EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1682-MSW-E **TCEQ ID:** RN102003597 **CASE NO.:** 31199

RESPONDENT NAME: Hidalgo County

ORDER TYPE:		
__1660 AGREED ORDER	X FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
X MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Hidalgo County, 0.5 mile west of Farm-to-Market Road 1427 on Military Highway, Penitas, Hidalgo County

TYPE OF OPERATION: Municipal solid waste landfill

SMALL BUSINESS: ____ Yes __X__ No

OTHER SIGNIFICANT MATTERS: No complaints were received. 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 May 14, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Dana Shuler, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-2505; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
Respondent: Mr. Jose M. Flores, County Commissioner, Hidalgo County, P.O. Box 607, Mission, Texas 78573
The Honorable J. D. Salinas III, Hidalgo County Judge, P.O. Box 607, Mission, Texas 78573
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** July 21, 2006 **Date of NOE Relating to this Case:** August 15, 2006 (NOE) **Background Facts:** This was a routine investigation. Twelve violations were documented. **WASTE** 1) Failed to control windblown waste [30 TEX. ADMIN. CODE § 330.121(a) and Permit No. 1727AE Section 1.15 (Addendum to SOP-April 2004)]. 2) Failed to prevent the improper stacking of tires and process brush from the landfill's brush pile [30 TEX. ADMIN. CODE § 330.121(a) and Permit No. 1727AE Sections 1.12 (Addendum to SOP-April 2004) and 1.13 (Tire Storage and Processing Facility Operating Plan 3.0)]. 3) Failed to prevent the disposal of waste in an unauthorized area [30 TEX. ADMIN. CODE § 330.133(b)]. 4) Failed to provide adequate access control [30 TEX. ADMIN. CODE § 330.131 and Permit No. 1727AE Section 1.3]. 5) Failed to provide site boundary markers [30 TEX. ADMIN. CODE § 330.143(a) and (b)(2)]. 6) Failed to confine the unloading of solid waste to as small an area as practical [30 TEX. ADMIN. CODE § 330.121(a) and Permit No. 1727AE Section 1.8.1]. 7) Failed to provide all-weather roads within the facility and provide a water source and necessary equipment or other means of dust control [30 TEX. ADMIN. CODE § 330.153(a) and (b) and Permit No. 1727AE Section 1.6].	**Total Assessed:** $12,200 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $12,200 **Total Paid to General Revenue:** $0 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002 **Findings Orders Justification:** Three repeated enforcement actions with the same violations over the prior five year period.	**Corrective Actions Taken:** 1) The Executive Director recognizes that on August 7, 2006, the County submitted compliance documentation that demonstrated the following corrective measures at the Facility: a. Tire stacks have been reduced to no more than 3 bales high; b. The landfill's brush pile is currently being processed into mulch; c. Six inches of well-compacted earthen material is being applied to solid waste at the end of each operating day; and d. Intermediate cover has been repaired on the north and south sides of the landfill. **Ordering Provisions:** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A) 3) The Order will also require the Respondent to: a. Immediately upon the effective date of this Agreed Order: i. Begin picking up litter scattered throughout the Facility along fences and access roads weekly or more often as necessary to minimize unhealthy, unsafe, or unsightly conditions; ii. Begin ensuring that waste is disposed of in an authorized area; iii. Confine the unloading of solid waste to as small an area as practical; b. Within 15 days after the effective date of this Agreed Order: i. Provide a source of earthen material sized to cover any waste received for disposal available at all times to extinguish any fires;

8) Failed to maintain a source of earthen material to extinguish fires and sized to cover any waste received for disposal not covered with six inches of earthen material [30 TEX. ADMIN. CODE § 330.129]. 9) Failed to apply six inches of well-compacted earthen material at the end of each operating day [30 TEX. ADMIN. CODE § 330.165(a) and Permit No. 1727AE Section 1.8.1]. 10) Failed to maintain and repair the intermediate cover after erosion caused by run-off [30 TEX. ADMIN. CODE § 330.165(g)]. 11) Failed to prevent the ponding of water in the active portion of the landfill [30 TEX. ADMIN. CODE § 330.167]. 12) Failed to cut back the old infiltration layer in one-foot off-set layers (stair step) [30 TEX. ADMIN. CODE § 330.121(a) and Permit No. 1727AE Section 2.3.8 (Final Cover Quality Control Plan)].		ii. Begin ensuring that the ponding of water in the active portion of the landfill is eliminated; c. Within 60 days after the effective date of this Agreed Order: i. Provide adequate access control around the entire perimeter of the Facility; ii. Place boundary markers along the east side of the landfill; iii. Ensure that all construction of liner tie-ins at the Facility is in accordance with the permit. This shall include, but not be limited to, ensuring that the wall of exposed waste, resulting from a previous liner tie-in construction, is properly covered; iv. Provide all-weather roads in the facility to the unloading area and provide a water source and necessary equipment or other means of dust control at the Facility; and d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. through 3.c.

