

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-0128-AIR-E **TCEQ ID:** RN104408497 **CASE NO.:** 32449

**RESPONDENT NAME:** BMB Wood Recycling, Ltd.

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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 checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> BMB Wood Recycling, 4120 Duncanville Road, Dallas, Dallas County</p> <p><b>TYPE OF OPERATION:</b> Wood grinding and recycling plant</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 29, 2006, alleging that dust and particulate matter was leaving BMB property and blowing onto the complainant's property. 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 11, 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> Ms. Elvia Maske, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-0789; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896  <b>Respondent:</b> Mr. Robert T. Richard, General Manager/Registered Agent, BMB Wood Recycling, Ltd., 4120 Duncanville Road, Dallas, Texas 75236  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**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 29, 2006</p> <p><b>Date of Investigation Relating to this Case:</b> September 29, 2006</p> <p><b>Date of NOV/NOE Relating to this Case:</b>                      10/26/2006 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation. One violation was documented.</p> <p><b>AIR</b></p> <p>Failed to prevent wood dust emissions from pallet grinding operations from migrating onto adjacent property and creating a nuisance condition [30 TEX. ADMIN. CODE § 101.4, TEX. HEALTH &amp; SAFETY CODE § 382.085(a) and (b)].</p>	<p><b>Total Assessed:</b> \$1,790</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$195                      (remaining \$1,595 due in 11 monthly payments of \$145 each)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" 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>Findings Orders Justification:</b> Three repeated enforcement actions over the prior five year period for the same violations.</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, BMB Ltd shall adjust the productivity rate and install dust control measures to prevent nuisance conditions from occurring in the future; and</p> <p>b. Within 45 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 a.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	30-Nov-2006	Screening	29-Jan-2007	EPA Due	
	PCW	29-Jan-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	BMB Wood Recycling, Ltd.		
Reg. Ent. Ref. No.	RN104408497		
Facility/Site Region	Dallas/Ft. Worth	Major/Minor Source	Minor

<b>CASE INFORMATION</b>				
Enf./Case ID No.	32449	No. of Violations	1	
Docket No.	2007-0128-AIR-E	Order Type	Findings	
Media Program(s)	Air Quality	Enf. Coordinator	Elvia Maske	
Multi-Media		EC's Team	Order Compliance Team	
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** **Subtotals 2, 3, & 7**

Notes: Enhancement is recommended because Respondent has received four prior NOV's for same or similar violations, two NOV's for different violations, one 1660 Order and one Findings Order for same violation.

**Culpability**  **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **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	X	(mark with x)

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

**0% Enhancement\*** **Subtotal 6**

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

**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**  **Adjustment**

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

Notes

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

Screening Date 29-Jan-2007

Docket No. 2007-0128-AIR-E

PCW

Respondent BMB Wood Recycling, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 32449

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN104408497

Media [Statute] Air Quality

Enf. Coordinator ElVia Maske

### 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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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	1	25%
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%

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) 69%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Poor Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

Enhancement is recommended because Respondent has received four prior NOVs for same or similar violations, two NOVs for different violations, one 1660 Order and one Findings Order for same violation.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 79%

Screening Date 29-Jan-2007

Docket No. 2007-0128-AIR-E

PCW

Respondent BMB Wood Recycling, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 32449

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN104408497

Media [Statute] Air Quality

Enf. Coordinator Elvia Maske

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 101.4, Tex. Health & Safety Code § 382.085(a) and (b)

Violation Description Failed to prevent wood dust emissions from pallet grinding operations from migrating onto adjacent property and creating a nuisance condition.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment have 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 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended for the one event which occurred on September 29, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$264

Violation Final Penalty Total \$1,790

This violation Final Assessed Penalty (adjusted for limits) \$1,790

## Economic Benefit Worksheet

**Respondent** BMB Wood Recycling, Ltd.  
**Case ID No.** 32449  
**Reg. Ent. Reference No.** RN104408497  
**Media** Air Quality  
**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
No commas or \$							

### Delayed Costs

Equipment	\$2,000	29-Sep-2006	1-Jul-2007	0.8	\$5	\$100	\$105
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$3,000	29-Sep-2006	1-Jul-2007	0.8	\$8	\$151	\$158
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 for engineering and equipment to ensure wood dust emissions are controlled to prevent nuisance conditions.

