

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-0033-MLM-E **TCEQ ID:** RN105076251 **CASE NO.:** 32113

**RESPONDENT NAME:** Randle D. Howard dba Howard Construction Fill Site and D&KW Family, L.P.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 166Q AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 5841 South Freeway, Fort Worth, Tarrant County</p> <p><b>TYPE OF OPERATION:</b> Unauthorized waste disposal site</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received on September 19, 2006, alleging unauthorized disposal of waste. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> A complaint was received but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 4, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Michael Meyer, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-4492 ; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468  <b>Respondent:</b> Mr. Randle D. Howard, President, Howard Construction Fill Site, 3863 South Freeway, Fort Worth, Texas 77339; Mr. Donald M. White, General Partner, D&amp;KW Family, L.P., 2907 Valley Manor Drive, Fort Worth, Texas 77339  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2007-0033-MLM-E

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b>                      September 19, 2006</p> <p><b>Date of Investigation Relating to this Case:</b>                      September 25, 2006</p> <p><b>Date of NOE Relating to this Case:</b> November 17, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation. One violation was documented.</p> <p><b>WASTE</b></p> <p>Failed to obtain authorization for disposal of non-hazardous industrial and municipal solid waste [30 TEX. ADMIN. CODE §§ 330.15(c) and 335.4].</p>	<p><b>Total Assessed:</b> \$2,000</p> <p><b>Total Deferred:</b> \$400  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,600</p> <p>CN603148164  <b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>CN603104175  <b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondents to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease the receipt and disposal of additional industrial and municipal waste at the Site, in accordance with 30 TEX. ADMIN. CODE §§ 330.15(c) and 335.4;</p> <p>b. Within 120 days after the effective date of this Agreed Order, submit an <b>Affected Property Assessment Report</b>, pursuant to 30 TEX. ADMIN. CODE § 350.91, to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350 which may include: plans, reports, and notices under Subchapter B (30 TEX. ADMIN. CODE §§ 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(1)); and Institutional Controls under Subchapter F; and</p> <p>c. Within 135 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 Provisions a. and .b.</p>



# Penalty Calculation Worksheet (PCW)

<b>DATES</b>	Assigned	28-Nov-2006	Screening	4-Jan-2007	EPA Due	
	PCW	8-Jan-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Randle D. Howard dba Howard Construction Fill Site and D&KW Family, L.P.
Reg. Ent. Ref. No.	RN105076251
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	32113	No. of Violations	1
Docket No.	2007-0033-MLM-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	Michael Meyer
Multi-Media	Industrial and Hazardous Waste	EC's Team	Enforcement Team 7
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**  Enhancement Subtotals 2, 3, & 7

Notes

**Culpability**   Enhancement Subtotal 4

Notes

**Good Faith Effort to Comply**  Reduction Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes

**Total EB Amounts**  Subtotal 6   
**Approx. Cost of Compliance**  \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  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**  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 4-Jan-2007

Docket No. 2007-0033-MLM-E

PCW

Respondent Randle D. Howard dba Howard Construction Fill Site and D&KW Family, L.P.

Policy Revision 2 (September 2002)

Case ID No. 32113

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN105076251

Media [Statute] Municipal Solid Waste

Enf. Coordinator Michael Meyer

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

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 Respondents have no record of any previous Orders or NOVs at this site within the past five years.

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

Screening Date 4-Jan-2007

Docket No. 2007-0033-MLM-E

PCW

Randle D. Howard dba Howard Construction Fill Site and D&KW

Respondent Family, L.P.

