

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.: 2007-0485-MSW-E TCEQ ID: RN102143211 CASE NO.: 33084**  
**RESPONDENT NAME: HARRISON COUNTY**

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 347 Muntz Cut Off Road, Hallsville, Harrison County</p> <p><b>TYPE OF OPERATION:</b> Type IV permitted landfill</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 10, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  TCEQ Attorney: Ms. Tracy Chandler, Litigation Division, MC 175, (512) 239-0629  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223  TCEQ Enforcement Coordinator: Mr. Colin Barth, Waste Enforcement Section, MC 128, (512) 239-0086  TCEQ Regional Contact: Mr. Michael Brashear, Tyler Regional Office, MC R-5, (903) 535-5176  Respondent: The Honorable Richard M. Anderson, County Judge, Harrison County Courthouse, 200 West Houston, Suite 315, Marshall, Texas 75670  Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b>                      None</p> <p><b>Date of Investigations Relating to this Case:</b>                      November 15, 2006 and March 28, 2007</p> <p><b>Date of NOV Relating to this Case:</b>                      February 7, 2007 (NOE)</p> <p><b>Background Facts:</b></p> <p>The Respondent signed an Agreed Order on September 12, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>MSW:</b></p> <ol style="list-style-type: none"> <li>1. Failed to apply weekly cover to a Type IV landfill [30 TEX. ADMIN. CODE § 330.165(b)].</li> <li>2. Failed to pick up windblown solid waste once per day [30 TEX. ADMIN. CODE § 330.139(2)].</li> <li>3. Failed to have landfill markers identifying the buffer zone properly in place [30 TEX. ADMIN. CODE § 330.143(b)(3)].</li> <li>4. Failed to prevent the unloading of waste at an unauthorized area of the landfill [30 TEX. ADMIN. CODE § 330.133(b)].</li> <li>5. Failed to control ponded water on the landfill surface [30 TEX. ADMIN. CODE § 330.167].</li> <li>6. Failed to provide all-weather roads within the Facility [30 TEX. ADMIN. CODE § 330.153(a) and Municipal Solid Waste Permit 307, Special Provision (E)].</li> <li>7. Failed to maintain dikes and embankments in a manner as to minimize the potential for erosion [30 TEX. ADMIN. CODE § 330.305(2)].</li> </ol>	<p><b>Total Assessed:</b> \$8,800</p> <p><b>Total Deferred:</b> \$0</p> <p><b>SEP Conditional Offset:</b> \$8,800</p> <p><b>Total Due to General Revenue:</b> \$0</p> <p>The \$8,800 administrative penalty shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>1. Immediately:                         <ol style="list-style-type: none"> <li>a. Begin applying weekly cover to the working face of the landfill in a manner in which no waste is exposed and develop and implement procedures to ensure that capped areas are not disturbed;</li> <li>b. Pick up windblown waste daily and develop and implement procedures to ensure waste does not migrate from authorized areas; and</li> <li>c. Properly place buffer zone markers at all corners and between corners at intervals no greater than 300 feet.</li> </ol> </li> <li>2. Within 30 days:                         <ol style="list-style-type: none"> <li>a. Remove all waste placed outside the boundary of the SLER markers and dispose of the waste at authorized area of the landfill;</li> <li>b. Remove all ponded water at the landfill and fill in the area in which the ponding occurred;</li> <li>c. Stabilize the embankment south of the landfill and develop and implement procedures to minimize the erosion and soil loss on the embankments and dikes within the landfill;</li> <li>d. Repair the portion of the fence along the north landfill boundary that is down; and</li> <li>e. Submit payment for outstanding fees, including any associated penalties and interest.</li> </ol> </li> </ol>

