

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1596-WQ-E **TCEQ ID:** RN103102653 **CASE NO.:** 31146
RESPONDENT NAME: EZ Pickens Auto Ranch, 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 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 checked="" type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: EZ Pickens, 15505 North Interstate Highway 35, Elm Mott, McLennan County

TYPE OF OPERATION: Auto salvage facility

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

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 March 12, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Ms. Libby Hogue, Enforcement Division, Enforcement Section II, MC 219, (512) 239-1165; Mr. Steven Lopez, Enforcement Division, Enforcement Section I, (512) 239-1896
Respondent: Mr. Steve Pickens, President, EZ Pickens Auto Ranch, Inc., PO Box 591, Elm Mott, Texas 76640
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 type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Date of Record Reviews Relating to this Case: June 19, 2006 and September 14, 2006</p> <p>Date of NOE Relating to this Case: August 15, 2006 (NOE)</p> <p>Background Facts: This was a routine record review for compliance with the water quality program. Five significant program violations were observed.</p> <p>WATER</p> <p>1) Failure to conduct periodic inspections once per quarter for the last three quarters of 2005 and the first two quarters of 2006 [30 TEX. ADMIN. CODE § 281.25(a)(4), Texas Pollution Discharge Elimination System ("TPDES") Permit No. TXR050358, Part III.A.5.g., and 40 CODE OF FEDERAL REGULATIONS (CFR) §122.26(c)].</p> <p>2) Failure to perform quarterly visual monitoring of the storm water discharge for the last three quarters of 2005 and the first two quarters of 2006 [30 TEX. ADMIN. CODE § 281.25(a)(4), TPDES Permit No. TXR050358, Part III.A.5.h., and 40 CFR § 122.26(c)].</p> <p>3) Failure to conduct an annual comprehensive site compliance evaluation for 2005 [30 TEX. ADMIN. CODE § 281.25(a)(4), TPDES Permit No. TXR050358, Part III.A.7.b., and 40 CFR §122.26(c)].</p> <p>4) Failure to obtain a monitoring exclusion or conduct annual hazardous metals monitoring for 2005 prior to December 31, 2005 [30 TEX. ADMIN. CODE § 281.25(a)(4), TPDES Permit No. TXR050358, Part III.D.1.b., and 40 CFR §122.26(c)].</p>	<p>Total Assessed: \$8,925</p> <p>Total Deferred: \$1,785 <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: \$240 (remaining \$6,900 due in 23 monthly payments of \$300 each)</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" 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>Ordering Provisions</p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order:</p> <ul style="list-style-type: none"> i. Begin conducting and recording quarterly periodic inspections and visual monitoring of the storm water discharge; ii. Conduct and record a comprehensive site evaluation; iii. Obtain a monitoring exclusion or conduct annual hazardous metals monitoring; and iv. Submit payment for all outstanding fees, including any associated penalties and interest. <p>b) 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 Provision a.i through a.iv.</p>

RESPONDENT'S NAME: EZ Pickens Auto Ranch, Inc.
DOCKET NO.: 2006-1596-WQ-E

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
5) Failure to pay General Permits Stormwater fees for TCEQ Account No. 20001344 for fiscal years 2004, 2005, and 2006 and associated late fees [30 TEX. ADMIN. CODE § 205.6 and TEX. WATER CODE § 5.702].		

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Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision May 19, 2005

DATES	Assigned	05-Sep-2006			
	PCW	12-Sep-2006	Screening	12-Sep-2006	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	EZ Pickens Auto Ranch, Inc.
Reg. Ent. Ref. No.	RN103102653
Facility/Site Region	9-Waco
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	31146	No. of Violations	4
Docket No.	2006-1596-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Brent Hurta
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,500
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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	5% Enhancement	Subtotals 2, 3, & 7	\$425
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Notes: Enhancement due to one prior NOV with same or similar violations.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: Respondent does not meet 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: Respondent does not meet good faith criteria.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$5,805	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$4,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,925
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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	\$8,925
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,925
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DEFERRAL	20% Reduction	Adjustment	-\$1,785
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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	\$7,140
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Screening Date	12-Sep-2006	Docket No.	2006-1596-WQ-E	PCW
Respondent	EZ Pickens Auto Ranch, Inc.			Policy Revision 2 (September 2002)
Case ID No.	31146			PCW Revision May 19, 2005
Reg. Ent. Reference No.	RN103102653			
Media [Statute]	Water Quality			
Enf. Coordinator	Brent Hurta			

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)	1	5%
	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 disclosed)	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%
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) 5%

>> **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 Enhancement due to one prior NOV with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date	12-Sep-2006	Docket No.	2006-1596-WQ-E	PCW
Respondent	EZ Pickens Auto Ranch, Inc.		Policy Revision 2 (September 2002)	
Case ID No.	31146	PCW Revision May 19, 2005		
Reg. Ent. Reference No.	RN103102653			
Media [Statute]	Water Quality			
Enf. Coordinator	Brent Hurta			