Attachment A
Docket Number: 2006-1682-MSW-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Hidalgo County**
Payable Penalty Amount:	**Twelve Thousand Two Hundred Dollars ($12,200)**
SEP Amount:	**Twelve Thousand Two Hundred Dollars ($12,200)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**The Rensselaerville Institute-"Self-Help Rio Grande"**
Location of SEP:	**Hidalgo County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, provide low income homeowners with failing on-site wastewater treatment systems or no system at all, with technical and financial assistance to install, repair, or replace those water and wastewater sewage systems. To reduce costs, the Third-Party Recipient teams with low income homeowners to solve water and wastewater problems by working together to build water and wastewater infrastructures. SEP contributions are to be used for material and labor costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from homes with substandard water and wastewater service. This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from homes with substandard water and wastewater service.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

The Rensselaerville Institute
Marion Frowein
63 Huyck Road
Rensselaerville, NY 12147

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES					
Assigned	21-Aug-2006				
PCW	07-Nov-2006	Screening	05-Sep-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Hidalgo County		
Reg. Ent. Ref. No.	RN102003597		
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	31199	No. of Violations	12
Docket No.	2006-1682-MSW-E	Order Type	Findings
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	Dana Shuler
Multi-Media		EC's Team	Enforcement Team 8
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $10,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 22% Enhancement *Subtotals 2, 3, & 7* $2,200

Notes: The Respondent received four NOVs for the same or similar violations and one NOV for a dissimilar violation.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction *Subtotal 5* $0

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

Notes: The Respondent does not meet the good faith criteria.

Economic Benefit 0% Enhancement* *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$1,271
Approx. Cost of Compliance	$34,150

SUM OF SUBTOTALS 1-7 Final Subtotal $12,200

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 $12,200

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $12,200

DEFERRAL 0% Reduction Adjustment $0

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

Notes: No deferral offered for findings orders.

PAYABLE PENALTY $12,200

Screening Date	05-Sep-2006	**Docket No.** 2006-1682-MSW-E	**PCW**
Respondent	Hidalgo County		*Policy Revision 2 (September 2002)*
Case ID No.	31199		*PCW Revision May 19, 2005*
Reg. Ent. Reference No.	RN102003597		
Media [Statute]	Municipal Solid Waste		
Enf. Coordinator	Dana Shuler		

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)*	4	20%
	Other written NOVs	1	2%
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*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) **22%**

>> 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 The Respondent received four NOVs for the same or similar violations and one NOV for a dissimilar violation.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **22%**

PCW

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

Screening Date 05-Sep-2006 **Docket No.** 2006-1682-MSW-E
Respondent Hidalgo County
Case ID No. 31199
Reg. Ent. Reference No. RN102003597
Media [Statute] Municipal Solid Waste
Enf. Coordinator Dana Shuler

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 330.121(a) and Permit No. 1727AE Section 1.15 (Addendum to SOP-April 2004)

Secondary Rule Cite(s)

Violation Description Failure to control windblown material, as documented during an investigation conducted on July 21, 2006. Specifically, litter was scattered throughout the facility, along fences, and access roads and the litter was not picked up at least once per week.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment -$9,500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

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

Violation Base Penalty $500

One quarterly event is recommended from the July 21, 2006 investigation date to the September 5, 2006 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount $17

Statutory Limit Test

Violation Final Penalty Total $610

This violation Final Assessed Penalty (adjusted for limits) $610

Economic Benefit Worksheet

Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Violation No.	1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$400	21-Jul-2006	25-May-2007	0.8	$17	n/a	$17
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to ensure that litter is picked up at least once per week. Date required is investigation date and the final date is the estimated 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: $400

TOTAL: $17

PCW

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

Screening Date	05-Sep-2006
Docket No.	2006-1682-MSW-E
Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Enf. Coordinator	Dana Shuler
Violation Number	2
Primary Rule Cite(s)	30 Tex. Admin. Code § 330.121(a) and Permit No. 1727AE Sections 1.12 (Addendum to SOP-April 2004) and 1.13 (Tire Storage and Processing Facility Operating Plan 3.0)
Secondary Rule Cite(s)	
Violation Description	Failure to prevent the stacking of tires over three bales high and process brush from the landfill's brush pile into mulch, as documented during an investigation conducted on July 21, 2006. Specifically, two bales of tires were stacked more than three bales high and the landfill's brush pile was not being processed into mulch.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment -$9,500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events: 1

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $49

Statutory Limit Test

Violation Final Penalty Total $610

This violation Final Assessed Penalty (adjusted for limits) $610

Economic Benefit Worksheet

Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Violation No.	2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$15,000	21-Jul-2006	07-Aug-2006	0.0	$2	$47	$49
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	$100	21-Jul-2006	07-Aug-2006	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 for equipment needed to process brush into mulch. Also, included in delayed cost is the estimated cost to ensure tires are not stacked over 3 bales high. Date required is investigation date and the final date is the 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	$15,100	TOTAL	$49

PCW

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

Screening Date	05-Sep-2006
Docket No.	2006-1682-MSW-E
Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Enf. Coordinator	Dana Shuler
Violation Number	3
Primary Rule Cite(s)	30 Tex. Admin. Code § 330.133(b)
Secondary Rule Cite(s)	
Violation Description	Failure to prevent the disposal of waste in an unauthorized area, as documented during an investigation conducted on July 21, 2006. Specifically, in the brush pile area municipal solid waste was disposed, including, but was not limited to the following: plastic bottles, aluminum cans, plastic bags, and two tires.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment -$9,500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events: 1

