

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 4
DOCKET NO.: 2006-0999-MLM-E **TCEQ ID:** RN102215324 **CASE NO.:** 30646
RESPONDENT NAME: Hartley County

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input checked="" 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 checked="" type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Hartley County Landfill, 3,000 feet east of Highway 385, south of Channing, Hartley County</p> <p>TYPE OF OPERATION: Type IV Arid Exempt municipal solid waste ("MSW") landfill</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 26, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. Colin Barth, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-0086; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: The Honorable Ronnie Gordon, County Judge, Hartley County, P.O. Box 75, Drawer G, Channing, Texas 79018 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input checked="" type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 24, 2006</p> <p>Date of NOV/NOE Relating to this Case: March 29, 2005 (NOE)</p> <p>Background Facts: A routine investigation was conducted on January 31, 2005 to determine compliance with MSW rules. Violations were discovered and an NOV was issued on March 30, 2005 with a due date of May 30, 2005. A follow-up record review was conducted on April 24, 2006, and it was determined that the facility failed to meet the NOV compliance due date. Nine violations were documented.</p> <p>WASTE</p> <p>1) Failed to maintain a copy of the MSW permit, personnel training records, written procedures for the removal of any putrescible waste and any other prohibited waste to an authorized disposal facility at the MSW facility or alternative location approved by the Executive Director, and failed to record the dates and times in the Facility's Site Operating Plan ("SOP") when any alternative or additional operating hours are utilized. Specifically, Hartley County did not maintain a copy of MSW Permit No. 787, written procedures for the removal of putrescible waste and other prohibited waste, and personnel training records at the Facility. Additionally, no record of dates or times when alternative or additional operating hours were utilized was observed in the Facility's SOP [30 TEX. ADMIN. CODE §§ 330.125(a) and (e), 330.133(f), 330.135, and 335.586(d) and (e)].</p>	<p>Total Assessed: \$14,280</p> <p>Total Deferred: \$2,856 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$11,424</p> <p>Total Paid to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that on May 11, 2006, the Respondent submitted documentation to the TCEQ to demonstrate that:</p> <p>a. MSW Permit No. 787 is now maintained at the County Judge's office;</p> <p>b. The Respondent's landfill operator is licensed and present at the Facility during all hours of operation to:</p> <p>i. Ensure the proper disposal of waste in the correct area of the Facility;</p> <p>ii. Prevent the disposal of prohibited wastes; and</p> <p>iii. Ensure that there is no open burning of waste.</p> <p>c. The Respondent's Road and Bridge Department has provided the landfill with several loads of dirt so that it is available at all times to extinguish any fire;</p> <p>d. The SOP includes written procedures to remove putrescible waste and other prohibited waste to an approved disposal facility, and the dates and times when any alternative or additional operating hours are utilized at the Facility;</p> <p>e. The entrance sign to the Facility includes: hours and days of operation, emergency 24-hour contact phone number, local fire department phone number, and information regarding wastes that are prohibited at the Facility; and</p> <p>f. Weekly cover is applied to the active portion of the landfill at the end of each day of operation and a log is maintained to document these activities.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

