



REGION 6
DALLAS, TX 75270

4/23/2024

SENT BY ELECTRONIC MAIL

Snodgrass2846@aol.com

Sam Snodgrass
Snodgrass Inc
1825 Anglers Place Rd.
Brownsville, TX 78521

Re: EXPEDITED SETTLEMENT OPPORTUNITY
Notice of Investigation Results under the Resource Conservation and Recovery Act
Snodgrass Inc, EPA ID Number TXR000075887
Docket Number RCRA-06-2024-0956

Dear Mr. Snodgrass:

Improperly managed hazardous waste 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 ("EPA") regulates hazardous waste activities from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste.

The EPA, Region 6, has conducted a review of information available concerning Snodgrass Inc. facility located at 1825 Anglers Place Rd. Brownsville, TX 78521. EPA's review indicates Snodgrass failed to meet management standards for Storage of Hazardous Waste, in violation of TEX. ADMIN. CODE § 335.69(b), [40 C.F.R. § 262.34(b)].

The EPA encourages Snodgrass Inc. to immediately review its compliance with the foregoing requirements and if Snodgrass disputes these violations, provide a written explanation, along with any documentation to Ashley Pederson at pederson.ashley@epa.gov within 10 days of your receipt of this letter.

The EPA is committed to a fair and quick settlement of this matter. Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue civil penalties of up to \$87,885 per day for each violation. By this letter, the EPA is offering Snodgrass with an opportunity to quickly resolve these violations through an expedited settlement process with a substantially reduced penalty of \$2,500.

Expedited Settlement Agreement Process

To take advantage of the expedited settlement process, Snodgrass must comply with each of the following conditions within 30 days of your receipt of this letter:

1. Correct the violations by correctly labeling all containers storing Used Oil in accordance with RCRA Used Oil management standards and performing accurate hazardous waste determinations on all waste streams.
2. Sign and return the attached Expedited Settlement Agreement. In signing the attached Agreement, Snodgrass is certifying under penalty of law that: (a) the violations have been corrected; (b) the assessed penalty has been paid; and (c) Snodgrass is waiving its opportunity for a hearing or an appeal concerning the violations.
3. Pay the assessed penalty of \$2,500. Provide payment, by cashier or certified check, or by alternate payment method described at <http://www.epa.gov/financial/makepayment>. The payment shall reference Docket No. RCRA-06-2024-0956, be made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000.

4. Send, by email, a pdf copy of the signed Agreement and a copy of the penalty payment to Ashley Pederson at pederson.ashley@epa.gov and Nathan Taylor at taylor.nathan@epa.gov.

If Snodgrass can demonstrate in writing that it is technically infeasible or impracticable to correct the violations within 30 days, upon request, the EPA, at its discretion, may grant an extension. Extension requests and the above demonstration must be made in writing no later than 10 days before the end of the initial 30-day compliance period. The request must clearly indicate whether Snodgrass intends to take advantage of the expedited settlement agreement process. Any extensions must be granted in writing by EPA.

If Snodgrass does not follow the procedures outlined in this letter for expedited settlement (i.e., correct the violations, pay the assessed penalty, and sign and return the Agreement) within 30 days of the receipt of this letter, then this settlement offer will be automatically withdrawn, without prejudice to the EPA's ability to file an enforcement action for the cited violations and to seek up to the statutory maximum penalty for each violation.

Thank you for your attention to this matter. If you have any questions, please contact Ashley Pederson, of my staff, at pederson.ashley@epa.gov or (214) 665-7561.

Sincerely,

JEFFREY YURK

Digitally signed by
JEFFREY YURK
Date: 2024.04.23 06:29:13
-05'00'

Jeff Yurk, Manager
Waste Enforcement Branch

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

Attachment: Expedited Settlement Agreement

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
Dallas, Texas 75270

FILED
14 MAY 24 PM 01:58
REGIONAL HEARING CLERK
EPA REGION 6

In the Matter of	§	
	§	
Port of Brownsville,	§	Docket No. RCRA- 06-2024-0956
	§	
Snodgrass Inc. (S&S Sales)	§	

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The U.S. Environmental Protection Agency, Region 6 ("EPA") is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928 and 40 C.F.R. § 22.13(b).
2. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), EPA has provided notice to the state of Texas of this action.
3. Snodgrass Inc. aka S&S Sales ("Respondent") is the owner or operator of the facility located at 1825 Anglers Place Rd. Brownsville, TX 78521 (the "Facility").
4. The EPA alleges that Respondent violated the following requirements of RCRA, and the EPA approved and authorized Texas hazardous waste management program:
 - a. **Failure to Make Hazardous Waste Determinations**
Pursuant to 30 TEX.ADMIN.CODE § 335.504(a), [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in §335.1 of this title (relating to Definitions), must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA and Texas Administrative Code regulations. The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change.

