

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



1/HW 87609(CO)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 19, 2011

CERTIFIED MAIL

91 7108 2133 3934 5804 7844

Mr. Dave Sheth
Facility Contact
SGP Holdings, Inc./Total Recycling Technologies
1601 South Belknap
Mexia, Texas 76667

RECEIVED

JAN 21 2011

TCEQ
CENTRAL FILE ROOM

Re: **Final Request for Remediation Status Update**
SGP Holdings, Inc./Total Recycling Technologies, 1601 South Belknap, Mexia,
Limestone County, Texas
TCEQ SWR No. 87609
EPA ID No. TXR00002990
Customer No. CN603361296; Regulated Entity No. RN100833136

Dear Mr. Sheth:

On November 1, 2010, the Texas Commission on Environmental Quality (TCEQ) issued a letter requiring environmental corrective actions at the above referenced site. To date the TCEQ has not received a response indicating that the required actions have been performed. For your convenience, the TCEQ has enclosed a copy of the TCEQ letter dated November 1, 2010, which further enclose TCEQ letters dated June 18, 2010, and December 15, 2009.

Your company has failed to:

1. Comply with 30 Texas Administrative Code (TAC) §335.4, which states that SGP Holding Inc. (SGP) has a continuing obligation associated with the site to ensure that municipal hazardous waste and industrial solid waste are managed in a manner which does not cause the discharge or imminent threat of discharge of waste into or adjacent to waters of the state, a nuisance, or the endangerment of the public health and welfare.
2. Respond to and implement directives concerning the implementation of investigations and submittal of required reports demonstrating compliance with 30 TAC §350.32 for Remedy Standard A or 30 TAC §350.33 for Remedy Standard B in order to properly address this contamination issue.

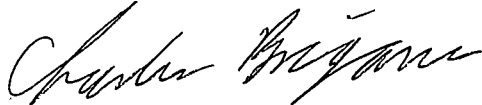
Mr. Sheth
Page 2
January 19, 2011
TCEQ SWR No. 87609

SGP is responsible for ensuring that documents and work are scheduled and completed within the prescribed time frames. Failure to submit and/or implement the required "TCEQ Acknowledgement of Receipt of Follow-up Historical Contamination Discovery and Notice to Close and/or Remediate Using Texas Risk Reduction Program (TRRP)" within the schedule set by the TCEQ is a violation of agency regulations and subject to enforcement. The TCEQ stated in our correspondence dated November 1, 2010, that your failure to meet deadlines may result in the initiation of enforcement actions under Chapter 7 of the Texas Water Code.

Failure to submit this information within thirty (30) days of the date of the letter, is a violation of TCEQ regulations and may result in a Notice of Violation. A second failure to comply with any of these deadlines will potentially result in a Notice of Enforcement and an Enforcement Action Referral.

An original and one copy of the above referenced response must be submitted to the TCEQ Remediation Division at the letterhead address using Mail Code MC-127. An additional copy should be submitted to the TCEQ Region 9 Office in Waco. **Your response must be submitted within thirty (30) days from the date of this letter.** The facility name, location and identification number(s) in the TCEQ reference line above should be included in your response. Questions concerning this letter should be directed to me at (512) 239-2238.

Sincerely,



Charles Brigance, Project Manager
Corrective Action Team 1, VCP-CA Section
Remediation Division
Texas Commission on Environmental Quality

CEB/djs

Enclosure: Enclosure 1: TCEQ Letter Dated November 1, 2010
 Enclosure 2: TCEQ Letter Dated June 18, 2010
 Enclosure 3: TCEQ Letter Dated December 15, 2009

cc: Mr. Frank Burleson, Waste Program Manager, TCEQ Region 9 Office, Waco

Bryan W. Shaw, Ph.D., *Chairman*
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Carlos Rubinstein, *Commissioner*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 1, 2010

CERTIFIED MAIL

71 7108 2133 3935 2306 9337

Mr. Dave Sheth
Facility Contact
SGP Holdings, Inc./Total Recycling Technologies
1601 South Belknap
Mexia, Texas 76667

Re: **Initial Request for Remediation Status Update**
SGP Holdings, Inc./Total Recycling Technologies
1601 South Belknap, Mexia, Limestone County, Texas
TCEQ SWR No. 87609
EPA ID No. TXR000029900
CN603361296; RN100833136

Dear Mr. Sheth:

The Texas Commission on Environmental Quality (TCEQ) has conducted a review of our Central Records file to determine the status of environmental activities associated with the above referenced site. According to our file review, TCEQ has not received a response to our letter dated June 18, 2010. The letter was sent to SGP Holdings, Inc. (SGP)/Total Recycling Technologies and was titled "TCEQ Acknowledgement of Receipt of Follow-up Historical Contamination Discovery and Notice to Close and/or Remediate Using the Texas Risk Reduction Program (TRRP)". This letter was sent after TCEQ Region 9 in Waco forwarded the case to the Corrective Action Program after not being able to complete remediation at the site within 180 days of discovery. Region 9 issued a notice of violation (Letter Dated December 15, 2009) to SGP's for failure to respond to requests issued by Region 9.