<p>2) Failed to maintain a source of earthen material in such a manner that it is available at all times to extinguish any fires [30 TEX. ADMIN. CODE § 330.129].</p> <p>3) Failed to have a trained staff member at the Facility during hours of operation to monitor all incoming loads of waste and failed to control the unloading of waste in unauthorized areas. Specifically, the Facility has been left open and unattended during business hours and waste piles containing furniture, paint cans, and household rubbish were observed at the Facility. The Facility is only authorized to accept brush and construction and demolition debris [30 TEX. ADMIN. CODE § 330.133(a), (b) and (e)].</p> <p>4) Failed to provide required information on the Facility's signage. Specifically, the Facility's signage did not include the hours and days of operation, 24-hour emergency contact information, fire department phone number, and identification of prohibited wastes [30 TEX. ADMIN. CODE § 330.137].</p> <p>5) Failed to prevent open burning of solid waste at a MSW facility. Specifically, Hartley County burned brush and other debris onsite [30 TEX. ADMIN. CODE § 330.15(d)].</p> <p>6) Failed to apply weekly cover to the active portion of the landfill and maintain a cover log. Specifically, the Facility operators did not apply any cover to the active face of the landfill or maintain a cover log [30 TEX. ADMIN. CODE § 330.165(d) and (h)].</p> <p>7) Failed to have at least one individual licensed to operate a MSW facility. Specifically, the Facility's operator did not hold a valid MSW landfill operator license [30 TEX. ADMIN. CODE § 30.201(b) and 330.59(f)(3)].</p> <p>8) Failed to include all of the required landfill unit specifications in the Facility's Site Development Plan. Specifically, provisions for the landfill method, all-weather operations, access control, and the calculation of estimated rate of solid waste deposition, and the operating life of the site were not included in the Facility's Site Development Plan [30 TEX. ADMIN. CODE § 330.63(d)(4)].</p>		<p>3) The Order will also require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, maintain all personnel training records;</p> <p>b. Within 30 days after the effective date of this Agreed Order, submit a Site Development Plan that specifies and includes provisions for the landfill method (trench, area fill, combination), all-weather operations, access control, the calculation of the estimated rate of solid waste deposition and the operating life of the Facility;</p> <p>c. Within 30 days after the effective date of this Agreed Order, submit a SOP that specifies and includes a description of equipment to be utilized, general instructions for personnel to follow concerning operational requirements of Subchapter D, and procedures for the detection and prevention of disposal of prohibited wastes; and</p> <p>d. 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 Nos. 3.a., 3.b., and 3.c.</p>
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<p>9) Failed to develop an adequate SOP for the Facility. Specifically, the SOP did not include a description of equipment to be utilized, general instructions for personnel to follow concerning operational requirements of Subchapter D, and procedures for the detection and prevention of disposal of prohibited wastes [30 TEX. ADMIN. CODE § 330.127].</p>		
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Attachment A
Docket Number: 2006-0999-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Hartley County

Payable Penalty Amount: Eleven Thousand Four Hundred Twenty-Four Dollars (\$11,424)

SEP Amount: Eleven Thousand Four Hundred Twenty-Four Dollars (\$11,424)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Wastewater Treatment Assistance

Location of SEP: Hartley 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 shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

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 failing treatment systems

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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive
Bryan, Texas 77802-2700

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.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	08-May-2006	Screening	04-Aug-2006	EPA Due	
	PCW	03-Aug-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Hartley County
Reg. Ent. Ref. No.	RN102215324
Facility/Site Region	1-Amarillo
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	30646	No. of Violations	9
Docket No.	2006-0999-MLM-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	Mike Limos
Multi-Media	Occupational Licenses	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	\$13,600
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	5% Enhancement	Subtotals 2, 3, & 7	\$680
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Notes: The Respondent received one NOV for same or similar violations at this site within the past five years.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	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
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Total EB Amounts	\$6,099	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$10,625	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,280
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$14,280
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,280
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DEFERRAL	20% Reduction	Adjustment	-\$2,856
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$11,424
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Screening Date 04-Aug-2006

Docket No. 2006-0999-MLM-E

PCW

Respondent Hartley County

Policy Revision 2 (September 2002)

Case ID No. 30646

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102215324

Media [Statute] Municipal Solid Waste

Enf. Coordinator Mike Limos

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were disclosed)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
Other	<i>Please Enter Yes or No</i>		
	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) 5%

>> **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 one NOV for same or similar violations at this site within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 04-Aug-2006 **Docket No.** 2006-0999-MLM-E **PCW**
Respondent Hartley County *Policy Revision 2 (September 2002)*
Case ID No. 30646 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102215324
Media [Statute] Municipal Solid Waste
Enf. Coordinator Mike Limos
Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 330.125(a) and (e); 330.133(f), and 330.135
Secondary Rule Cite(s) 30 Tex. Admin. Code § 335.586(d) and (e)

Violation Description Failure to maintain a copy of the MSW permit, personnel training records, written procedures for the removal of any putrescible waste and any other prohibited waste to an authorized disposal facility at the MSW facility or alternative location approved by the Executive Director, and failed to record the dates and times in the Facility's Site Operating Plan ("SOP") when any alternative or additional operating hours are utilized, as documented during a record review investigation conducted on April 24, 2006. Specifically, the Respondent did not maintain a copy of MSW Permit No. 787, written procedures for the removal of putrescible waste and other prohibited waste, and personnel training records at the Facility (Type IV Arid Exempt Landfill). Additionally, no record of dates or times when alternative or additional operating hours were utilized was observed in the Facility's SOP.

Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			10%

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

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 4

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

Violation Base Penalty \$4,000

Four single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount \$37

Statutory Limit Test

Violation Final Penalty Total \$4,200

This violation Final Assessed Penalty (adjusted for limits) \$4,200

Economic Benefit Worksheet

Respondent Hartley County
 Case ID No. 30646
 Reg. Ent. Reference No. RN102215324
 Media [Statute] Municipal Solid Waste
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$400	30-May-2005	28-Mar-2007	1.8	\$37	n/a	\$37
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 maintain a copy of MSW permit no. 787, personnel training records, and written procedures to dispose of putrescibles and other prohibited waste in the Hartley County judge's office, calculated from the compliance due date from the 3/30/05 NOV to the projected compliance date.

Item	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 **\$37**

Screening Date	04-Aug-2006	Docket No.	2006-0999-MLM-E	PCW
Respondent	Hartley County			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	30646			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102215324			
Media [Statute]	Municipal Solid Waste			
Enf. Coordinator	Mike Limos			
Violation Number	<input type="text" value="2"/>			
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 330.129"/>			
Secondary Rule Cite(s)	<input type="text"/>			
Violation Description	<input type="text" value="Failure to maintain a source of earthen material in such a manner that it is available at all times to extinguish any fires, as documented during a record review investigation conducted on April 24, 2006."/>			
		Base Penalty	<input type="text" value="\$10,000"/>	

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment
Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Hartley County
 Case ID No. 30646
 Reg. Ent. Reference No. RN102215324
 Media [Statute] Municipal Solid Waste
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	24-Apr-2006	11-May-2006	0.0	\$2	n/a	\$2

Notes for DELAYED costs: Estimated cost to maintain a source of earthen material to extinguish any fires calculated from the record review investigation date to the compliance date.

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
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 TOTAL

Screening Date 04-Aug-2006	Docket No. 2006-0999-MLM-E	PCW
Respondent Hartley County		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 30646		<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No. RN102215324		
Media [Statute] Municipal Solid Waste		
Enf. Coordinator Mike Limos		
Violation Number <input type="text" value="3"/>		
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 330.133(a), (b) and (e)"/>	
Secondary Rule Cite(s)	<input type="text"/>	
Violation Description	<div style="border: 1px solid black; padding: 5px;"> Failure to have a trained staff member at the Facility during hours of operation to monitor all incoming loads of waste and failure to control the unloading of waste in unauthorized areas, as documented during a record review investigation conducted on April 24, 2006. Specifically, the Facility has been left open and unattended during business hours and waste piles containing furniture, paint cans, and household rubbish were observed at the Facility. The Type IV AE landfill is only authorized to accept brush and construction and demolition debris. </div>	
	Base Penalty	<input type="text" value="\$10,000"/>

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

	Harm			
	Major	Moderate	Minor	
Release				
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
Potential	x	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would exceed protective levels.				