The facility failed to make accurate hazardous waste determinations of diesel fuel as used oil determination did not appear adequate: 40 CFR 262.11. Failed to make a hazardous waste determination on net paint dip waste: 40 CFR 262.11. Failed to make a hazardous waste determination on unknown drum: 40 CFR 262.11.

b. Failure to Meet the Standards for Management of Used Oil

Pursuant to 30 TEX.ADMIN.CODE § 324.1, [40 C.F.R. § 279], a person(s) managing used oil must comply with the requirements of 30 TEX.ADMIN.CODE Chapter 324 and the requirements in 40 C.F.R. Part 279, Standards for the Management of Used Oil. The facility failed to comply with used oil container labeling requirements: 40 CFR 279.22(c)(1)] and failure to clean up an oil spill: 40 CFR 279.22(d)(3)].

5. The EPA and Respondent agree that settlement of this matter for a civil penalty of two-thousand five hundred (\$2,500.00) dollars is in the public interest. Respondent certifies that it has provided payment for the full civil penalty amount, and that such payment identified Respondent by name and docket number, was made by certified or cashier's check made payable to the "United States Treasury", and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979078
St. Louis, Missouri 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

Respondent certifies that the original Agreement and a true and accurate copy of the deposit for payment was submitted to:

U.S. EPA, Region 6
Enforcement and Compliance Assurance Division (ECD)
ATTN: Ashley Pederson
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102
Pederson.ashley@epa.gov

6. In signing this Agreement, Respondent: (a) admits that Respondent is subject to RCRA and the implementing regulations; (b) admits that the EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; and (e) waives the opportunity for a hearing to contest any issue of fact or law set forth herein; (f) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b); and (g) consents to electronic service of the filed ESA.

7. By signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) has corrected the alleged violations, as applicable, and has submitted true and accurate documentation of such correction along with this Agreement; (b) has submitted payment of the civil penalty as set forth below; and (c) has submitted a true and accurate proof of payment of the civil penalty along with this Agreement.

8. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Expedited Settlement Agreement and Final Order and to execute and legally bind Respondent to it. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.

9. Full payment of the civil penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. EPA reserves its rights to take enforcement action for any other past, present, or future violations of RCRA, any other federal statute or regulation, or this Agreement.

10. Each party shall bear its own costs and fees, if any.
11. The Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
12. This Agreement authorized by the EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.
13. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.
14. The EPA and Respondent agree to the use of electronic signatures for this matter pursuant to 40 C.F.R. § 22.6. The EPA and Respondent further agree to electronic service of this Agreement by email to the following:

To EPA: Pederson.ashley@epa.gov

To Respondent: snodgrass2846@aol.com

RESPONDENT:
SNODGRASS Inc.

Date: 4/26/2024

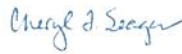

Signature

Sammy Snodgrass
Name

President/owner
Title

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: April 30, 2024



Digitally signed by CHERYL
SEAGER
Date: 2024.04.30 15:54:24
-05'00'

Cheryl T. Seager
Director
Enforcement
and Compliance Assurance Division
U.S. EPA, Region 6

FINAL ORDER

Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Expedited Settlement Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Expedited Settlement Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

This Final Order shall resolve only those causes of action alleged in the Expedited Settlement Agreement. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondents' (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action.

IT IS SO ORDERED.

**THOMAS
RUCKI**

Digitally signed by
THOMAS RUCKI
Date: 2024.05.14
10:23:24 -04'00'

Thomas Rucki
Regional Judicial Officer

Date

CERTIFICATE OF SERVICE


I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was filed with me, the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to the email addresses:

Copy via Email to Complainant EPA:

Murdock.russell@epa.gov
Pederson.ashley@epa.go

Copy via Email to Respondent:

Snodgrass2846@aol.com
Snodgrass Inc
1825 Anglers Place Rd.
Brownsville, TX 78521

 5/14/2024
Regional Hearing Clerk
U.S. EPA, Region 6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 13

Location: Snodgrass, Inc.		
City: Brownsville	County/Parish: Cameron	State: Texas



Photo File Name: POB_0017

Date of Photo: 9/28/2023

Time of Photo: 15:09 hrs.

Photographer: Erin Young-Dahl

Description: Net paint dipping tank with approximately 2ft x 5ft paint spill on ground in front of tank at Snodgrass.

