



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

March 16, 2016

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7015 1520 0003 3989 5121

Mr. Ben Hartman
President
MRT Laboratories
305 Nebraska Ave.
South Houston, TX 77587

RE: Potential RCRA Violations and Opportunity for Settlement

Dear Mr. Hartman:

The United States Environmental Protection Agency, Region 6 (“EPA”), through its investigation and records review, has made certain determinations about MRT Laboratories (“MRT”) facility, located at 305 Nebraska Avenue, South Houston, Texas. Specifically, the EPA has identified potential violations of the Resource Conservation Recovery Act (“RCRA”), and the regulations promulgated thereunder. I therefore write to share with you: (1) the current areas of concern; (2) an option for resolution; and (3) a timeline for resolution.

Current Areas of Concern

As a generator of hazardous waste, MRT is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth at 30 Tex. Admin. Code Chapter 335, Subchapters C and F, [40 C.F.R. Parts 262 and/or 270]. Upon further investigation, EPA may determine that MRT is also subject to Sections 3004 and 3005 RCRA, 42 U.S.C. §§ 6924 and 6925, and the regulations promulgated thereunder.

Based on EPA’s current investigation and records review, MRT has identified itself as a RCRA conditionally exempt small quantity generator. However, for calendar years 2011, 2012, and 2013, MRT generated hazardous waste in quantities that exceeded the threshold amount of 100 kg per calendar month, which qualifies MRT for the small quantity generator status as

established under 30 Tex. Admin. Code Chapter 335, Subchapter C, [40 C.F.R. Part 262]. At a minimum, EPA has identified the following potential violations:

- i. Failure to meet RCRA notification requirements, in violation of RCRA § 3010(a), 42 U.S.C. § 6930(a); and
- ii. Failure to operate within its stated generator status, for at least three years, in violation of 30 Tex. Admin. Code Chapter 335, Subchapters C and F, [40 C.F.R. Parts 262 and/or 270.

EPA is prepared to meet and discuss the potential violations with MRT (delineated above) and other areas of concern with the aim of resolving this matter through a timely settlement process.

An Option for Resolution

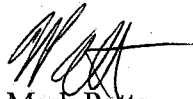
Upon receipt of this letter, if MRT is interested in resolving the matter through settlement, MRT has until April 1, 2016 to inform EPA by letter addressed to the attorney assigned to this matter, Ms. Angela Hodges (6RC-ER), in the Office of Regional Counsel, and mailed to EPA's address seen above. Thereafter, Ms. Hodges will make arrangements to meet with MRT either at the EPA office in Dallas, Texas or via conference call. The primary purpose for this initial meeting is to exchange information and discuss EPA's concerns. In preparation for this settlement process, Ms. Hodges will send to MRT an agenda for settlement discussions. Additionally, during this meeting or conference, MRT will have the opportunity to address the potential violations and present any evidence that contravenes EPA's evidence. The main goal of this option is to bring MRT into timely compliance with the applicable environmental laws and regulations.

Timetable for Resolution

Given the nature of the potential violations, listed above, and the current evidence that EPA has in support of these violations, EPA estimates that if MRT avails itself of the settlement process that EPA is now offering, the parties, working amicably together, could have an agreed upon CAFO by June 17, 2016. It should be noted that if MRT decides not to accept this streamlined option for settlement, MRT should notify EPA of its decision in writing to Ms. Hodges by April 1, 2016. Thereafter, EPA will exercise its other options for ensuring MRT's timely compliance with RCRA and the regulations promulgated there under.

Please direct technical questions to Ms. Debra Pandak of the Hazardous Waste Enforcement Branch at (214) 665-7565, and legal questions to Ms. Hodges of the Office of Regional Counsel at (214) 665-2796. You may also contact Ms. Hodges at her email address, hodges.angela@epa.gov. Thank you for your attention to this matter.

Sincerely,



Mark Potts
Branch Chief
Compliance Assurance and Enforcement Division

Enclosure

cc: James Gradney
Texas Commission on Environmental Quality
James.Gradney@tceq.texas.gov

Frank Burleson
Texas Commission on Environmental Quality
Frank.Burleson@tceq.texas.gov



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair
ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing
www.chemalliance.org

Construction
www.cicacenter.org or 1-734-995-4911

Education
www.campuserc.org

Food Processing
www.fpeac.org

Healthcare
www.hercenter.org

Local Government
www.lgean.org

Metal Finishing
www.nmfrc.org

Paints and Coatings
www.paintcenter.org

Printing
www.pneac.org

Ports
www.portcompliance.org

Transportation
www.tercenter.org

U.S. Border Compliance and Import/Export Issues
www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines
EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line
www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center
www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline
www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center
www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) - www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline - www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.