

Executive Summary – Enforcement Matter – Case No. 62998

MEREGRASS, INC.

RN111476578

Docket No. 2024-0233-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – IHW, Used Oil

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Meregrass, Inc., 14099 Country Road 355, Dublin, Erath County

Type of Operation:

Private aircraft maintenance facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: August 30, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$26,338

Amount Deferred for Expedited Settlement: \$5,267

Total Paid to General Revenue: \$596

Total Due to General Revenue: \$20,475

Payment Plan: 35 payments of \$585 each

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): March 11, 2022

Complaint Information: Alleged a sewage leak from the septic system and improper storing and disposing of waste.

Date(s) of Investigation: April 4, 2022

Date(s) of NOE(s): June 6, 2022

Violation Information

Executive Summary – Enforcement Matter – Case No. 62998

MEREGRASS, INC.

RN111476578

Docket No. 2024-0233-MLM-E

1. Caused, suffered, allowed, or permitted the unauthorized disposal of IHW. Specifically, the Respondent disposed of approximately 600 cubic yards of IHW mixed with MSW consisting of used disposable wipes soaked in Methyl Ethyl Ketone and isopropyl alcohol, empty oil and solvent containers, cardboard, food containers, tree branches, discarded metal, size AA and AAA batteries, two scrap tires, and spent blast media in unlined pits the Respondent dug into the ground at the Facility [30 TEX. ADMIN. CODE § 335.4].
2. Failed to make hazardous waste determinations for each solid waste at the point of waste generation. Specifically, hazardous waste determinations had not been made for the following waste streams: Methyl Ethyl Ketone waste, oily rags, isopropyl alcohol waste, hydraulic fluid waste, and spent blast media [30 TEX. ADMIN. CODE § 335.504(a) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.11].
3. Failed to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped offsite for storage, processing, or disposal. Specifically, the Respondent did not provide any records for review [30 TEX. ADMIN. CODE § 335.9(a)(1)].
4. Failed to label or clearly mark containers used to store used oil with the words "Used Oil". Specifically, a 275-gallon tote, 350-gallon metal tank, and a 5-gallon bucket that were observed to be storing used oil were not labeled with the words "Used Oil" [30 TEX. ADMIN. CODE § 324.6 and 40 CFR § 279.22(c)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Submitted waste determinations for each of the waste streams at the Facility as of June 3, 2022; and
- b. Properly labeled one 275-gallon tote and one 350-gallon metal tank storing used oil with the words "Used Oil", and transferred all used oil being stored in the Facility's 5-gallon bucket into a properly labeled used oil storage container, as of May 26, 2022.

Technical Requirements:

The Order will require the Respondent to:

- a. Immediately, cease disposing of any additional IHW and/or MSW.
- b. Within 30 days:
 - i. Develop and implement procedures to prevent future unauthorized disposal of IHW and/or MSW at the Facility; and

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MEREGRASS, INC.

RN111476578

Docket No. 2024-0233-MLM-E

ii. Begin maintaining all records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal.

c. Within 90 days:

i. Collect and submit soil samples for analysis to verify that the area has been restored to pre-contaminated conditions.

ii. Cleanup and remove IHW mixed with MSW from the Facility and dispose of it at an authorized facility.

d. Within 105 days, submit written certification to demonstrate compliance with a., b., and c.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Eresha DeSilva, Enforcement Division, Enforcement Team 3, MC R-12, (512) 239-5084; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Stephen B. Smith, President, MEREGRASS, INC., 4033 Grassmere Lane, Dallas, Texas 75205-1150

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	6-Jun-2022	Screening	17-Aug-2022	EPA Due	
	PCW	30-Jan-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	MEREGRASS, INC. (PCW No. 1 of 2)				
Reg. Ent. Ref. No.	RN111476578				
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	62998	No. of Violations	3
Docket No.	2024-0233-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media	Used Oil	Enf. Coordinator	Eresha DeSilva
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$33,750
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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	-\$3,375
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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	-\$4,687
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$10,462
Estimated Cost of Compliance	\$108,032

