

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0917-MSW-E **TCEQ ID:** RN102966595 **CASE NO.:** 36001

RESPONDENT NAME: GOPDQ.NET, LLC dba Big K Environmental

ORDER TYPE:		
<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	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input 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: Big K Environmental, 421 Little York Road, Houston, Harris County</p> <p>TYPE OF OPERATION: Municipal solid waste ("MSW") facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received January 22, 2008, concerning the unauthorized acceptance of grease trap waste. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 24, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. John Shelton, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-2563; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Thomas A. Page, President, GOPDQ.NET, LLC, 421 Little York Road, Houston, Texas 77076 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: January 22, 2008</p> <p>Date of Investigation Relating to this Case: February 22, 2008</p> <p>Date of NOV/NOE Relating to this Case: April 6, 2008 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WASTE</p> <p>1) Failure to obtain proper authorization to accept waste not authorized under the permit [30 TEX. ADMIN. CODE §§ 330.7(a) and 305.125(1), and MSW Permit No. 2350, Permit Provision II. B. and II. C.].</p> <p>2) Failure to comply with permitted waste acceptance rates [30 TEX. ADMIN. CODE § 305.125(1) and MSW Permit No. 2350, Permit Provision II. D.].</p> <p>3) Failure to obtain authorization prior to modifying the Facility [30 TEX. ADMIN. CODE § 305.125(1) and MSW Permit No. 2350, Permit Provision II. G.].</p> <p>4) Failure to operate in accordance with its permit process description [30 TEX. ADMIN. CODE § 305.125(1) and MSW Permit No. 2350, Permit Provision III. A.].</p>	<p>Total Assessed: \$8,625</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$345 (remaining \$8,280 due in 24 monthly payments of \$345 each)</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>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on April 11, 2008, the Respondent ceased accepting grease trap waste at the Facility pending permit amendment approval.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, connect the clarifier to the waste processing system;</p> <p>b. Within 30 days after the effective date of this Agreed Order, begin to follow all conditions outlined in MSW Permit No. 2350 or follow all directives from the Waste Permits Division concerning previously submitted permit amendments; and</p> <p>c. 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 Provisions a. and b.</p>

Additional ID No(s): MSW Permit 2350



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

DATES	Assigned	28-Apr-2008	Screening	4-Jun-2008	EPA Due	
	PCW	4-Jun-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	GOPDQ.NET, LLC dba Big K Environmental		
Reg. Ent. Ref. No.	RN102966595		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36001	No. of Violations	4
Docket No.	2008-0917-MSW-E	Order Type	Findings
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	Colin Barth
Multi-Media		EC's Team	Enforcement Team 7
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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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	15.0% Enhancement	Subtotals 2, 3, & 7	\$1,125
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Notes: The Respondent has received three NOVs for same or similar violations at this facility within the past five years.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0.0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$37	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$650		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$8,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,625
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$8,625
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Screening Date 4-Jun-2008

Docket No. 2008-0917-MSW-E

PCW

Respondent GOPDQ.NET, LLC dba Big K Environmental

Policy Revision 2 (September 2002)

Case ID No. 36001

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN102966595

Media [Statute] Municipal Solid Waste

Enf. Coordinator Colin Barth

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)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission.	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were 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) 15%

>> 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 has received three NOVs for same or similar violations at this facility within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 15%

Screening Date 4-Jun-2008	Docket No. 2008-0917-MSW-E	PCW
Respondent GOPDQ.NET, LLC dba Big K Environmental	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 36001	<i>PCW Revision April 29, 2008</i>	
Reg. Ent. Reference No. RN102966595		
Media [Statute] Municipal Solid Waste		
Enf. Coordinator Colin Barth		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	30 Tex. Admin. Code §§ 330.7(a), 305.125(1) and MSW Permit No. 2350 Permit Provision II. B. and II. C.	
Violation Description	Failed to obtain proper authorization to accept waste not authorized under the permit, as documented during an investigation conducted on February 22, 2008. Specifically, the Respondent has been accepting and processing grease trap waste but is only authorized to store and process chemical toilet and septic tank waste.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>	

>> 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	100% of the rule requirement was not met.			
Adjustment				<input type="text" value="\$9,000"/>

Violation Events

Number of Violation Events Number of violation days

	daily	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

mark only one with an x

Violation Base Penalty

Four monthly events are recommended from the February 22, 2008 investigation date to the June 4, 2008 screening date.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$7"/>	Violation Final Penalty Total <input type="text" value="\$4,600"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$4,600"/>	

Economic Benefit Worksheet

Respondent: GOPDQ.NET, LLC dba Big K Environmental

Case ID No.: 36001

Reg. Ent. Reference No.: RN102966595

Media: Municipal Solid Waste

Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$150	22-Feb-2008	19-Feb-2009	0.99	\$7	n/a	\$7
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of obtaining an approved permit amendment to accept grease trap waste. The Date Required is the investigation date and the Final Date is the estimated date of compliance

