

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 59196
Inland Recycling La Grange LC
RN105003388
Docket No. 2020-0750-MLM-E

Order Type:

Default Order (SOAH preliminary hearing)

Media:

MLM: WQ, AIR, IHW, and Used Oil

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

751 Hatterman Road, La Grange, Fayette County (the "Site")

Type of Operation:

recycling and glycerin refining site

Other Significant Matters:

Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: \$491.90 (20046357 Referred)
Other: None
Interested Third Parties: None

Texas Register Publication Date: June 3, 2022

Comments Received: None

Penalty Information

Total Penalty Assessed: \$137,805

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$137,805

Compliance History Classifications:

Person/CN - HIGH
Site/RN - HIGH

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: May 13, 2019, through June 18, 2019

Date(s) of NOV(s): N/A

Date(s) of NOE(s): March 16, 2020

Inland Recycling La Grange LC

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Violation Information

1. Failed to keep records of all industrial solid waste (“ISW”) activities regarding the quantities generated, stored, processed, and disposed of on-site, or shipped offsite for storage, processing, or disposal [30 TEX. ADMIN. CODE § 335.9(a)(1)].
2. Failed to submit written notice to the TCEQ which includes the types of ISW or municipal hazardous waste to be recycled, the method of storage prior to recycling, and the nature of the recycling activity 90 days prior to engaging in such activities [30 TEX. ADMIN. CODE §§ 335.6(h) and 335.24].
3. Failed to conduct hazardous waste determinations and waste classifications [30 TEX. ADMIN. CODE § 335.62 and 40 C.F.R. § 262.11(a)].
4. Failed to obtain authorization to discharge stormwater associated with industrial activities [TEX. WATER CODE § 26.121, 30 TEX. ADMIN. CODE § 281.25(a)(4), and 40 C.F.R. § 122.26(c)].
5. Caused, suffered, allowed, or permitted the unauthorized disposal of ISW [30 TEX. ADMIN. CODE § 335.4].
6. Failed to obtain authorization prior to constructing or modifying a source of air contaminants [TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), and 30 TEX. ADMIN. CODE § 116.110(a)].
7. Failed to notify the TCEQ as soon as possible but no later than 24 hours after the discovery of a spill or discharge [30 TEX. ADMIN. CODE § 327.3(b)].
8. Failed to immediately abate and contain a discharge or spill [30 TEX. ADMIN. CODE §§ 327.5 and 350.2(b)].
9. Failed to prepare and implement a Stormwater Pollution Prevention Plan (“SWP3”) [30 TEX. ADMIN. CODE § 305.125(1) and TPDES General Permit No. TXR05EJ17, Part III, Section A].
10. Failed to mark or clearly label used oil storage containers with the words “Used Oil” [30 TEX. ADMIN. CODE § 324.6 and 40 C.F.R. § 279.22(c)(1)].
11. Failed to clean up and manage properly used oil [30 TEX. ADMIN. CODE § 324.15 and 40 C.F.R. § 279.22(d)].

Corrective Actions/Technical Requirements**Corrective Action(s) Completed:**

Obtained authorization to discharge stormwater associated with industrial activities, on May 28, 2019 (Violation No. 4).

Technical Requirements:

1. Immediately:
 - a. Cease disposing and discharging any additional ISW and used oil at the Site (Violation Nos. 5 and 8); and
 - b. Begin maintaining all records of ISW activities at the Site regarding the quantities generated, stored, processed, disposed of on-site or shipped offsite for storage, processing, or disposal, including those for speculatively accumulated salts, spilled glycerin, spilled free-fatty acids (“FFAs”), contaminated water and soil, watered glycerin, and other wastewaters (Violation No. 1).
2. Within 15 days, submit an administratively complete registration or an administratively complete permit application to authorize the current operations at the Site (Violation No. 6).
3. Within 30 days, submit written certification to demonstrate compliance for Technical Requirements Nos. 1.a. and 1.b.
4. Within 45 days, unless another deadline is expressly provided, properly remove all ISW from the Site (e.g., spilled glycerin, spilled FFAs, contaminated water) and dispose of it at an authorized facility (Violation No. 5).

