.	1. Complete Failure of Full Tank 2. Partial Failure of Full Tank 3. Tank Truck Leak or Failure 4. Hose Leak During Loading 5. Tank Overfill	1 to 1,000
Motor Oil Tank	275 gal.	Steel containment structure	Steel	Maintenance Area	All material would be contained within the area. Any material potentially escaping to a storm sewer would be contained by storm water treatment system.	1. Complete Failure of Full Tank 2. Partial Failure of Full Tank 3. Tank Truck Leak or Failure 4. Hose Leak During Loading 5. Tank Overfill	1 to 275
Drums of Oil	Approximately ten 55-gallon drums	Drum containment ~1,500 gal. capacity	Steel	Maintenance Area and Shear Building	All material would be contained within the areas. Any material potentially escaping to a storm sewer would be contained by storm water treatment system.	1. Complete Failure of Full Drum 2. Partial Failure of Full Drum 3. Leak During Unloading	1 to 55
Used Oil Tank	275 gal.	Steel containment structure	Steel	Maintenance Area	All material would be contained within the area. Any material potentially escaping to a storm sewer would be contained by storm water treatment system.	1. Complete Failure of Full Tank 2. Partial Failure of Full Tank 3. Tank Truck Leak or Failure 4. Hose Leak During Loading 5. Tank Overfill	1 to 275
Shear Hydraulic Oil	1,500 gal.	None	Steel	Shear Building	Material would be contained within curbing. Any material potentially escaping to a storm sewer would be contained by storm water treatment system.	1. Complete Failure of Full Tank 2. Partial Failure of Full Tank 3. Tank Truck Leak or Failure 4. Hose Leak During Unloading 5. Tank Overfill	1 to 1,500

APPENDIX A

SPCC PLAN REVIEW LOG

APPENDIX A

SPCC PLAN REVIEW LOG
[40 CFR 112.5(b)]

Completion of the table below indicates that a representative from ELG Metals has reviewed the Plan for continued suitability for the Houston, Texas Facility. The representative has recorded in the appropriate space whether the Plan has been amended as a result of the review.

Review Date	Reviewer Name and Affiliation	Plan Amended (Yes/No)	Reviewer Signature

APPENDIX B

SPCC PLAN AMENDMENT LOG

APPENDIX B

SPCC PLAN AMENDMENT LOG
[40 CFR 112.5 (b) & (c)]

Date of Amendment	General Description of Change Made	Page Numbers of Changes Made	Name/Stamp of Recertifying PE

APPENDIX C

INSPECTION FORMS

STI SP001 AST Record

OWNER INFORMATION	FACILITY INFORMATION	INSTALLER INFORMATION
Name	Name	Name
Number and Street	Number and Street	Number and Street
City, State, Zip Code	City, State, Zip Code	City, State, Zip Code

TANK ID _____

SPECIFICATION:

Design: ☐ UL _____ ☐ SWRI _____ ☐ Horizontal ☐ Vertical ☐ Rectangular

☐ API _____ ☐ Other _____

☐ Unknown

Manufacturer: Contents: Construction Date: Last Repair/Reconstruction Date:

Dimensions: Capacity: Last Change of Service Date:

Construction: ☐ Bare Steel ☐ Cathodically Protected (Check one: A. ☐ Galvanic or B. ☐ Impressed Current) Date Installed: _____

☐ Coated Steel ☐ Concrete ☐ Plastic/Fiberglass

☐ Double Bottom ☐ Double Wall ☐ Lined Date Installed: _____

Containment: ☐ Earthen Dike ☐ Steel Dike ☐ Concrete ☐ Synthetic Liner ☐ Other _____

CRDM: ☐ Date Installed: _____ Type: _____

Release Prevention Barrier: ☐ Date Installed: _____ Type: _____

TANK ID _____

SPECIFICATION:

Design: ☐ UL _____ ☐ SWRI _____ ☐ Horizontal ☐ Vertical ☐ Rectangular

☐ API _____ ☐ Other _____

☐ Unknown

Manufacturer: Contents: Construction Date: Last Repair/Reconstruction Date:

Dimensions: Capacity: Last Change of Service Date:

Construction: ☐ Bare Steel ☐ Cathodically Protected (Check one: A. ☐ Galvanic or B. ☐ Impressed Current) Date Installed: _____

☐ Coated Steel ☐ Concrete ☐ Plastic/Fiberglass

☐ Double Bottom ☐ Double Wall ☐ Lined Date Installed: _____

Containment: ☐ Earthen Dike ☐ Steel Dike ☐ Concrete ☐ Synthetic Liner ☐ Other _____

CRDM: ☐ Date Installed: Type:

Release Prevention Barrier: ☐ Date Installed: _____ Type: _____

TANK ID _____

SPECIFICATION:

Design: ☐ UL _____ ☐ SWRI _____ ☐ Horizontal ☐ Vertical ☐ Rectangular

☐ API _____

☐ Unknown ☐ Other _____

Manufacturer: Contents: Construction Date: Last Repair/Reconstruction Date:

Dimensions: Capacity: Last Change of Service Date:

Construction: ☐ Bare Steel ☐ Cathodically Protected (Check one: A. ☐ Galvanic or B. ☐ Impressed Current) Date Installed: _____

☐ Coated Steel ☐ Concrete ☐ Plastic/Fiberglass

☐ Double Bottom ☐ Double Wall ☐ Lined Date Installed: _____

Containment: ☐ Earthen Dike ☐ Steel Dike ☐ Concrete ☐ Synthetic Liner ☐ Other _____

CRDM: ☐ Date Installed: Type:

Release Prevention Barrier: ☐ Date Installed: _____ Type: _____

STI SP001 Monthly Inspection Checklist

General Inspection Information:

Inspection Date: _____ Retain Until Date: _____ (36 months from inspection date)

Prior Inspection Date: _____ Inspector Name: _____

Tanks Inspected (ID #'s): _____

Inspection Guidance:

- For equipment not included in this standard, follow the manufacturer recommended inspection/testing schedules and procedures.
- The periodic AST inspection is intended for monitoring the external AST condition and its containment structure. This visual inspection does not require a certified inspector. It shall be performed by an owner's inspector who is familiar with the site and can identify changes and developing problems.
- Upon discovery of water in the primary tank, secondary containment area, interstice, or spill container, remove promptly or take other corrective action. Before discharge to the environment, inspect the liquid for regulated products or other contaminants and disposed of it properly.
- (*) designates an item in a non-conformance status. This indicates that action is required to address a problem.
- Non-conforming items important to tank or containment integrity require evaluation by an engineer experienced in AST design, a certified inspector, or a tank manufacturer who will determine the corrective action. Note the non-conformance and corresponding corrective action in the comment section.
- Retain the completed checklists for 36 months.
- **In the event of severe weather (snow, ice, wind storms) or maintenance (such as painting) that could affect the operation of critical components (normal and emergency vents, valves), an inspection of these components is required immediately following the event.**

Item	Status		Comments
1.0 Tank Containment			
1.1 Water in primary tank, secondary containment, interstice, or spill container?	☐Yes*	☐No	
1.2 Debris or fire hazard in containment?	☐Yes*	☐No	
1.3 Drain valves operable and in a closed position?	☐Yes	☐No*	
1.4 Containment egress pathways clear and gates/doors operable?	☐Yes	☐No*	

2.0 Leak Detection			
2.1 Visible signs of leakage around the tank, concrete pad, containment, ringwall or ground?	☐Yes*	☐No	
3.0 Tank Attachments and Appurtances			
3.1 Ladder and platform structure secure with no sign of severe corrosion or damage?	☐Yes	☐No*	
3.2 Tank Liquid level gauge readable and in good condition?	☐Yes	☐No*	
3.3 Check all tank openings are properly sealed	☐Yes	☐No*	
4.0 Other Conditions			
4.1 Are there other conditions that should be addressed for continued safe operation or that may affect the site SPCC plan?	☐Yes*	☐No	