SGP has not responded to a TCEQ letter dated June 18, 2010, instructing SGP to implement directives concerning the implementation of investigations and submittal of required reports demonstrating compliance with either 30 TAC §350.32 for Remedial Standard A or 30 TAC §350.33 for Remedial Standard B in order to properly address this contamination issue. Enclosed are copies of the TCEQ letter(s) dated June 18, 2010 and December 15, 2009, for your reference.

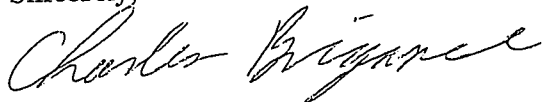
SGP is advised that it is the continuing obligation of persons associated with a site to ensure that municipal hazardous waste and industrial solid waste are managed in a manner which does not cause the discharge or imminent threat of discharge of waste into or adjacent to waters in the state, a nuisance, or the endangerment of the public health and welfare as required by 30 TAC §335.4. SGP must comply with all TCEQ corrective action directives and subsequent requests referenced in TCEQ letter(s) dated June 18, 2010 and December 15, 2009; **within thirty (30) days of the date of the letter.** Further delays in responding to this Office may result in the initiation of formal enforcement proceedings against SGP.

Mr. Jarrell
Page 2
November 1, 2010
TCEQ SWR No. 87609

SGP is responsible for ensuring that documents and work are scheduled and completed within the prescribed time frames. Failure to submit investigative reports and/or implement required remedial activities within the schedule set by the TCEQ is a violation of agency regulations and potentially subject to enforcement actions under Chapter 7 of the Texas Water Code.

An original and one copy of the above referenced response must be submitted to the TCEQ Remediation Division at the letterhead address using Mail Code MC-127. An additional copy should be submitted to the TCEQ Region 9 Office in Waco. **Your response must be submitted within thirty (30) days from the date of this letter.** The facility name, location and identification number(s) in the TCEQ reference line above should be included in your response. Questions concerning this letter should be directed to me at (512) 239-2238.

Sincerely,



Charles Brigance, Project Manager
Corrective Action Team 1, VCP-CA Section
Remediation Division
Texas Commission on Environmental Quality

CEB/jdm

Enclosure(s): Enclosure 1 – TCEQ Letter Dated December 15, 2009
 Enclosure 2 – TCEQ Letter Dated June 18, 2010

cc: Mr. Frank Burleson, Waste Program Manager, TCEQ Region 9 Office, Waco

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 18, 2010

Mr. Bill Jarrell
Owner
SGP Holdings, Inc. / Total Recycling Technologies
1601 South Bellknap
Mexia, Texas 76667

Re: TCEQ Acknowledgment of Receipt of Follow-up Historic Contamination Discovery and Notice to Close and/or Remediate Using the Texas Risk Reduction Program (TRRP) Fire Incident Areas, SGP Holding, Inc. / Total Recycling Technologies Facility 1601 South Bellknap, Mexia, Limestone County, Texas
TCEQ SWR No. 87609
EPA ID No. TXR000029900
Customer No. CN603361296; Regulated Entity No. RN100833136

Dear Mr. Jarrell:

The Texas Commission on Environmental Quality (TCEQ) is in receipt supporting information submitted by Total Recycling Technologies (Total) to address closure/remediation of the above referenced historic contamination issue discovered on December 10, 2009, during a compliance investigation record review conducted by TCEQ Region 10 concerning the above referenced site. Please note the TCEQ Region 10 Office in Waco referred the above referenced case and supporting information submitted by Total to our office for formal review as a historic contamination issue on May 26, 2010. Please also note that Total will be required to demonstrate closure and/or remediation activities associated with this contamination issue in accordance with the TCEQ's Texas Risk Reduction Program (TRRP) of 30 Texas Administrative Code (TAC) Chapter 350.

Total is hereby directed to implement necessary investigations and submit required reports in response to demonstrate compliance with either 30 TAC §350.32 for Remedy Standard A or 30 TAC §350.33 for Remedy Standard B in order to properly address this contamination issue.

This letter does not grant approval of any technical information pertaining to plans, proposals, or procedures that you may have submitted in addition to the information required by 30 TAC §350. However, it provides notice to proceed with assessment activities.

Upon completion of the assessment one of the following Remedy Standards must be selected:

- A. According to 30 TAC §350.32(d), activities conducted to achieve Remedy Standard A do not require TCEQ approval prior to implementation; however, the APAR, any Response Action Effectiveness Reports (RAER), and the Response Action Completion Report (RACR) are subject to TCEQ technical review. Please use the standard reporting forms found at <http://www.tceq.state.tx.us/remediation/trrp/trrp.html>.