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$25,688
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
Final Penalty Amount	\$25,688

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$25,688
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,137
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$20,551
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Screening Date	17-Aug-2022	Docket No.	2024-0233-MLM-E	PCW
Respondent	MEREGRASS, INC. (PCW No. 1 of 2)			Policy Revision 5 (January 28, 2021)
Case ID No.	62998			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN111476578			
Media	Industrial and Hazardous Waste			
Enf. Coordinator	Eresha DeSilva			

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	17-Aug-2022	Docket No.	2024-0233-MLM-E	PCW
Respondent	MEREGRASS, INC. (PCW No. 1 of 2)	Policy Revision 5 (January 28, 2021)		
Case ID No.	62998	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN111476578			
Media	Industrial and Hazardous Waste			
Enf. Coordinator	Eresha DeSilva			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 335.4			
Violation Description	Caused, suffered, allowed, or permitted the unauthorized disposal of industrial and hazardous waste ("IHW"). Specifically, the Respondent disposed of approximately 600 cubic yards of IHW mixed with municipal solid waste ("MSW") consisting of used disposable wipes soaked in Methyl Ethyl Ketone ("MEK") and isopropyl alcohol, empty oil and solvent containers, cardboard, food containers, tree branches, discarded metal, size AA and AAA batteries, two scrap tires, and spent blast media in unlined pits the Respondent dug into the ground at the Facility.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual		X		Percent 25.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$18,750

\$6,250

Violation Events

Number of Violation Events	2	135	Number of violation days
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	daily			
	weekly			
	monthly			
	quarterly	X		Violation Base Penalty \$12,500
	semiannual			
	annual			
	single event			

Two quarterly events are recommended from the April 4, 2022 investigation date to the August 17, 2022 screening date.

Good Faith Efforts to Comply

	0.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			Reduction \$0
Ordinary			
N/A	X		

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

Violation Subtotal \$12,500

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$10,230
	Violation Final Penalty Total \$11,250
This violation Final Assessed Penalty (adjusted for limits) \$11,250	

Economic Benefit Worksheet

Respondent MEREGRASS, INC. (PCW No. 1 of 2)
Case ID No. 62998
Reg. Ent. Reference No. RN111476578
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				0.00	\$0	n/a	\$0
Training/Sampling	\$5,000	4-Apr-2022	14-Aug-2024	2.36	\$591	n/a	\$591
Remediation/Disposal	\$81,432	4-Apr-2022	14-Aug-2024	2.36	\$9,627	n/a	\$9,627
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	4-Apr-2022	14-Aug-2024	2.36	\$12	n/a	\$12

Notes for DELAYED costs

Estimated delayed cost to remove all unauthorized IHW mixed with MSW and dispose of it at an authorized IHW facility (\$81,432), to collect and submit soil samples for analysis to verify that the contaminated areas have been restored to pre-contaminated conditions (\$5,000), and to develop and implement procedures to prevent future unauthorized disposal of IHW and/or MSW at the Facility (\$100). The Dates Required are the investigation date and the Final Dates are 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

\$86,532

TOTAL

\$10,230

Screening Date 17-Aug-2022 Respondent MEREGRASS, INC. (PCW No. 1 of 2) Case ID No. 62998 Reg. Ent. Reference No. RN111476578 Media Industrial and Hazardous Waste Enf. Coordinator Eresha DeSilva	Docket No. 2024-0233-MLM-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	
Rule Cite(s)	30 Tex. Admin. Code § 335.504(a) and 40 Code of Federal Regulations § 262.11	
Violation Description	Failed to make hazardous waste determinations for each solid waste at the point of waste generation. Specifically, hazardous waste determinations had not been made for the following waste streams: MEK waste, oily rags, isopropyl alcohol waste, hydraulic fluid waste, and spent blast media.	
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 15.0%
	Potential	X			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	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					\$21,250