Additional Comments:

STI SP001 Annual Inspection Checklist

General Inspection Information:

Inspection Date: _____	Retain Until Date: _____	(36 months from inspection date)
Prior Inspection Date: _____	Inspector Name: _____	
Tanks Inspected (ID #'s): _____		

Inspection Guidance:

- For equipment not included in this standard, follow the manufacturer recommended inspection/testing schedules and procedures.
- The periodic AST Inspection is intended for monitoring the external AST condition and its containment structure. This visual inspection does not require a certified inspector. It shall be performed by an owner's inspector who is familiar with the site and can identify changes and developing problems.
- Inspect the AST shell and associated piping, valves, and pumps including inspection of the coating for Paint Failure.
- Inspect:
  1. Earthen containment structures including examination for holes, washout, and cracking in addition to liner degradation and tank settling.
  2. Concrete containment structures and tank foundations/supports including examination for holes, washout, settling, paint failure, in addition to examination for corrosion and leakage.
  3. Steel containment structures and tank foundations/supports including examination for washout, settling, cracking, and for paint failure, in addition to examination for corrosion and leakage.
- Inspection of cathodic protection system, if applicable; includes the wire connections for galvanic systems and visual inspection of the operational components (power switch, meters, and alarms) of impressed current systems.
- Remove promptly upon discovery standing water or liquid in the primary tank, secondary containment area, interstice, or spill container. Before discharge to the environment, inspect the liquid for regulated products or other contaminants and disposed of it properly.
- In order to comply with EPA SPCC (Spill Prevention, Control and Countermeasure) rules, a facility must regularly test liquid level sensing devices to ensure proper operation (40 CFR 112.8(8)(v)).
- (*) designates an item in a non-conformance status. This indicates that action is required to address a problem.
- Non-conforming items important to tank or containment integrity require evaluation by an engineer experienced in AST design, a certified inspector, or a tank manufacturer who will determine the corrective action. Note the non-conformance and corresponding corrective action in the comment section.
- Retain the completed checklists for 36 months.
- Complete this checklist on an annual basis supplemental to the owner monthly-performed inspection checklists.
- **Note: If a change has occurred to the tank system or containment that may affect the SPCC plan, the condition should be evaluated against the current plan requirement by a Professional Engineer knowledgeable in SPCC development and implementation.**

Item	Status	Comments
1.0 Tank Containment		
1.1 Containment structure in satisfactory condition?	☐Yes* ☐No	
1.2 Drainage pipes/valves fit for continued service	☐Yes* ☐No ☐ N/A	
2.0 Tank Foundation and Supports		
2.1 Evidence of tank settlement or foundation washout?	☐Yes* ☐No	
2.2 Cracking or spalling of concrete pad or ring wall?	☐Yes* ☐No	
2.3 Tank supports in satisfactory condition?	☐Yes ☐No*	
2.4 Water able to drain away from tank?	☐Yes ☐No*	
2.5 Grounding strap secured and in good condition?	☐Yes ☐No*	
3.0 Cathodic Protection		
3.1 CP system functional?	☐Yes ☐No* ☐n/a	
3.2 Rectifier Reading:		
4.0 Tank External Coating		
4.1 Evidence of paint failure?	☐Yes* ☐No	
5.0 Tank Shell/Heads		
5.1 Noticeable shell/head distortions, buckling, denting or bulging?	☐Yes* ☐No	
5.2 Evidence of shell/head corrosion or cracking?	☐Yes* ☐No	
6.0 Tank Manways, Piping and Equipment within Secondary Containment		
6.1 Flanged connection bolts tight and fully engaged with no sign of wear or corrosion?	☐Yes ☐No*	
7.0 Tank Roof		
7.1 Standing water on roof?	☐Yes* ☐No	
7.2 Evidence of coating cracking, crazing, peeling, blistering?	☐Yes* ☐No	
7.3 Holes in roof?	☐Yes* ☐No	