Adjustment
Base Penalty Subtotal

Violation Events

Number of Violation Events	<input type="text" value="1"/>													
	<table border="0" style="border-collapse: collapse;"> <tr> <td style="border-right: 1px solid black; padding-right: 5px;"><i>daily</i></td> <td><input type="text"/></td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 5px;"><i>monthly</i></td> <td style="text-align:center">x</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 5px;"><i>quarterly</i></td> <td><input type="text"/></td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 5px;"><i>semiannual</i></td> <td><input type="text"/></td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 5px;"><i>annual</i></td> <td><input type="text"/></td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 5px;"><i>single event</i></td> <td><input type="text"/></td> </tr> </table>	<i>daily</i>	<input type="text"/>	<i>monthly</i>	x	<i>quarterly</i>	<input type="text"/>	<i>semiannual</i>	<input type="text"/>	<i>annual</i>	<input type="text"/>	<i>single event</i>	<input type="text"/>	Violation Base Penalty <input type="text" value="\$2,500"/>
<i>daily</i>	<input type="text"/>													
<i>monthly</i>	x													
<i>quarterly</i>	<input type="text"/>													
<i>semiannual</i>	<input type="text"/>													
<i>annual</i>	<input type="text"/>													
<i>single event</i>	<input type="text"/>													

One monthly event is recommended from the April 24, 2006 record review investigation to the May 11, 2006 compliance date.

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Hartley County
 Case ID No. 30646
 Reg. Ent. Reference No. RN102215324
 Media [Statute] Municipal Solid Waste
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Item	Cost	Date	Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel	\$6,000	30-May-2005	11-May-2006	0.9	\$284	\$5,688	\$5,972
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

Estimated cost to pay a trained landfill operator to be onsite during business hours calculated from the compliance due date from the 3/30/05 NOV to the compliance date.

Approx. Cost of Compliance **\$6,000**

TOTAL \$5,972

Screening Date	04-Aug-2006	Docket No.	2006-0999-MLM-E	PCW
Respondent	Hartley County			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	30646			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102215324			
Media [Statute]	Municipal Solid Waste			
Enf. Coordinator	Mike Limos			
Violation Number	<input type="text" value="4"/>			
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 330.137"/>			
Secondary Rule Cite(s)	<input type="text"/>			
Violation Description	<input type="text" value="Failure to provide required information on the Facility's signage, as documented during a record review investigation conducted on April 24, 2006. Specifically, the Facility's signage did not include the hours and days of operation, 24-hour emergency contact information, fire department phone number, and identification of prohibited wastes."/>			

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Hartley County
 Case ID No. 30646
 Reg. Ent. Reference No. RN102215324
 Media [Statute] Municipal Solid Waste
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$150	24-Apr-2006	11-May-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to provide signage with the required information calculated from the record review investigation date to the compliance date.

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
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 TOTAL

Screening Date 04-Aug-2006

Docket No. 2006-0999-MLM-E

PCW

Respondent Hartley County

Policy Revision 2 (September 2002)

Case ID No. 30646

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102215324

Media [Statute] Municipal Solid Waste

Enf. Coordinator Mike Limos

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Failure to prevent open burning of solid waste at a Municipal Solid Waste facility, as documented during a record review investigation conducted on April 24, 2006. Specifically, the Facility burned brush and other debris onsite.

Base Penalty

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

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

Percent

>> **Programmatic Matrix**

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

Percent

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Hartley County
 Case ID No. 30646
 Reg. Ent. Reference No. RN102215324
 Media [Statute] Municipal Solid Waste
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Depreciation 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	\$325	24-Apr-2006	11-May-2006	0.0	\$1	n/a	\$1
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost (\$13/cubic yard) to dispose of approximately 25 cubic yards of municipal solid waste at an authorized facility calculated from the record review investigation date to the compliance date.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance TOTAL

Screening Date 04-Aug-2006

Docket No. 2006-0999-MLM-E

PCW

Respondent Hartley County

Policy Revision 2 (September 2002)

Case ID No. 30646

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102215324

Media [Statute] Municipal Solid Waste

Enf. Coordinator Mike Limos

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Failure to apply weekly cover to the active portion of the landfill and maintain a cover log, as documented during a record review investigation conducted on April 24, 2006. Specifically, the Facility operators did not apply any cover to the active face of the landfill or maintain a cover log.