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $13

Statutory Limit Test

Violation Final Penalty Total $610

This violation Final Assessed Penalty (adjusted for limits) $610

Economic Benefit Worksheet

Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Violation No.	3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$300	21-Jul-2006	25-May-2007	0.8	$13	n/a	$13
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to ensure that solid waste is disposed of in an authorized area. Date required is investigation date and the final date is the estimated 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: $300

TOTAL: $13

PCW

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

Screening Date	05-Sep-2006
Docket No.	2006-1682-MSW-E
Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Enf. Coordinator	Dana Shuler

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code § 330.131 and Permit No. 1727AE Section 1.3

Secondary Rule Cite(s)

Violation Description Failure to provide adequate access control around the entire perimeter of the facility, as documented during an investigation conducted on July 21, 2006. Specifically, there was no fence along the perimeter line from the southeast corner of the site north to approximately 380 feet along the east boundary.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants as a result of this violation.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 1

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

Violation Base Penalty $1,000

One quarterly event is recommended from the July 21, 2006 investigation date to the September 5, 2006 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount $269

Statutory Limit Test

Violation Final Penalty Total $1,220

This violation Final Assessed Penalty (adjusted for limits) $1,220

Economic Benefit Worksheet

Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Violation No.	4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$3,800	21-Jul-2006	25-Jul-2007	1.0	$13	$256	$269
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	Estimated cost to provide a fence for southeast corner of the facility north to approximately 380 feet along the east boundary. Date required is investigation date and the final date is the estimated 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: $3,800

TOTAL: $269

PCW

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

Screening Date	05-Sep-2006
Docket No.	2006-1682-MSW-E
Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Enf. Coordinator	Dana Shuler
Violation Number	5
Primary Rule Cite(s)	30 Tex. Admin. Code § 330.143(a) and (b)(2)
Secondary Rule Cite(s)	
Violation Description	Failure to provide site boundary markers along each boundary at intervals no greater than 300 feet, as documented during an investigation conducted on July 21, 2006. Specifically, the east side of the landfill has a distance of approximately 1,831 feet; there were no site boundary markers on the east side of the landfill.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants as a result of this violation.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 1

mark only one use a small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended from the July 21, 2006 investigation date to the September 5, 2006 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount $35

Statutory Limit Test

Violation Final Penalty Total $1,220

This violation Final Assessed Penalty (adjusted for limits) $1,220

Economic Benefit Worksheet

Respondent Hidalgo County
Case ID No. 31199
Reg. Ent. Reference No. RN102003597
Media [Statute] Municipal Solid Waste
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$500	21-Jul-2006	24-Jul-2007	1.0	$2	$34	$35
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	Estimated cost to provide site boundary markers on the east side of landfill. Date required is investigation date and the final date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $500

TOTAL $35

PCW

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

Screening Date	05-Sep-2006
Docket No.	2006-1682-MSW-E
Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Enf. Coordinator	Dana Shuler
Violation Number	6
Primary Rule Cite(s)	30 Tex. Admin. Code § 330.121(a) and Permit No. 1727AE Section 1.8.1
Secondary Rule Cite(s)	
Violation Description	Failure to confine the unloading of solid waste to as small an area as practical, as documented during an investigation conducted on July 21, 2006. Specifically, it was observed that the landfill had a working face of approximately 100 yards in length by 15 yards in width that could not be properly managed.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants as a result of this violation.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 1

mark only one use a small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended from the July 21, 2006 investigation date to the September 5, 2006 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount $21

Statutory Limit Test

Violation Final Penalty Total $1,220

This violation Final Assessed Penalty (adjusted for limits) $1,220

Economic Benefit Worksheet

Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Violation No.	6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$500	21-Jul-2006	25-May-2007	0.8	$21	n/a	$21
Notes for DELAYED costs	Estimated cost to ensure that the unloading of solid waste is confined to as small an area as practical. Date required is investigation date and the final date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $500

TOTAL: $21

PCW

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

Screening Date	05-Sep-2006
Docket No.	2006-1682-MSW-E
Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Enf. Coordinator	Dana Shuler

Violation Number 7

Primary Rule Cite(s) 30 Tex. Admin. Code § 330.153(a) and (b) and Permit No. 1727AE Section 1.6

Secondary Rule Cite(s)

Violation Description Failure to provide all-weather roads within the facility to the unloading area and provide a water source and necessary equipment or other means of dust control, as documented during an investigation conducted on July 21, 2006. Specifically, dusty conditions were observed as vehicles drove on the road leading to the working face of the landfill. In addition, without all-weather roads, wet weather conditions can prevent vehicles from gaining access to the working face for waste disposal. Also, no water source was observed during the investigation for means of dust control.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants as a result of this violation.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 1

mark only one use a small x

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended from the July 21, 2006 investigation date to the September 5, 2006 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount $708

Statutory Limit Test

Violation Final Penalty Total $1,220

This violation Final Assessed Penalty (adjusted for limits) $1,220

Economic Benefit Worksheet

Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Violation No.	7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$10,000	21-Jul-2006	25-Jul-2007	1.0	$34	$674	$708
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	Estimated cost to provide dust control and all-weather roads leading to the working face of landfill. Date required is investigation date and the final date is the estimated 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: $10,000