Inland Recycling La Grange LC

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5. Within 60 days:
 - a. Mark or clearly label all used oil containers with the words “Used Oil” (Violation No. 10);
 - b. Properly remove and dispose of soil contaminated with used oil, using appropriate corrective measures (Violation No. 11);
 - c. Submit a report describing the details of the discharge or spill of used oil and supporting the adequacy of the response action performed (Violation No. 11);
 - d. Implement procedures to ensure that any spill or discharge of glycerin or FFAs is reported to the TCEQ within 24 hours (Violation No. 7);
 - e. Provide notification to the TCEQ that includes an accurate description of recycling activities for the Site (Violation No. 2);
 - f. Conduct waste determinations and waste classifications for all waste streams at the Site, including wash water, watered glycerin, salts, and contaminated soil and water (Violation No. 3); and
 - g. Develop and implement a SWP3 (Violation No. 9).
6. Within 75 days, submit written certification to demonstrate compliance for Technical Requirements Nos. 4 and 5.a. through 5.g.
7. Within 120 days, conduct an investigation at the Site and any property affected thereby to determine whether response actions are necessary under the Texas Risk Reduction Program (“TRRP”) and submit the results (Violation Nos. 5, 8, and 11).
 - a. If applicable, submit an Affected Property Assessment Report (“APAR”).
 - b. If applicable, comply with all applicable TRRP requirements.
8. Respond completely and adequately within 15 days or by any other deadline specified to all requests for information concerning information, reports, registrations, or any other submittals.

Litigation Information

Date Petition(s) Filed:	November 19, 2021
Date Green Card(s) Signed:	November 22, 2021
Date Answer(s) Filed:	December 17, 2021
SOAH Referral Date:	January 31, 2022
Hearing Date(s):	
Preliminary hearing:	March 24, 2022 (defaulted)

Contact Information

TCEQ Attorneys: Jess Robinson, Litigation Division, (512) 239-3400
Pranjal Mehta, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Carlos Molina, Enforcement Division, (512) 239-2557

TCEQ Regional Contact: Elijah Gandee, Austin Regional Office, (512) 339-2929

Respondent Contact: David Polston, President, Inland Recycling La Grange LC, P.O. Box 398, Columbus, Texas 78934

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	23-Mar-2020	Screening	3-Apr-2020	EPA Due	
	PCW	4-Aug-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Inland Recycling La Grange LC
Reg. Ent. Ref. No.	RN105003388
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	59196	No. of Violations	9
Docket No.	2020-0750-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media	Used Oil, Water Quality, and Air	Enf. Coordinator	Carlos Molina
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$133,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$13,375
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Notes	Reduction for High Performer classification.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$8,813	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$98,875	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$120,375
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OTHER FACTORS AS JUSTICE MAY REQUIRE	11.6% Adjustment	\$13,930
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 2 and 7 and offset High Performer classification.
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Final Penalty Amount	\$134,305
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$134,305
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$134,305
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Screening Date	3-Apr-2020	Docket No.	2020-0750-MLM-E	PCW
Respondent	Inland Recycling La Grange LC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59196			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN105003388			
Media	Industrial and Hazardous Waste			
Enf. Coordinator	Carlos Molina			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes Reduction for High Performer classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 3-Apr-2020	Docket No. 2020-0750-MLM-E	PCW
Respondent Inland Recycling La Grange LC		<i>Policy Revision 4 (April 2014)</i>
Case ID No. 59196		<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No. RN105003388		
Media Industrial and Hazardous Waste		
Enf. Coordinator Carlos Molina		

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
<input type="text"/>	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Inland Recycling La Grange LC
Case ID No. 59196
Reg. Ent. Reference No. RN105003388
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,000	13-May-2019	17-Jan-2021	1.68	\$84	n/a	\$84
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to maintain records of hazardous and ISW activities. The date required is the initial investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$84