Base Penalty

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed protective levels.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One quarterly event is recommended from the April 24, 2006 record review investigation to the May 11, 2006 compliance date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Hartley County
 Case ID No. 30646
 Reg. Ent. Reference No. RN102215324
 Media [Statute] Municipal Solid Waste
 Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$950	24-Apr-2006	11-May-2006	0.0	\$0	\$3	\$3
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 weekly cover for the active portion of the landfill and maintain a cover log calculated from the record review investigation date to the compliance date.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

Screening Date 04-Aug-2006 **Docket No.** 2006-0999-MLM-E **PCW**
Respondent Hartley County *Policy Revision 2 (September 2002)*
Case ID No. 30646 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102215324
Media [Statute] Municipal Solid Waste
Enf. Coordinator Mike Limos
Violation Number 7
Primary Rule Cite(s) 30 Tex. Admin. Code § 30.201(b) and 330.59(f)(3)
Secondary Rule Cite(s)
Violation Description Failure to have at least one individual licensed to operate a MSW facility, as documented during a record review investigation conducted on April 24, 2006. Specifically, the Facility's operator did not hold a valid MSW landfill operator license.

Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential	X			

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Human health or the environment will or could be exposed to a significant amount of pollutants which would exceed protective levels.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$2,500

One monthly event is recommended from the April 24, 2006 record review investigation to the May 11, 2006 compliance date.

Economic Benefit (EB) for this violation

Estimated EB Amount \$24

Statutory Limit Test

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

Economic Benefit Worksheet

Respondent Hartley County
 Case ID No. 30646
 Reg. Ent. Reference No. RN102215324
 Media [Statute] Municipal Solid Waste
 Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$500	30-May-2005	11-May-2006	0.9	\$24	n/a	\$24
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 obtain the required MSW operator license calculated from the compliance due date from the 3/30/05 NOV to the compliance date.

Item	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
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

TOTAL

Screening Date 04-Aug-2006

Docket No. 2006-0999-MLM-E

PCW

Respondent Hartley County

Policy Revision 2 (September 2002)

Case ID No. 30646

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102215324

Media [Statute] Municipal Solid Waste

Enf. Coordinator Mike Limos

Violation Number 8

Primary Rule Cite(s)

30 Tex. Admin. Code § 330.63(d)(4)

Secondary Rule Cite(s)

Violation Description

Failure to include all of the required landfill unit specifications in the Facility's Site Development Plan, as documented during a record review investigation conducted on April 24, 2006. Specifically, provisions for the landfill method, all-weather operations, access control, and the calculation of estimated rate of solid waste deposition, and the operating life of the site were not included in the Facility's Site Development Plan.

Base Penalty \$10,000

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

Harm

Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

30% of the rule requirement was not met.

Adjustment -\$9,900

Base Penalty Subtotal \$100

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 \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent Hartley County
 Case ID No. 30646
 Reg. Ent. Reference No. RN102215324
 Media [Statute] Municipal Solid Waste
 Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$300	24-Apr-2006	28-Mar-2007	0.9	\$14	n/a	\$14
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to provide the required information on the Facility's Site Development Plan calculated from the record review investigation to the projected compliance date.

Item	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
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

TOTAL

Screening Date 04-Aug-2006 **Docket No.** 2006-0999-MLM-E **PCW**
Respondent Hartley County *Policy Revision 2 (September 2002)*
Case ID No. 30646 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102215324
Media [Statute] Municipal Solid Waste
Enf. Coordinator Mike Limos
Violation Number
Primary Rule Cite(s)
Secondary Rule Cite(s)
Violation Description

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Hartley County
 Case ID No. 30646
 Reg. Ent. Reference No. RN102215324
 Media [Statute] Municipal Solid Waste
 Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$1,000	24-Apr-2006	28-Mar-2007	0.9	\$46	n/a	\$46
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to include all of the required information on the Facility's Site Operating Plan calculated from the record review investigation to the projected compliance date.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

Compliance History

Customer/Respondent/Owner-Operator: CN600770721 Hartley County Classification: AVERAGE Rating: 9.00
 Regulated Entity: RN102215324 HARTLEY COUNTY LANDFILL Classification: AVERAGE Site Rating: 15.00

ID Number(s): MUNICIPAL SOLID WASTE DISPOSAL PERMIT 787
 Location: 3000 FEET E OF US HIGHWAY 385 OUTSIDE CHANNING CITY LIMITS Rating Date: 9/1/2006 Repeat Violator: NO
 TCEQ Region: REGION 01 - AMARILLO
 Date Compliance History Prepared: October 06, 2006
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: October 06, 2001 to October 06, 2006