Item	Status		Comments
8.0 Venting			
8.1 Vents free of obstructions?	☐Yes	☐No*	
8.2 Emergency vent operable? Lift as required?	☐Yes	☐No*	
9.0 Insulated Tanks			
9.1 Insulation missing?	☐Yes*	☐No	
9.2 Are there noticable areas of moisture on the insulation?	☐Yes*	☐No	
9.3 Mold on insulation?	☐Yes*	☐No	
9.4 Insulation exhibiting damage?	☐Yes*	☐No	
9.5 Is the insulation sufficiently protected from water intrusion?	☐Yes	☐No*	
10.0 Level and Overfill Prevention Instrumentation of Shop-Fabricated Tanks			
10.1 Has the tank liquid level sensing device been tested to ensure proper operation?	☐Yes	☐No*	
10.2 Does the tank liquid level sensing device operate as required?	☐Yes	☐No*	
10.3 Are overfill prevention devices in proper working condition?	☐Yes ☐N/A	☐No*	
11.0 Electrical Equipment			
11.1 Are tank grounding lines in good condition?	☐Yes ☐N/A	☐No*	
11.2 Is electrical wiring for control boxes/lights in good condition?	☐Yes ☐N/A	☐No*	

Additional Comments:

STI SP001 Portable Container Monthly Inspection Checklist

General Inspection Information:

Inspection Date: _____ Retain Until Date: _____ (36 months from inspection date)

Prior Inspection Date: _____ Inspector Name: _____

Containers Inspected (ID #'s): _____

Inspection Guidance:

- For equipment not included in this standard, follow the manufacturer recommended inspection/testing schedules and procedures.
- The periodic AST Inspection is intended for monitoring the external AST condition and its containment structure. This visual inspection does not require a certified inspector. It shall be performed by an owner's inspector who is familiar with the site and can identify changes and developing problems.
- (*) designates an item in a non-conformance status. This indicates that action is required to address a problem.
- Non-conforming items important to tank or containment integrity require evaluation by an engineer experienced in AST design, a certified inspector, or a tank manufacturer who will determine the corrective action. Note the non-conformance and corresponding corrective action in the comment section.
- Retain the completed checklists for 36 months.

Item	Area: _____		Area: _____		Area: _____		Area: _____	
1.0 AST Containment/Storage Area								
1.1 ASTs within designated storage area?	☐Yes	☐No*	☐Yes	☐No*	☐Yes	☐No*	☐Yes	☐No*
1.2 Debris, spills, or other fire hazards in containment or storage area?	☐Yes*	☐No	☐Yes*	☐No	☐Yes*	☐No	☐Yes*	☐No
1.3 Water in outdoor secondary containment?	☐Yes*	☐No	☐Yes*	☐No	☐Yes*	☐No	☐Yes*	☐No
1.4 Drain valves operable and in a closed position?	☐Yes	☐No*	☐Yes*	☐No	☐Yes*	☐No	☐Yes*	☐No
1.5 Egress pathways clear and gates/doors operable?	☐Yes	☐No*	☐Yes*	☐No	☐Yes*	☐No	☐Yes*	☐No

Item	Area: _____	Area: _____	Area: _____	Area: _____
2.0 Leak Detection				
2.1 Visible signs of leakage around the container or storage area?	☐Yes* ☐No	☐Yes* ☐No	☐Yes* ☐No	☐Yes* ☐No
3.0 Container				
3.0 Noticeable container distortions, buckling, denting or bulging?	☐Yes* ☐No	☐Yes* ☐No	☐Yes* ☐No	☐Yes* ☐No

Comments:

APPENDIX D

TRAINING MATERIALS

SPILL PREVENTION CONTROL & COUNTERMEASURE (SPCC) PLAN
ELG METALS, INC.