Before

#13



after



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 14

Location: Snodgrass, Inc.		
City: Brownsville	County/Parish: Cameron	State: Texas

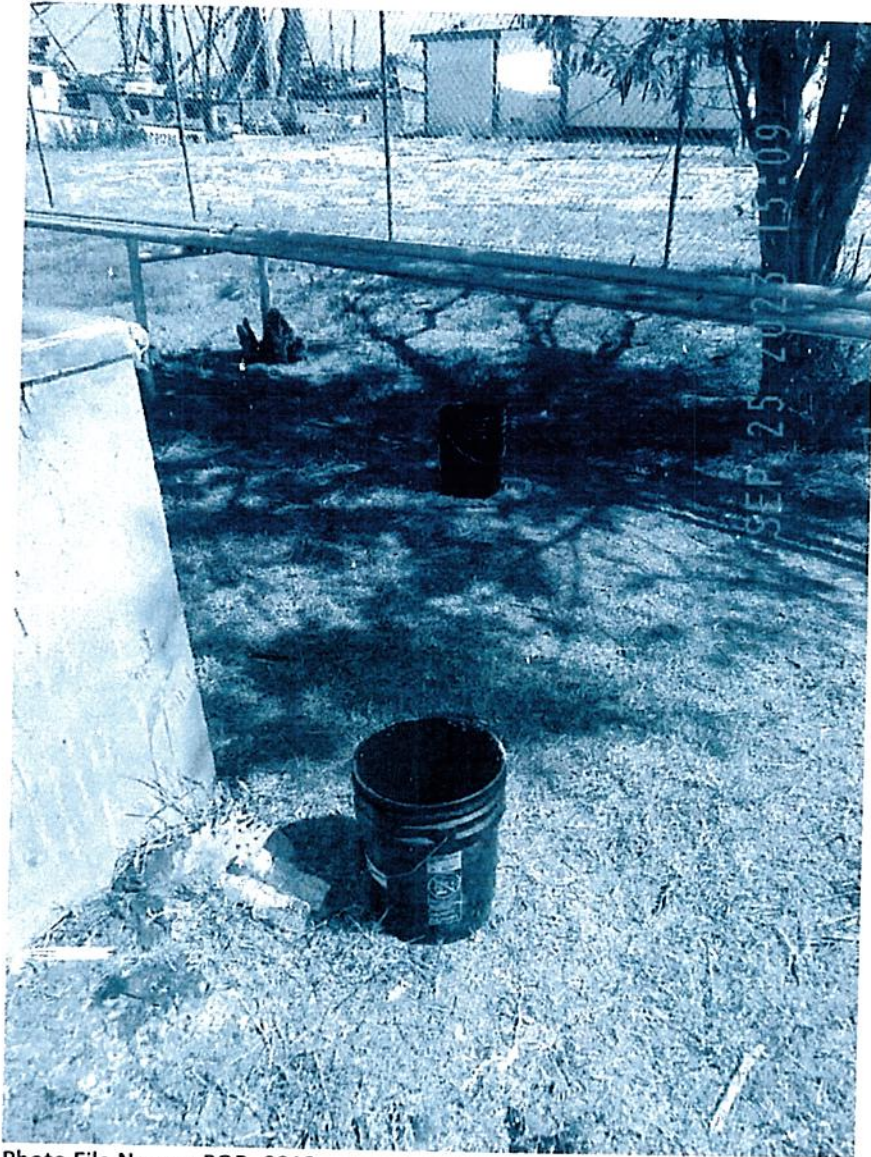


Photo File Name: POB_0018

Date of Photo: 9/28/2023

Time of Photo: 15:09 hrs.

Photographer: Erin Young-Dahl

Description: Two 5-gallon buckets with waste material from net dipping tank at Snodgrass.

Cleaned out
see photo # 13
(after)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 15

Location: Snodgrass, Inc.		
City: Brownsville	County/Parish: Cameron	State: Texas