Screening Date	3-Apr-2020	Docket No.	2020-0750-MLM-E	PCW
Respondent	Inland Recycling La Grange LC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59196			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN105003388			
Media	Industrial and Hazardous Waste			
Enf. Coordinator	Carlos Molina			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5.0%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Inland Recycling La Grange LC
Case ID No. 59196
Reg. Ent. Reference No. RN105003388
Media Industrial and Hazardous Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	13-May-2019	17-Jan-2021	1.68	\$42	n/a	\$42

Notes for DELAYED costs

Estimated delayed cost to provide notification which includes an accurate description of recycling activities. The date required is the initial investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$500	12-Feb-2019	3-Apr-2020	1.14	\$29	\$500	\$529

Notes for AVOIDED costs

Estimated avoided cost to provide notification which includes an accurate description of recycling activities. The date required is 90 days prior to the investigation date and the final date is the screening date.

Approx. Cost of Compliance

\$1,000

TOTAL

\$571

Screening Date	3-Apr-2020	Docket No.	2020-0750-MLM-E	PCW
Respondent	Inland Recycling La Grange LC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59196			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN105003388			
Media	Industrial and Hazardous Waste			
Enf. Coordinator	Carlos Molina			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="15.0%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Inland Recycling La Grange LC
Case ID No. 59196
Reg. Ent. Reference No. RN105003388
Media Industrial and Hazardous Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$16,800	13-May-2019	17-Jan-2021	1.68	\$1,415	n/a	\$1,415

Notes for DELAYED costs

Estimated delayed cost to conduct waste determinations and classifications of the four waste streams (\$4,200 per waste stream). The date required is the initial investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$16,800

TOTAL

\$1,415

Screening Date	3-Apr-2020	Docket No.	2020-0750-MLM-E	PCW
Respondent	Inland Recycling La Grange LC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59196			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN105003388			
Media	Industrial and Hazardous Waste			
Enf. Coordinator	Carlos Molina			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

		Harm			
	Falsification	Major	Moderate	Minor	
		<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5.0%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>
Ordinary	<input type="text"/>
N/A	<input type="text" value="x"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Inland Recycling La Grange LC
Case ID No. 59196
Reg. Ent. Reference No. RN105003388
Media Industrial and Hazardous Waste
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$225	13-May-2019	28-May-2019	0.04	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to prepare and submit a Notice of Intent to obtain authorization to discharge stormwater (\$225). The date required is the initial investigation date and the final date is the date authorization was obtained under TPDES General Permit No. TXR05EJ17.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$225

TOTAL

\$0

Screening Date	3-Apr-2020	Docket No.	2020-0750-MLM-E	PCW
Respondent	Inland Recycling La Grange LC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59196			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN105003388			
Media	Industrial and Hazardous Waste			
Enf. Coordinator	Carlos Molina			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	x	<input type="text"/>	Percent <input type="text" value="15.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Matrix Notes	<input type="text" value="Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Inland Recycling La Grange LC
Case ID No. 59196
Reg. Ent. Reference No. RN105003388
Media Industrial and Hazardous Waste
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$42,725	13-May-2019	17-Jan-2021	1.68	\$3,599	n/a	\$3,599

Notes for DELAYED costs

Estimated cost to remove all ISW, glycerin, and/or free fatty acids and contaminated water containing arsenic, mercury, chromium, and hydrocarbons to an authorized facility. The date required is the initial investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$42,725

TOTAL

\$3,599

Screening Date	3-Apr-2020	Docket No.	2020-0750-MLM-E	PCW
Respondent	Inland Recycling La Grange LC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59196			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN105003388			
Media	Industrial and Hazardous Waste			
Enf. Coordinator	Carlos Molina			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5.0%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Inland Recycling La Grange LC
Case ID No. 59196
Reg. Ent. Reference No. RN105003388
Media Industrial and Hazardous Waste
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	13-May-2019	17-Jan-2021	1.68	\$421	n/a	\$421
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to obtain authorization for the current recycling operations at the Site. The date required is the initial investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$421