TOTAL: $708

PCW

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

Screening Date 05-Sep-2006 **Docket No.** 2006-1682-MSW-E
Respondent Hidalgo County
Case ID No. 31199
Reg. Ent. Reference No. RN102003597
Media [Statute] Municipal Solid Waste
Enf. Coordinator Dana Shuler

Violation Number 8

Primary Rule Cite(s) 30 Tex. Admin. Code § 330.129
Secondary Rule Cite(s)

Violation Description Failure to maintain a source of earthen material to extinguish fires and sized to cover any waste received for disposal not covered with six inches of earthen material, as documented during an investigation conducted on July 21, 2006. Specifically, the landfill had only approximately three yards of soil available for cover during the day of the investigation, which was not enough to cover all waste not already covered with six inches of earthen material.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants as a result of this violation.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 1

mark only one use a small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended from the July 21, 2006 investigation date to the September 5, 2006 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount $50

Statutory Limit Test

Violation Final Penalty Total $1,220

This violation Final Assessed Penalty (adjusted for limits) $1,220

Economic Benefit Worksheet

Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Violation No.	8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$800	21-Jul-2006	10-Jun-2007	0.9	$2	$47	$50
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	Estimated cost to provide a source of earthen material to distinguish fires. Date required is investigation date and the final date is the estimated 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: $800

TOTAL: $50

PCW

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

Screening Date 05-Sep-2006 **Docket No.** 2006-1682-MSW-E
Respondent Hidalgo County
Case ID No. 31199
Reg. Ent. Reference No. RN102003597
Media [Statute] Municipal Solid Waste
Enf. Coordinator Dana Shuler

Violation Number 9

Primary Rule Cite(s) 30 Tex. Admin. Code § 330.165(a) and Permit No. 1727AE Section 1.8.1
Secondary Rule Cite(s)

Violation Description Failure to apply six inches of well-compacted earthen material not previously mixed with garbage, rubbish, or other solid waste at the end of each operating day to all waste, as documented during an investigation conducted on July 21, 2006.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants as a result of this violation.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 1

mark only one use a small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended from the July 21, 2006 investigation date to the August 7, 2006 date of compliance.

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $1,220

This violation Final Assessed Penalty (adjusted for limits) $1,220

Economic Benefit Worksheet

Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Violation No.	9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$500	21-Jul-2006	07-Aug-2006	0.0	$0	$2	$2
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	Estimated cost to ensure all waste is covered by six inches of well-compacted earthen material not previously mixed with garbage, rubbish, or other solid waste at the end of each operating day. Date required is investigation date and the final date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $500

TOTAL: $2

PCW

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

Screening Date	05-Sep-2006
Docket No.	2006-1682-MSW-E
Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Enf. Coordinator	Dana Shuler
Violation Number	10
Primary Rule Cite(s)	30 Tex. Admin. Code § 330.165(g)
Secondary Rule Cite(s)	
Violation Description	Failure to maintain and repair the intermediate cover after erosion caused by run-off, as documented during an investigation conducted on July 21, 2006. Specifically, there were areas on the north and south sides of the landfill that had erosion gullies deep enough to expose waste.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants as a result of this violation.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 1

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

Violation Base Penalty $1,000

One quarterly event is recommended from the July 21, 2006 investigation date to the August 7, 2006 date of compliance.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $1,220

This violation Final Assessed Penalty (adjusted for limits) $1,220

Economic Benefit Worksheet

Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Violation No.	10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$250	21-Jul-2006	07-Aug-2006	0.0	$0	$1	$1
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	Estimated cost to repair intermediate cover. Date required is investigation date and the final date is the 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: $250

TOTAL: $1

PCW

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

Screening Date	05-Sep-2006
Docket No.	2006-1682-MSW-E
Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Enf. Coordinator	Dana Shuler
Violation Number	11
Primary Rule Cite(s)	30 Tex. Admin. Code § 330.167
Secondary Rule Cite(s)	
Violation Description	Failure to prevent the ponding of water in the active portion of the landfill, as documented during an investigation conducted on July 21, 2006. Specifically, water containing solid waste was ponded on the north side of the working face of the landfill.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment -$9,500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events: 1

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $31

Statutory Limit Test

Violation Final Penalty Total $610

This violation Final Assessed Penalty (adjusted for limits) $610

Economic Benefit Worksheet

Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Violation No.	11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$500	21-Jul-2006	10-Jun-2007	0.9	$1	$30	$31
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	Estimated cost to ensure ponding does not occur. Date required is investigation date and the final date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $500

TOTAL: $31

PCW

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

Screening Date 05-Sep-2006 **Docket No.** 2006-1682-MSW-E

Respondent Hidalgo County

Case ID No. 31199

Reg. Ent. Reference No. RN102003597

Media [Statute] Municipal Solid Waste

Enf. Coordinator Dana Shuler

Violation Number 12

Primary Rule Cite(s) 30 Tex. Admin. Code § 330.121(a) and Permit No. 1727AE Sections 2.3.8 (Final Cover Quality Control Plan)

Secondary Rule Cite(s)

Violation Description Failure to cut back the old infiltration layer in one-foot off-set layers (stair step), so that each foot of the existing infiltration layer edge is tied to new construction without superimposed construction joints, as documented during an investigation conducted on July 21, 2006. Specifically, it was noted that the cut into the old waste cell created a vertical wall of exposed waste measuring approximately eight feet high.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants as a result of this violation.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 1