Violation Number	1
Primary Rule Cite(s)	30 Tex. Admin. Code § 281.25(a)(4), Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR050358, Parts III.A.5.g. and h.
Secondary Rule Cite(s)	40 Code of Federal Regulations § 122.26(c)
Violation Description	Failure to conduct periodic inspections once per quarter and to perform quarterly visual monitoring of the storm water discharge for the last three quarters of 2005 and the first two quarters of 2006, as documented during the June 19, 2006 investigation.
Base Penalty	\$10,000

>> **Environmental, Property and Human Health Matrix**

OR	Harm				Percent <input type="text" value="10%"/>
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	X	<input type="text"/>	

>> **Programmatic Matrix**

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

Matrix Notes: Human health or the environment could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	X
	semiannual	<input type="text"/>
	annual	<input type="text"/>

Violation Base Penalty

Five quarterly events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$2,137"/>	Violation Final Penalty Total <input type="text" value="\$5,250"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$5,250"/>	

Economic Benefit Worksheet

Respondent: EZ Pickens Auto Ranch, Inc.
 Case ID No: 31146
 Reg. Ent. Reference No: RN103102653
 Media [Statute]: Water Quality
 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
Description	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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

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	\$1,000	01-Apr-2005	14-Apr-2007	2.0	\$102	\$2,036	\$2,137
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

The approximate cost to conduct and document inspections at the facility. Date Required is the date documentation was sent in demonstrating the last known date of compliance. Final Date is the expected date of compliance.

Approx. Cost of Compliance \$1,000

TOTAL \$2,137

Screening Date	12-Sep-2006	Docket No.	2006-1596-WQ-E	PCW
Respondent	EZ Pickens Auto Ranch, Inc.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	31146			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN103102653			
Media [Statute]	Water Quality			
Enf. Coordinator	Brent Hurta			
Violation Number	2			
Primary Rule Cite(s)	30 Tex. Admin. Code § 281.25(a)(4), TPDES General Permit No. TXR05O358, Part III.A.7.b.			
Secondary Rule Cite(s)	40 Code of Federal Regulations § 122.26(c)			
Violation Description	Failure to conduct an annual comprehensive site compliance evaluation for 2005, as documented during the June 19, 2006 investigation.			
		Base Penalty	\$10,000	

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Human health or the environment could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment - \$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	
	<i>monthly</i>	
	<i>quarterly</i>	
	<i>semiannual</i>	
	<i>annual</i>	X
	<i>single event</i>	

Violation Base Penalty \$1,000

One annual event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$1,050"/>	Violation Final Penalty Total <input type="text" value="\$1,050"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,050"/>	

Economic Benefit Worksheet

Respondent: EZ Pickens Auto Ranch, Inc.
 Case ID No: 31146
 Reg. Ent. Reference No: RN103102653
 Media [Statute]: 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
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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

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)	\$1,000	01-Jan-2005	31-Dec-2005	1.0	\$50	\$1,000	\$1,050

Notes for AVOIDED costs

Cost is estimate for labor and administrative costs associated with the site compliance evaluation from prior date of compliance until the last day annual evaluation can be performed.

Approx. Cost of Compliance \$1,000

TOTAL \$1,050

Screening Date	12-Sep-2006	Docket No.	2006-1596-WQ-E	PCW
Respondent	EZ Pickens Auto Ranch, Inc.		Policy Revision 2 (September 2002)	
Case ID No.	31146	PCW Revision May 19, 2005		
Reg. Ent. Reference No.	RN103102653			
Media [Statute]	Water Quality			
Enf. Coordinator	Brent Hurta			
Violation Number	3			
Primary Rule Cite(s)	30 Tex. Admin. Code § 281.25(a)(4), TPDES General Permit No. TXR05O358, Part III.D.1.b.			
Secondary Rule Cite(s)	40 Code of Federal Regulations § 122.26(c)			
Violation Description	Failure to obtain a monitoring exclusion or conduct annual hazardous metals monitoring for 2005 prior to December 31, 2005, as documented during a June 19, 2006 investigation.			
Base Penalty			\$10,000	

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

OR

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Human health or the environment will or could be exposed to pollutants which would 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

daily	
monthly	
quarterly	
semianual	
annual	X
single event	

mark only one use a small x

Violation Base Penalty \$2,500

One annual event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$2,618	Violation Final Penalty Total \$2,625
This violation Final Assessed Penalty (adjusted for limits) \$2,625	

Economic Benefit Worksheet

Respondent: EZ Pickens Auto Ranch, Inc.
 Case ID No: 31146
 Reg. Ent. Reference No: RN103102653
 Media [Statute]: Water Quality
 Violation No: 3

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Description: 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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

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	\$2,500	01-Jan-2005	31-Dec-2005	1.0	\$125	\$2,493	\$2,618
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

Cost is estimate for sampling and analysis for the required metals, for the sampling period in violation.