Policy Revision 2 (September 2002)

Case ID No. 32113

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN105076251

Media [Statute] Municipal Solid Waste

Enf. Coordinator Michael Meyer

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 330.15(c) and 335.4

Violation Description Failed to obtain authorization for disposal of non-hazardous industrial and municipal solid waste, as documented during an investigation conducted on September 25, 2006. Specifically, several hundred cubic yards of waste, including construction and demolition debris and foundry sand, were disposed of at the Site.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 101 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended from the September 25, 2006 investigation date to the January 4, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$55

Violation Final Penalty Total \$2,000

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

## Economic Benefit Worksheet

**Respondent** Randle D. Howard dba Howard Construction Fill Site and D&KW Family, L.P.  
**Case ID No.** 32113  
**Reg. Ent. Reference No.** RN105076251  
**Media** Municipal Solid Waste  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$1,000	25-Sep-2006	29-Oct-2007	1.1	\$55	n/a	\$55
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a TCEQ permit or other authorization to operate the site as a Type IV Construction and Demolition Debris Landfill, from the investigation date to 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	\$1,000	<b>TOTAL</b>	\$55
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# Compliance History

Customer/Respondent/Owner-Operator: CN603148164 HOWARD, RANDLE D Classification: Rating:  
Regulated Entity: RN105076251 HOWARD CONSTRUCTION FILL Classification: Site Rating:  
SITE  
MUNICIPAL SOLID WASTE NON ID NUMBER 455040170  
PERMITTED

ID Number(s):

Location: 5841 SOUTH FRWY, FORT WORTH, TX, 76134

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: February 01, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 01, 2002 to February 01, 2007

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

Name: Alison Echlin Phone: 512-239-3308

## 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 11/20/2006 (512837)  
N/A
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
  - 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 UNIVERSITY OF CHICAGO

PHILOSOPHY DEPARTMENT

1100 EAST 58TH STREET

CHICAGO, ILLINOIS 60637

AGREEMENT

between the University of Chicago and

the American Philosophical Association

dated December 15, 1964

and amended by the following:

1. The University of Chicago hereby agrees to

provide the following:

(a) A full-time position of Professor of Philosophy

to be held by the American Philosophical Association

from 1965 to 1966

(b) The salary for this position shall be \$12,000

per annum plus a summer salary of \$2,000

plus a summer salary of \$2,000

and

(c) The University of Chicago shall provide

with

the following:

(i)

(ii) The University of Chicago shall provide

with the following:

(i)

(ii) The University of Chicago shall provide

with the following:

(i)

(ii) The University of Chicago shall provide

with

the following:

(i)

(ii) The University of Chicago shall provide

with

the following:

(i)

(ii) The University of Chicago shall provide

with

# Compliance History

Customer/Respondent/Owner-Operator: CN603104175 D&KW Family, L.P. Classification: AVERAGE BY Rating: 3.01  
DEFAULT  
Regulated Entity: RN105076251 HOWARD CONSTRUCTION FILL Classification: AVERAGE BY Site Rating: 3.01  
SITE DEFAULT  
ID Number(s): MUNICIPAL SOLID WASTE NON ID NUMBER 455040170  
PERMITTED  
Location: 5841 SOUTH FRWY, FORT WORTH, TX, 76134 Rating Date: September 01 06 Repeat Violator:  
NO

TCEQ Region: REGION 04 - DFW METROPLEX  
Date Compliance History Prepared: December 11, 2006  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: December 11, 2001 to December 11, 2006

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

Name: Alison Echlin Phone: 512-239-3308

## 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 11/20/2006 (512837)  
N/A
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
  - F. Environmental audits.  
N/A
  - G. Type of environmental management systems (EMSs).  
N/A
  - H. Voluntary on-site compliance assessment dates.  
N/A
  - I. Participation in a voluntary pollution reduction program.  
N/A
  - J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in the context of public administration and financial management.

2. The second part of the document outlines the various methods and tools used to collect, analyze, and report data. It highlights the need for standardized procedures and the use of modern technology to ensure the accuracy and reliability of the information gathered.

3. The third part of the document focuses on the role of the audit committee in overseeing the financial reporting process. It details the committee's responsibilities, including reviewing the financial statements, assessing the effectiveness of internal controls, and reporting to the board of directors.

4. The fourth part of the document discusses the importance of communication and collaboration between different departments and stakeholders. It stresses that clear communication is key to ensuring that everyone is on the same page and that any issues are identified and resolved promptly.

