

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2005-1886-IHW-E **TCEQ ID:** RN104712591 **CASE NO.:** 27281
RESPONDENT NAME: Bulk Services Transportation, Inc.

ORDER TYPE:

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Mesa Grande Subdivision, County Road 1191, Kopperl, Bosque County

TYPE OF OPERATION: Trucking company

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: A complaint was received July 19, 2005, for alleged health issues as a result of a trucking company dumping lime onto the County Road leading to the complainant's property. There is no record of additional pending enforcement actions regarding this respondent.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on May 1, 2006. No comments were received.

CONTACTS AND MAILING LIST:

- TCEQ Attorney/SEP Coordinator:** None
- TCEQ Enforcement Coordinator:** Mr. Michael Limos, Enforcement Division, Enforcement Section IV, MC 128, (512) 239-5839; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468
- TCEQ Field Investigator:** Mr. Jeff Kunze, Waco Regional Office, MC R-09, (254) 761-3021
- Respondent:** Mr. Donald Smith, Owner, Bulk Services Transportation, Inc., P.O. Box 1539, Terrell, Texas 75160-0029
Mr. Stephen L. Smith, Special Projects Coordinator, Bulk Services Transportation, Inc., P.O. Box 1539, Terrell, Texas 75160-0029
- Respondent's Attorney:** Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: July 19, 2005</p> <p>Dates of Investigations Relating to this Case: August 22, 2005 and November 8, 2005</p> <p>Date of NOE Relating to this Case: August 29, 2005 (NOE)</p> <p>Background Facts: This was a complaint investigation. At the time of the investigation, cleanup had been initiated, and currently, the release has been remediated.</p> <p>WASTE</p> <p>1) Failed to properly dispose of approximately 10,000 pounds of industrial solid waste (hydrated lime) at an authorized facility [30 TEX. ADMIN. CODE §§ 335.2(b) and 335.4].</p> <p>2) Failed to pay outstanding sludge hauler fees for TCEQ Financial Administration Account No. 0803557H [30 TEX. ADMIN. CODE § 312.9(c) and TEX. WATER CODE § 5.702].</p>	<p>Total Assessed: \$2,500</p> <p>Total Deferred: \$500 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,000</p> <p>Site Compliance History Classification: <input checked="" type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <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>Corrective Actions Taken</p> <p>1) The Executive Director recognizes that BST hired an environmental contractor that completed the cleanup of the Site on August 15, 2005. The final written report documenting compliance has not been submitted.</p> <p>Ordering Provisions</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, pay all outstanding fees, including any associated penalties and interest;</p> <p>b. Within 30 days after the effective date of this Agreed Order, submit two copies of the final written report required by the Action Plan issued by TCEQ Region 9 on August 9, 2005; and</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including receipts and/or other records to demonstrate compliance with Ordering Provisions 2.a. and 2.b.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned 06-Sep-2005	Screening 10-Oct-2005	EPA Due
	PCW 01-Mar-2006		

RESPONDENT/FACILITY INFORMATION	
Respondent	Bulk Services Transportation, Inc.
Reg. Ent. Ref. No.	RN104712591
Facility/Site Region	9-Waco
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	27281	No. of Violations	2
Docket No.	2005-1886-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Mike Limos
Multi-Media		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No enhancement is recommended because the Respondent has not received any NOV's or Orders in the past five years.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The Respondent is not yet in compliance.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$860
Approx. Cost of Compliance	\$23,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$2,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,500
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DEFERRAL	20% Reduction	Adjustment	-\$500
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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	\$2,000
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Screening Date 10-Oct-2005

Docket No. 2005-1886-IHW-E

PCW

Respondent Bulk Services Transportation, Inc.

Policy Revision 2 (September 2002)

Case ID No. 27281

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104712591

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Mike Limos

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 (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	<i>Please Enter Yes or No</i>		
	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)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

No enhancement is recommended because the Respondent has not received any NOVs or Orders in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 10-Oct-2005

Docket No. 2005-1886-IHW-E

PCW

Respondent Bulk Services Transportation, Inc.

Policy Revision 2 (September 2002)

Case ID No. 27281

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104712591

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Mike Limos

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 335.2(b) and 335.4

Secondary Rule Cite(s)

Violation Description

Failure to properly dispose of industrial solid waste at an authorized facility, as documented during an investigation conducted on August 22, 2005. Specifically, an employee of the respondent caused an unauthorized release of 10,000 pounds of hydrated lime waste at the Mesa Grande Subdivision.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm				
Release		Major	Moderate	Minor		
OR	Actual		X		Percent	25%
	Potential					

>> Programmatic Matrix

		Major	Moderate	Minor		
	Falsification				Percent	

Matrix Notes

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

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One monthly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$860

Violation Final Penalty Total \$2,500

This violation Final Assessed Penalty (adjusted for limits) \$2,500

Economic Benefit Worksheet

Respondent Bulk Services Transportation, Inc.
 Case ID No. 27281
 Reg. Ent. Reference No. RN104712591
 Media [Statute] Industrial and Hazardous Waste
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$23,000	06-Aug-2005	06-May-2006	0.7	\$860	n/a	\$860
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount required to remediate the site, calculated from the date of the first investigation to the projected 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 \$23,000
TOTAL \$860

Screening Date 10-Oct-2005

Docket No. 2005-1886-IHW-E

PCW

Respondent Bulk Services Transportation, Inc.