	\$3,750
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Violation Events

Number of Violation Events	5	60	Number of violation days
	<div style="display: flex; flex-direction: column; align-items: flex-start;"> <div style="background-color: #e6f2ff; padding: 2px; margin-bottom: 2px;">daily</div> <div style="background-color: #e6f2ff; padding: 2px; margin-bottom: 2px;">weekly</div> <div style="background-color: #e6f2ff; padding: 2px; margin-bottom: 2px;">monthly</div> <div style="background-color: #e6f2ff; padding: 2px; margin-bottom: 2px;">quarterly</div> <div style="background-color: #e6f2ff; padding: 2px; margin-bottom: 2px;">semiannual</div> <div style="background-color: #e6f2ff; padding: 2px; margin-bottom: 2px;">annual</div> <div style="background-color: #e6f2ff; padding: 2px;">single event</div> </div>		
Violation Base Penalty			\$18,750

Five single events are recommended (one event per waste stream).

Good Faith Efforts to Comply

	25.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		
Notes	The Respondent achieved compliance on June 3, 2022, prior to the June 6, 2022 Notice of Enforcement.	
Violation Subtotal		\$14,063

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$173	\$12,188
This violation Final Assessed Penalty (adjusted for limits)	
\$12,188	

Economic Benefit Worksheet

Respondent MEREGRASS, INC. (PCW No. 1 of 2)
Case ID No. 62998
Reg. Ent. Reference No. RN111476578
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)	\$21,000	4-Apr-2022	3-Jun-2022	0.16	\$173	n/a	\$173

Notes for DELAYED costs

Estimated delayed cost to conduct waste determinations on all waste streams (\$4,200 per waste stream for five waste streams). The Date Required is the investigation date and the Final Date is the 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

\$21,000

TOTAL

\$173

Screening Date	17-Aug-2022	Docket No.	2024-0233-MLM-E	PCW
Respondent	MEREGRASS, INC. (PCW No. 1 of 2)	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	62998			
Reg. Ent. Reference No.	RN111476578			
Media	Industrial and Hazardous Waste			
Enf. Coordinator	Eresha DeSilva			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 335.9(a)(1)			
Violation Description	Failed to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal. Specifically, the Respondent did not provide any records for review.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

OR		Harm			
	Falsification	Major	Moderate	Minor	
		X			Percent 10.0%

Matrix Notes	100% of the rule requirement was not met.
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Adjustment	\$22,500
\$2,500	

Violation Events

Number of Violation Events	1	Number of violation days	135
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	daily		Violation Base Penalty \$2,500
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	X	

One single event is recommended.

Good Faith Efforts to Comply

	0.0%		Reduction \$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	X		
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			\$2,500

Economic Benefit (EB) for this violation

Estimated EB Amount	\$59	Statutory Limit Test	
		Violation Final Penalty Total	\$2,250
		This violation Final Assessed Penalty (adjusted for limits)	\$2,250

Economic Benefit Worksheet

Respondent MEREGRASS, INC. (PCW No. 1 of 2)
Case ID No. 62998
Reg. Ent. Reference No. RN111476578
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
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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	\$500	4-Apr-2022	14-Aug-2024	2.36	\$59	n/a	\$59
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 all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal. The Date Required is the 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

\$500

TOTAL

\$59



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	6-Jun-2022	PCW	30-Jan-2024	Screening	17-Aug-2022	EPA Due	
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RESPONDENT/FACILITY INFORMATION

Respondent	MEREGRASS, INC. (PCW No. 2 of 2)		
Reg. Ent. Ref. No.	RN111476578		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	62998	No. of Violations	1
Docket No.	2024-0233-MLM-E	Order Type	1660
Media Program(s)	Used Oil	Government/Non-Profit	No
Multi-Media	Industrial and Hazardous Waste	Enf. Coordinator	Eresha DeSilva
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,000
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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	-\$100
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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	-\$250
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$0	<i>*Capped at the Total EB \$ Amount</i>
Estimated Cost of Compliance	\$15	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$650
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
	Final Penalty Amount
	\$650