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

Name: Mike Limos Phone: 512.239.5839

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 05/01/2006 (454154)
 - 2 03/30/2005 (348785)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	03/30/2005	(348785)	
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 330, SubChapter F 330.113(a)		
Description:	Failure to maintain a copy of permit no. 787, the final closure plan, and the post closure maintenance plan at the facility.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 330, SubChapter F 330.113(e)		
Description:	Failure to maintain personnel training records in accordance with §335.586 (d) and (e).		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 330, SubChapter F 330.115		
Description:	Failure to maintain a source of earthen material in such a manner that it is available at all times to extinguish any fires.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 330, SubChapter F 330.117(a)		
Description:	Failure to provide a trained staff person during hours of operation to monitor all incoming loads of waste.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 330, SubChapter F 330.117(b)		
Description:	Failure to control the unloading of waste in unauthorized areas.		
Self Report?	NO		Classification: Moderate
Citation:			
Description:	30 TAC Chapter 330, SubChapter F 330.117(e) Failure to prevent the disposal of prohibited wastes.		

Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 330, SubChapter F 330.117(f)[G]	
Description: Failure to maintain a written procedure for the removal of any putrescible waste and any other prohibited waste to an approved disposal facility.	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 330, SubChapter F 330.118	
Description: Failure to record in the Site Operating Plan the dates and times when any alternative or additional operating hours are utilized at this facility.	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 330, SubChapter F 330.119	
Description: Failure to include the hours and days of operation, emergency 24 hour contact phone number, the local fire department phone number and to identify wastes that are not allowed at the facility on the site sign.	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 330, SubChapter F 330.125(a)	
Description: Failure to prevent open burning of waste.	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 330, SubChapter F 330.133(a)	
Description: 30 TAC Chapter 330, SubChapter F 330.133(d) Failure to apply Alternative Daily Cover.	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 330, SubChapter F 330.133(g)	
Description: Failure to maintain a cover log.	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 30, SubChapter F 30.201(b)	
Description: Failure to maintain MSW operator licenses.	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 330, SubChapter E 330.55[G]	
Description: Failure to specify and provide provisions for the landfill method (Trench, Area Fill, or Combination), all weather operations, access control, and the calculation of estimated rate of solid waste deposition and the operating life of the site in the Site Development Plan.	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 330, SubChapter F 330.114[G]	
Description: Failure to specify and provide provisions for a description of equipment to be utilized, the general instructions that personnel shall follow in Subchapter F, the detection and prevention of disposal of prohibited wastes, and the general instructions required to be included by other sections of 30 TAC 330.	

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
HARTLEY COUNTY
RN102215324**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2006-0999-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 Hartley County under the authority of the TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 37. The Executive Director of the TCEQ, through the Enforcement Division, and Hartley County appear before the Commission and together stipulate that:

1. Hartley County owns and operates a Type IV Arid Exempt municipal solid waste ("MSW") landfill 3,000 feet east of Highway 385, south of Channing, Hartley 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. The Commission and Hartley County agree that the Commission has jurisdiction to enter this Agreed Order, and that Hartley County is subject to the Commission's jurisdiction.
4. Hartley County received notice of the violations alleged in Section II ("Allegations") on or about April 4, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Hartley County of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fourteen Thousand Two Hundred Eighty Dollars (\$14,280) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Two Thousand Eight Hundred Fifty-Six Dollars (\$2,856) is deferred contingent upon Hartley County'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 Hartley County fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Hartley County to pay all or part of the deferred penalty. Eleven