Policy Revision 2 (September 2002)

Case ID No. 27281

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104712591

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Mike Limos

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 312.9(c)

Secondary Rule Cite(s) Texas Water Code § 5.702

Violation Description Failure to pay outstanding sludge hauler fees for TCEQ Financial Administration Account No. 0803557H, as documented during a record review investigation conducted on November 8, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
Matrix Notes N/A				

Adjustment -\$10,000

Base Penalty Subtotal \$0

Violation Events

Number of Violation Events

	daily	
	monthly	
mark only one	quarterly	
use a small x	semiannual	
	annual	
	single event	

Violation Base Penalty \$0

No administrative penalty was calculated for this violation because penalty and interest will be assessed in the next billing.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent: Bulk Services Transportation, Inc.
 Case ID No. 27281
 Reg. Ent. Reference No. RN104712591
 Media [Statute] Industrial and Hazardous Waste
 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
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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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There is no economic benefit associated with this violation.

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

TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN602614950 BULK SERVICES TRANSPORTATION, INC.	Classification: AVERAGE	Rating: 1.25
Regulated Entity:	RN104712591 MESA GRANDE SUBDIVISION	Classification: HIGH	Site Rating: 0.00
ID Number(s):			
Location:	COUNTY ROAD 1191, KOPPERL, TX, 76652	Rating Date: 9/1/2005 Repeat Violator: NO	
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	December 19, 2005		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 19, 2000 to December 19, 2005		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Erin Wood Phone: (512) 239-5610

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

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	08/11/2005	(402096)
2	08/29/2005	(406582)
3	08/25/2005	(406477)
4	08/25/2005	(404414)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
 - 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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BULK SERVICES
TRANSPORTATION, INC.
RN104712591

§
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§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2005-1886-IHW-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 Bulk Services Transportation, Inc. ("BST") under the authority of the TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 5 and 7. The Executive Director of the TCEQ, through the Enforcement Division, and BST appear before the Commission and together stipulate that:

1. BST owns and operates a trucking company located at 201 Amanda Lane, Waxahachie, Ellis County, Texas that transports bulk materials and sludge. BST disposed of industrial solid waste at the Mesa Grande Subdivision located at County Road 1191 in Kopperl, Bosque County, Texas (the "Site").
2. The Facility involves or involved the management of industrial solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and BST agree that the Commission has jurisdiction to enter this Agreed Order, and that BST is subject to the Commission's jurisdiction.
4. BST received notice of the violations alleged in Section II ("Allegations") on or about September 3, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by BST of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). BST has paid Two Thousand Dollars (\$2,000) of the administrative penalty and Five Hundred Dollars (\$500) is deferred contingent upon BST's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If BST fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require BST to pay all or part of the deferred penalty.

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 BST have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that BST hired an environmental contractor that completed the cleanup of the Site on August 15, 2005. The final written report documenting compliance has not been submitted.
10. 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 BST has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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 operator at the Site, BST is alleged to have:

1. Failed to properly dispose of approximately 10,000 pounds of industrial solid waste (hydrated lime) at an authorized facility, in violation of 30 TEX. ADMIN. CODE §§ 335.2(b) and 335.4, as documented during a record review investigation conducted on August 22, 2005.
2. Failed to pay outstanding sludge hauler fees for TCEQ Financial Administration Account No. 0803557H, in violation of 30 TEX. ADMIN. CODE § 312.9(c) and TEX. WATER CODE § 5.702, as documented during a record review investigation conducted on November 8, 2005.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that BST pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and BST'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

...the ... of ...

"TCEQ" and shall be sent with the notation "Re: Bulk Services Transportation, Inc., Docket No. 2005-1886-IHW-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. It is further ordered that BST shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, pay all outstanding fees, including any associated penalties and interest and with the notation "Bulk Services Transportation, Inc. - Account No. 0803557H", to the address shown above;
- b. Within 30 days after the effective date of this Agreed Order, submit two copies of the final written report required by the Action Plan issued by TCEQ Region 9 on August 9, 2005 to:

Waco Regional Office
Attention: Jeff Kunze
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

- c. Respond completely and adequately, as determined by the TCEQ, to all letter requests for information concerning the permit application within 30 days after the date of such letters, or by any other deadline specified in writing; and
- d. Within 90 days after the effective date of this Agreed Order, submit written certification that the final written report was approved. The certification shall, include detailed supporting documentation including receipts and/or other records to demonstrate compliance with Ordering Provisions 2.a. and 2.b.

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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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."

The certification shall be submitted to:

Dear Sir,

Reference is made to your letter of the 15th inst.

in relation to the above mentioned matter. The same has been forwarded to the concerned authorities for their consideration.

Yours faithfully,

(Signature)

(Name)

(Address)

(City)

(State)

(Country)

(Additional information)

(Closing)

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

with a copy to:

Waste Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 560
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon BST.
4. If BST 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, BST's failure to comply is not a violation of this Agreed Order. BST shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. BST shall notify the Executive Director within seven days after BST 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 BST shall be made in writing to the Executive Director. Extensions are not effective until BST 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 BST 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 BST, or three days after the date on which the Commission mails notice of the Order to BST, 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

2/14/07

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

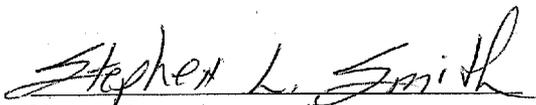
In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

2-18-06

Date



Name (Printed or typed)
Authorized Representative of
Bulk Services Transportation, Inc.



Title

10/1/76

[Handwritten signature]

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...the ... of ...

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