5. The fifth part of the document provides a summary of the key findings and recommendations from the audit. It identifies areas where improvements are needed and offers practical suggestions for how these can be implemented to enhance the organization's overall performance and financial health.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
RANDLE D. HOWARD DBA  
HOWARD CONSTRUCTION FILL  
SITE AND D&KW FAMILY, L.P.  
RN105076251

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2007-0033-MLM-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 Randle D. Howard dba Howard Construction Fill Site ("Mr. Howard") and D&KW Family, L.P. ("D&KW") 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, D&KW, and Mr. Howard appear before the Commission and together stipulate that:

1. Mr. Howard operates and D&KW owns an unauthorized waste disposal site at 5841 South Freeway in Fort Worth, Tarrant County, Texas (the "Site").
2. The Site involves or involved the management of municipal and industrial solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission, Mr. Howard, and D&KW agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Howard and D&KW are subject to the Commission's jurisdiction.
4. Mr. Howard and D&KW received notice of the violations alleged in Section II ("Allegations") on or about November 22, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Howard and D&KW of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

CHIEF CLERKS OFFICE

2007 AUG -3 AM 10:09

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

6. An administrative penalty in the amount of Two Thousand Dollars (\$2,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Howard and D&KW have paid One Thousand Six Hundred Dollars (\$1,600) of the administrative penalty and Four Hundred Dollars (\$400) is deferred contingent upon Mr. Howard's and D&KW'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 Mr. Howard and D&KW fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Howard and D&KW to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ, Mr. Howard, and D&KW have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Howard and D&KW have not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As operator and owner of the Site, Mr. Howard and D&KW are alleged to have failed to obtain authorization for disposal of non-hazardous industrial and municipal solid waste, in violation of 30 TEX. ADMIN. CODE §§ 330.15(c) and 335.4, as documented during an investigation conducted on September 25, 2006. Specifically, several hundred cubic yards of waste, including construction and demolition debris and foundry sand, were disposed of at the Site.

## **III. DENIALS**

Howard Construction and D&KW generally deny each allegation in Section II ("Allegations").



#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Howard and D&KW pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Howard's and D&KW'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: Randle D. Howard dba Howard Construction Fill Site and D&KW Family, L.P., Docket No. 2007-0033-MLM-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. Mr. Howard and D&KW are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. It is further ordered that Mr. Howard and D&KW and shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, cease the receipt and disposal of additional industrial and municipal waste at the Site, in accordance with 30 TEX. ADMIN. CODE §§ 330.15(c) and 335.4;
  - b. Within 120 days after the effective date of this Agreed Order, submit an **Affected Property Assessment Report**, pursuant to 30 TEX. ADMIN. CODE § 350.91, to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350 which may include: plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE §§ 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(l)); and Institutional Controls under Subchapter F.
  - c. Within 135 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(s). 3.a. and 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are



significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Municipal Solid Waste Section, Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2301 Gravel Drive  
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Howard and D&KW. Mr. Howard and D&KW are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If Mr. Howard and D&KW fail to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Howard's and D&KW's failure to comply is not a violation of this Agreed Order. Mr. Howard and D&KW shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Howard and D&KW shall notify the Executive Director within seven days after Mr. Howard and D&KW become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Howard and D&KW shall be made in writing to the Executive Director. Extensions are not effective until Mr. Howard and D&KW receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Howard and D&KW in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.



8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Howard and D&KW, or three days after the date on which the Commission mails notice of the Order to Mr. Howard and D&KW, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making and strategic planning.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and integration. It provides strategies to overcome these challenges and ensure that the organization's data is reliable and secure.

5. The fifth part of the document discusses the importance of data governance and the role of leadership in establishing a strong data culture. It emphasizes that data should be used responsibly and ethically to drive organizational success.

6. The sixth part of the document provides a summary of the key points discussed and offers recommendations for further action. It encourages the organization to continuously monitor and improve its data management practices to stay competitive in the market.

7. The seventh part of the document includes a list of references and resources used in the document. It provides a comprehensive overview of the current state of data management and offers valuable insights for further research and implementation.