**VIOLATION SUMMARY CHART:**

<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p>8. Failed to maintain fences around landfill perimeter [30 TEX. ADMIN. CODE § 330.131 and Municipal Solid Waste Permit 307 Special Provision (E)].</p> <p>9. Failed to pay outstanding general permits storm water fees and solid waste disposal fees for the TCEQ Financial Account No. 20009106 and 0708685 for the fiscal year of 2007 [30 TEX. ADMIN. CODE §§ 205.6 and 330.602 and TEX. WATER CODE § 5.702].</p>		<p>3. Within 90 days, construct an all-weather road at the Facility.</p> <p>4. Within 115 days, submit written certification to demonstrate compliance.</p> <p>5. Implement and complete a SEP as described in Attachment A of the Order.</p>

Attachment A  
Docket Number: 2007-0485-MSW-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Harrison County
Penalty Amount:	Eight Thousand Eight Hundred Dollars (\$8,800)
SEP Amount:	Eight Thousand Eight Hundred Dollars (\$8,800)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D") <i>Unauthorized Trash Dump Clean Up</i>
Location of SEP:	Harrison County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset 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 the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, SEP funds will be used by the *Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")* for the Unauthorized Trash Dump Clean-Up program in Harrison County. In the alternative, if all SEP funds are not expended on the clean up of illegal trash dumps, the funds will be spent on the Abandoned Tire Site Clean-Up, Wastewater Treatment Assistance, or other pre-approved SEP project in Harrison County. SEP monies will pay for the labor and disposal costs associated with proper clean up and disposal of wastes, debris, or abandoned tires; assistance to low-income residents with failing on-site wastewater systems, plugging of abandoned wells, or antifreeze recycling.

The projects will be administered in accordance with federal, state, and local environmental laws and regulations. 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

The illegal dump and abandoned tire clean up portions of this project will provide a discernable environmental benefit by providing for the proper disposal of debris and waste, reducing the potential health threats associated with illegally dumped wastes, helping rid the community of hazardous contaminants that may leach into the soil and water, and helping to prevent the release of harmful chemicals into the air should illegally dumped tires catch fire.

Harrison County

Agreed Order – Attachment A Docket No. 2007-0485-MSW-E

The wastewater portion of this SEP would provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as lawns or streets, or waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

The plugging of abandoned wells would provide an environmental benefit by reducing the potential for contamination of groundwater and aquifers from pollutants that may be dumped into the well opening.

Recycling of antifreeze would provide an environmental benefit by providing a convenient disposal method for used antifreeze. Antifreeze (ethylene glycol) is a common coolant for automobile engines. Ingestion of antifreeze and its derivatives may lead to kidney failure and harmful effects to the liver. Exposure to ethylene glycol may cause eye and skin irritation. If improperly disposed in the environment, ethylene glycol may be ingested by domestic animals or wildlife. Ingestion may be fatal to small animals. A sudden release of ethylene / propylene glycol into a waterway can produce adverse impacts upon fresh water and marine environments. Glycol degradation in the environment has a high oxygen demand and as a result threatens or negatively impacts aquatic life. Ammonia gas is also released to the environment by the degradation of glycols.

### 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 shall 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. (RC&D)  
Attention: Eddi Darilek  
1716 Briarcrest Drive Suite 510  
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:

Litigation Division  
Attention: SEP Coordinator, MC 175  
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.

In the event of incomplete performance, the Respondent shall submit a check to "Texas Commission on Environmental Quality" for any remaining amount due with the notation "SEP Refund" and the docket number of the case, and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

<b>DATES</b>	Assigned	5-Feb-2007	Screening	29-Mar-2007	EPA Due	
	PCW	5-Jul-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Harrison County		
Reg. Ent. Ref. No.	RN102143211		
Facility/Site Region	5-Tyler	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	33084	No. of Violations	9
Docket No.	2007-0485-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	Colin Barth
Multi-Media		EC's Team	Enforcement Team 8
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	Subtotal 1	\$8,000
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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	10% Enhancement	Subtotals 2, 3, & 7	\$800
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Notes: The respondent has two previous NOV's with same or similar violations at this site in 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 x)