Screening Date	3-Apr-2020	Docket No.	2020-0750-MLM-E	PCW
Respondent	Inland Recycling La Grange LC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59196			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN105003388			
Media	Industrial and Hazardous Waste			
Enf. Coordinator	Carlos Molina			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5.0%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Inland Recycling La Grange LC
Case ID No. 59196
Reg. Ent. Reference No. RN105003388
Media Industrial and Hazardous Waste
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	13-May-2019	17-Jan-2021	1.68	\$8	n/a	\$8

Notes for DELAYED costs

Estimated delayed cost to develop and implement a method to report discharges to the TCEQ. The date required is the initial investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$25	5-May-2019	3-Apr-2020	0.92	\$1	\$25	\$26

Notes for AVOIDED costs

Estimated avoided cost to report the discharge to the TCEQ. The date required is the date the report was due and the final date is the screening date.

Approx. Cost of Compliance

	\$125
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TOTAL

	\$34
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Screening Date	3-Apr-2020	Docket No.	2020-0750-MLM-E	PCW
Respondent	Inland Recycling La Grange LC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59196			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN105003388			
Media	Industrial and Hazardous Waste			
Enf. Coordinator	Carlos Molina			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	x	<input type="text"/>	Percent <input type="text" value="15.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Matrix Notes	<input type="text" value="Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Inland Recycling La Grange LC
Case ID No. 59196
Reg. Ent. Reference No. RN105003388
Media Industrial and Hazardous Waste
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$30,000	13-May-2019	17-Jan-2021	1.68	\$2,527	n/a	\$2,527

Notes for DELAYED costs

Estimated cost to submit a report demonstrating the applicability of Texas Risk Reduction Program ("TRRP") to the Executive Director and to comply with all applicable requirements of TRRP. The date required is the initial investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$30,000

TOTAL

\$2,527

Screening Date	3-Apr-2020	Docket No.	2020-0750-MLM-E	PCW
Respondent	Inland Recycling La Grange LC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59196			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN105003388			
Media	Industrial and Hazardous Waste			
Enf. Coordinator	Carlos Molina			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="15.0%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Matrix Notes	<input type="text" value="Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Inland Recycling La Grange LC
Case ID No. 59196
Reg. Ent. Reference No. RN105003388
Media Industrial and Hazardous Waste
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	5-Jun-2019	17-Jan-2021	1.62	\$162	n/a	\$162

Notes for DELAYED costs

Estimated cost to develop and implement a SWP3. The date required is the follow-up visit date and the final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$162



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	23-Mar-2020	Screening	3-Apr-2020	EPA Due	
	PCW	4-Aug-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Inland Recycling La Grange LC
Reg. Ent. Ref. No.	RN105003388
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	59196	No. of Violations	2
Docket No.	2020-0750-MLM-E	Order Type	1660
Media Program(s)	Used Oil	Government/Non-Profit	No
Multi-Media	Air, Water Quality, and IHW	Enf. Coordinator	Carlos Molina
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$350
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Notes: Reduction for High Performer classification.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$172
 Estimated Cost of Compliance: \$2,050
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,150
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OTHER FACTORS AS JUSTICE MAY REQUIRE	11.1% Adjustment	\$350
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to offset High Performer classification.

