

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-0511-SLG-E **TCEQ ID:** RN103150165 **CASE NO.:** 33110
RESPONDENT NAME: John Gardner

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input checked="" type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 2900 Lone Star Road, Poolville, Parker County</p> <p>TYPE OF OPERATION: Sludge transporter</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 30, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Harvey Wilson, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-0321; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. John Gardner, 2900 Lone Star Road, Poolville, Texas 76487 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 7, 2006</p> <p>Date of NOE Relating to this Case: March 21, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation. Three violations were documented.</p> <p>WASTE</p> <p>1) Failure to dispose of waste at an authorized facility. Specifically, trip tickets dated February 1, 2006, March 20, 2006, April 10, 2006, and May 3, 2006 documented that the respondent had disposed waste water treatment plant sludge at the Lee Gardner BLU. This facility is only authorized to accept domestic septage [30 TEX. ADMIN. CODE § 312.143 and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failure to accurately list the type of waste transported on the trip ticket. Specifically, the trip tickets dated February 1, 2006, March 20, 2006, April 10, 2006, and May 3, 2006 listed the waste as septic tank waste rather than waste water treatment plant sludge [30 TEX. ADMIN. CODE § 312.145].</p> <p>3) Failure to amend the registration prior to transporting waste water treatment plant sludge. Specifically, Mr. Gardner's registration does not permit him to transport waste water treatment plant sludge [30 TEX. ADMIN. CODE § 312.142(f)(3)].</p>	<p>Total Assessed: \$3,060</p> <p>Total Deferred: \$612 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$348 (the remaining \$2,100 to be paid in 7 monthly payments of \$300 each)</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately after the effective date of this Order:</p> <p>i. Dispose of waste only at appropriate authorized facilities;</p> <p>ii. Ensure trip tickets correctly document each load of waste transported and disposed. Trip tickets must conform to the requirements found in 30 TEX. ADMIN. CODE § 312.145; and</p> <p>iii. Cease transporting waste water treatment plant sludge until properly authorized to transport waste water treatment plant sludge by TCEQ, in accordance with 30 TEX. ADMIN. CODE § 312.142.</p> <p>b. Within 30 days after the effective date of this Order, submit written certification encompassing detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ

DATES	Assigned	22-Mar-2006	Screening	2-Apr-2007	EPA Due	
	PCW	3-Apr-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	John Gardner		
Reg. Ent. Ref. No.	RN103150165		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	33110	No. of Violations	3
Docket No.	2007-0511-SLG-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Harvey Wilson
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,400
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	-10% Enhancement	Subtotals 2, 3, & 7	-\$340
---------------------------	------------------	--------------------------------	--------

Notes A 10% reduction is recommended because the Respondent is classified as a High Performer.

Culpability	No	0% Enhancement	Subtotal 4	\$0
--------------------	----	----------------	-------------------	-----

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
------------------------------------	--------------	-------------------	-----

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts	\$148	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$1,600	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,060
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
---	--	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount	\$3,060
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,060
-----------------------------------	-------------------------------	---------

DEFERRAL	20% Reduction	Adjustment	-\$612
-----------------	---------------	-------------------	--------

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$2,448
------------------------	---------

Screening Date 2-Apr-2007

Docket No. 2007-0511-SLG-E

PCW

Respondent John Gardner

Policy Revision 2 (September 2002)

Case ID No. 33110

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN103150165

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

A 10% reduction is recommended because the Respondent is classified as a High Performer.

Total Adjustment Percentage (Subtotals 2, 3, & 7) -10%

Screening Date 2-Apr-2007

Docket No. 2007-0511-SLG-E

PCW

Respondent John Gardner

Policy Revision 2 (September 2002)

Case ID No. 33110

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN103150165

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 312.143 and Tex. Water Code § 26.121(a)

Violation Description

Failed to dispose of waste at an authorized facility. Specifically, trip tickets dated February 1, 2006, March 20, 2006, April 10, 2006, and May 3, 2006 documented that the respondent had disposed waste water treatment plant sludge at the Lee Gardner BLU. This facility is only authorized to accept domestic septage.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

120 Number of violation days

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,000

Two quarterly events are recommended based on documentation that the violations occurred in February, March, April, and May of 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$91