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

Total EB Amounts	\$274	0% Enhancement	Subtotal 6	\$0
Approx. Cost of Compliance	\$10,000	*Capped at the Total EB \$ Amount		

<b>SUM OF SUBTOTALS 1-7</b>	Final Subtotal	\$8,800
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	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: [Empty box]

Final Penalty Amount	\$8,800
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<b>STATUTORY LIMIT ADJUSTMENT</b>	Final Assessed Penalty	\$8,800
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<b>DEFERRAL</b>	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$8,800
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Screening Date: 29-Mar-2007

Docket No.: 2007-0485-MSW-E

PCW

Respondent: Harrison County

Policy Revision 2 (September 2002)

Case ID No.: 33084

PCW Revision March 19, 2007

Reg. Ent. Reference No.: RN102143211

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)	2	10%
	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) 10%

>> 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 two previous NOVs with same or similar violations at this site in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date: 29-Mar-2007

Docket No.: 2007-0485-MSW-E

PCW

Respondent: Harrison County

Policy Revision 2 (September 2002)

Case ID No.: 33084

PCW Revision March 19, 2007

Reg. Ent. Reference No.: RN102143211

Media [Statute]: Municipal Solid Waste

Enf. Coordinator: Colin Barth

Violation Number: [ ]

Rule Cite(s)

30 Tex. Admin. Code § 330.165(b)

Violation Description

Failed to apply weekly cover to a Type IV landfill, as documented during an investigation conducted on November 15, 2006. Specifically, the investigator observed exposed waste in an area which is to be covered no less than weekly.

Base Penalty

\$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	[ ]	[ ]	[ ]
Potential	[ ]	[ ]	[X]

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
[ ]	[ ]	[ ]	[ ]

Percent 0%

Matrix Notes

Human Health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment

\$9,000

\$1,000

Violation Events

Number of Violation Events

1

134

Number of violation days

mark only one with an x

daily	[ ]
monthly	[ ]
quarterly	[ ]
semiannual	[ ]
annual	[ ]
single event	[X]

Violation Base Penalty

\$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$103

Violation Final Penalty Total

\$1,100

This violation Final Assessed Penalty (adjusted for limits)

\$1,100

## Economic Benefit Worksheet

**Respondent:** Harrison County  
**Case ID/No:** 33084  
**Reg. Ent. Reference No:** RN102143211  
**Media:** Municipal Solid Waste  
**Violation No:** 1

<b>Percent interest</b>	<b>Years of Depreciation</b>
5.0	15

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	15-Nov-2006	26-Nov-2007	1.0	\$103	n/a	\$103

Notes for DELAYED costs

Estimated cost of applying weekly cover to the working face of the landfill in a manner in which no waste is exposed from the investigation date to the estimated date of compliance

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$103

Screening Date 29-Mar-2007

Docket No. 2007-0485-MSW-E

PCW

Respondent Harrison County

Policy Revision 2 (September 2002)

Case ID No. 33084

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102143211

Media [Statute] Municipal Solid Waste

Enf. Coordinator Colin Barth

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 330.139(2)

Violation Description

Failed to pick up windblown solid waste once per day, as documented during an investigation conducted on November 15, 2006. Specifically, the investigator observed windblown solid waste along the east boundary of the landfill.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human Health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

134 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

## Economic Benefit Worksheet

**Respondent:** Harrison County  
**Case ID No.:** 33084  
**Reg. Ent. Reference No.:** RN102143211  
**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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### 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

See violation No. 1

### 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

\$0

**TOTAL**

\$0

Screening Date 29-Mar-2007

Docket No. 2007-0485-MSW-E

PCW

Respondent Harrison County

Policy Revision 2 (September 2002)

Case ID No. 33084

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102143211

Media [Statute] Municipal Solid Waste

Enf. Coordinator Colin Barth

Violation Number

3

Rule Cite(s)

.30 Tex. Admin. Code § 330.143(b)(3)