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.C., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 15, 2009

CERTIFIED MAIL 7004 2890.0002 6241 6889
RETURN RECEIPT REQUESTED

Mr. Bill Jarrell
Total Recycling Technologies
1601 S. Belknap
Mexia, Texas 76667

Re: Notice of Violation for the Compliance Follow-up Record Review Investigation on:
Total Recycling Technologies, 1601 S. Belknap, Mexia (Limestone County), Texas
RN100833136; Investigation No.: 785329

Dear Mr. Jarrell:

On December 10, 2009, Jason Neumann of the Texas Commission on Environmental Quality (TCEQ) Waco Regional Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for Emergency Response. Enclosed is a summary which lists the investigation finding. Please submit to this office by January 15, 2009 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

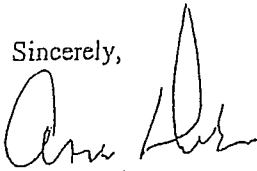
In the listing of alleged violations, we have cited applicable requirements, including TCEQ rules. If you would like to obtain a copy of the applicable TCEQ rules, you may contact any of the sources listed in the enclosed brochure entitled "Obtaining TCEQ Rules." Copies of applicable federal regulations may be obtained by calling Environmental Protection Agency's Publications at (800) 490-9198.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify Waco Regional Office within 10 days from the date of this letter. At that time, Mrs. Anna Dunbar, Regional Director will schedule a violation review meeting to be conducted. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of the contested violation.

Mr. Bill Jarrell
December 15, 2009
Page 2

If you or members of your staff have any questions, please feel free to contact Mr. Jason Neumann in the Waco Regional Office at (254) 751-0335.

Sincerely,



Anna Dunbar
Regional Director
Waco Regional Office

AD/JTN/ps

cc: Central Records

Enclosures: Summary of Investigation Findings
Obtaining TCEQ Rules

Summary of Investigation Findings

TOTAL RECYCLING TECHNOLOGIES

Investigation # 785329

1601 S. BELKNAP ST

Investigation Date: 12/10/2009

MEXIA, LIMESTONE COUNTY, TX 76667

Additional ID(s):

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 383685

Compliance Due Date: 01/15/2010

30 TAC Chapter 327.5(c)

Alleged Violation:

Investigation: 785329

Comment Date: 12/10/2009

Failure to comply with 30 Texas Administrative Code (TAC) Chapter 327 Rule 327.5(c).

Except for discharges or spills occurring during the normal course of transportation about which carriers are required to file a written report with the U.S. Department of Transportation under 49 CFR §171.16, the responsible person shall submit written information, such as a letter, describing the details of the discharge or spill and supporting the adequacy of the response action, to the appropriate TCEQ regional director within 30 working days of the discovery of the reportable discharge or spill. The regional director has the discretion to extend the deadline. The documentation shall contain one of the following items:

(1) A statement that the discharge or spill response action has been completed and a description of how the response action was conducted. The statement shall include the initial report information required by §327.3(c) of this title (relating to Notification Requirements). The executive director may request additional information. Appropriate response actions at any time following the discharge or spill include use of the Texas Risk Reduction Program rules in Chapter 350 of this title (relating to Texas Risk Reduction Program).

(2) A request for an extension of time to complete the response action, along with the reasons for the request. The request shall also include a projected work schedule outlining the time required to complete the response action. The executive director may grant an extension up to six months from the date the spill or discharge was reported. Unless otherwise notified by the appropriate regional director or the Emergency Response Team, the responsible person shall proceed according to the terms of the projected work schedule.

(3) A statement that the discharge or spill response action has not been completed nor is it expected to be completed within the maximum allowable six month extension. The statement shall explain why completion of the response action is not feasible and include a projected work schedule outlining the remaining tasks to complete the response action. This information will also serve as notification that the response actions to the discharge or spill will be conducted under the Texas Risk Reduction Program rules in Chapter 350 of this title (relating to Texas Risk Reduction Program).

During the compliance follow-up record review investigation conducted on December 10, 2009, it was documented that response actions continue and the discharge or spill response action has not been completed. Specifically, the respondent failed to submit a statement that the discharge or spill response action has not been completed nor is it expected to be completed within the maximum allowable six month extension. The statement shall explain why completion of the response action is not feasible and include a projected work schedule outlining the remaining tasks to complete the response action.

Recommended Corrective Action: Submit to the Waco Regional Office a statement that the discharge or spill response action has not been completed within the maximum allowable six month extension. The statement shall also explain why completion of the response action is not feasible and include a projected work schedule outlining the remaining tasks to complete the response action.