Final Penalty Amount	\$3,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,500
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$3,500
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Screening Date	3-Apr-2020	Docket No.	2020-0750-MLM-E	PCW
Respondent	Inland Recycling La Grange LC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59196			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN105003388			
Media	Used Oil			
Enf. Coordinator	Carlos Molina			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes Reduction for High Performer classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date	3-Apr-2020	Docket No.	2020-0750-MLM-E	PCW
Respondent	Inland Recycling La Grange LC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59196			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN105003388			
Media	Used Oil			
Enf. Coordinator	Carlos Molina			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
<input type="text" value="100% of the rule requirement was not met."/>					

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Inland Recycling La Grange LC
Case ID No. 59196
Reg. Ent. Reference No. RN105003388
Media Used Oil
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	13-May-2019	17-Jan-2021	1.68	\$4	n/a	\$4

Notes for DELAYED costs

Estimated delayed cost to mark or clearly label all used oil containers with the words "Used Oil". The date required is the initial investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$4

Screening Date	3-Apr-2020	Docket No.	2020-0750-MLM-E	PCW
Respondent	Inland Recycling La Grange LC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59196			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN105003388			
Media	Used Oil			
Enf. Coordinator	Carlos Molina			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	Percent <input type="text" value="5.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Matrix Notes	<input type="text" value="Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$1,000"/>
weekly	<input type="text"/>	
monthly	<input type="text"/>	
quarterly	<input type="text" value="x"/>	
semiannual	<input type="text"/>	
annual	<input type="text"/>	
single event	<input type="text"/>	

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Inland Recycling La Grange LC
Case ID No. 59196
Reg. Ent. Reference No. RN105003388
Media Used Oil
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	13-May-2019	17-Jan-2021	1.68	\$168	n/a	\$168

Notes for DELAYED costs

Estimated delayed cost to remediate and dispose of used oil and contaminated soil at an authorized facility. The date required is the initial investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$168



Compliance History Report

Compliance History Report for CN605387836, RN105003388, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN605387836, Inland Recycling La Grange LC
Classification: HIGH **Rating:** 0.00

Regulated Entity: RN105003388, THE LA GRANGE PLANT
Classification: HIGH **Rating:** 0.00

Complexity Points: 6 **Repeat Violator:** NO

CH Group: 03 - Oil and Gas Extraction

Location: 751 HATTERMAN ROAD IN LA GRANGE, FAYETTE COUNTY, TEXAS

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):
AIR NEW SOURCE PERMITS REGISTRATION 79453 **STORMWATER PERMIT** TXR05EJ17
INDUSTRIAL AND HAZARDOUS WASTE NONPERMITTED ID
NUMBER R11105003388

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: August 09, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 25, 2015 to September 25, 2020

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Carlos Molina **Phone:** (512) 239-2557

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? Inland Recycling La Grange LC OWNER OPERATOR since 7/7/2017
- 4) Who was/were the prior owner(s)/operator(s)? THE LA GRANGE PLANT, INC., OWNER, 4/15/2010 to 7/6/2017

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INLAND RECYCLING LA GRANGE LC;
RN105003388**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2020-0750-MLM-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE chs. 361, 371, and 382, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Inland Recycling La Grange LC ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a recycling and glycerin refining site located at 751 Hatterman Road in La Grange, Fayette County, Texas (the "Site"). The Site contains and/or involves the management of industrial solid waste ("ISW") and used oil, as defined in TEX. HEALTH & SAFETY CODE chs. 361 and 371. The Site also consists of or includes one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12) and is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation beginning on and around May 13, 2019, an investigator documented that Respondent:
 - a. Failed to keep records of all ISW activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped offsite for storage, processing, or disposal. Specifically, Respondent did not maintain required documentation for speculatively accumulated salts, spilled glycerin, spilled free-fatty acids ("FFAs"), and contaminated water and soil generated, stored, processed, or disposed of on-site. Additionally, Respondent did not maintain required documentation for watered glycerin and wastewater generated, stored, processed, or disposed of offsite;
 - b. Failed to submit a written notice to the TCEQ which includes the types of ISW or municipal hazardous waste to be recycled, the method of storage prior to recycling, and the nature of the recycling activity 90 days prior to engaging in such activities. Specifically, ISW is transported to another site for purported recycling without prior TCEQ notification;
 - c. Failed to conduct hazardous waste determinations and waste classifications. Specifically, waste determinations and waste classifications were not conducted on wash water, watered glycerin, salts, and contaminated soil;
 - d. Failed to obtain authorization to discharge stormwater associated with industrial activities. Specifically, Respondent was performing industrial activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR050000;