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$650
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DEFERRAL	20.0%	Reduction	Adjustment	-\$130
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.		
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PAYABLE PENALTY	\$520
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Screening Date	17-Aug-2022	Docket No.	2024-0233-MLM-E	PCW
Respondent	MEREGRASS, INC. (PCW No. 2 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62998			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN111476578			
Media	Used Oil			
Enf. Coordinator	Eresha DeSilva			

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	17-Aug-2022	Docket No.	2024-0233-MLM-E	PCW
Respondent	MEREGRASS, INC. (PCW No. 2 of 2)	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	62998	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN111476578			
Media	Used Oil			
Enf. Coordinator	Eresha DeSilva			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 324.6 and 40 Code of Federal Regulations § 279.22(c)(1)			
Violation Description	Failed to label or clearly mark containers used to store used oil with the words "Used Oil". Specifically, a 275-gallon tote, 350-gallon metal tank, and 5-gallon bucket that were observed to be storing used oil were not labeled with the words "Used Oil".			
Base Penalty				\$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential				Percent	0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
		X				
					Percent	10.0%

Matrix Notes	100% of the rule requirement was not met.
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Adjustment \$4,500

\$500

Violation Events

Number of Violation Events	2	Number of violation days	52
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	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

Two monthly events are recommended from the April 4, 2022 investigation date to the May 26, 2022 compliance date.

Good Faith Efforts to Comply

	25.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	X		
N/A			

Notes	The Respondent achieved compliance on May 26, 2022, prior to the June 6, 2022 Notice of Enforcement.
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Reduction \$250

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Estimated EB Amount	\$0	Statutory Limit Test	
		Violation Final Penalty Total	\$650
		This violation Final Assessed Penalty (adjusted for limits)	\$650

Economic Benefit Worksheet

Respondent MEREGRASS, INC. (PCW No. 2 of 2)
Case ID No. 62998
Reg. Ent. Reference No. RN111476578
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
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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
Used Oil Container Transfer	\$5	4-Apr-2022	26-May-2022	0.14	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10	4-Apr-2022	26-May-2022	0.14	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to properly label one 275-gallon tote and 350-gallon metal tank storing used oil with the words "Used Oil" at the Facility (\$5 per container). Estimated delayed cost to transfer all used oil being stored in the Facility's 5-gallon bucket into a properly labeled used oil storage container (\$5). The Dates Required are the investigation date and the Final Dates are the 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

\$15

TOTAL

\$0



Compliance History Report

Compliance History Report for CN606006518, RN111476578, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN606006518, MEREGRASS, INC.	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN111476578, MEREGRASS INC	Classification: HIGH	Rating: 0.00
Complexity Points:	5	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	14099 COUNTY ROAD 355 DUBLIN, ERATH COUNTY, TEXAS 76446-3740		
TCEQ Region:	REGION 04 - DFW METROPLEX		
ID Number(s):			
AIR QUALITY NON PERMITTED ID NUMBER	MUNICIPAL SOLID WASTE NON PERMITTED ID		
R04111476578	NUMBER R04111476578		
STORMWATER PERMIT TXR05FT58	INDUSTRIAL AND HAZARDOUS WASTE		
	NONPERMITTED ID NUMBER R04111476578		
Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year: 2023	Rating Date: 09/01/2023
Date Compliance History Report Prepared:	June 24, 2024		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	June 24, 2019 to June 24, 2024		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Eresha DeSilva	Phone:	(512) 239-5084

Site and Owner/Operator History:

- | | |
|----------------------------------------------------------------------------------------------------|----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | NO |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

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.):
Item 1 April 04, 2024 (1982011)

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

Component Appendices

Appendix A
All NOVs Issued During Component Period 6/24/2019 and 6/24/2024

1	Date:	08/09/2022	(1818822)	
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 111, Subchapter B 111.20 5C THSC Chapter 382 382.005(b)		
	Description:	Failure to comply with General Prohibition requirements on Outdoor Burning.		

