

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-2097-SLG-E TCEQ ID: RN105076707 CASE NO.: 32063
RESPONDENT NAME: Perry Lemmons dba American Waste Water

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 type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: American Waste Water, 2037 Greenwood Lane, Roanoke, Tarrant County</p> <p>TYPE OF OPERATION: Sludge transportation</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 April 30, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Enforcement Division, Enforcement Section I, MC 169, (512) 239-4490; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Perry W. Lemmons, Owner, American Waste Water, 2037 Greenwood Lane, Roanoke, Texas 76262 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: June 29, 2006</p> <p>Date of NOE Relating to this Case: December 22, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. Two violations were documented.</p> <p>WATER</p> <p>1) Failed to deposit wastes at a facility designated by or acceptable to the generator where the owner or operator of the facility agrees to receive the waste and the (Texas) facility has written authorization by permit or registration issued by the executive director to receive wastes. Specifically, during the investigation, it was documented on March 17, 2006 the respondent disposed of approximately 3,000 gallons of waste water treatment plant sludge on property authorized by permit or registration to receive only domestic septage waste [30 TEX. ADMIN. CODE § 312.143 and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failed to properly record collection and disposal activities. Specifically, the March 17, 2006 trip ticket did not identify the type of waste collected [30 TEX. ADMIN. CODE § 312.145].</p>	<p>Total Assessed: \$2,100</p> <p>Total Deferred: \$420 <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: \$560 (remaining \$1,120 to be paid in 2 monthly payments of \$560)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" 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 upon the effective date of this Agreed Order, cease land application of sewage sludge at any facility which is not properly registered or permitted by the TCEQ;</p> <p>b. Within 15 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance; and</p> <p>c. Within 60 days after the effective date of this Agreed Order, demonstrate compliance with 30 TEX. ADMIN. CODE § 312.145 by submitting copies of all trip tickets used to document wastes transported for the previous complete calendar month.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	4-Dec-2006	Screening	21-Dec-2006	EPA Due	
	PCW	21-Dec-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Perry Lemmons dba American Waste Water
Reg. Ent. Ref. No.	RN105076707
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	32063	No. of Violations	2
Docket No.	2006-2097-SLG-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	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** \$2,100

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

Notes No enhancements due to Average Performer classification.

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

Notes 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 \$561 **Subtotal 6** \$0
Approx. Cost of Compliance \$600 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$2,100

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 \$2,100

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$2,100

DEFERRAL 20% Reduction **Adjustment** -\$420

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 \$1,680

Screening Date 21-Dec-2006

Docket No. 2006-2097-SLG-E

PCW

Respondent Perry Lemmons dba American Waste Water

Policy Revision 2 (September 2002)

Case ID No. 32063

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN105076707

Media [Statute] Municipal Solid Waste

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)	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 judgments 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%
<i>Please Enter Yes or No</i>			
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)

N/A

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 enhancements due to Average Performer classification.

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

Screening Date 21-Dec-2006

Docket No. 2006-2097-SLG-E

PCW

Respondent Perry Lemmons dba American Waste Water

Policy Revision 2 (September 2002)

Case ID No. 32063

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN105076707

Media [Statute] Municipal Solid Waste

Enf. Coordinator Brent Hurta

Violation Number 1

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

Violation Description

Failed to deposit wastes at a facility designated by or acceptable to the generator where the owner or operator of the facility agrees to receive the waste and the (Texas) facility has written authorization by permit or registration issued by the executive director to receive wastes, as documented during the June 29, 2006 investigation. Specifically, during the investigation, it was documented that on March 17, 2006 the Respondent disposed of approximately 3,000 gallons of waste water treatment plant sludge on property not authorized by permit or registration to receive only domestic septage waste.

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

175 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 from the June 29, 2006 investigation date to the December 21, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$553

Violation Final Penalty Total \$2,000

This violation Final Assessed Penalty (adjusted for limits) \$2,000

Economic Benefit Worksheet

Respondent: Perry Lemmons dba American Waste Water
Case ID No.: 32063
Reg. Ent. Reference No.: RN105076707
Media: Municipal Solid Waste
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
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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				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]	\$500	17-Mar-2006	6-Jun-2007	2.1	\$53	\$500	\$553
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost the respondent avoided to properly dispose of approximately 3,000 gallons of waste water treatment plant sludge at a facility authorized to accept the type of waste being disposed. The Date Required is the date the violation was documented. Final Date is the expected date of compliance.

Approx. Cost of Compliance	\$500	TOTAL	\$553
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Screening Date 21-Dec-2006

Docket No. 2006-2097-SLG-E

PCW

Respondent Perry Lemmons dba American Waste Water

Policy Revision 2 (September 2002)

Case ID No. 32063

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN105076707

Media [Statute] Municipal Solid Waste

Enf. Coordinator Brent Hurta

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 312.145

Violation Description Failed to properly record collection and disposal activities, as documented during the June 29, 2006 investigation. Specifically, the March 17, 2006 trip ticket did not identify the type of waste collected.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes Approximately 20% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent: Perry Lemmons dba American Waste Water
Case ID No.: 32063
Reg. Ent. Reference No.: RN105076707
Media: Municipal Solid 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	\$100	17-Mar-2006	27-Aug-2007	1.4	\$7	n/a	\$7
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

Estimated cost to train employees. Date required is the initial date of non-compliance, and final date is the expected compliance date.