Thousand Four Hundred Twenty-Four Dollars (\$11,424) shall be conditionally offset by Hartley County's completion of a Supplemental Environmental Project.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Hartley County have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on May 11, 2006, Hartley County submitted documentation to the TCEQ to demonstrate that:
 - a. MSW Permit No. 787 is now maintained at the County Judge's office;
 - b. Hartley County's landfill operator is licensed and present at the Facility during all hours of operation to:
 - i. Ensure the proper disposal of waste in the correct area of the Facility;
 - ii. Prevent the disposal of prohibited wastes; and
 - iii. Ensure that there is no open burning of waste.
 - c. Hartley County's Road and Bridge Department has provided the landfill with several loads of dirt so that it is available at all times to extinguish any fire;
 - d. The Site Operating Plan includes written procedures to remove putrescible waste and other prohibited waste to an approved disposal facility, and the dates and times when any alternative or additional operating hours are utilized at the Facility;
 - e. The entrance sign to the Facility includes: hours and days of operation, emergency 24-hour contact phone number, local fire department phone number, and information regarding wastes that are prohibited at the Facility; and
 - f. Weekly cover is applied to the active portion of the landfill at the end of each day of operation and a log is maintained to document these activities.
10. 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 Hartley County has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Hartley County is alleged to have:

1. Failed to maintain a copy of the MSW permit, personnel training records, written procedures for the removal of any putrescible waste and any other prohibited waste to an authorized disposal facility at the MSW facility or alternative location approved by the Executive Director, and failed to record the dates and times in the Facility's Site Operating Plan ("SOP") when any alternative or additional operating hours are utilized, as documented during a record review investigation conducted on April 24, 2006, in violation of 30 TEX. ADMIN. CODE §§ 330.125(a) and (e), 330.133(f), 330.135, and 335.586(d) and (e). Specifically, Hartley County did not maintain a copy of MSW Permit No. 787, written procedures for the removal of putrescible waste and other prohibited waste, and personnel training records at the Facility. Additionally, no record of dates or times when alternative or additional operating hours were utilized was observed in the Facility's SOP.
2. Failed to maintain a source of earthen material in such a manner that it is available at all times to extinguish any fires, as documented during a record review investigation conducted on April 24, 2006, in violation of 30 TEX. ADMIN. CODE § 330.129.
3. Failed to have a trained staff member at the Facility during hours of operation to monitor all incoming loads of waste and failed to control the unloading of waste in unauthorized areas, as documented during a record review investigation conducted on April 24, 2006, in violation of 30 TEX. ADMIN. CODE § 330.133(a), (b) and (e). Specifically, the Facility has been left open and unattended during business hours and waste piles containing furniture, paint cans, and household rubbish were observed at the Facility. The Facility is only authorized to accept brush and construction and demolition debris.
4. Failed to provide required information on the Facility's signage, as documented during a record review investigation conducted on April 24, 2006, in violation of 30 TEX. ADMIN. CODE § 330.137. Specifically, the Facility's signage did not include the hours and days of operation, 24-hour emergency contact information, fire department phone number, and identification of prohibited wastes.
5. Failed to prevent open burning of solid waste at a MSW facility, as documented during a record review investigation conducted on April 24, 2006, in violation of 30 TEX. ADMIN. CODE § 330.15(d). Specifically, Hartley County burned brush and other debris onsite.
6. Failed to apply weekly cover to the active portion of the landfill and maintain a cover log, as documented during a record review investigation conducted on April 24, 2006, in violation of 30 TEX. ADMIN. CODE § 330.165(d) and (h). Specifically, the Facility operators did not apply any cover to the active face of the landfill or maintain a cover log.

...the ... of ...

7. Failed to have at least one individual licensed to operate a MSW facility, as documented during a record review investigation conducted on April 24, 2006, in violation of 30 TEX. ADMIN. CODE § 30.201(b) and 330.59(f)(3). Specifically, the Facility's operator did not hold a valid MSW landfill operator license.
8. Failed to include all of the required landfill unit specifications in the Facility's Site Development Plan, as documented during a record review investigation conducted on April 24, 2006, in violation of 30 TEX. ADMIN. CODE § 330.63(d)(4). Specifically, provisions for the landfill method, all-weather operations, access control, and the calculation of estimated rate of solid waste deposition, and the operating life of the site were not included in the Facility's Site Development Plan.
9. Failed to develop an adequate SOP for the Facility, as documented during a record review investigation conducted on April 24, 2006, in violation of 30 TEX. ADMIN. CODE § 330.127. Specifically, the SOP did not include a description of equipment to be utilized, general instructions for personnel to follow concerning operational requirements of Subchapter D, and procedures for the detection and prevention of disposal of prohibited wastes.