* NOVs applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B
All Investigations Conducted During Component Period June 24, 2019 and June 24, 2024

Item 1	August 01, 2022**	(1818822)
Item 2*	April 04, 2024	(1982011)

* No violations documented during this investigation
**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MEREGRASS, INC.
RN111476578

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2024-0233-MLM-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding MEREGRASS, INC. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 371 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a private aircraft maintenance facility located at 14099 County Road 355 in Dublin, Erath County, Texas (the "Facility"). The Facility involves or involved the management of industrial and hazardous waste ("IHW") and municipal solid waste ("MSW"), as defined in TEX. HEALTH & SAFETY CODE ch. 361, and used oil, as defined in TEX. HEALTH & SAFETY CODE ch. 371.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE chs. 361 and 371 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$26,338 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$596 of the penalty and \$5,267 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$20,475 of the undeferred penalty shall be paid in 35 monthly payments of \$585 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of

the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more-timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. 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.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures:
 - a. Submitted waste determinations for each of the waste streams at the Facility as of June 3, 2022; and
 - b. Properly labeled one 275-gallon tote and one 350-gallon metal tank storing used oil with the words "Used Oil", and transferred all used oil being stored in the Facility's 5-gallon bucket into a properly labeled used oil storage container, as of May 26, 2022.

II. ALLEGATIONS

During an investigation at the Facility conducted on April 4, 2022, an investigator documented that the Respondent:

1. Caused, suffered, allowed, or permitted the unauthorized disposal of IHW, in violation of 30 TEX. ADMIN. CODE § 335.4. Specifically, the Respondent disposed of approximately 600 cubic yards of IHW mixed with MSW consisting of used disposable wipes soaked in Methyl Ethyl Ketone ("MEK") and isopropyl alcohol, empty oil and solvent containers, cardboard, food containers, tree branches, discarded metal, size AA and AAA batteries, two scrap tires, and spent blast media in unlined pits the Respondent dug into the ground at the Facility.
2. Failed to make hazardous waste determinations for each solid waste at the point of waste generation, in violation of 30 TEX. ADMIN. CODE § 335.504(a) and 40 CODE OF FEDERAL

REGULATIONS ("CFR") § 262.11. Specifically, hazardous waste determinations had not been made for the following waste streams: MEK waste, oily rags, isopropyl alcohol waste, hydraulic fluid waste, and spent blast media.

3. Failed to keep records of all hazardous and industrial solid waste 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). Specifically, the Respondent did not provide any records for review.
4. Failed to label or clearly mark containers used to store used oil with the words "Used Oil", in violation of 30 TEX. ADMIN. CODE § 324.6 and 40 CFR § 279.22(c)(1). Specifically, a 275-gallon tote, 350-gallon metal tank, and a 5-gallon bucket that were observed to be storing used oil were not labeled with the words "Used Oil".

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: MEREGRASS, INC., Docket No. 2024-0233-MLM-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, cease disposing of any additional IHW and/or MSW at the Facility.
 - b. Within 30 days after the effective date of this Order:
 - i. Develop and implement procedures to prevent future unauthorized disposal of IHW and/or MSW at the Facility.
 - ii. Begin maintaining all records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal, in accordance with 30 TEX. ADMIN. CODE § 335.9.

- c. Within 90 days after the effective date of this Order:
 - i. Collect and submit soil samples for analysis to verify that the area has been restored to pre-contaminated conditions.
 - ii. Cleanup and remove IHW mixed with MSW from the Facility and dispose of it at an authorized facility.
- d. Within 105 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a, 2.b, and 2.c. The certification shall be signed by the 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 that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.

6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

9/11/2024

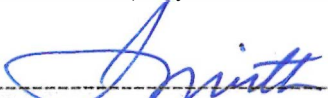
Date

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

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

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

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


Signature

AUGUST 5, 2024
Date

STEPHEN B. SMITH
Name (Printed or typed)
Authorized Representative of
MEREGRASS, INC.

PRESIDENT
Title

☐ If mailing address has changed, please check this box and provide the new address below:

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.