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

\$7

Compliance History

Customer/Respondent/Owner-Operator: CN603104589 PERRY LEMMONS Classification: AVERAGE BY Rating: 3.01
DEFAULT

Regulated Entity: RN105076707 AMERICAN WASTE WATER Classification: AVERAGE BY Site Rating: 3.01
DEFAULT

ID Number(s): SLUDGE REGISTRATION 23625

Location: 2037 GREENWOOD LN, ROANOKE, TX, 76262

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: December 08, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 08, 2001 to December 08, 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? No
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 11/30/2006 (485038)
 - 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
PERRY LEMMONS DBA AMERICAN
WASTE WATER
RN105076707

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-2097-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 Perry Lemmons dba American Waste Water ("Mr. Lemmons") under the authority of TEX. HEALTH & SAFETY CODE ch. 361, TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Lemmons appear before the Commission and together stipulate that:

1. Mr. Lemmons owns and operates a sludge transportation facility located at 2037 Greenwood Lane in Roanoke, Tarrant County, Texas (the "Facility").
2. Mr. Lemmons has discharged municipal waste into or adjacent to any water in the state under the TEX. WATER CODE ch. 26.
3. The Commission and Mr. Lemmons agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Lemmons is subject to the Commission's jurisdiction.
4. Mr. Lemmons received notice of the violations alleged in Section II ("Allegations") on or about December 27, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Lemmons of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand One Hundred Dollars (\$2,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Lemmons has paid Five Hundred Sixty Dollars (\$560) of the administrative penalty and Four Hundred Twenty Dollars (\$420) is deferred contingent upon Mr. Lemmons' timely and satisfactory compliance with all the terms of this Agreed Order. If Mr. Lemmons fails to timely and satisfactorily

comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Mr. Lemmons to pay all or part of the deferred penalty.

The remaining amount of One Thousand One Hundred Twenty Dollars (\$1,120) of the administrative penalty shall be payable in two monthly payments of Five Hundred Sixty Dollars (\$560) 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. Lemmons 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. Lemmons to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Lemmons 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. Lemmons 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. Lemmons 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. Lemmons is alleged to have:

...the ... of ...

1. Failed to deposit wastes at a facility designated by or acceptable to the generator where the owner or operator of the facility agrees to receive the waste and the (Texas) facility has written authorization by permit or registration issued by the executive director to receive wastes, in violation of 30 TEX. ADMIN. CODE § 312.143 and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on June 29, 2006. Specifically, during the investigation, it was documented that on March 17, 2006 Mr. Lemmon disposed of approximately 3,000 gallons of waste water treatment plant sludge on property authorized by permit or registration to receive only domestic septage waste.
2. Failed to properly record collection and disposal activities, in violation of 30 TEX. ADMIN. CODE § 312.145, as documented during the June 29, 2006 investigation. Specifically, the March 17, 2006 trip ticket did not identify the type of waste collected.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Lemmons pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Lemmons' 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: Perry Lemmons dba American Waste Water, Docket No. 2006-2097-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. It is further ordered that Mr. Lemmons shall undertake the following technical requirements:

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 the success of any business and for the protection of the interests of all parties involved. The document also highlights the need for transparency and accountability in all financial dealings.

The second part of the document provides a detailed overview of the company's financial performance over the past year. It includes a comprehensive analysis of the company's revenue, expenses, and profit margins. The document also discusses the company's financial position and the steps being taken to improve its financial health.

The third part of the document outlines the company's strategic goals for the upcoming year. It includes a detailed discussion of the company's marketing, sales, and operational strategies. The document also discusses the company's financial goals and the steps being taken to achieve them.

The fourth part of the document provides a detailed overview of the company's human resources management. It includes a discussion of the company's recruitment, training, and development programs. The document also discusses the company's compensation and benefits policies and the steps being taken to attract and retain top talent.

The fifth part of the document discusses the company's risk management strategy. It includes a discussion of the company's identification, assessment, and mitigation of risks. The document also discusses the company's insurance and legal programs and the steps being taken to protect the company's assets and interests.

The sixth part of the document provides a detailed overview of the company's environmental, social, and governance (ESG) performance. It includes a discussion of the company's environmental impact, social responsibility, and governance practices. The document also discusses the company's ESG goals and the steps being taken to improve its ESG performance.

- a. Immediately upon the effective date of this Agreed Order, cease land application of sewage sludge at any facility which is not properly registered or permitted by the TCEQ, in accordance with 30 TEX. ADMIN. CODE ch. 312;
- b. Within 15 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.a. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, 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."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 219
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

- c. Within 60 days after the effective date of this Agreed Order, demonstrate compliance with 30 TEX. ADMIN. CODE § 312.145 by submitting copies of all trip tickets used to document wastes transported for the previous complete calendar month to the addresses in Ordering Provision 2.b.
3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Lemmons.

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

5/24/07

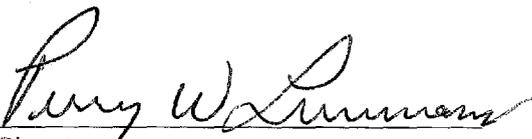
Date

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

2/22/07

Date

Perry W Lemmons

Name (Printed or typed)
Authorized Representative of
Perry Lemmons dba American Waste Water

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.

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Third block of faint, illegible text, possibly containing a list or specific details.

Fourth block of faint, illegible text, continuing the narrative or list.

Fifth block of faint, illegible text, possibly a concluding paragraph or signature area.

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