ANNUAL DISCHARGE PREVENTION BRIEFINGS
AND SPCC PLAN TRAINING

PURPOSE OF THE SPCC REGULATIONS

- Federal program designed requiring plans be developed minimizing the potential for discharges of oil into surface waters.
- ELG Metals, Inc. is subject to these regulations.

HISTORY OF SPCC REGULATIONS

- March 1976 – regulations requiring SPCC plans
- August 1990 – Oil Pollution Act (response to the Ashland oil spill of 1988 and Exxon Valdez spill of 1989)
- July 2002 – Major revisions to SPCC Plan regulations

SPCC PLAN REQUIREMENTS

- SPCC plans required for facilities/operators storing more than 1,320 gallons of oil/oil products
- Oil storage containers include:
  - Tanks
  - 55-gallon drums
  - Transformers
  - Operating Equipment (hydraulic systems)
  - Mobile equipment

SPCC PLAN – OIL STORAGE CONTAINERS

- Oil storage at ELG Metals, Inc. could include:
  - Diesel fuel tanks
  - Gasoline
  - Motor Oil
  - Used oil
  - Hydraulic system reservoirs

SPCC PLAN REGULATIONS

- Plans must be prepared and updated every 5 years by registered professional engineer
- Plans are signed by the plant manager, in most cases.

SPCC PLAN REGULATIONS

- Training is required for employees involved in oil-handling activities
- Discharge prevention briefings must be conducted at least once a year (this is the program)
- Inspections of tanks/containers and documentation, must be maintained by departments

AMENDMENT OF THE SPCC PLAN

- Amend the SPCC Plan anytime there is a change in facility design, construction, operation or maintenance
- Amendments must be prepared within six months of the change and implemented no later than six months following the amendment
- Examples:
  - New tank
  - Repairs to tank shell, piping
  - Repairs/damage to secondary containment
  - Oil spill to surface water
  - Personnel

SPCC PLANS INCLUDE

- Description of the physical layout of the facility and facility diagram of oil storage and handling locations
- Certifications
- Facility Information
- Reporting Procedures
- Potential for Oil Discharges
- Oil Spill Prevention
- Inspections, Tests, Records
- Personnel Training
- Facility Security

TYPICAL CONTAINMENT/DIVERSIONARY STRUCTURES

- Dikes, Berms, or Retaining Walls
- Curbing
- Culverting, Gutters, or Other Drainage Systems
- Weirs, Booms, or Other Barriers
- Spill Diversion Ponds
- Retention Ponds
- Sorbent Materials

TYPICAL TANK CAR AND TANK TRUCK LOADING/UNLOADING

- Containment systems must hold at least the maximum capacity of any single compartment of a tank car or truck loaded/unloaded at the facility
- Provide an interlocked warning light or physical barrier system to prevent vehicles from departing before complete disconnection of transfer lines
- When tanks are not equipped with overfill alarms, an ELG representative should verify remaining tank capacity prior to delivery and communicate with the delivery driver.
- Closely inspect for discharges prior to filling and departure of any tank car or truck.

INSPECTIONS, TESTS AND RECORDS

- Inspections and tests of tanks and containment structures
- Inspections and tests signed by the appropriate supervisor or inspector
- Routine maintenance records are acceptable
- Non-destructive testing for tanks >50,000 gallons

PERSONNEL, TRAINING & DISCHARGE PREVENTION PROCEDURES

- Operation and maintenance of equipment to prevent discharges
- Discharge procedures
- Applicable Pollution control laws, rules, and regulations
- Contents of the SPCC Plan
- Also applies to contractors onsite with oil storage >1,320 gallons

COUNTERMEASURES FOR DISCHARGE, DISCOVERY, RESPONSE AND CLEANUP

- Take immediate action to prevent further spillage and to contain any spilled material
- Small quantity oil spills should be cleaned up
- If secondary containment is present, ensure the system is not plugged, overwhelmed or malfunctioning
- Management will determine the need to report a spill to the appropriate agencies