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

Violation Base Penalty $1,000

One quarterly event is recommended from the July 21, 2006 investigation date to the September 5, 2006 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount $76

Statutory Limit Test

Violation Final Penalty Total $1,220

This violation Final Assessed Penalty (adjusted for limits) $1,220

Economic Benefit Worksheet

Respondent	Hidalgo County
Case ID No.	31199
Reg. Ent. Reference No.	RN102003597
Media [Statute]	Municipal Solid Waste
Violation No.	12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$1,500	21-Jul-2006	25-Jul-2007	1.0	$76	n/a	$76
Notes for DELAYED costs	Estimated cost to ensure that the working face is managed properly by cutting back the infiltration layer in stair-step formation. Date required is investigation date and the final date is the estimated 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: $76

Compliance History

Customer/Respondent/Owner-Operator:	CN600753990	Hidalgo County	Classification: AVERAGE	Rating: 2.66
Regulated Entity:	RN102003597	PENITAS	Classification: AVERAGE	Site Rating: 6.50

ID Number(s):	MUNICIPAL SOLID WASTE DISPOSAL	PERMIT	1727
Location:	0.5 MILE W OF FM 1427 ON MILITARY HIGHWAY, PENITAS	Rating Date: September 01 06	Repeat Violator: NO

TCEQ Region:	REGION 15 - HARLINGEN
Date Compliance History Prepared:	October 10, 2006
Agency Decision Requiring Compliance History:	Enforcement
Compliance Period:	October 10, 2001 to October 10, 2006

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

Name: N/A Phone: (512) 239-2505

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 08/28/2003 (112830)
2 05/27/2004 (269059)
3 12/22/2004 (344887)
4 11/17/2003 (255352)
5 08/15/2006 (489881)
6 09/01/2004 (279869)
7 08/02/2002 (2360)
8 10/18/2002 (10908)
9 01/02/2002 (285639)
10 01/13/2004 (257640)

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

Date: 08/16/2002 (2360)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.116

Description: Failure to prevent the uncontrolled access to other operations located at the municipal solid waste landfill by means of artificial barriers, natural barriers, or a combination of both to protect the human health and safety and the environment.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.133(b)

Description: Failure to provide intermediate cover for all areas that have received waste but will be inactive for longer than 180 days with the cover consisting an additional six inches of well compacted earthen material not previously mixed with garbage, rubbish, or other solid waste for a total of not less than 12 inches of cove

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.133(g)

Description: Failure to maintain a cover application log on site which specifies the date cover was accomplished, how it was accomplished and the last area covered with each entry certified by the signature of the on-site supervisor that the work was accomplished as so stated in the log.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter E 330.55(b)(10)(C)

Description: Failure to maintain site boundary markers at each corner of the site, along each boundary line at intervals no greater than 300 feet and extending at least six feet above ground level.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter E 330.55(b)(10)(D)

Description: Failure to maintain buffer zone markers identifying the 50-foot buffer zone along each buffer zone boundary at all corners and between corners at intervals of 300 feet and at least six feet above ground level.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter E 330.55(b)(10)(F)

Description: Failure to maintain the landfill grid systems markers.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter E 330.55(b)(10)(G)

Description: Failure to maintain SLER/FMLER area markers so that all areas for which a SLER/FMLER has been submitted and approved by the department and are readily determinable.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter E 330.55(b)(10)(H)

Description: Failure to maintain flood protection markers for any area within a solid waste disposal facility that is subject to flooding prior to the construction of flood protection levee with markers not more than 300 feet apart.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.113(b)(7)

Description: Failure to record and retain any and all cost estimates and financial assurance documentation relating to financial assurance closure and post closure.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter F 328.61(c)

Description: Failure to maintain a minimum separation of 40 feet between outdoor piles consisting of scrap tires or tire pieces.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 328, SubChapter F 328.58(e)

Description: Failure to notify the appropriate commission regional office of any transporter or authorized scrap tire facility that fails to complete the manifest, alters the generator portion of the manifest, or fails to return the manifest within three months after the off-site transportation of the used or scrap tires.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter F 328.62(b)[G]

Description: Failure to maintain a record in the form of a daily log or other similar documentation approved by the executive director documenting each individual tire delivery or removal.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter F 328.59(b)(2)

Description: Failure to file in the county deed records an affidavit to the public advising that the land has been used for tire storage facility.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 328, SubChapter F 328.59(b)(6)

Description: Failure to submit to the executive director an annual summary of their activities from January 1 through December 31 of each calendar year, showing the number and disposition of used or scrap tires or tire pieces received, and the number of used or scrap tires or tire pieces removed from the facility.

Date: 08/29/2003 (112830)

Self Report? NO Classification: Minor

Rqmt Prov: OP IA

Description: A lead acid storage battery shall not be intentionally or knowingly accepted for disposal at any municipal solid waste landfill.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.133(g)

Description: Failure to maintain a cover application log on site which specifies the date cover was accomplished, how it was accomplished and the last area covered with each entry certified by the signature of the on site supervisor that the work was accomplished as so sated in the log.