Violation Description

Failed to have landfill markers identifying the the buffer zone properly in place, as documented during an investigation conducted on November 15, 2006. Specifically, the investigator observed yellow buffer zone markers were not present at the landfill. Yellow buffer zone markers must be placed at all corners and between corners at intervals no greater than 300 feet along the buffer zone boundary.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human Health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

134 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

## Economic Benefit Worksheet

**Respondent:** Harrison County  
**Case ID No:** 33084  
**Reg. Ent. Reference No:** RN102143211  
**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
<small>(No commas or \$)</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	15-Nov-2006	26-Nov-2007	1.0	\$26	n/a	\$26

Notes for DELAYED costs

Estimated cost to provide yellow buffer zone markers from the investigation date to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$26

Screening Date 29-Mar-2007

Docket No. 2007-0485-MSW-E

PCW

Respondent Harrison County

Policy Revision 2 (September 2002)

Case ID No. 33084

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102143211

Media [Statute] Municipal Solid Waste

Enf. Coordinator Colin Barth

Violation Number

4

Rule Cite(s)

30 Tex. Admin. Code § 330.133(b)

Violation Description

Failed to prevent the unloading of waste at an unauthorized area of the landfill, as documented during an investigation conducted on November 15, 2006. Specifically, the investigator observed waste being unloaded outside the boundary of the red SLER (Soil and Liner Evaluation Report) markers on the north side of the landfill.

Base Penalty \$10,000

>> Environmental Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human Health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

134 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

## Economic Benefit Worksheet

Respondent: Harrison County  
 Case ID No: 33084  
 Reg. Ent. Reference No: RN102143211  
 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	One-time 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	\$500	15-Nov-2007	26-Nov-2007	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 to ensure disposal of waste in an authorized portion of the landfill from the investigation date to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/Equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$1

Screening Date 29-Mar-2007

Docket No. 2007-0485-MSW-E

PCW

Respondent Harrison County

Policy Revision 2 (September 2002)

Case ID No. 33084

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102143211

Media [Statute] Municipal Solid Waste

Enf. Coordinator Colin Barth

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §.330.167

Violation Description

Failed to control ponded water on the landfill surface, as documented during an investigation conducted on November 15, 2006. Specifically, the investigator observed ponded water on the southern portion of the landfill.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

Matrix Notes

Human Health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

134 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$72

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

## Economic Benefit Worksheet

Respondent: Harrison County  
 Case ID No: 33084  
 Reg. Ent. Reference No: RN102143211  
 Media: 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 Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	15-Nov-2006	26-Nov-2007	1.0	\$3	\$69	\$72
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prevent water from ponding on the landfill surface from the investigation date to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$72

Screening Date: 29-Mar-2007

Docket No. 2007-0485-MSW-E

PCW

Respondent: Harrison County

Policy Revision 2 (September 2002)

Case ID No. 33084

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102143211

Media [Statute] Municipal Solid Waste

Enf. Coordinator: Colin Barth

Violation Number: 6

Rule Cite(s): .30 Tex. Admin. Code § 330.153(a) and Municipal Solid-Waste Permit 307 Special Provision (E)

Violation Description: Failed to provide all-weather roads within the facility, as documented during an investigation conducted on November 15, 2006. Specifically, the investigator observed the road along the east property boundary was impassable due to excessive mud.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

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

Adjustment: \$9,000

\$1,000

Violation Events

Number of Violation Events: 1 Number of violation days: 1

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

Violation Base Penalty: \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$11

Violation Final Penalty Total: \$1,100

This violation Final Assessed Penalty (adjusted for limits): \$1,100

## Economic Benefit Worksheet

**Respondent:** Harrison County  
**Case ID No.:** 33084  
**Reg. Ent. Reference No.:** RN102143211  
**Media:** 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	\$5,000	15-Nov-2007	26-Nov-2007	0.0	\$1	\$10	\$11
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 all-weather roads within the facility from the investigation date to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$11

Screening Date 29-Mar-2007

Docket No. 2007-0485-MSW-E

PCW

Respondent Harrison County

Policy Revision 2 (September 2002)