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

TOTAL

\$7

Screening Date 4-Jun-2008	Docket No. 2008-0917-MSW-E	PCW
Respondent GOPDQ.NET, LLC dba Big K Environmental		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 36001		<i>PCW Revision April 29, 2008</i>
Reg. Ent. Reference No. RN102966595		
Media [Statute] Municipal Solid Waste		
Enf. Coordinator Colin Barth		
Violation Number	<input type="text" value="2"/>	
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 305.125(1) and MSW Permit No. 2350 Permit Provision II. D"/>	
Violation Description	<input type="text" value="Failed to comply with permitted waste acceptance rates, as documented during an investigation conducted on February 22, 2008. Specifically, records indicate the Respondent exceeded its permitted acceptance rate of 40,000 gallons-per-day of liquid waste on 28 of 61 days ranging from December 21, 2007 to February 20, 2008."/>	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events **Number of violation days**

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	x
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount <input type="text" value="\$5"/>	Violation Final Penalty Total <input type="text" value="\$1,150"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,150"/>	

Economic Benefit Worksheet

Respondent GOPDQ.NET, LLC dba Big K Environmental
Case ID No. 36001
Reg. Ent. Reference No. RN102966595
Media 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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$100	22-Feb-2008	19-Feb-2009	0.99	\$5	n/a	\$5
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of obtaining an approved permit amendment to increase monthly acceptance rates. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$100	TOTAL	\$5
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Screening Date 4-Jun-2008 **Docket No.** 2008-0917-MSW-E **PCW**
Respondent GOPDQ.NET, LLC dba Big K Environmental *Policy Revision 2 (September 2002)*
Case ID No. 36001 *PCW Revision April 29, 2008*
Reg. Ent. Reference No. RN102966595
Media [Statute] Municipal Solid Waste
Enf. Coordinator Colin Barth

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and MSW Permit No. 2350 Permit Provision II. G

Violation Description Failed to obtain authorization prior to modifying the facility, as documented during an investigation conducted on February 22, 2008. Specifically, the Respondent began construction activity at the north side of the facility without receiving proper authorization.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

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

Adjustment

Violation Events

Number of Violation Events **Number of violation days**

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Two quarterly events are recommended from the February 22, 2008 investigation date to the June 4, 2008 screening 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: GOPDQ.NET, LLC dba Big K Environmental
Case ID No.: 36001
Reg. Ent. Reference No.: RN102966595
Media: 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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$150	22-Feb-2008	19-Feb-2009	0.99	\$7	n/a	\$7
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of obtaining an approved permit amendment for construction activity. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

TOTAL

\$7

Screening Date 4-Jun-2008	Docket No. 2008-0917-MSW-E	PCW
Respondent GOPDQ.NET, LLC dba Big K Environmental		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 36001		<i>PCW Revision April 29, 2008</i>
Reg. Ent. Reference No. RN102966595		
Media [Statute] Municipal Solid Waste		
Enf. Coordinator Colin Barth		
Violation Number	<input type="text" value="4"/>	
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 305.125(1) and MSW Permit No. 2350 Permit Provision III. A"/>	
Violation Description	<input type="text" value="Failed to operate in accordance with its permit process description, as documented during an investigation conducted on February 22, 2008. Specifically, at the time of the investigation the clarifier was not being utilized for the processing of liquid waste as required in the permit."/>	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events **Number of violation days**

	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 <input type="text" value="\$17"/>	Violation Final Penalty Total <input type="text" value="\$575"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$575"/>	

Economic Benefit Worksheet

Respondent GOPDQ.NET, LLC dba Big K Environmental
Case ID No. 36001
Reg. Ent. Reference No. RN102966595
Media 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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$250	22-Feb-2008	19-Feb-2009	0.99	\$1	\$17	\$17
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of reconnecting the clarifier to waste processing system. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$17

Compliance History

Customer/Respondent/Owner-Operator:	CN601696412	GOPDQ.Net, LLC	Classification: AVERAGE	Rating: 2.50
Regulated Entity:	RN102966595	BIG K ENVIRONMENTAL	Classification: AVERAGE	Site Rating: 2.50
ID Number(s):	MUNICIPAL SOLID WASTE PROCESSING	PERMIT		2350
	MUNICIPAL SOLID WASTE PROCESSING	PERMIT		2350A
	MUNICIPAL SOLID WASTE PROCESSING	PERMIT		2340
	MUNICIPAL SOLID WASTE NON PERMITTED	ID NUMBER		455120115
Location:	421 LITTLE YORK RD, HOUSTON, TX, 77076		Rating Date: 9/1/2007 Repeat Violator: NO	
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	May 22, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	May 22, 2003 to May 22, 2008			

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

Name: Colin Barth Phone: 512 239 0086

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? Yes
3. If Yes, who is the current owner? GOPDQ.Net, LLC
4. If Yes, who was/were the prior owner(s)? Thomas Page
5. When did the change(s) in ownership occur? 7/28/2005

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 03/14/2006 (453626)

N/A

2 11/08/2007 (571952)

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

Date: 03/31/2005 (350386)

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 330, SubChapter A 330.4(a)

Description: Failure to obtain an MSW Type V Liquid Waste Processing permit.