Approx. Cost of Compliance \$2,500

TOTAL \$2,618

Screening Date	12-Sep-2006	Docket No.	2006-1596-WQ-E	PCW
Respondent	EZ Pickens Auto Ranch, Inc.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	31146			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN103102653			
Media [Statute]	Water Quality			
Enf. Coordinator	Brent Hurta			
Violation Number	4			
Primary Rule Cite(s)	30 Tex. Admin. Code § 205.6			
Secondary Rule Cite(s)	Tex. Water Code § 5.702			
Violation Description	Failure to pay General Permits Stormwater fees for TCEQ Account No. 20001344 for fiscal years 2004, 2005, and 2006 and associated late fees, as documented during a record review conducted on September 14, 2006.			
		Base Penalty	\$10,000	

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	<input type="text"/>					

Adjustment -\$10,000

Base Penalty Subtotal \$0

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty \$0

No penalty is recommended because penalty and interest will be assessed at the next billing.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text"/> \$0	Violation Final Penalty Total <input type="text"/> \$0
This violation Final Assessed Penalty (adjusted for limits) <input type="text"/> \$0	

Economic Benefit Worksheet

Respondent: EZ Pickens Auto Ranch, Inc.
 Case ID No: 31146
 Reg. Ent. Reference No: RN103102653
 Media [Statute]: Water Quality
 Violation No: 4

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				N/A			

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				N/A			

Approx. Cost of Compliance \$0 TOTAL \$0

Compliance History

Customer/Respondent/Owner-Operator: CN601733710 EZ Pickens Auto Ranch, Inc. Classification: AVERAGE Rating: 3.00
Regulated Entity: RN103102653 EZ PICKENS Classification: AVERAGE Site Rating: 3.00

ID Number(s): STORMWATER PERMIT TXR05O358
Location: 15505 N IH 35, ELM MOTT, TX, 76640 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 09 - WACO
Date Compliance History Prepared: September 26, 2006
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 26, 2001 to September 26, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Brent Hurta Phone: 512-239-6589

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 08/31/2006 (483387)
2 03/13/2006 (455950)
3 06/17/2005 (381009)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/22/2005 (381009)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov: PERMIT IA

Description: During the investigation, it was noted that the facility was not conducting periodic inspections on a quarterly basis.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov: PERMIT IA

Description: Failure to conduct required monitoring or testing.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov: PERMIT IA

Description: Failure to conduct the annual comprehensive site evaluation every year.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov: PERMIT IA

Description: Failure to conduct hazardous metals effluent limitation sampling annually.

- 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.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EZ PICKENS AUTO RANCH, INC.
RN103102653

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-1596-WQ-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 EZ Pickens Auto Ranch, Inc. ("EZ Pickens") under the authority of TEX. WATER CODE chs. 5, 7, and 26. The Executive Director of the TCEQ, through the Enforcement Division, and EZ Pickens appear before the Commission and together stipulate that:

1. EZ Pickens owns and operates an auto salvage facility located at 15505 North Interstate Highway 35 in Elm Mott, McLennan County, Texas (the "Facility").
2. EZ Pickens has committed any other act or engaged in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and EZ Pickens agree that the Commission has jurisdiction to enter this Agreed Order, and that EZ Pickens is subject to the Commission's jurisdiction.
4. EZ Pickens received notice of the violations alleged in Section II ("Allegations") on or about August 20, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by EZ Pickens of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand Nine Hundred Twenty-Five Dollars (\$8,925) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). EZ Pickens has paid Two Hundred Forty Dollars (\$240) of the administrative penalty and One Thousand Seven Hundred Eighty-Five Dollars (\$1,785) is deferred contingent upon EZ Pickens' 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 EZ

Pickens fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require EZ Pickens to pay all or part of the deferred penalty.

The remaining amount of Six Thousand Nine Hundred Dollars (\$6,900) of the administrative penalty shall be payable in 23 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 EZ Pickens 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 EZ Pickens to meet the payment schedule of this Agreed Order constitutes the failure by EZ Pickens 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 EZ Pickens 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 EZ Pickens 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, EZ Pickens is alleged to have:

1. Failed to conduct periodic inspections once per quarter for the last three quarters of 2005 and the first two quarters of 2006, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4), Texas Pollution Discharge Elimination System ("TPDES") Permit No. TXR05O358, Part III.A.5.g., and 40 CODE OF FEDERAL REGULATIONS § 122.26(c), as documented during a record review conducted on June 19, 2006.
2. Failed to perform quarterly visual monitoring of the storm water discharge for the last three quarters of 2005 and the first two quarters of 2006, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4),

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for ensuring the integrity and reliability of financial data. This section also outlines the various methods and tools used to collect and analyze financial information, highlighting the need for consistency and transparency in the reporting process.