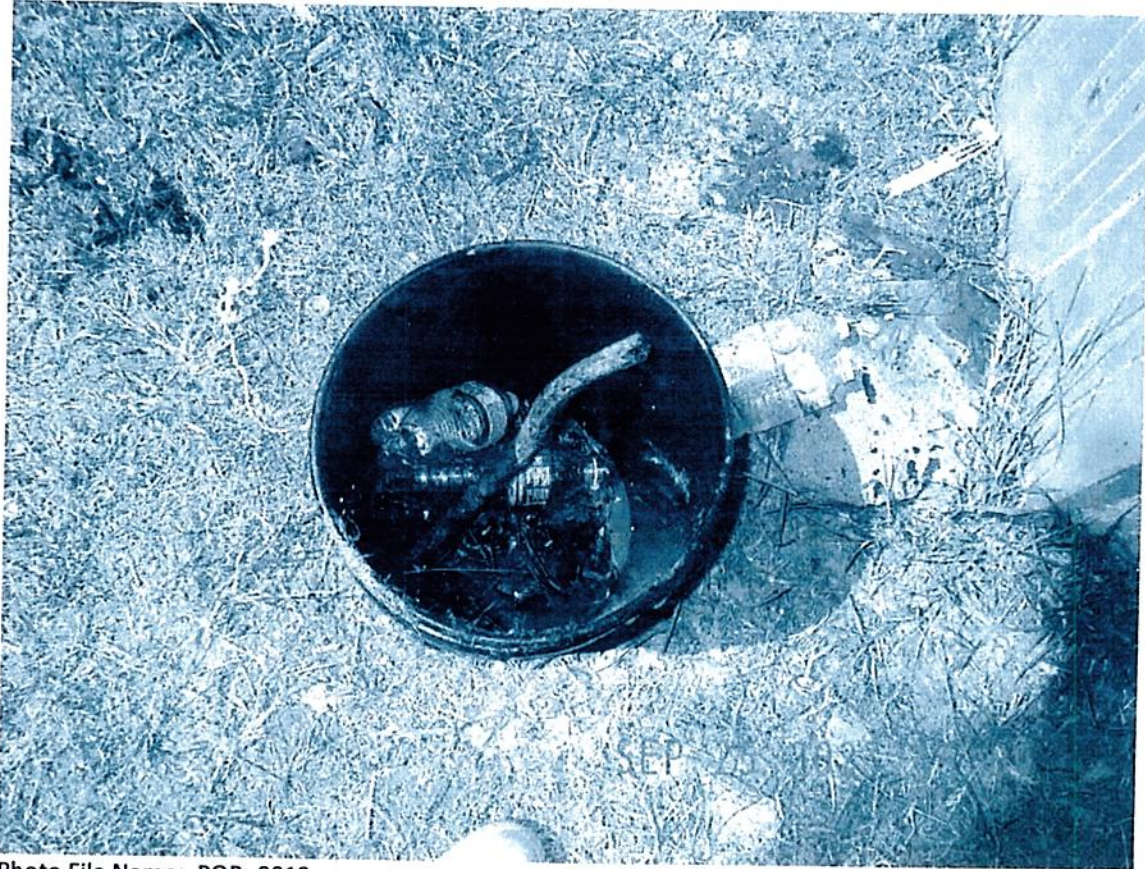


Photo File Name: POB_0019

Date of Photo: 9/28/2023

Time of Photo: 15:09 hrs.

Photographer: Erin Young-Dahl

Description: Close-up of one 5-gallon bucket adjacent to net dipping tank at Snodgrass.

Cleaned out

*See photo #
13*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 16

Location: Snodgrass, Inc.		
City: Brownsville	County/Parish: Cameron	State: Texas



Photo File Name: POB_0020

Date of Photo: 9/28/2023

Time of Photo: 15:09 hrs.

Photographer: Erin Young-Dahl

Description: Close-up of other 5-gallon bucket near to net dipping tank at Snodgrass.

*Cleaned out
see (after) photo #13.*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 17

Location: Snodgrass, Inc.		
City: Brownsville	County/Parish: Cameron	State: Texas

