

Page 1 of 3

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-0671-SLG-E TCEQ ID: RN103163101 CASE NO.: 29659
RESPONDENT NAME: C. Johnnie-on-the-Spot Portable Toilets, Inc.

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"/> IMMEDIATE AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input checked="" type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: C. Johnnie-on-the-Spot Portable Toilets, 4635 Hodgeson, Nederland, Jefferson County</p> <p>TYPE OF OPERATION: Chemical toiler rental and sludge transportation operation</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 June 11, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Tel Croston, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5717; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Wayne Colicher, President, C. Johnnie-on-the-Spot Portable Toilets, Inc., PO Box 1583, Nederland, Texas 77627 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: Mach 1, 2007</p> <p>Date of NOE Relating to this Case: May 22, 2007 (NOE)</p> <p>Background Facts: This was a routine scheduled investigation for compliance with the sludge program.</p> <p>WATER</p> <p>1) Failure to obtain a sludge transporter registration from the Commission prior to commencing operations [30 TEX. ADMIN. CODE § 312.142(a)].</p> <p>2) Failure to properly record collection and disposal activities. Specifically, trip tickets did not identify the type of waste collected nor the generator's address and telephone number [30 TEX. ADMIN. CODE § 312.145].</p> <p>3) Failure to prominently mark the company name on six trucks and to mark the registration number on the waste trucks with numbers at least two inches in height, on both sides. Specifically, three trucks marked with the registration numbers 6MKC99, 2FJG61, and 7SMM47 were not marked with the company name and telephone number and the remaining three trucks were not marked with the company name, company telephone number, and registration number [30 TEX. ADMIN. CODE § 312.144(a)].</p> <p>4) Failure to prominently mark discharge valves on the trucks. Specifically, the discharge valves were not marked on any of the six trucks [30 TEX. ADMIN. CODE § 312.144(f)].</p> <p>5) Failure to prevent the unauthorized</p>	<p>Total Assessed: \$8,500</p> <p>Total Deferred: \$1,700 <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: \$6,800</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>Corrective Action Taken:</p> <p>1) The Executive Director recognizes that on March 14, 2006, C. Johnnie obtained a sludge transporter registration.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within five days after the effective date of this Agreed Order, remove and properly dispose of all chemical toilet waste, toilet deodorant solution, bar screenings, and contaminated surface soils from all affected areas, including the chemical toiler preparation areas and around the filter areas, from the Facility;</p> <p>b) Within 30 days after the effective date of this Agreed Order, prominently mark each truck with the company name, telephone number, and the Commission assigned registration number. The registration number shall be a minimum of two inches in height, permanently affixed in block letters, on both sides of the vehicle(s), be clearly visible at a distance of 50 feet, and mark all discharge valves and ports; and</p> <p>c) Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, and be notarized by a State of Texas Notary Public.</p>

discharge of pollutants including chemical toilet waste, toilet deodorant solution, and bar screenings on the chemical toilet preparation area and around the filter areas at the facility [30 TEX. ADMIN. CODE § 312.146 and TEX. WATER CODE § 26.121(a)].		
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Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	29-May-2006	Screening	07-Jun-2006	EPA Due	
	PCW	07-Jun-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	C. Johnnie-on-the-Spot Portable Toilets, Inc.
Reg. Ent. Ref. No.	RN103163101
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	29659	No. of Violations	4
Docket No.	2006-0671-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

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

Notes

Culpability No 0% Enhancement Subtotal 4

Notes

Good Faith Effort to Comply 0% Reduction Subtotal 5

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

Notes

Economic Benefit 0% Enhancement* Subtotal 6

Total EB Amounts	\$1,718	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,860	

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE 39% Reduction Adjustment

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL 20% Reduction Adjustment

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

Notes

PAYABLE PENALTY

Screening Date 07-Jun-2006 **Docket No.** 2006-0671-SLG-E **PCW**
Respondent C. Johnnie-on-the-Spot Portable Toilets, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 29659 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN103163101
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 <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%
<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)**

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 due to Average Performer classification.

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

Screening Date 07-Jun-2006

Docket No. 2006-0671-SLG-E

PCW

Respondent C. Johnnie-on-the-Spot Portable Toilets, Inc.