Date: 12/20/2004 (344887)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.113(b)(2)

Description: Failure to promptly record and retain in an operating record the inspection records, training procedures, and notification procedures relating to excluding the receipt of regulated hazardous waste and PCB waste.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter A 330.5[G]

Description: The owner/operator allowed the use or operation of a solid waste facility to store, process, or dispose of solid waste so as to cause the creation and maintenance of a nuisance and the endangerment of the environment.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter F 330.124(a)

Description: Failure of the owner/operator to remove large, heavy, or bulky items from the site often enough to prevent these items from becoming a nuisance and to preclude the discharge of any pollutants from the area.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter F 330.133(a)

Description: Failure to provide six inches of well-compacted earthen materials not previously mixed with waste at the end of each operating day to control vectors. Specifically, daily cover had been eroded in several areas of the entity and had not been repaired in at least a two week period.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.133(g)

Description: Failure of the landfill to keep a cover application log on site readily available for inspection by commission representatives.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter E 330.56(n)(10)

30 TAC Chapter 330, SubChapter F 330.130

Description: All landfill gases shall be monitored in accordance with the LGMP in accordance with 330.56(n). The LGMP, section 4.2.1, states the site office will be monitored at least quarterly for methane build up. These reading shall be indicated to verify any methane levels that may be present.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.111

Description: The approved SDP, SOP, Final Closure, Post Closure Maintenance, LGM, and all other documents and plans shall become operational requirements and shall be considered a part of the operating record of the entity. Any deviation from the incorporated plans is a violation of this chapter.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter F 328.62(d)[G]

Description: Failure of the scrap tire storage site owner/operator to report their recycling activities to the executive director.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter F 330.117(b)

Description: Failure to prohibit the unloading of waste in unauthorized areas. Any waste deposited in an unauthorized area shall be removed promptly and disposed of properly.

Date: 08/20/2004 (279869)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.113(b)(2)

Description: Failure to promptly record and retain in an operating record the inspection records, training procedures, and notification procedures relating to excluding the receipt of regulated hazardous waste and PCB waste.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter A 330.5[G]

Description: The owner/operator allowed the use or operation of a solid waste facility to store, process, or dispose of solid waste so as to cause the creation and maintenance of a nuisance and the endangerment of the environment.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter F 330.124(a)

Description: Failure of the owner/operator to remove large, heavy, or bulky items from the site often enough to prevent these items from becoming a nuisance and to preclude the discharge of any pollutants from the area.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.128

Description: Failure to prohibit scavenging at municipal solid waste facilities.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter F 330.133(a)

Description: Failure to provide six inches of well-compacted earthen materials not previously mixed with waste at the end of each operating day to control vectors. Specifically, daily cover had been eroded in several areas of the entity and had not been repaired in at least a two week period.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.133(g)

Description: Failure of the landfill to keep a cover application log on site readily available for inspection by commission representatives.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter F 330.134

Description: Failure to prevent the ponding of water in the active portion of the entity and eliminate as quickly as possible the ponded water. The area in which the ponding occurred shall be filled in and regraded within seven days of the occurrence.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter E 330.56(n)(10)

30 TAC Chapter 330, SubChapter F 330.130

Description: All landfill gases shall be monitored in accordance with the LGMP in accordance with 330.56(n). The LGMP, section 4.2.1, states the site office will be monitored at least quarterly for methane build up. These reading shall be indicated to verify any methane levels that may be present.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.111

Description: The approved SDP, SOP, Final Closure, Post Closure Maintenance, LGM, and all other documents and plans shall become operational requirements and shall be considered a part of the operating record of the entity. Any deviation from the incorporated plans is a violation of this chapter.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter F 328.62(d)[G]

Description: Failure of the scrap tire storage site owner/operator to report their recycling activities to the executive director.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter F 330.117(b)

Description: Failure to prohibit the unloading of waste in unauthorized areas. Any waste deposited in an unauthorized area shall be removed promptly and disposed of properly.

Date: 01/14/2004 (257640)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.133(a)

Description: Failure to provide six-inches of well-compacted earthen material not previously mixed with garbage, rubbish, or other solid waste at the end of each operating day to control disease vectors, fires, odors, windblown litter or waste and scavenging.

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
HIDALGO COUNTY	§	
RN102003597	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1682-MSW-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Hidalgo County ("the County") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the County presented this agreement to the Commission.

The County understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the County agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the County.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The County owns and operates a municipal solid waste landfill located 0.5 mile west of Farm-to-Market Road 1427 on Military Highway, Peñitas, Hidalgo County, Texas (the "Facility").

2. The Facility involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.

3. During an investigation on July 21, 2006, TCEQ staff documented the failure to control windblown material. Specifically, litter was scattered throughout the Facility, along fences, and access roads and the litter was not picked up at least once per week.

4. During an investigation on July 21, 2006, TCEQ staff documented the failure to prevent the stacking of tires over three bales high and process brush from the landfill's brush pile into mulch. Specifically, two bales of tires were stacked more than three bales high and the landfill's brush pile was not being processed into mulch.

5. During an investigation on July 21, 2006, TCEQ staff documented the failure to prevent the disposal of waste in an unauthorized area. Specifically, in the brush pile area, municipal solid waste was disposed, included, but was not limited to the following: plastic bottles, aluminum cans, plastic bags, and two tires.