8. The eighth part of the document contains a list of appendices and supporting documents. These documents provide additional details and data to support the main text and are essential for a thorough understanding of the organization's data management practices.

9. The ninth part of the document includes a list of figures and tables. These visual aids help to present complex data in a clear and concise manner, making it easier for the reader to understand the organization's performance and trends.

10. The tenth part of the document contains a list of footnotes and endnotes. These notes provide additional information and references to support the main text and are essential for a thorough understanding of the organization's data management practices.

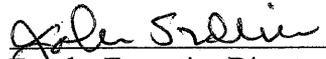
11. The eleventh part of the document includes a list of glossary terms and definitions. These terms are used throughout the document and are essential for a clear understanding of the organization's data management practices.

12. The twelfth part of the document contains a list of contact information and a list of authors. This information is essential for the reader to reach out to the organization for more information or to acknowledge the authors of the document.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

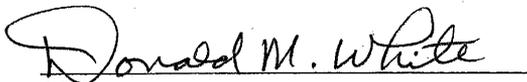
7/24/07  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

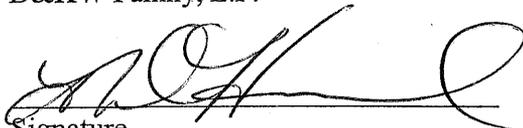
In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

3-15-07  
\_\_\_\_\_  
Date

DONALD M. WHITE  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
D&KW Family, L.P.

GENERAL PARTNER  
\_\_\_\_\_  
Title

  
\_\_\_\_\_  
Signature

3-13-07  
\_\_\_\_\_  
Date

Randle D. Howard  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Randle D. Howard dba Howard Construction Fill Site

President  
\_\_\_\_\_  
Title

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The records should be kept up-to-date and should be accessible to all relevant parties.

2. The second part of the document outlines the procedures for handling discrepancies. It is important to identify any errors as soon as possible and to investigate the cause of the discrepancy. Once the cause has been identified, the necessary steps should be taken to correct the error and to prevent it from recurring.

3. The third part of the document discusses the importance of regular communication between all parties involved in the financial process. This includes the management, the accounting department, and the external auditors. Regular communication helps to ensure that everyone is aware of the current status of the financial statements and any issues that may arise.

4. The fourth part of the document discusses the importance of maintaining a strong internal control system. This system should be designed to prevent and detect errors and fraud. It should include a clear separation of duties, a strong system of authorization, and a regular review of the internal control system.

5. The fifth part of the document discusses the importance of maintaining a strong relationship with the external auditors. The auditors play a crucial role in ensuring the accuracy and reliability of the financial statements. It is important to provide them with all the information they need to perform their duties and to respond to their queries in a timely and accurate manner.

6. The sixth part of the document discusses the importance of maintaining a strong relationship with the management. The management is responsible for the overall performance of the organization and for ensuring that the financial statements are accurate and reliable. It is important to provide the management with all the information they need to make informed decisions and to respond to their queries in a timely and accurate manner.

7. The seventh part of the document discusses the importance of maintaining a strong relationship with the external stakeholders. This includes the investors, the creditors, and the regulatory authorities. It is important to provide them with all the information they need to make informed decisions and to respond to their queries in a timely and accurate manner.

8. The eighth part of the document discusses the importance of maintaining a strong relationship with the internal stakeholders. This includes the employees, the management, and the accounting department. It is important to provide them with all the information they need to perform their duties and to respond to their queries in a timely and accurate manner.

9. The ninth part of the document discusses the importance of maintaining a strong relationship with the external auditors. The auditors play a crucial role in ensuring the accuracy and reliability of the financial statements. It is important to provide them with all the information they need to perform their duties and to respond to their queries in a timely and accurate manner.

10. The tenth part of the document discusses the importance of maintaining a strong relationship with the management. The management is responsible for the overall performance of the organization and for ensuring that the financial statements are accurate and reliable. It is important to provide the management with all the information they need to make informed decisions and to respond to their queries in a timely and accurate manner.