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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 27, 2015

**CERTIFIED MAIL Certified #91 7108 2133 3939 2194 6254  
RETURN RECEIPT REQUESTED**

Mr. William Holda, President  
Kilgore College  
1100 Broadway  
Kilgore, TX 75662-3204

Re: Notice of Violation for the Complaint and Compliance Evaluation Investigation at:  
Kilgore College, 1100 Broadway, Kilgore, (Gregg County), TX 75662-3204  
TCEQ CCEDS INV. No.: 1218210

Dear Mr. Holda:

On November 24, December 10, 12, 2014, and January 15, 2015, Mr. Bill O'Sullivan, Jr., P.G., of the Texas Commission on Environmental Quality (TCEQ) Tyler Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for industrial and municipal solid waste requirements including hazardous and solid waste generation, used oil, scrap tire, medical waste and unauthorized disposal. Enclosed is a summary which lists the investigation findings. During the investigation, some concerns were noted which were alleged noncompliance's that have been resolved based on subsequent corrective action. In addition, a certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by March 31, 2015, 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 the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules (GI 032)* are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Tyler Region Office at (903) 535-5146 or the Central Office Publications Ordering Team at 512-239-0028. Copies of applicable federal regulations may be obtained by calling Environmental Protection Agency's Publications at 800-490-9198.

Mr. William Holda

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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 violations documented in this notice. Should you choose to do so, you must notify the Tyler Region Office within 10 days from the date of this letter. At that time, I will schedule a violation review meeting to be conducted within 21 days from the date of this letter. 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 enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Bill O'Sullivan, Jr., P.G., in the Tyler Region Office at (903) 535-5146.

Sincerely,



Mike Brashear, Waste Section Manager  
Tyler Region Office  
Texas Commission on Environmental Quality

MJB/who

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

KILGORE COLLEGE  
1100 BROADWAY BLVD  
KILGORE, GREGG COUNTY, TX 75662

Investigation #  
1218210  
Investigation Date: 11/24/2014

Additional ID(s):

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

Track No: 562395 Compliance Due Date: 03/31/2015

30 TAC Chapter 330.15(a)(2)  
30 TAC Chapter 330.15(a)(3)  
30 TAC Chapter 330.7(a)

**Alleged Violation:**

Investigation: 1218210

Comment Date: 02/26/2015

Failure to dispose of solid waste at an authorized facility.

During the December 10, 2014 investigation, the investigator observed an unauthorized disposal site on the Kilgore College Firing and Driving Range on the fire training side of the facility. The trash pile consisted of demolition debris, scrap metal, old fire hose, one lead acid battery and miscellaneous other trash. The investigator had noted concrete and vegetative waste (brush and limbs) piled below the pond at the facility.

**Recommended Corrective Action:** Kilgore College must cease disposal of unauthorized waste at the Firing and Driving Range. Kilgore College must remove the trash pile located in the woods on the fire training side of the facility. The waste must be disposed of at an authorized facility. Documentation including receipts and pictures must be provided to the TCEQ Tyler Region office. On December 12, 2014, the investigator was informed by a Kilgore College employee that the lead acid battery had been picked up and taken to the Dodgen Building maintenance area for storage prior to recycling.

### ALLEGED VIOLATION(S) NOTED AND RESOLVED ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 562374

30 TAC Chapter 335.62  
40 CFR Chapter 262.11(a)  
40 CFR Chapter 262.11(b)  
40 CFR Chapter 262.11(c)

**Alleged Violation:**

Investigation: 1218210

Comment Date: 02/24/2015

Failure to perform a hazardous waste determination.

On November 24, and December 10, 2014, the investigator observed two 55 gallon drums, one thirty gallon drum, a 1 pint amber bottle and two 1 quart amber bottles of unknown waste. In addition 42 pharmaceutical bottles were noted. One 55 gallon drum was located at the Firing and Driving Range, a 55 gallon and a 30 gallon drum were located in the greenhouse at the Demonstration Farm. The three amber bottles were located in a back room of the same greenhouse. The pharmaceutical bottles were located in the East Texas Oil Museum.

**Recommended Corrective Action:** Kilgore College must perform a hazardous waste determination on drums and amber containers of unknown waste located at the Firing and Driving Range, greenhouse at the Demonstration Farm, and pharmaceutical bottles located in the East Texas Oil Museum.

On January 14, 2015, Kilgore College contracted FCC Environmental to determine the contents of the drum located at the Firing and Driving Range and the two drums in the greenhouse of the Demonstration Farm. FCC determined that all three containers held an oily water mixture and the drums and their contents were picked up by FCC and transported to their Kilgore facility for processing and disposal.

On January 16, 2015, Kilgore College provided receipts for the three drums of oily water picked up by FCC. On February 10, 2014, Mr. Terry Huckaby contacted the investigator and asked if he could take the three unlabeled amber jars from the greenhouse at the Demonstration Farm and store the containers in the chemistry lab with other waste chemicals. According to Mr. Huckaby the three amber bottles would be profiled and sent for disposal in the next lab pack shipped from the chemistry lab. The investigator agreed with Mr. Huckaby's proposal and on February 13, 2015, Mr. Huckaby sent the investigator an email that the amber bottles had been move to the chemistry lab waste storage area that day.

**Resolution:** On February 11, 2015, the pharmaceutical bottles were shipped offsite with the lab packs that were shipped on manifest number 013000941 JJK. **The violation is resolved.**

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Track No: 562380

40 CFR Chapter 262.34(d)

**Alleged Violation:**

Investigation: 1218210

Comment Date: 02/23/2015

Failure to label containers holding hazardous waste with their contents or as hazardous waste.

During the investigations conducted on November 24, 2014, the investigator observed that two lab pack containers were not labeled with their contents or as hazardous waste.

**Recommended Corrective Action:** Kilgore College must label containers holding hazardous waste with the contents or as hazardous waste.

**Resolution:** On December 10, 2014, the investigator observed a Kilgore College representative labeled both lab pack containers as hazardous waste. **The violation is resolved.**

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Track No: 562381

30 TAC Chapter 335.112(a)(8)

30 TAC Chapter 335.69(f)(2)

**Alleged Violation:**

Investigation: 1218210

Comment Date: 02/23/2015

Failure to close the lid on waste paint thinner in the auto body workshop classroom.

During the investigation conducted on December 10, 2014, the investigator noted that a 20 gallon container labeled waste thinner in the auto body shop classroom had an open top funnel.

**Recommended Corrective Action:** Kilgore College must keep containers storing hazardous waste closed except when adding or removing waste.

**Resolution:** During the investigation conducted on December 10, 2014, the investigator observed the waste thinner container being closed by Kilgore College personnel before the investigator left the area. **The violation is resolved.**

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Track No: 562388

40 CFR Chapter 279.22(c)

**Alleged Violation:**

Investigation: 1218210

Comment Date: 02/26/2015

Failure to label a used oil containers with the words "Used Oil".

During the investigation conducted on December 10, 2014, the investigator observed a five gallon used oil container that was not labeled with the words used oil in the yard of the Dodgen Building, two unlabeled five gallon containers at the automotive repair shop and the used oil tank outside the auto repair shop was labeled waste oil.

**Recommended Corrective Action:** Kilgore College must labeled containers with used oil with the words "Used Oil".

**Resolution:** During the investigation conducted on December 10, 2014, each container was properly labeled with the words "Used Oil" by Kilgore College personnel before the investigator left the area. **The violation is resolved.**