Policy Revision 2 (September 2002)

Case ID No. 29659

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN103163101

Media [Statute] Municipal Solid Waste

Enf. Coordinator Brent Hurta

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

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

Harm

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

Percent

>> **Programmatic Matrix**

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

Percent

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent C. Johnnie-on-the-Spot Portable Toilets, Inc.
 Case ID No. 29659
 Reg. Ent. Reference No. RN103163101
 Media [Statute] 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
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	\$560	31-Aug-2003	14-Mar-2006	2.5	\$71	n/a	\$71
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Cost includes the vehicle authorization and estimated transporter fees that would be charged for the amount of sludge and domestic septage transported. Date required is the date sludge was first transported without a registration and final date is the date the transporter registration was issued.

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 **\$560** **TOTAL \$71**

Screening Date 07-Jun-2006

Docket No. 2006-0671-SLG-E

PCW

Respondent C. Johnnie-on-the-Spot Portable Toilets, Inc.

Policy Revision 2 (September 2002)

Case ID No. 29659

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN103163101

Media [Statute] Municipal Solid Waste

Enf. Coordinator Brent Hurta

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

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

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

Percent

>> **Programmatic Matrix**

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

Percent

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent C. Johnnie-on-the-Spot Portable Toilets, Inc.
Case ID No. 29659
Reg. Ent. Reference No. RN103163101
Media [Statute] 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
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

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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)	\$1,500	05-Apr-2006	08-Apr-2007	1.0	\$75	\$1,500	\$1,575

Notes for AVOIDED costs

Estimated annual cost to maintain records. Date required is the initial date of non-compliance, and final date is the expected compliance date.

Approx. Cost of Compliance

TOTAL

Screening Date 07-Jun-2006 **Docket No.** 2006-0671-SLG-E **PCW**
Respondent C. Johnnie-on-the-Spot Portable Toilets, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 29659 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN103163101

Media [Statute] Municipal Solid Waste

Enf. Coordinator Brent Hurta

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 312.144(a) and (f)

Secondary Rule Cite(s)

Violation Description
 Failed to prominently mark the company name, company telephone number, and registration number on six trucks and to mark the registration number on the waste trucks with numbers at least two inches in height, on both sides. In addition, the respondent failed to prominently mark discharge valves on six trucks. Specifically, three trucks marked with the registration numbers 6MKC99, 2FJG61, and 7SMM47 were not marked with the company name and telephone number and the remaining three trucks were not marked with the company name, company telephone number and registration number. The discharge valves were not marked on any of the six trucks.

Base Penalty \$10,000

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

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

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	
	X			Percent <input type="text" value="10%"/>

Matrix Notes 100% of the rule requirement was not met.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 6

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

Violation Base Penalty \$6,000

Six single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$3,643

This violation Final Assessed Penalty (adjusted for limits) \$3,643

Economic Benefit Worksheet

Respondent C. Johnnie-on-the-Spot Portable Toilets, Inc.
Case ID No. 29659
Reg. Ent. Reference No. RN103163101
Media [Statute] Municipal Solid Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$300	01-Mar-2006	08-Jan-2007	0.9	\$13	n/a	\$13

Notes for DELAYED costs: Estimated costs to label trucks and truck valves with the required information. Date required is the initial date of the investigation and final date is expected date of compliance.

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
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 **\$300** **TOTAL \$13**

Screening Date 07-Jun-2006 **Docket No.** 2006-0671-SLG-E **PCW**
Respondent C. Johnnie-on-the-Spot Portable Toilets, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 29659 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN103163101
Media [Statute] Municipal Solid Waste
Enf. Coordinator Brent Hurta
Violation Number 4
Primary Rule Cite(s) 30 Tex. Admin. Code § 312.146 and Tex. Water Code § 26.121(a)
Secondary Rule Cite(s)
Violation Description Failed to prevent the unauthorized discharge of pollutants including chemical toilet waste, toilet deodorant solution, and bar screenings on the chemical toilet preparation area and around the filter areas at the facility.
Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			X	Percent 10%
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Human health or the environment was exposed to insignificant amounts of pollutants which do 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 2