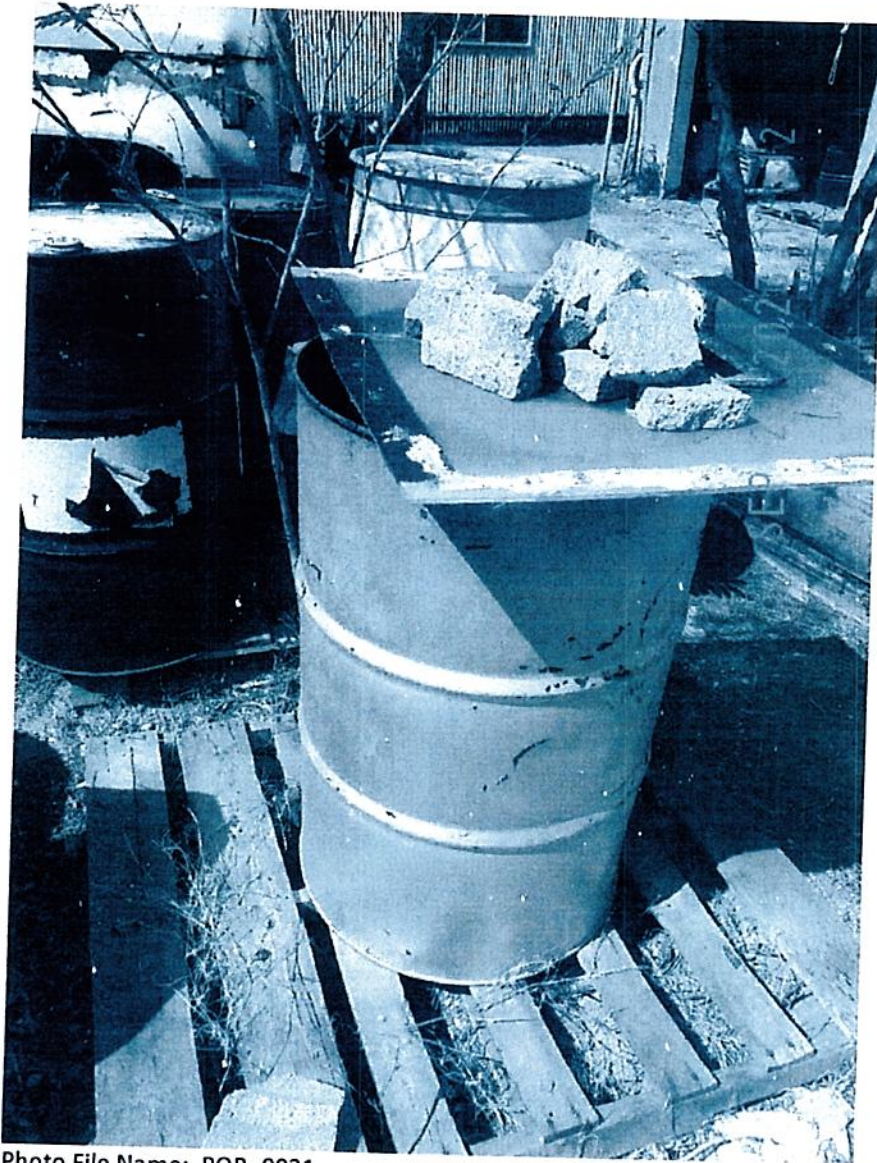


Photo File Name: POB_0021

Date of Photo: 9/28/2023

Time of Photo: 13:12 hrs.

Photographer: Erin Young-Dahl

Description: Metal drum at Snodgrass containing diesel fuel. Strong, sharp odor from open container.



17 after



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 18

Location: Snodgrass, Inc.		
City: Brownsville	County/Parish: Cameron	State: Texas