Violation Final Penalty Total \$1,800

This violation Final Assessed Penalty (adjusted for limits) \$1,800

Economic Benefit Worksheet

Respondent John Gardner
 Case ID No. 33110
 Reg. Ent. Reference No. RN103150165
 Media Water Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	1-Feb-2006	30-Nov-2007	1.8	\$91	n/a	\$91

Notes for DELAYED costs

The estimated cost of disposing of waste at an authorized facility. Date Required is the date of the first noncompliance. Final Date is the expected date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$1,000** TOTAL **\$91**

Screening Date 2-Apr-2007

Docket No. 2007-0511-SLG-E

PCW

Respondent John Gardner

Policy Revision 2 (September 2002)

Case ID No. 33110

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN103150165

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

Violation Number

Rule Cite(s)

Violation Description

Failed to accurately list the type of waste transported on the trip ticket. Specifically, the trip tickets dated February 1, 2006, March 20, 2006, April 10, 2006, and May 3, 2006 listed the waste as septic tank waste rather than waste water treatment sludge.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>

Percent

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Four single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent John Gardner
Case ID No. 33110
Reg. Ent. Reference No. RN103150165
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	1-Feb-2006	30-Nov-2007	1.8	\$9	n/a	\$9

Notes for DELAYED costs

The estimated cost of accurately listing the type of waste transported on the trip ticket. Date Required is the date of the first noncompliance. Final Date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$9

Screening Date 2-Apr-2007

Docket No. 2007-0511-SLG-E

PCW

Respondent John Gardner

Policy Revision 2 (September 2002)

Case ID No. 33110

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN103150165

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 312.142(f)(3)

Violation Description Failed to amend the registration prior to transporting waste water treatment plant sludge. Specifically, Mr. Gardner's registration does not permit him to transport waste water treatment plant sludge.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
		x		5%

Matrix Notes

Less than 70% of the rule requirements were not met.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 2 166 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

Two quarterly events are recommended from the November 7, 2006 investigation date until the April 2, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$48

Violation Final Penalty Total \$900

This violation Final Assessed Penalty (adjusted for limits) \$900

Economic Benefit Worksheet

Respondent John Gardner
Case ID No. 33110
Reg. Ent. Reference No. RN103150165
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	1-Feb-2006	30-Dec-2007	1.9	\$48	n/a	\$48

Notes for DELAYED costs

The estimated cost of amending the registration prior to transporting waste water treatment plant sludge. Date Required is the date of the first noncompliance. Final Date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$48
----------------------------	-------	-------	------

Compliance History

Customer/Respondent/Owner-Operator: CN601685811 GARDNER, JOHN Classification: HIGH Rating: 0.00
Regulated Entity: RN103150165 JOHN GARDNER Classification: HIGH Site Rating: 0.00
ID Number(s): SLUDGE REGISTRATION 20474
Location: 2900 LONE STAR RD, POOLVILLE, TX, 76487 Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: March 28, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: March 28, 2002 to March 28, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Harvey Wilson Phone: 239-0321

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 02/19/2004 (262250)
2 03/22/2007 (519565)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities related to the business.

2. It is essential to ensure that all data is entered correctly and consistently to avoid any discrepancies or errors in the financial statements.

3. Regular audits and reconciliations should be performed to verify the accuracy of the records and identify any potential issues or fraud.

4. The second part of the document outlines the various methods and techniques used to analyze and interpret the financial data.

5. These methods include ratio analysis, trend analysis, and comparative analysis, which provide valuable insights into the company's performance and financial health.

6. The third part of the document focuses on the application of these analytical techniques to real-world scenarios and case studies.

7. By examining the financial statements of different companies and industries, we can identify key trends, strengths, and weaknesses.

8. This analysis helps in making informed decisions regarding investment, financing, and operational strategies.

9. The fourth part of the document discusses the role of financial statements in decision-making and strategic planning.

10. It highlights how management can use the information provided by the financial statements to assess the company's performance and set future goals.

11. The fifth part of the document concludes by summarizing the key findings and emphasizing the importance of financial analysis in business operations.

12. It reiterates that accurate record-keeping and thorough analysis are crucial for the success and sustainability of any business.

13. The document also provides a list of references and resources for further study and exploration of financial analysis.

14. Finally, it expresses the hope that the information provided in this document will be helpful and informative for all readers.

15. The document is intended to serve as a comprehensive guide for anyone interested in financial analysis and business performance.