Date: 09/11/2007 (570820)

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 330, SubChapter A 330.4(a)

Description: Failure to obtain an MSW Type V Liquid Waste Processing permit.

Date: 11/08/2007 (571952)

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 330, SubChapter A 330.4(a)

Description: Failure to obtain an MSW Type V Liquid Waste Processing permit.

- 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
GOPDQ.NET, LLC DBA BIG K
ENVIRONMENTAL
RN102966595

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2008-0917-MSW-E**

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

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a municipal solid waste ("MSW") facility at 421 Little York Road in Houston, Harris County, Texas (the "Facility").

2. The Facility involves or involved the management of MSW as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. During an investigation on February 22, 2008, TCEQ staff documented the acceptance of unauthorized waste at the Facility. Specifically, the Respondent has been accepting and processing grease trap waste but is only authorized to store and process chemical toilet and septic tank waste.
4. During an investigation on February 22, 2008, TCEQ staff documented the exceedance of permitted waste acceptance rates. Specifically, records indicate the Respondent exceeded its permitted acceptance rate of 40,000 gallons-per-day of liquid waste on 28 of 61 days ranging from December 21, 2007 to February 20, 2008.
5. During an investigation on February 22, 2008, TCEQ staff documented unauthorized construction at the Facility. Specifically, the Respondent began construction activity at the north side of the Facility without receiving proper authorization.
6. During an investigation on February 22, 2008, TCEQ staff documented that the Facility was not operating in accordance with its permit process description. Specifically, at the time of the investigation the clarifier was not being utilized for the processing of liquid waste as required in the permit.
7. The Respondent received notice of the violations on April 11, 2008.
8. The Executive Director recognizes that on April 11, 2008, the Respondent ceased accepting grease trap waste at the Facility pending permit amendment approval.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to obtain proper authorization to accept waste not authorized under the permit, in violation of 30 TEX. ADMIN. CODE §§ 330.7(a), 305.125(1) and MSW Permit No. 2350 Permit Provision II. B. and II. C, as documented during an investigation conducted on February 22, 2008.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to comply with permitted waste acceptance rates, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and MSW Permit No. 2350 Permit Provision II. D, as documented during an investigation conducted on February 22, 2008.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to obtain authorization prior to modifying the Facility, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and MSW Permit No. 2350 Permit Provision II. G, as documented during an investigation conducted on February 22, 2008.

5. As evidenced by Findings of Fact No. 6, the Respondent failed to operate in accordance with its permit process description, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and MSW Permit No. 2350 Permit Provision III. A, as documented during an investigation conducted on February 22, 2008.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent 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.
7. An administrative penalty in the amount of Eight Thousand Six Hundred Twenty-Five Dollars (\$8,625) 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. The Respondent has paid Three Hundred Forty Five Dollars (\$345) of the administrative penalty. The remaining amount of Eight Thousand Two Hundred Eighty Dollars (\$8,280) of the administrative penalty shall be payable in 24 monthly payments of Three Hundred Forty Five Dollars (\$345) 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 the Respondent 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 the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent 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 Respondent is assessed an administrative penalty in the amount of Eight Thousand Six Hundred Twenty-Five Dollars (\$8,625) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent'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: GOPDQ.NET, LLC dba Big K Environmental, Docket No. 2008-0917-MSW-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, connect the clarifier to the waste processing system, in accordance with MSW Permit No. 2350 Permit Provision II. A;
 - b. Within 30 days after the effective date of this Agreed Order, begin to follow all conditions outlined in MSW Permit No. 2350 or follow all directives from the Waste Permits Division concerning previously submitted permit amendments, in accordance with MSW Permit No. 2350 Permit Provision II. B, C, D, and G; and
 - c. 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. 2.a. and 2.b.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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.

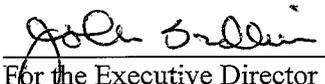
...the ... of ...

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent 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 the Respondent if the Executive Director determines that the Respondent 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 the Respondent 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

10/30/2008
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of GOPDQ.NET, LLC dba Big K Environmental. I am authorized to agree to the attached Agreed Order on behalf of GOPDQ.NET, LLC dba Big K Environmental, 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, GOPDQ.NET, LLC dba Big K Environmental 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

9-8-2008
Date

THOMAS A. PAGE

Name (Printed or typed)
Authorized Representative of
GOPDQ.NET, LLC dba Big K Environmental

PRESIDENT

Title

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

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805-3-4



President

THOMAS A. PAZ

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