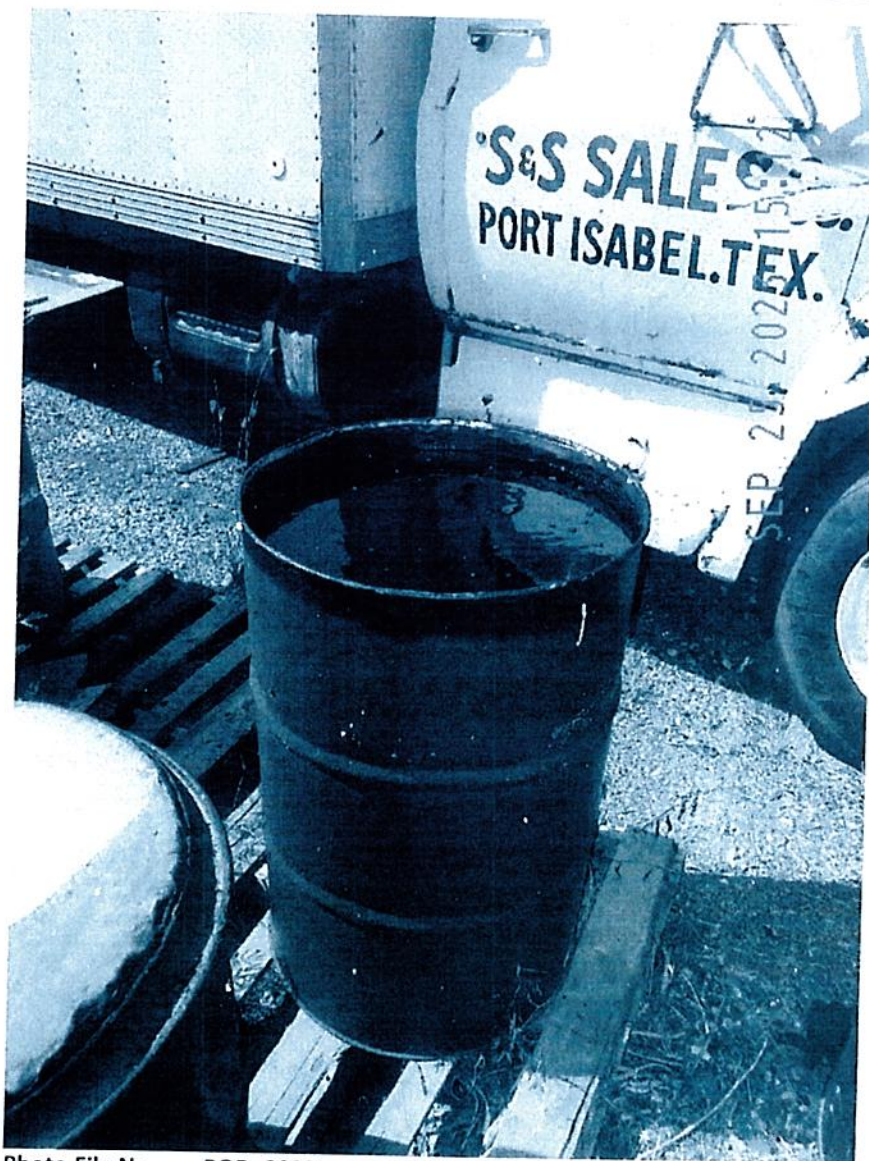


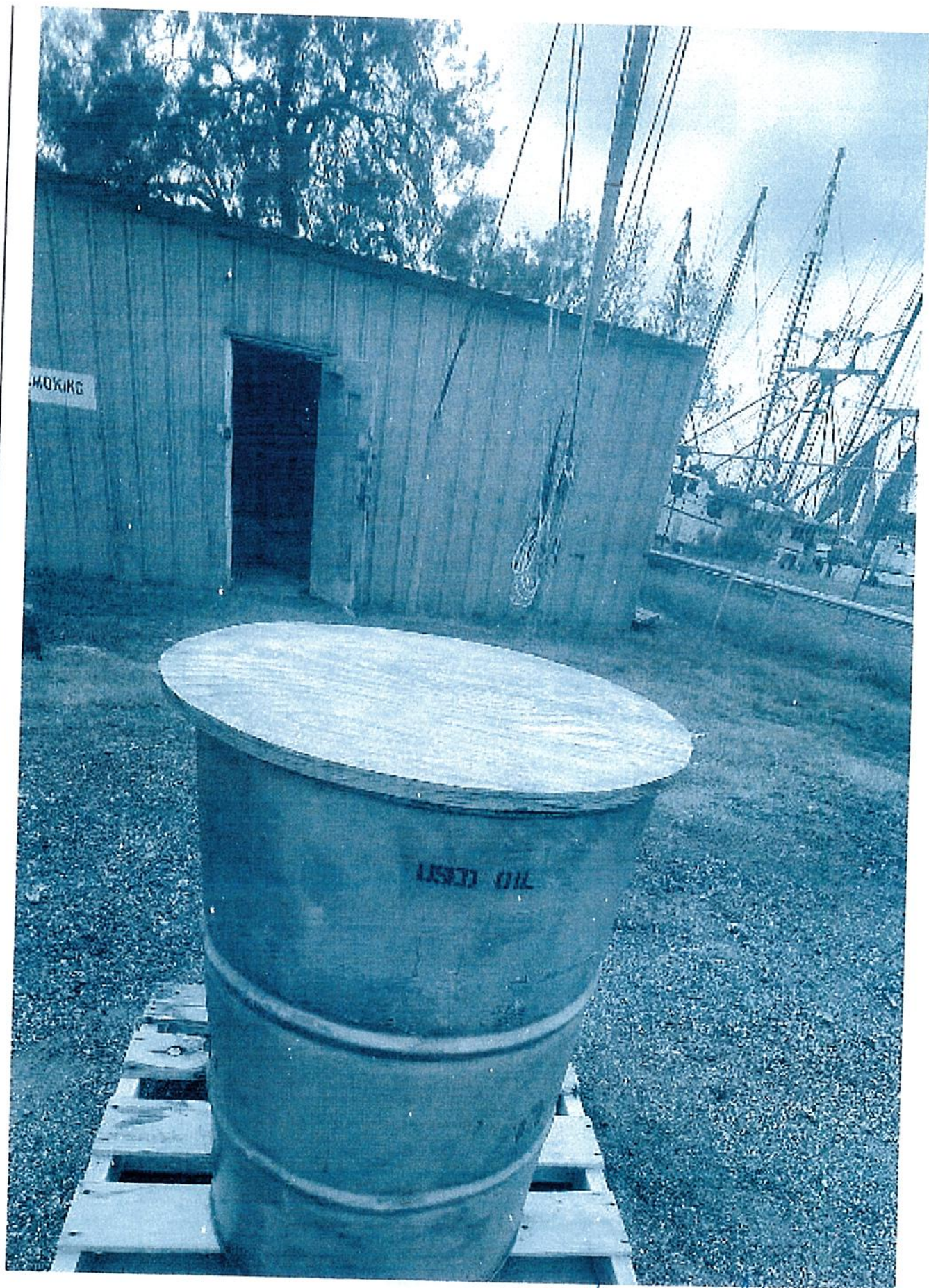
Photo File Name: POB_0022

Date of Photo: 9/28/2023

Time of Photo: 15:12 hrs.

Photographer: Erin Young-Dahl

Description: Metal drum at Snodgrass containing diesel fuel-rainwater mixture. Strong, sharp odor from open container.



#18 After

S & S SALES CO
2025 ANGLERS PLACE RD
BROWNSVILLE, TX 77821
PHONE: (956) 831-2848
EPA ID

GENERATOR

WO# 1759919
Date 4/25/24 14:48

Generator
Conditionally Exempt

Service Provided Used Oil Svc 1000 Gal Tank
SVS FREQ Every 8 Weeks
Equipment 1000GTANK

Transporter information unavailable

TRANSPORTER

EPA ID State ID

DESTINATION

H & H Oil - Palmview
3705 N LA HOMA RD PALMVIEW, TX
(888) 814-5033
EPA ID 1XR000081484

COMBUSTIBLE GAS / HALOGEN SCREENING RESULT: PASS

PRODUCTS & SERVICES PERFORMED

SERVICE/PRODUCT DESC	QTY
Filter Drums	0 Barrel
Used Oil Collect	305 gallon

GENERATOR CERTIFICATION

Generator Certification: I, the generator [or agent for] of this product, hereby certify that the waste identified on this document does not contain or has not come in contact with a hazardous waste listed under 40 CFR 261.33 and is non-hazardous according to 40 CFR 261.1 - 261.20. This is to certify that the above named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation. I hereby certify that the above description is complete, accurate and that no deliberate or willful emissions of composition or properties exists and that the waste is not designated a hazardous waste by the USEPA or any state agency pursuant to the RCRA of 1976 or contains PCBs regulated by TSCA, 40 CFR 761

CUSTOMER / GENERATOR: (null)

PO Number:


DRIVER

S & S SALES CO
2025 ANGLERS PLACE RD
BROWNSVILLE, TX 77821
PHONE: (956) 831-2848
EPA ID

GENERATOR

WO# 1745235
Date 4/3/24 14:54

Generator
Conditionally Exempt