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

Violation Base Penalty \$2,000

Two quarterly events are recommended from the initial investigation date of March 1, 2006 to the June 8, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$59

Violation Final Penalty Total \$1,214

This violation Final Assessed Penalty (adjusted for limits) \$1,214

Economic Benefit Worksheet

Respondent C. Johnnie-on-the-Spot Portable Toilets, Inc.
 Case ID No. 29659
 Reg. Ent. Reference No. RN103163101
 Media [Statute] Municipal Solid Waste
 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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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	\$1,500	01-Mar-2006	15-Dec-2006	0.8	\$59	n/a	\$59
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs to remove any contaminated liquid and soil resulting from the discharge. Date required is the initial date of the investigation and final date is expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$1,500**

TOTAL \$59

Compliance History

Customer/Respondent/Owner-Operator: CN601695638 C. Johnnie-On-The-Spot Portable Toilets, Inc. Classification: AVERAGE Rating: 3.01

Regulated Entity: RN103163101 C JOHNNY ON THE SPOT PORTABLE TOILETS Classification: AVERAGE BY DEFAULT Site Rating: 3.01

ID Number(s): SLUDGE REGISTRATION 22348

Location: 4635 HODGESON, NEDERLAND, JEFFERSON COUNTY Rating Date: September 01 05 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 01, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 01, 2001 to June 01, 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. (CEEDS Inv. Track. No.)
N/A
 - E. Written notices of violations (NOV). (CEEDS 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

...the ... of ...

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
C. JOHNNIE-ON-THE-SPOT
PORTABLE TOILETS, INC.
RN103163101**

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§
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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2006-0671-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 C. Johnnie-on-the-Spot Portable Toilets, Inc. ("C. Johnnie") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, through the Enforcement Division, and C. Johnnie appear before the Commission and together stipulate that:

1. C. Johnnie owns and operates a chemical toilet rental and sludge transportation operation at 4635 Hodgeson in Nederland, Jefferson County, Texas (the "Facility").
2. C. Johnnie has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Facility involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
4. The Commission and C. Johnnie agree that the Commission has jurisdiction to enter this Agreed Order, and that C. Johnnie is subject to the Commission's jurisdiction.
5. C. Johnnie received notice of the violations alleged in Section II ("Allegations") on or about May 27, 2006.
6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by C. Johnnie of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
7. An administrative penalty in the amount of Eight Thousand Five Hundred Dollars (\$8,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). C. Johnnie has paid Six Thousand Eight Hundred Dollars (\$6,800) of the administrative penalty and

One Thousand Seven Hundred Dollars (\$1,700) is deferred contingent upon C. Johnnie'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 C. Johnnie fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require C. Johnnie to pay all or part of the deferred penalty.

8. 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.
9. The Executive Director of the TCEQ and C. Johnnie have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
10. The Executive Director recognizes that on March 14, 2006, C. Johnnie obtained a sludge transporter registration.
11. 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 C. Johnnie has not complied with one or more of the terms or conditions in this Agreed Order.
12. 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.
13. 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, C. Johnnie is alleged to have:

1. Failed to obtain a sludge transporter registration from the Commission prior to commencing operations, in violation of 30 TEX. ADMIN. CODE § 312.142(a), as documented during an investigation conducted on March 1, 2006.
2. Failed to properly record collection and disposal activities, in violation of 30 TEX. ADMIN. CODE § 312.145, as documented during an investigation conducted on March 1, 2006. Specifically, trip tickets did not identify the type of waste collected nor the generator's address and telephone number.
3. Failed to prominently mark the company name on six trucks and to mark the registration number on the waste trucks with numbers at least two inches in height, on both sides, in violation of 30 TEX. ADMIN. CODE § 312.144(a), as documented during an investigation conducted on March 1, 2006. Specifically, three trucks marked with the registration numbers 6MKC99, 2FJG61, and 7SMM47 were not marked with the company name and telephone number and the remaining three trucks were not marked with the company name, company telephone number and registration number.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy auditing of the accounts.

