



REGION 6

DALLAS, TX 75270

August 9, 2024

VIA Electronic Mail: earlserick@yahoo.com

Erick Earls
14805 Garrett Road
Houston, TX 77044

Re: Notice of Potential Violation and Opportunity to Confer
Resource Conservation and Recovery Act
Texana Waste Services LTD, EPA ID # TXR000078121

Dear Mr. Earls:

Hazardous waste that is improperly managed poses a serious threat to human health and the environment. Through implementation of the authorities in the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 – 6992k, the United States Environmental Protection Agency regulates the control of hazardous waste from the “cradle-to-grave.” This includes the generation, transportation, treatment, storage and disposal of hazardous waste.

On December 7, 2023, the EPA Region 6 conducted an inspection at Texana Waste Services LTD's facility located in Houston, TX. The purpose of the inspection was to determine Texana Waste Services LTD's compliance with the requirements of RCRA, and the implementing regulations. The information currently available to the EPA, collected as a result of the inspection, suggests that Texana Waste Services LTD may be in violation of RCRA. By this letter, the EPA is extending Texana Waste Services LTD the opportunity to advise the Agency, via a conference call, or in writing, of any further information the EPA should consider with respect to the following potential violations of the RCRA and the implementing regulations:

- Notification – Failure to notify the EPA or authorized state adequately describing the hazardous waste generating activity at the Facility pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), 40 C.F.R. § 279.42(a) and the regulation at 30 TAC 335.6.
- Used Oil – Failure to store used oil in containers that are in good condition pursuant to 40 C.F.R. § 279.45(c)(1).
- Used Oil – Failure to label or mark clearly containers used to store used oil with the words “Used Oil” pursuant to 40 C.F.R. § 279.45(g)(1).
- Used Oil – Failure to equip secondary containment system for containers used to store used oil pursuant to 40 C.F.R. § 279.45(d).

- Batteries – Failure to store universal waste batteries in containers labeled or marked clearly with phrases as required by 40 C.F.R. § 273.14(a).
- Batteries – Failure to demonstrate accumulation date(s) of universal waste batteries pursuant to 40 C.F.R. § 273.15(c).
- Hazardous Waste Determination – Failure to conduct a hazardous waste determination pursuant to 40 C.F.R. § 262.11 and 30 TAC 335.62.

If Texana Waste Services LTD is interested in participating in an opportunity to confer with the Agency with respect to the above listed potential violations, please contact Ashley McDonald, with the Office of Regional Counsel, within 10 calendar days of receipt of this letter at mcdonald.ashley@epa.gov or 214-665-6589.

Addressing noncompliance with environmental laws is important in carrying out the EPA's mission to protect human health and the environment.

Thank you for your attention to this matter. If you have any questions, please contact Ashley McDonald, at mcdonald.ashley@epa.gov or 214-665-6589, or Elizabeth Pham, of my staff, at pham.elizabeth@epa.gov or 214-665-8354.

Sincerely,

Jeff Yurk
Manager
Waste and Chemical Enforcement Branch

Enclosure: Additional Sources of Information

cc: madelyn.flannagan@tceq.texas.gov
john.shelton@tceq.texas.gov

ADDITIONAL SOURCES OF INFORMATION

- Information on RCRA and hazardous waste regulations
<https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-regulations>
- RCRA Civil Penalty Policy
<https://www.epa.gov/enforcement/resource-conservation-and-recovery-act-rcra-civil-penalty-policy>
- Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22
https://www.epa.gov/sites/production/files/2013-10/documents/final-crop-fr_1.pdf
- Small Business Fact Sheet
www.epa.gov/compliance/small-business-resources-information-sheet