Service Provided Used Oil Svc 1000 Gal Tank
SVS FREQ Every 8 Weeks
Equipment 1000GTANK

Transporter information unavailable

TRANSPORTER

EPA ID State ID

DESTINATION

H & H Oil - Palmview
3705 N LA HOMA RD PALMVIEW, TX
(888) 814-5033
EPA ID 1XR000081484

COMBUSTIBLE GAS / HALOGEN SCREENING RESULT: PASS

PRODUCTS & SERVICES PERFORMED

SERVICE/PRODUCT DESC	QTY
Filter Drums	0 Barrel
Used Oil Collect	200 gallon

GENERATOR CERTIFICATION

Generator Certification: I, the generator [or agent for] of this product, hereby certify that the waste identified on this document does not contain or has not come in contact with a hazardous waste listed under 40 CFR 261.33 and is non-hazardous according to 40 CFR 261.1 - 261.20. This is to certify that the above named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation. I hereby certify that the above description is complete, accurate and that no deliberate or willful emissions of composition or properties exists and that the waste is not designated a hazardous waste by the USEPA or any state agency pursuant to the RCRA of 1976 or contains PCBs regulated by TSCA, 40 CFR 761

CUSTOMER / GENERATOR: (null)

PO Number:


DRIVER

Our oil waste is picked up periodically



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 19

Location: Snodgrass, Inc.		
City: Brownsville	County/Parish: Cameron	State: Texas



Photo File Name: POB_0023

Date of Photo: 9/28/2023

Time of Photo: 15:18 hrs.

Photographer: Erin Young-Dahl

Description: Overview of drum storage area at Snodgrass. See notes for respective contents.

Before

19



after



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 20

Location: Snodgrass, Inc.		
City: Brownsville	County/Parish: Cameron	State: Texas



Photo File Name: POB_0024

Date of Photo: 9/28/2023

Time of Photo: 15:23 hrs.