Furthermore, it is noted that regular reconciliation of bank statements with the company's ledger is essential. This process helps identify any discrepancies early on and prevents them from becoming larger issues. Consistent reconciliation also provides a clear picture of the company's financial health at any given time.

In addition, the document highlights the need for proper categorization of expenses. Each entry should be assigned to the correct accounting code to facilitate accurate reporting. This practice is crucial for determining the true cost of various departments and projects, which is necessary for effective budgeting and cost control.

Moreover, it is stressed that all payments to vendors and suppliers must be made on time. Late payments can damage the company's reputation and lead to strained relationships. Ensuring timely payments also helps in maintaining a good credit rating, which is vital for securing favorable terms from financial institutions.

Finally, the document concludes by stating that maintaining accurate and up-to-date financial records is not just a legal requirement but also a key to the company's long-term success. It provides the foundation for informed decision-making and strategic planning. By following these guidelines, the company can ensure its financial operations are both efficient and compliant.

The second section of the document provides a detailed overview of the company's current financial status. It includes a summary of the balance sheet, income statement, and cash flow statement for the most recent quarter. These statements show a steady increase in revenue and a decrease in expenses, indicating a positive financial trend.

Key performance indicators (KPIs) are also presented, showing that the company has met its targets for this period. The gross profit margin has improved, and the operating leverage has remained stable. These metrics suggest that the company's operational efficiency is on track, and its market position is strengthening.

Looking ahead, the document outlines the financial goals for the next quarter. The primary focus is on increasing sales volume while keeping costs under control. Specific strategies include launching new marketing campaigns and optimizing the supply chain. The management team is confident that these efforts will lead to continued growth and profitability.

4. Failed to prominently mark discharge valves on the trucks, in violation of 30 TEX. ADMIN. CODE § 312.144(f), as documented during an investigation conducted on March 1, 2006. Specifically, the discharge valves were not marked on any of the six trucks.
5. Failed to prevent the unauthorized discharge of pollutants including chemical toilet waste, toilet deodorant solution, and bar screenings on the chemical toilet preparation area and around the filter areas at the Facility, in violation of 30 TEX. ADMIN. CODE § 312.146 and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on March 1, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that C. Johnnie pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and C. Johnnie's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: C. Johnnie-on-the-Spot Portable Toilets, Inc., Docket No. 2006-0671-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 C. Johnnie shall undertake the following technical requirements:
 - a. Within five days after the effective date of this Agreed Order, remove and properly dispose of all chemical toilet waste, toilet deodorant solution, bar screenings, and contaminated surface soils from all affected areas, including the chemical toilet preparation area and around the filter areas, from the Facility;
 - b. Within 30 days after the effective date of this Agreed Order, prominently mark each truck with the company name, telephone number, and the Commission assigned registration number. The registration number shall be a minimum of two inches in height, permanently affixed in block letters, on both sides of the vehicle(s), be clearly visible at a distance of 50 feet, and mark all discharge valves and ports, in accordance with 30 TEX. ADMIN. CODE § 312.144;
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall, include

detailed supporting documentation including photographs, 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 obtaining the 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:

Manager, Waste Section
Beaumont Regional Office
Texas Commission on Environmental Quality
380 Eastex Freeway
Beaumont, Texas 77703-1830

- d. 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.c.
3. The provisions of this Agreed Order shall apply to and be binding upon C. Johnnie. C. Johnnie 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 C. Johnnie 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, C. Johnnie's failure to comply is not a violation of this Agreed Order. C. Johnnie shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. C. Johnnie shall notify the Executive Director within seven days after C. Johnnie 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 C. Johnnie shall be made in

writing to the Executive Director. Extensions are not effective until C. Johnnie 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 C. Johnnie 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 C. Johnnie, or three days after the date on which the Commission mails notice of the Order to C. Johnnie, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

C. Johnnie-on-the-Spot Portable Toilets, Inc.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Bralier
For the Executive Director

Date 7/25/07

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.

Wayne Bricker
Signature

Date 4-9-07

WAYNE BRICKER
Name (Printed or typed)
Authorized Representative of
C. Johnnie-on-the-Spot Portable Toilets, Inc.

President
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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