- e. Caused, suffered, allowed, or permitted the unauthorized disposal of ISW. Specifically, waste generated at the Site, including glycerin and FFAs, and water contaminated with arsenic, mercury, chromium, and total petroleum hydrocarbons, was draining offsite and flowing into tributaries of the Colorado River;
 - f. Failed to obtain authorization prior to constructing or modifying a source of air contaminants. Specifically, the Site was not constructed as represented in the application for Registration No. 79453 regarding distance from the Site's emission point to property line or nearest off-property structure. Also, Respondent was processing and refining crude glycerin which uses different materials, has different storage, and has different emission rates than what was presented in the application;
 - g. Failed to notify the TCEQ as soon as possible but no later than 24 hours after the discovery of a spill or discharge. Specifically, approximately 500 gallons of glycerin or FFAs were discharged from the Site in early May 2019 and Respondent did not notify the TCEQ;
 - h. Failed to immediately abate and contain a discharge or spill. Specifically, cleanup was not immediately conducted on a discharge of approximately 500 gallons of glycerin or FFAs;
 - i. Failed to prepare and implement a Stormwater Pollution Prevention Plan ("SWP3"). Specifically, Respondent submitted a Notice of Intent to obtain coverage under TPDES General Permit No. TXR05EJ17 without first developing and implementing a required SWP3;
 - j. Failed to mark or clearly label used oil storage containers with the words "Used Oil." Specifically, two 55-gallon drums and a pallet of five 5-gallon buckets of oil were not labeled with the words "Used Oil"; and
 - k. Failed to clean up and manage properly used oil. Specifically, a used oil container was not closed and a discharge of hydrocarbon was observed covering the container, the pallet underneath, and approximately one cubic yard of nearby soil.
3. The Executive Director recognizes that Respondent obtained authorization to discharge stormwater associated with industrial activities, on May 28, 2019 (Conclusion of Law No. 5).
 4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Inland Recycling La Grange LC" (the "EDPRP") in the TCEQ Chief Clerk's office on November 19, 2021.
 5. Respondent filed an answer requesting a hearing on December 17, 2021, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on January 31, 2022.
 6. On February 23, 2022, the TCEQ Chief Clerk mailed notice to Respondent of the March 24, 2022 preliminary hearing via certified mail, return receipts requested, and via first class mail, postage prepaid.
 7. On March 24, 2022, the Administrative Law Judge ("ALJ") convened the preliminary hearing. Respondent failed to appear, and the Executive Director requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be dismissed from the SOAH Docket and remanded to the Executive Director so that a Default Order may be entered by the Commission.
 8. On March 29, 2022, the ALJ entered a finding that Respondent was served with proper notice of the hearing and remanded the matter to the Executive Director by SOAH Order No. 2 so that the TCEQ may dispose of this case on a default basis.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ, pursuant to TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE chs. 361, 371, and 382, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to keep records of all ISW activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped offsite for storage, processing, or disposal, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(1).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to submit a written notice to the TCEQ which includes the types of ISW or municipal hazardous waste to be recycled, the method of storage prior to recycling, and the nature of the recycling activity 90 days prior to engaging in such activities, in violation of 30 TEX. ADMIN. CODE §§ 335.6(h) and 335.24.
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to conduct hazardous waste determinations and waste classifications, in violation of 30 TEX. ADMIN. CODE § 335.62 and 40 C.F.R. § 262.11(a).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to obtain authorization to discharge stormwater associated with industrial activities, in violation of TEX. WATER CODE § 26.121, 30 TEX. ADMIN. CODE § 281.25(a)(4), and 40 C.F.R. § 122.26(c).
6. As evidenced by Finding of Fact No. 2.e., Respondent caused, suffered, allowed, or permitted the unauthorized disposal of ISW, in violation of 30 TEX. ADMIN. CODE § 335.4.
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to obtain authorization prior to constructing or modifying a source of air contaminants, in violation of TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), and 30 TEX. ADMIN. CODE § 116.110(a).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to notify the TCEQ as soon as possible but no later than 24 hours after the discovery of a spill or discharge, in violation of 30 TEX. ADMIN. CODE § 327.3(b).
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to immediately abate and contain a discharge or spill, in violation of 30 TEX. ADMIN. CODE §§ 327.5 and 350.2(b).
10. As evidenced by Finding of Fact No. 2.i., Respondent failed to prepare and implement a SWP3, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES General Permit No. TXR05EJ17, Part III, Section A.
11. As evidenced by Finding of Fact No. 2.j., Respondent failed to mark or clearly label used oil storage containers with the words "Used Oil," in violation of 30 TEX. ADMIN. CODE § 324.6 and 40 C.F.R. § 279.22(c)(1).
12. As evidenced by Finding of Fact No. 2.k., Respondent failed to clean up and manage properly used oil, in violation of 30 TEX. ADMIN. CODE § 324.15 and 40 C.F.R. § 279.22(d).
13. As evidenced by Finding of Fact No. 5, Respondent filed an answer requesting a hearing as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105, and the matter was referred to SOAH pursuant to 1 TEX. ADMIN. CODE §§ 155.53(b) and 155.101(d) and 30 TEX. ADMIN. CODE § 70.109.
14. As evidenced by Finding of Fact No. 6, Respondent was provided proper notice of the preliminary hearing in accordance with TEX. GOV'T CODE §§ 2001.051(1) and 2001.052; TEX. WATER CODE § 7.058; 1 TEX. ADMIN. CODE §§ 155.105(b), 155.401, and 155.501; and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.23, 39.25, 39.405, 39.413, 39.423, 39.425 and 80.6.