SECURITY

- Fence and locked or guarded entrance gates
- Master flow valves, drain valves, and any other valves permitting outward flow of container contents remain in a closed position when not in use
- Lock the starter control on each oil pump in the "off" position when not in use
- Only authorized and trained personnel to load/unload and handle oil

SECURITY (continued)

- Cap or blank-flange loading/unloading connections or oil pipelines or facility piping when not in service or in standby service for an extended time
- Specific procedures for tanks not in-service

OIL SPILL INCIDENTS
PRIOR 12 MONTHS

Attachment 5

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 21, 2015

MAILED
SEP 21 2015
TAX RELIEF PROG

Mr. Andrej Fedor
Agent
Associated Tax Appraisers
PO Box 91119
Austin, Texas 78709

Re: Notice of Administrative Completeness and Technical Deficiency
ELG Metals, Inc.
ELG Metals, Inc. Scrap Metal Reclaiming Facility
15135 Jacintoport Boulevard
Houston (Harris County)
Regulated Entity Number: RN102185733
Customer Reference Number: CN601181027
Application Number: 19451
Tracking Number: 15-TCEQ-ELG Metals-003

Dear Mr. Fedor:

This letter responds to the Application for Use Determination received on September 8, 2015, for ELG Metals, Inc.'s ELG Metals, Inc. Scrap Metal Reclaiming Facility pursuant to the Texas Commission on Environmental Quality's (TCEQ) Tax Relief for Pollution Control Property Program.

The TCEQ has determined that application #19451 contains sufficient detail to be declared administratively complete and a copy has been provided to the appropriate county appraisal district; however, in order to conduct our technical review as specified in 30 TAC §17.12, the following technical issues must be addressed. Please revise the application to include the following information and include a copy of this letter with your response.

Issue 1: Please identify and provide a copy of the specific requirement(s) in the permit that apply to or require the turnings facility.

Issue 2: It is not clear how the turnings facility is required to control pollution under the regulation cited (30 TAC § 305.125(5)). Please provide an explanation as to how the cited regulation applies to the facility and the turnings facility.

Issue 3: Please provide additional descriptive information on the turnings facility including a list of all activities that occur in the building. The description should provide sufficient detail to determine what the components of the turnings facility are, what the

components do, and where it is located.

Issue 4: Regarding the land serving as pollution control equipment, when was it acquired?

Issue 5: Please describe what is done with cutting fluids from the turning facility. Is the material returned to the process, accumulated for later use, sold, or disposed of in a landfill?

The TCEQ appreciates your response in this matter. The revised application must be submitted by October 24, 2015, to the TCEQ Tax Relief for Pollution Control Property Program, MC-110, P.O. Box 13087, Austin, Texas 78711-3087. Failure to timely submit a complete application, including the requested information, may result in cessation of the application review and forfeiture of the application fee in accordance with 30 TAC §17.12(2)(B). Please note that per 30 TAC §17.12(2)(C), the technical review process is limited to a total of 230 days and per §17.12(2)(B), the executive director may not issue more than two notices of deficiency after the issuance of an administrative completeness letter. This letter constitutes the first of the two notices of technical deficiency allowed by the rule.

If you have questions regarding this letter or need further assistance, please contact Elizabeth Sartain of the Tax Relief for Pollution Control Property Program by telephone at (512) 239-3933, by e-mail at Elizabeth.Sartain@tceq.texas.gov, or write to the Texas Commission on Environmental Quality, Tax Relief for Pollution Control Property Program, MC-110, P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,

Shelley Naik

Shelley Naik, Team Leader
Stationary Source Programs
Air Quality Division

SN/ES

Enclosure

cc: Chief Appraiser, Harris County Appraisal District, PO Box 922004, Houston, Texas 77292

Attachment 6

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 15, 2015

MAILED
DEC 15 2015
TAX RELIEF PROGRAM

Mr. Andrej Fedor
Agent
Associated Tax Appraisers
PO Box 91119
Austin, Texas 78709

Re: Notice of Technical Deficiency
ELG Metals, Inc.
ELG Metals, Inc. Scrap Metal Reclaiming Facility
15135 Jacintoport Boulevard
Houston (Harris County)
Regulated Entity Number: RN102185733
Customer Reference Number: CN601181027
Application Number: 19451
Tracking Number: 15-TCEQ-ELG Metals-003

Dear Mr. Fedor:

This letter responds to ELG Metals, Inc.'s Application for Use Determination, received September 8, 2015, pursuant to the Texas Commission on Environmental Quality's (TCEQ) Tax Relief for Pollution Control Property Program for the ELG Metals, Inc. Scrap Metal Reclaiming Facility.