6. During an investigation on July 21, 2006, TCEQ staff documented the failure to provide adequate access control around the entire perimeter of the Facility. Specifically, there was no fence along the perimeter line from the southeast corner of the Facility north to approximately 380 feet along the east boundary.

7. During an investigation on July 21, 2006, TCEQ staff documented the failure to provide site boundary markers along each boundary at intervals no greater than 300 feet. Specifically, the east side of the landfill has a distance of approximately 1,831 feet; there were no site boundary markers on the east side of the landfill.

8. During an investigation on July 21, 2006, TCEQ staff documented the failure to confine the unloading of solid waste to as small an area as practical. Specifically, the landfill did not confine the unloading of solid waste to as small an area as practical. It was observed that the landfill has a working face of approximately 100 yards in length by 15 yards in width that could not be properly managed.

9. During an investigation on July 21, 2006, TCEQ staff documented the failure to provide all-weather roads within the facility to the unloading area and provide a water source and necessary equipment or other means of dust control. Specifically, dusty conditions were observed as vehicles drove on the road leading to the working face of the landfill. In addition, without all-weather roads, wet weather conditions can prevent vehicles from gaining access to the working face for waste disposal. Also, no water source was observed during the investigation for means of dust control.

10. During an investigation on July 21, 2006, TCEQ staff documented the failure to maintain a source of earthen material to extinguish fires and sized to cover any waste received for disposal not covered with six inches of earthen material. Specifically, the landfill had only approximately three yards of soil available for cover during the day of the investigation, which was not enough to cover all waste not already covered with six inches of earthen material.

11. During an investigation on July 21, 2006, TCEQ staff documented the failure to apply six inches of well-compacted earthen material not previously mixed with garbage, rubbish, or other solid waste at the end of each operating day to all waste.

12. During an investigation on July 21, 2006, TCEQ staff documented the failure to maintain and repair the intermediate cover after erosion caused by run-off. Specifically, there were areas on the north and south sides of the landfill that had erosion gullies deep enough to expose waste.

13. During an investigation on July 21, 2006, TCEQ staff documented the failure to eliminate the ponding of water in the active portion of the landfill. Specifically, water containing solid waste was ponded on the north side of the working face of the landfill.

14. During an investigation on July 21, 2006, TCEQ staff documented the failure to cut back the old infiltration layer in one-foot off-set layers (stair step), so that each foot of the existing infiltration layer edge is tied to new construction without superimposed construction joints. Specifically, it was noted that the cut into the old waste cell created a vertical wall of exposed waste measuring approximately eight feet high.

15. The County received notice of the violations on August 20, 2006.

16. The Executive Director recognizes that on August 7, 2006, the County submitted compliance documentation that demonstrated the following corrective measures at the Facility:

    a. Tire stacks have been reduced to no more than 3 bales high;

    b. The landfill's brush pile is currently being processed into mulch;

    c. Six inches of well-compacted earthen material is being applied to solid waste at the end of each operating day; and

    d. Intermediate cover has been repaired on the north and south sides of the landfill.

II. CONCLUSIONS OF LAW

1. The County is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002, TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3, the County failed to control windblown waste, in violation of 30 TEX. ADMIN. CODE § 330.121(a) and Permit No. 1727AE Section 1.15 (Addendum to SOP-April 2004).

3. As evidenced by Finding of Fact No. 4, the County failed to prevent the improper stacking of tires and process brush from the landfill's brush pile, in violation of 30 TEX. ADMIN. CODE § 330.121(a) and Permit No. 1727AE Sections 1.12 (Addendum to SOP-April 2004) and 1.13 (Tire Storage and Processing Facility Operating Plan 3.0).

4. As evidenced by Finding of Fact No. 5, the County failed to prevent the disposal of waste in an unauthorized area, in violation of 30 TEX. ADMIN. CODE § 330.133(b).

5. As evidenced by Finding of Fact No. 6, the County failed to provide adequate access control, in violation of 30 TEX. ADMIN. CODE § 330.131 and Permit No. 1727AE Section 1.3.

6. As evidenced by Finding of Fact No. 7, the County failed to provide site boundary markers, in violation of 30 TEX. ADMIN. CODE § 330.143(a) and (b)(2).

7. As evidenced by Finding of Fact No. 8, the County failed to confine the unloading of solid waste to as small an area as practical, in violation of 30 TEX. ADMIN. CODE § 330.121(a) and Permit No. 1727AE Section 1.8.1.

8. As evidenced by Finding of Fact No. 9, the County failed to provide all-weather roads within the facility and provide a water source and necessary equipment or other means of dust control, in violation of 30 TEX. ADMIN. CODE § 330.153(a) and (b) and Permit No. 1727AE Section 1.6.

9. As evidenced by Finding of Fact No. 10, the County failed to maintain a source of earthen material to extinguish fires and sized to cover any waste received for disposal not covered with six inches of earthen material, in violation of 30 TEX. ADMIN. CODE § 330.129.

10. As evidenced by Finding of Fact No. 11, the County failed to apply six inches of well-compacted earthen material at the end of each operating day, in violation of 30 TEX. ADMIN. CODE § 330.165(a) and Permit No. 1727AE Section 1.8.1.

11. As evidenced by Finding of Fact No. 12, the County failed to maintain and repair the intermediate cover after erosion caused by run-off, in violation of 30 TEX. ADMIN. CODE § 330.165(g).