The second part of the document focuses on the role of internal controls in preventing fraud and errors. It details the various types of controls, such as segregation of duties, authorization requirements, and regular reconciliations, and explains how they contribute to the overall risk management framework. The text also discusses the importance of a strong internal control environment and the role of management in fostering a culture of integrity and accountability.

The third part of the document addresses the challenges of financial reporting and the need for high-quality information. It discusses the impact of accounting standards and the role of auditors in providing independent assurance on the financial statements. The text also highlights the importance of clear communication and transparency in the reporting process, and the need for organizations to provide timely and accurate information to stakeholders.

The final part of the document provides a summary of the key findings and conclusions. It reiterates the importance of a strong internal control system, accurate record-keeping, and high-quality financial reporting. The text also offers recommendations for organizations to improve their financial reporting practices and ensure the integrity and reliability of their financial data. The document concludes by emphasizing the need for ongoing monitoring and improvement of the financial reporting process.

TPDES Permit No. TXR05O358, Part III.A.5.h., and 40 CODE OF FEDERAL REGULATIONS § 122.26(c), as documented during a record review conducted on June 19, 2006.

3. Failed to conduct an annual comprehensive site compliance evaluation for 2005, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4), TPDES Permit No. TXR05O358, Part III.A.7.b., and 40 CODE OF FEDERAL REGULATIONS § 122.26(c), as documented during a record review conducted on June 19, 2006.
4. Failed to obtain a monitoring exclusion or conduct annual hazardous metals monitoring for 2005 prior to December 31, 2005, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4), TPDES Permit No. TXR05O358, Part III.D.1.b., and 40 CODE OF FEDERAL REGULATIONS § 122.26(c), as documented during a record review conducted on June 19, 2006.
5. Failed to pay General Permits Stormwater fees for TCEQ Account No. 20001344 for fiscal years 2004, 2005, and 2006 and associated late fees, in violation of 30 TEX. ADMIN. CODE § 205.6 and TEX. WATER CODE § 5.702, as documented during a record review conducted on September 14, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that EZ Pickens pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and EZ Pickens' 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: EZ Pickens Auto Ranch, Inc., Docket No. 2006-1596-WQ-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 EZ Pickens shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:

- i. Begin conducting and recording quarterly periodic inspections and visual monitoring of the storm water discharge, in accordance with 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR05O358 Part III.A.5.g. and h.;
- ii. Conduct and record a comprehensive site evaluation, in accordance with 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR05O358 Part III.A.7.b.;
- iii. Obtain a monitoring exclusion or conduct annual hazardous metals monitoring, in accordance with 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR05O358 Part III.D.1.b.; and
- iv. Submit payment for all outstanding fees, including any associated penalties and interest and with the notation, "EZ Pickens Auto Ranch, Inc., TCEQ Account No. 20001344", 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

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iv. 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:

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

with a copy to:

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Manager, Water Section
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

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

1. The first part of the document is a letter from the author to the editor of the journal, dated 10/10/1998. The letter discusses the author's interest in the journal and the possibility of publishing a paper in it.

2. The second part of the document is a letter from the editor to the author, dated 11/10/1998. The editor responds to the author's letter and discusses the journal's policies and the possibility of publishing the author's paper.

3. The third part of the document is a letter from the author to the editor, dated 12/10/1998. The author responds to the editor's letter and discusses the author's interest in the journal and the possibility of publishing a paper in it.

4. The fourth part of the document is a letter from the editor to the author, dated 13/10/1998. The editor responds to the author's letter and discusses the journal's policies and the possibility of publishing the author's paper.

5. The fifth part of the document is a letter from the author to the editor, dated 14/10/1998. The author responds to the editor's letter and discusses the author's interest in the journal and the possibility of publishing a paper in it.

6. The sixth part of the document is a letter from the editor to the author, dated 15/10/1998. The editor responds to the author's letter and discusses the journal's policies and the possibility of publishing the author's paper.

7. The seventh part of the document is a letter from the author to the editor, dated 16/10/1998. The author responds to the editor's letter and discusses the author's interest in the journal and the possibility of publishing a paper in it.

8. The eighth part of the document is a letter from the editor to the author, dated 17/10/1998. The editor responds to the author's letter and discusses the journal's policies and the possibility of publishing the author's paper.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/27/07


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, 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

11-29-07

Date

Steve Pickens

Name (Printed or typed)
Authorized Representative of
EZ Pickens Auto Ranch, Inc.

owner

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.

Handwritten mark or signature

Handwritten mark or signature

Main body of extremely faint, illegible text, possibly a letter or document content.

Handwritten text at the bottom right of the page.

Final line of text at the bottom of the page.