The TCEQ has conducted a technical review and has determined that the information required in 30 Texas Administrative Code (TAC) §17.10 is incomplete for application #19451. Please revise the application to include the following information and include a copy of this letter with your response.

Issue 1: Please provide a detailed description of the business operations that occur within the building. Please note that roofs, walls, foundations, and floors of buildings are eligible for a positive use determination only when there is an adopted environmental rule or regulation requiring the activity to occur within an enclosed structure. If the environmental rule or regulation you are citing is a requirement for the facility to meet permit requirements, please identify the specific permit provision(s) that require(s) the enclosed structure for pollution control.

Issue 2: Please adjust the property description to reflect only those items that are eligible for a positive use determination. Production buildings and the land occupied by the production buildings are not considered to be pollution control devices, except when there is an adopted environmental rule or regulation requiring the activity to occur within an

enclosed structure. Additionally, the revised application states that the land associated with the turnings facility was acquired in 1989. Property that was acquired before January 1, 1994, is not eligible for a tax exemption under Texas Tax Code §11.31. Please revise the application to remove the land. The possibly eligible property listed on the application appears to be the containment walls, tanks, piping, and pumps.

Issue 3: Please explicitly describe how each component of the turnings facility is required as pollution control property required by the Applicable Rule cited in Section 5, Question 12 of the application.

Issue 4: Provide a process flow diagram depicting the process or photographs of the property/equipment associated with the turnings facility.

Issue 5: Per page 1 of the application instructions, "Entering 'see attachment' is not an acceptable answer. Attachments containing additional information are acceptable, but are not a substitute for completing the application." Process flow diagrams, plot plans, sketches, and photographs may be submitted as attachments. Please provide responses to all questions on the application. The response space can be expanded as necessary if using the Word version of the application. Please list the property on the Property Categories and Costs table in Section 8.

Issue 6: The revised application was submitted without an original signature. Please submit a revised application with an original signature.

The TCEQ appreciates your response in this matter. The revised application must be submitted by January 17, 2016, to the TCEQ Tax Relief for Pollution Control Property Program, MC-110, P.O. Box 13087, Austin, Texas 78711-3087. Failure to timely submit a complete application, including the requested information, may result in cessation of the application review and forfeiture of the application fee in accordance with 30 TAC §17.12(2)(B).

If you have questions regarding this letter or need further assistance, please contact Elizabeth Sartain of the Tax Relief for Pollution Control Property Program by telephone at (512) 239-3933, by e-mail at Elizabeth.Sartain@tceq.texas.gov, or write to the Texas Commission on Environmental Quality, Tax Relief for Pollution Control Property Program, MC-110, P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,

Shelley Naik

Shelley Naik, Team Leader
Stationary Source Programs
Air Quality Division

SN/ES

Enclosure

Attachment 7

From: Elizabeth Sartain
To: "Andrej Fedor"
Subject: RE: TCEQ Use Determination Application No. 19451 - ELG Metals
Date: Thursday, March 17, 2016 11:56:00 AM

Thank you,

I will process the application with these amendments.