12. As evidenced by Finding of Fact No. 13, the County failed to prevent the ponding of water in the active portion of the landfill, in violation of 30 TEX. ADMIN. CODE § 330.167.

13. As evidenced by Finding of Fact No. 14, the County failed to cut back the old infiltration layer in one-foot off-set layers (stair step), in violation of 30 TEX. ADMIN. CODE § 330.121(a) and Permit No. 1727AE Section 2.3.8 (Final Cover Quality Control Plan).

14. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the County for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

15. An administrative penalty in the amount of Twelve Thousand Two Hundred Dollars ($12,200) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Twelve Thousand Two Hundred Dollars ($12,200) shall be conditionally offset by the County's completion of a Supplemental Environmental Project.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The County is assessed an administrative penalty in the amount of Twelve Thousand Two Hundred Dollars ($12,200), as set forth in Section II, Paragraph 15 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the County's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Hidalgo County, Docket No. 2006-1682-MSW-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. The County shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE 7.067. As set forth in Section II, Paragraph 15 above, Twelve Thousand Two Hundred Dollars ($12,200) of the administrative penalty shall be offset with the condition that the County implement the SEP defined in Attachment A, incorporated herein by reference. The County's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The County shall undertake the following technical requirements:

   a. Immediately upon the effective date of this Agreed Order:

      i. Begin picking up litter scattered throughout the Facility along fences and access roads weekly or more often as necessary to minimize unhealthy, unsafe, or unsightly conditions, in accordance with 30 TEX. ADMIN. CODE § 330.121(a) and Permit No. 1727AE;

      ii. Begin ensuring that waste is disposed of in an authorized area, in accordance with 30 TEX. ADMIN. CODE § 330.133(b);

      iii. Confine the unloading of solid waste to as small an area as practical, in accordance with 30 TEX. ADMIN. CODE § 330.121(a) and Permit No. 1727AE;

   b. Within 15 days after the effective date of this Agreed Order:

i. Provide a source of earthen material sized to cover any waste received for disposal available at all times to extinguish any fires, in accordance with 30 TEX. ADMIN. CODE § 330.129;

ii. Begin ensuring that the ponding of water in the active portion of the landfill is eliminated, in accordance with 30 TEX. ADMIN. CODE § 330.167;

c. Within 60 days after the effective date of this Agreed Order:

i. Provide adequate access control around the entire perimeter of the Facility, in accordance with 30 TEX. ADMIN. CODE § 330.131 and Permit No. 1727AE;

ii. Place boundary markers along the east side of the landfill, in accordance with 30 TEX. ADMIN. CODE § 330.143(a) and (b)(2);

iii. Ensure that all construction of liner tie-ins at the Facility is in accordance with the permit. This shall include, but not be limited to, ensuring that the wall of exposed waste, resulting from a previous liner tie-in construction, is properly covered, in accordance with 30 TEX. ADMIN. CODE § 330.121(a) and Permit No. 1727AE;

iv. Provide all-weather roads in the facility to the unloading area and provide a water source and necessary equipment or other means of dust control at the Facility, in accordance with 30 TEX. ADMIN. CODE § 330.153(a) and (b) and Permit No. 1727AE; and

d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. through 3.c.

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:

Waste Section Manager
Harlingen Regional Office
Texas Commission on Environmental Quality
1804 West Jefferson Avenue
Harlingen, Texas 78550-5247

4. The provisions of this Agreed Order shall apply to and be binding upon the County. The County is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

5. If the County 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, the County's failure to comply is not a violation of this Agreed Order. The County has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The County shall notify the Executive Director within seven days after the County becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. 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 the County shall be made in writing to the Executive Director. Extensions are not effective until the County receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the County if the Executive Director determines that the County has not complied with one or more of the terms or conditions in this Agreed Order.

8. 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.

9. This Agreed Order, issued by the Commission, shall not be admissible against the County 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.

10. 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.

11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 7/17/07
For the Executive Director Date

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

I understand that by entering into this Agreed Order, Hidalgo County waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

_____ Feb. 20 - 07
Signature Date

Judge J.D. Salinas III Hidalgo County Judge
Name (printed or typed) Title
Authorized Representative
Hidalgo County

APPROVED BY
COMMISSIONERS' COURT
ON: FEB 2 0 2007

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

Attachment A
Docket Number: 2006-1682-MSW-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Hidalgo County**
Payable Penalty Amount:	**Twelve Thousand Two Hundred Dollars ($12,200)**
SEP Amount:	**Twelve Thousand Two Hundred Dollars ($12,200)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**The Rensselaerville Institute-"Self-Help Rio Grande"**
Location of SEP:	**Hidalgo County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, provide low income homeowners with failing on-site wastewater treatment systems or no system at all, with technical and financial assistance to install, repair, or replace those water and wastewater sewage systems. To reduce costs, the Third-Party Recipient teams with low income homeowners to solve water and wastewater problems by working together to build water and wastewater infrastructures. SEP contributions are to be used for material and labor costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from homes with substandard water and wastewater service. This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from homes with substandard water and wastewater service.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

The Rensselaerville Institute
Marion Frowein
63 Huyck Road
Rensselaerville, NY 12147

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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