15. As evidenced by Findings of Fact Nos. 7 and 8, Respondent failed to appear for the preliminary hearing, and pursuant to TEX. GOV'T CODE § 2001.056(4) and 1 TEX. ADMIN. CODE § 155.501(e), the ALJ dismissed the case from the SOAH docket so the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106(b).
16. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
17. An administrative penalty in the amount of one hundred thirty-seven thousand eight hundred five dollars (\$137,805.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
18. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of one hundred thirty-seven thousand eight hundred five dollars (\$137,805.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Inland Recycling La Grange LC; Docket No. 2020-0750-MLM-E" to:

Financial Administration Division, Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
3. Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order:
 - i. Cease disposing and discharging any additional ISW and used oil at the Site (Conclusions of Law Nos. 6 and 9); and
 - ii. Begin maintaining all records of ISW activities at the Site regarding the quantities generated, stored, processed, disposed of on-site or shipped offsite for storage, processing, or disposal, including those for speculatively accumulated salts, spilled glycerin, spilled FFAs, contaminated water and soil, watered glycerin, and other wastewaters, in accordance with 30 TEX. ADMIN. Code § 335.9 (Conclusion of Law No. 2).

- b. Within 15 days after the effective date of this Order, submit an administratively complete registration in accordance with 30 TEX. ADMIN. CODE ch. 106, or an administratively complete permit application in accordance with 30 TEX. ADMIN. CODE § 116.111, to authorize the current operations at the Site (Conclusion of Law No. 7). The registration or application shall be sent to:
- Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- c. Within 30 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.i., to demonstrate compliance with Ordering Provisions Nos. 3.a. and 3.b.
- d. Within 45 days after the effective date of this Order, and unless another deadline is expressly provided herein, properly remove all ISW from the Site (e.g., spilled glycerin, spilled FFAs, contaminated water) and dispose of it at an authorized facility (Conclusion of Law No. 6).
- e. Within 60 days after the effective date of this Order:
- i. Mark or clearly label all used oil containers with the words “Used Oil,” in accordance with 30 TEX. ADMIN. CODE § 324.6 (Conclusion of Law No. 11);
 - ii. Properly remove and dispose of soil contaminated with used oil, using appropriate corrective measures, in accordance with 40 C.F.R. § 279.22 (Conclusion of Law No. 12);
 - iii. Submit a report describing the details of the discharge or spill of used oil and supporting the adequacy of the response action performed to comply with Ordering Provision No. 3.g.ii., in accordance with 30 TEX. ADMIN. CODE § 327.5(c) (Conclusion of Law No. 12);
 - iv. Implement procedures to ensure that any spill or discharge of glycerin or FFAs is reported to the TCEQ within 24 hours, in accordance with 30 TEX. ADMIN. CODE § 327.3 (Conclusion of Law No. 8);
 - v. Provide notification to the TCEQ that includes an accurate description of recycling activities for the Site, in accordance with 30 TEX. ADMIN. CODE § 335.6 (Conclusion of Law No. 3);