From: Andrej Fedor [mailto:afedor@nationalrealty.com]
Sent: Thursday, March 17, 2016 11:01 AM
To: Elizabeth Sartain <Elizabeth.Sartain@Tceq.Texas.Gov>
Subject: RE: TCEQ Use Determination Application No. 19451 - ELG Metals

Please allow this email to modify our Application for Use Determination (19451) for ELG Metals as follows:

1. Replace the applicable rule requested under Section 5 of the Application with 40 CFR Part 112.7 Subpart C, which requires that the owner or operator of a facility subject to this part must "provide appropriate containment and/or diversionary **structures** or equipment to prevent a discharge as described in §112.1(b). The **entire containment system**, including walls and floor, must be capable of containing oil and must be constructed so that any discharge from a primary containment system, such as a tank, will not escape the containment system before cleanup occurs." As a used oil generator, ELG Metals is required to provide appropriate containment and/or diversionary structures to prevent a discharge. The purpose of the Turnings building is to collect and contain cutting fluids that drain from turnings and divert storm water from contacting residual cutting fluids. No other process takes place with the Turnings building, except the handling of turnings brought to the facility.
2. In addition to the requirements of applicable rule cited above, Section 3.4.1.3 of ELG Metal's Spill Prevention, Control and Countermeasure Plan requires containment and diversionary (or secondary) structures that are identified in Table 1 of SPCCP as "Steel Structures" as related to the oil tanks.
3. The walls of the Turnings building are constructed of corrugated steel and are 45 feet tall. The purpose of the height is to allow trucks to deposit turning directly into the facility in order to avoid contact of turnings fluid with the outside. The entire building is design to be self-contained and leak proof in order to control contamination.

Thank you,

Andrej Fedor
National Realty Consultants
4543 Post Oak Place, Suite 232
Houston, Texas 77027
Telephone: (281) 497-2200
Facsimile: (713) 627-8454
Email: afedor@nationalrealty.com

From: Elizabeth Sartain [mailto:Elizabeth.Sartain@Tceq.Texas.Gov]
Sent: Wednesday, March 16, 2016 9:49 AM
To: Andrej Fedor

Cc: Shelley Naik
Subject: RE: TCEQ Use Determination Application No. 19451 - ELG Metals

Good Morning Mr. Fedor,

I have not received a response from you regarding my concerns on Application 19451. Since you have received and responded to two Technical Notices of Deficiencies, I will go ahead and process the application using the information you have submitted.

Thank you

From: Elizabeth Sartain
Sent: Wednesday, March 09, 2016 10:48 AM
To: 'Andrej Fedor' <afedor@nationalrealty.com>
Subject: RE: TCEQ Use Determination Application No. 19451 - ELG Metals

Good Morning Mr. Fedor,

I have reviewed the materials you sent via email on Friday and have the following concerns.

1. The regulation cited (40 CFR §112) is not cited to an appropriate subsection level and therefore is not a specific requirement cited for the pollution control property in the Spill Prevention, Control and Countermeasure Plan for the facility. Please provide an appropriate applicable rule cited to the subsection level and identify the specific requirement(s) for the all of the pollution control property including the turnings facility in the Spill Prevention, Control and Countermeasure Plan for the facility.
2. Please provide additional descriptive information about the containment walls listed in the property description including wall height used for containment purposes and the material they are constructed of.
3. The land acquired before January 1, 1994, is not eligible for a positive use determination.
4. We will need an original, wet ink signature for the revised application. Will you or you have sent a revised application with an original , wet ink, signature as well as a copy for the County Appraisal District?

Please let me know if you have any questions on these issues and if you plan to address them.
Thank you

Elizabeth Sartain
Tax Relief for Pollution Control Property Program
(512) 239-3933

From: Andrej Fedor [mailto:afedor@nationalrealty.com]
Sent: Friday, March 04, 2016 3:52 PM
To: Elizabeth Sartain <Elizabeth.Sartain@Tceq.Texas.Gov>

Subject: TCEQ Use Determination Application No. 19451 - ELG Metals

Attached is the revised App and SPCC Plan.

Andrej Fedor
Associated Tax Appraisers
4543 Post Oak Place, Suite 232
Houston, Texas 77027
Telephone: (281) 497-2200
Facsimile: (713) 627-8454
Email: afedor@nationalrealty.com