16. It is a valuable resource for students, professionals, and anyone looking to gain a deeper understanding of financial statements and their implications.

17. The document is available for free download and is intended to be shared with others who may find it useful.

18. We encourage you to explore the document further and to apply the concepts and techniques discussed to your own work and studies.

19. Thank you for your interest and for reading this document.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JOHN GARDNER
RN103150165**

**§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2007-0511-SLG-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding John Gardner ("Mr. Gardner") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Gardner appear before the Commission and together stipulate that:

1. Mr. Gardner owns and operates a sludge transporter business located at 2900 Lone Star Road in Poolville, Parker County, Texas (the "Facility").
2. Mr. Gardner is involved in the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and Mr. Gardner agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Gardner is subject to the Commission's jurisdiction.
4. Mr. Gardner received notice of the violations alleged in Section II ("Allegations") on or about March 26, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Gardner of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Sixty Dollars (\$3,060) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Gardner has paid Three Hundred Forty-Eight Dollars (\$348) of the administrative penalty and Six Hundred Twelve Dollars (\$612) is deferred contingent upon Mr. Gardner's timely and satisfactory

compliance with all the terms of this Agreed Order. including the payment schedule. If Mr. Gardner fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Mr. Gardner to pay all or part of the deferred penalty.

The remaining amount of Two Thousand One Hundred Dollars (\$2,100) of the administrative penalty shall be payable in seven (7) monthly payments of Three Hundred Dollars (\$300) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Mr. Gardner fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. Gardner to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Gardner to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Gardner have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Gardner has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Mr. Gardner is alleged to have:

1. Failed to dispose of waste at an authorized facility, in violation of 30 TEX. ADMIN. CODE § 312.143 and TEX. WATER CODE §26.121(a), as documented during an investigation conducted on November 7, 2006. Specifically, Mr. Gardner disposed waste water treatment plant sludge at the Lee Gardner Beneficial Land Use Site. This facility is only authorized to accept to accept domestic septage.
2. Failed to accurately list the type of waste transported on the trip ticket, in violation of 30 TEX. ADMIN. CODE § 312.145, as documented during an investigation conducted on November 7, 2006. Specifically, the trip tickets dated February 1, 2006, March 20, 2006, April

10, 2006, and May 3, 2006 listed the waste as septic tank waste rather than waste water treatment plant sludge.

3. Failed to amend the registration prior to transporting waste water treatment plant sludge, in violation of 30 TEX. ADMIN. CODE § 312.142(f)(3) as documented during an investigation conducted on November 7, 2006. Specifically, Mr. Gardner's registration does not permit him to transport waste water treatment plant sludge.

III. DENIALS

Mr. Gardner generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Gardner pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Gardner's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: John Gardner, Docket No. 2007-0511-SLG-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Mr. Gardner shall undertake the following technical requirements:
 - a. Immediately after the effective date of this Order:
 - i. Dispose of waste only at appropriate authorized facilities;
 - ii. Ensure trip tickets correctly document each load of waste transported and disposed. Trip tickets must conform to the requirements found in 30 TEX. ADMIN. CODE § 312.145; and
 - iii. Cease transporting waste water treatment plant sludge until properly authorized to transport waste water treatment plant sludge by TCEQ, in accordance with 30 TEX. ADMIN. CODE § 312.142.
 - b. Within 30 days after the effective date of this Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

This certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Gardner. Mr. Gardner is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Mr. Gardner fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Gardner's failure to comply is not a violation of this Agreed Order. Mr. Gardner shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Gardner shall notify the Executive Director within seven days after Mr. Gardner becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Gardner shall be made in writing to the Executive Director. Extensions are not effective until Mr. Gardner receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Gardner in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Gardner, or three days after the date on which the Commission mails notice of the Order to Mr. Gardner, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

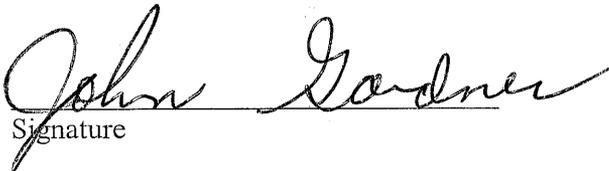
8/27/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

5-21-07
Date

John Gardner

Owner

Name (Printed or typed)
Authorized Representative of
John Gardner

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