### 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

\$5,000

TOTAL

\$264

# Compliance History

Customer/Respondent/Owner-Operator:	CN602711418    BMB Wood Recycling, Ltd.	Classification: POOR	Rating: 60.50
Regulated Entity:	RN104408497    BMB WOOD RECYCLING	Classification: POOR	Site Rating: 60.50
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	76757
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	76757
	MUNICIPAL SOLID WASTE NON PERMITTED	ID NUMBER	100096
	MUNICIPAL SOLID WASTE PROCESSING	REGISTRATION	100096
	AIR NEW SOURCE PERMITS	REGISTRATION	76001
	STORMWATER	PERMIT	TXR05S628
Location:	4120 DUNCANVILLE RD, DALLAS, TX, 75236	Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	January 29, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	January 29, 2002 to January 29, 2007		

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

Name: Elvia Maske Phone: (512) 239-0789

## 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.
- |   |                            |
|---|----------------------------|
| Effective Date: 12/30/2005  | ADMINORDER 2005-1238-AIR-E |
| Classification: Moderate  |                            |
| Citation: 30 TAC Chapter 101, SubChapter A 101.4<br>5C THC Chapter 382, SubChapter A 382.085(b)   |                            |
| Description: Failure to prevent emissions that are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property. |                            |
| Effective Date: 07/22/2006  | ADMINORDER 2006-0148-AIR-E |
| Classification: Moderate  |                            |
| Citation: 30 TAC Chapter 101, SubChapter A 101.4<br>5C THC Chapter 382, SubChapter A 382.085(a)<br>5C THC Chapter 382, SubChapter A 382.085(b)  |                            |
| Description: Failure to limit emissions from property as to not create a nuisance   |                            |
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CEEDS Inv. Track. No.)  
1 05/02/2006 (462067)
- E. Written notices of violations (NOV). (CEEDS Inv. Track. No.)
- |  |                          |
|--|--------------------------|
| Date: 11/02/2005 (435664)  |                          |
| Self Report? NO  | Classification: Moderate |
| Citation: 30 TAC Chapter 101, SubChapter A 101.4<br>5C THC Chapter 382, SubChapter A 382.085(a)<br>5C THC Chapter 382, SubChapter A 382.085(b) |                          |
| Description: Failure to limits emissions such that they are not a nuisance, failure to comply with   |                          |

all of the Texas Administrative Code Rules, Failure to limit emissions which cause or contribute to air pollution.

Date: 05/02/2006 (462067)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 328, SubChapter A 328.5(f)(2)(A)

Description: Failure to maintain documentation of notifying customers of source-separation requirements.

Date: 12/27/2005 (438501)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.4  
5C THC Chapter 382, SubChapter A 382.085(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to limit emissions of an air contaminant to not cause a nuisance condition.

Date: 05/17/2005 (378868)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4

Description: Failure to prevent a nuisance condition by allowing excessive sawdust emissions from the wood grinding operation to leave the property; contrary to 30 TAC 101.4, Nuisance.

Date: 02/24/2006 (462067)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 328, SubChapter A 328.5(f)(1)

Description: Failure to maintain documentation indicating compliance with requirements regarding processing more than incidental amounts (greater than 10%) of non-recyclable waste per load.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 328, SubChapter A 328.5(f)(2)(C)

Description: Failure to maintain documentation of loads rejected for exceeding incidental amounts (greater than 10%) of non-recyclable wastes.

Date: 04/27/2005 (377835)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4  
5C THC Chapter 382, SubChapter A 382.085(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent the discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to provide to the TCEQ Air Permits Division emissions registration and PBR uses, using Form PI-7 by March 31 of the following year summarizing all uses of this permit by rule in the previous calendar year.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
BMB WOOD RECYCLING, LTD.  
RN104408497**

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

**AGREED ORDER  
DOCKET NO. 2007-0128-AIR-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 BMB Wood Recycling, Ltd. (“BMB Ltd”) under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and BMB Ltd presented this agreement to the Commission.

BMB Ltd 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, BMB Ltd 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 BMB Ltd.