 - vi. Conduct waste determinations and waste classifications for all waste streams at the Site, including wash water, watered glycerin, salts, and contaminated soil and water, in accordance with 30 TEX. ADMIN. CODE § 335.62 (Conclusion of Law No. 4); and
 - vii. Develop and implement a SWP3 to comply with the requirements of TPDES General Permit No. TXR05EJ17 (Conclusion of Law No. 10).
- f. Within 75 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.i., to demonstrate compliance with Ordering Provisions Nos. 3.d. and 3.e.i. through 3.e.vii.
- g. Within 120 days after the effective date of this Order, conduct an investigation at the Site and any property affected thereby to determine whether response actions are necessary under the Texas Risk Reduction Program (“TRRP”), as codified in 30 TEX. ADMIN. CODE ch. 350, and submit the results to the Enforcement Division at the address provided in Ordering Provision No. 3.i. (Conclusions of Law Nos. 6, 9, and 12).

- i. If the Executive Director determines response actions pursuant to TRRP are necessary, Respondent shall submit an Affected Property Assessment Report ("APAR") to the Order Compliance Team at the address provided in Ordering Provision No. 3.i. Respondent shall submit the APAR by the deadline prescribed by the Executive Director, pursuant to 30 TEX. ADMIN. CODE § 350.91.
- ii. If the Executive Director determines the APAR indicates response actions are necessary, Respondent shall comply with all applicable TRRP requirements by the deadlines prescribed by the Executive Director.
- h. Respond completely and adequately, as determined by the TCEQ, within 15 days or by any other deadline specified in writing, to all requests for information concerning information, reports, registrations, or any other submittals Respondent provides to the TCEQ to comply with these Ordering Provisions.
- i. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and: Waste Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

7. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines Respondent has not complied with one or more of the terms or conditions in this Order.
9. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
10. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
11. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF JESS S. ROBINSON

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Inland Recycling La Grange LC" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on November 19, 2021.

Respondent filed an answer requesting a hearing on December 17, 2021, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on January 31, 2022. On February 23, 2022, the TCEQ Chief Clerk mailed notice of the March 24, 2022 preliminary hearing to Respondent via certified mail, return receipts requested, and via first class mail, postage prepaid.

Respondent failed to appear at the hearing on March 24, 2022. At that hearing, I requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be remanded to the Executive Director pursuant to 1 TEX. ADMIN. CODE § 155.501(e), which gives an ALJ the authority to remand the case back to the TCEQ for informal disposition on a default basis in accordance with TEX. GOV'T CODE § 2001.056.

The ALJ remanded the matter to the Executive Director by SOAH Order No. 2, issued on March 29, 2022, so that the TCEQ may dispose of this case on a default basis."

"My name is Jess S. Robinson, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,
State of Texas,
on the 7th day of June, 2022

A handwritten signature in blue ink that reads "Jess Robinson".

Declarant