III. DENIALS

Hartley County generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Hartley County pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and Hartley County'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: Hartley County, Docket No. 2006-0999-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. Hartley County shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eleven Thousand Four Hundred Twenty-Four Dollars (\$11,424) of the assessed administrative penalty shall be offset with the condition that Hartley implement the SEP defined in Attachment A, incorporated herein by reference. Hartley 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.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all stakeholders involved.

In addition, the document highlights the need for transparency and accountability in financial reporting. It states that clear and concise reporting is crucial for building trust and ensuring the long-term sustainability of the organization.

The second part of the document provides a detailed overview of the current financial performance. It includes a summary of key metrics, such as revenue, expenses, and profit, along with a comparison to the previous period. This analysis aims to identify areas of strength and opportunities for improvement.

Furthermore, the document outlines the strategic goals for the upcoming period. It details the planned investments, marketing initiatives, and operational changes that will be implemented to drive growth and increase market share.

The document also addresses the challenges and risks associated with the current market environment. It discusses the impact of economic fluctuations and provides strategies to mitigate potential risks and ensure the organization's resilience.

In conclusion, the document serves as a comprehensive report on the organization's financial and operational status. It provides valuable insights and recommendations for the management team to make informed decisions and steer the organization towards long-term success.

The document is prepared by the Finance Department and is intended for the use of the Board of Directors and senior management. It is subject to review and approval by the relevant authorities.

For further information or to request a copy of this document, please contact the Finance Department at [contact information].

3. It is further ordered that Hartley County shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Agreed Order, maintain all personnel training records, in accordance with 30 TEX. ADMIN. CODE § 335.586 (d) and (e).
 - b. Within 30 days after the effective date of this Agreed Order, submit a Site Development Plan that specifies and includes provisions for the landfill method (trench, area fill, combination), all-weather operations, access control, the calculation of the estimated rate of solid waste deposition and the operating life of the Facility, in accordance with 30 TEX. ADMIN. CODE § 330.63(d)(4).

The Site Development Plan shall be submitted to:

Municipal Solid Waste Permits Section, MC 124
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- c. Within 30 days after the effective date of this Agreed Order, submit a Site Operating Plan that specifies and includes a description of equipment to be utilized, general instructions for personnel to follow concerning operational requirements of Subchapter D, and procedures for the detection and prevention of disposal of prohibited wastes, in accordance with 30 TEX. ADMIN. CODE § 330.127.

The Site Operating Plan shall be submitted to:

Municipal Solid Waste Permits Section, MC 124
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- d. 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 Nos. 3.a., 3.b., and 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 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 149
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

4. The provisions of this Agreed Order shall apply to and be binding upon Hartley County. Hartley County is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If Hartley 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, Hartley County's failure to comply is not a violation of this Agreed Order. Hartley County shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Hartley County shall notify the Executive Director within seven days after Hartley 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 Hartley County shall be made in writing to the Executive Director. Extensions are not effective until Hartley County receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Hartley 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.
8. 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.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Hartley County, or three days after the date on which the Commission mails notice of the Order to Hartley County, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Miller
For the Executive Director

9/16/07
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.

Ronnie Gordon
Signature

7-3-07
Date

Ronnie Gordon
Name (Printed or typed)
Authorized Representative of
Hartley County

County Judge
Title

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

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Main body of faint, illegible text, possibly containing a list or detailed notes.

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Attachment A
Docket Number: 2006-0999-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Hartley County
Payable Penalty Amount:	Eleven Thousand Four Hundred Twenty-Four Dollars (\$11,424)
SEP Amount:	Eleven Thousand Four Hundred Twenty-Four Dollars (\$11,424)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Wastewater Treatment Assistance
Location of SEP:	Hartley 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 shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

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 failing treatment systems

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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive
Bryan, Texas 77802-2700

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.