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

**I. FINDINGS OF FACT**

1. BMB Ltd owns and operates a wood grinding and recycling plant located at 4120 Duncanville Road in Dallas, Dallas County, Texas (the “Plant”).



2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation on September 29, 2006, City of Dallas Air Pollution Control Program staff documented wood dust emissions from pallet grinding operations blowing onto adjacent property and causing a nuisance.
4. BMB Ltd received notice of the violations on October 31, 2006.

## **II. CONCLUSIONS OF LAW**

1. BMB Ltd is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, BMB Ltd failed to prevent wood dust emissions from pallet grinding operations from migrating onto adjacent property and creating a nuisance condition, in violation of 30 TEX. ADMIN. CODE § 101.4, TEX. HEALTH & SAFETY CODE § 382.085(a) and (b).
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against BMB Ltd 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.
4. An administrative penalty in the amount of One Thousand Seven Hundred Ninety Dollars (\$1,790) 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. BMB Ltd has paid One Hundred Ninety-Five Dollars (\$195) of the administrative penalty. The remaining amount of One Thousand Five Hundred Ninety-Five Dollars (\$1,595) of the administrative penalty shall be payable in eleven monthly payments of One Hundred Forty-Five Dollars (\$145) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If BMB Ltd fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of BMB Ltd to meet the payment schedule of this Agreed Order constitutes the failure by BMB Ltd to timely and satisfactorily comply with all the terms of this Agreed Order.

## **III. ORDERING PROVISIONS**

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

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.

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 privacy. It provides strategies to mitigate these risks and ensure that data is used responsibly and ethically.

5. The fifth part of the document discusses the importance of data-driven decision-making in achieving organizational goals. It explains how data can provide valuable insights into market trends, customer behavior, and operational performance.

6. The sixth part of the document explores the role of data in innovation and new product development. It highlights how data analysis can identify market gaps and inform the design of new products and services that better meet customer needs.

7. The seventh part of the document discusses the importance of data in risk management and compliance. It explains how data can be used to identify potential risks and ensure that the organization adheres to relevant regulations and standards.

8. The eighth part of the document focuses on the role of data in human resources management. It discusses how data can be used to analyze employee performance, identify training needs, and improve overall workforce productivity.

9. The ninth part of the document discusses the importance of data in financial management and reporting. It explains how data can be used to track financial performance, identify cost-saving opportunities, and ensure accurate financial reporting.

10. The tenth part of the document concludes by emphasizing the overall value of data in driving organizational success. It reiterates the importance of investing in data management capabilities and fostering a data-driven culture throughout the organization.

1. BMB Ltd is assessed an administrative penalty in the amount of One Thousand Seven Hundred - Ninety Dollars (\$1,790) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and BMB Ltd'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: BMB Wood Recycling, Ltd., Docket No. 2007-0128-AIR-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. BMB Ltd shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, BMB Ltd shall adjust the productivity rate and install dust control measures to prevent nuisance conditions from occurring in the future; and
  - b. Within 45 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. 2.a.

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 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:



Air Pollution Control Program Manager  
City of Dallas Environmental and Health Services Department  
320 East Jefferson, Room LL13  
Dallas, Texas 75203

3. The provisions of this Agreed Order shall apply to and be binding upon BMB Ltd. BMB Ltd is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If BMB Ltd 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, BMB Ltd's failure to comply is not a violation of this Agreed Order. BMB Ltd shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. BMB Ltd shall notify the Executive Director within seven days after BMB Ltd becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by BMB Ltd shall be made in writing to the Executive Director. Extensions are not effective until BMB Ltd receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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 BMB Ltd if the Executive Director determines that BMB Ltd has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. This Agreed Order, issued by the Commission, shall not be admissible against BMB Ltd 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.
9. 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.
10. 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.



BMB Wood Recycling, Ltd.  
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### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/30/07  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of BMB Wood Recycling, Ltd. I am authorized to agree to the attached Agreed Order on behalf of BMB Wood Recycling, Ltd., 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, BMB Wood Recycling, Ltd. 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.



Signature

3-30-07  
Date

ROBERT T RICHARDS

Name (Printed or typed)

General Manager

Title

Authorized Representative of  
BMB Wood Recycling, Ltd.

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