Photographer: Erin Young-Dahl

Description: Three partially full totes of bilge wastewater from shrimp boats at Snodgrass. Front totes were about 3/4 and 1/4 full, mid-ground tote was about 1/2 full. All were open and unlabeled. Also, an approximately 3ft spill of bilge wastewater (blue arrow).

Before
These totes did not
contain bilge water,
It was used oil

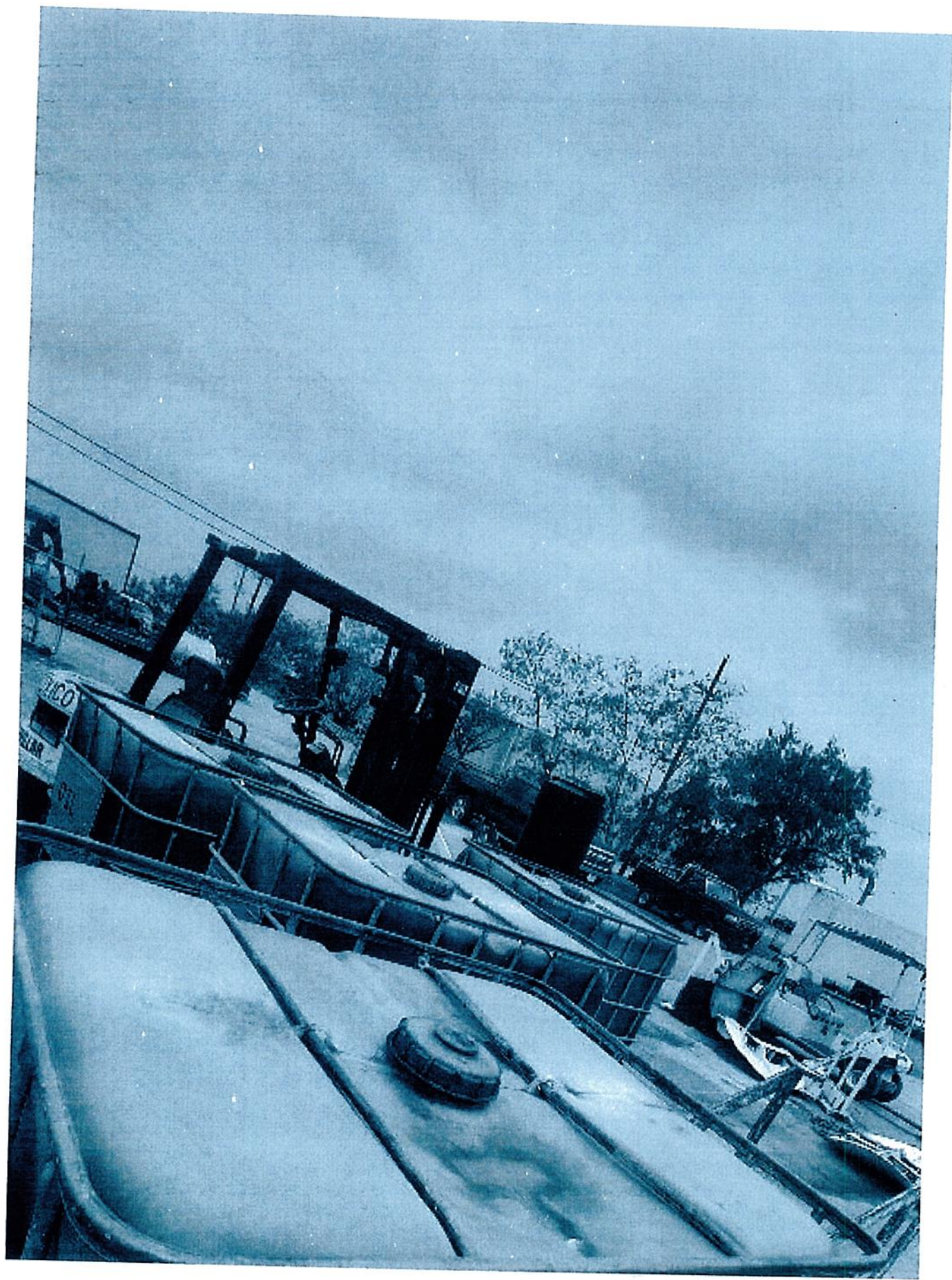
Pic

From: Elizabeth Torres (liztorres0429@yahoo.com)

To: snodgrass2846@aol.com

Date: Friday, April 26, 2024 at 11:25 AM CDT







WATER

WASTE