Case ID No. 33084

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102143211

Media [Statute] Municipal Solid Waste

Enf. Coordinator Colin Barth

Violation Number 7

Rule Cite(s)

.30 Tex. Admin. Code § 330.305(2)

Violation Description

Failed to maintain dikes and embankments in a manner as to minimize the potential for erosion, as documented during an investigation conducted on November 15, 2006. Specifically, the investigator observed embankments south of the landfill eroding.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human Health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

1

1

Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

## Economic Benefit Worksheet

**Respondent:** Harrison County  
**Case ID No.:** 33084  
**Reg. Ent. Reference No.:** RN102143211  
**Media:** Municipal Solid Waste  
**Violation No.:** 7

<b>Percent Interest:</b>	<b>Years of Depreciation:</b>
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)	\$500	15-Nov-2006	26-Nov-2007	1.0	\$26	n/a	\$26

Notes for DELAYED costs

Estimated cost to maintain embankments in a manner in which to minimize the potential for erosion from the investigation date to the estimated date of compliance.

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500
TOTAL \$26

Screening Date 29-Mar-2007

Docket No. 2007-0485-MSW-E

PCW

Respondent Harrison County

Policy Revision 2 (September 2002)

Case ID No. 33084

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102143211

Media [Statute] Municipal Solid Waste

Enf. Coordinator Colin Barth

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 330.131 and Municipal Solid Waste Permit 307 Special Provision (E)

Violation Description Failed to maintain fences around landfill perimeter, as documented during an investigation conducted on November 15, 2006. Specifically, the investigator observed a portion of fence along the north landfill boundary was down.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human Health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$36

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

## Economic Benefit Worksheet

Respondent: Harrison County  
 Case ID No: 33084  
 Reg. Ent. Reference No: RN102143211  
 Media: 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	\$500	15-Nov-2006	26-Nov-2007	1.0	\$2	\$34	\$36
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair portions of the fence along the north landfill boundary from the investigation date to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$36

Screening Date 29-Mar-2007

Docket No. 2007-0485-MSW-E

PCW

Respondent Harrison County

Policy Revision 2 (September 2002)

Case ID No. 33084

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102143211

Media [Statute] Municipal Solid Waste

Enf. Coordinator Colin Barth

Violation Number 19

Rule Cite(s)

30 Tex. Admin. Code §§ 330.602, 205.6 and Texas Water Code § 5.702

Violation Description

Failed to pay outstanding general permits storm water fee and solid waste disposal fee for the TCEQ Financial Account No. 20009106 and 0708685 for the fiscal year of 2007, as documented during a record review investigation conducted on March 28, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

No penalty is calculated for this violation.

Adjustment \$10,000

\$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$0

No additional administrative penalty was calculated for this violation as penalties and interest will be assessed on the next fee billing.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

## Economic Benefit Worksheet

Respondent: Harrison County  
 Case ID No. 33084  
 Reg. Ent. Reference No: RN102143211  
 Media: 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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

N/A

### 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

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN600744437 Harrison County	Classification: AVERAGE	Rating: 3.13
Regulated Entity:	RN102143211 HARRISON COUNTY HALLSVILLE LANDFILL	Classification: AVERAGE	Site Rating: 3.50
ID Number(s):	MUNICIPAL SOLID WASTE DISPOSAL PERMIT		307
Location:	347 MUNTZ CUT OFF RD, HALLSVILLE, TX, 75650	Rating Date: 9/1/2006	Repeat Violator: NO
TCEQ Region:	REGION 05 - TYLER		
Date Compliance History Prepared:	March 20, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 20, 2002 to March 20, 2007		
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?    | 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 01/02/2003 (18868)

N/A

2 01/10/2006 (451485)

3 05/31/2006 (458934)

4 10/13/2006 (513692)

5 02/01/2007 (533467)

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

Date: 04/01/2005 (348476)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter F 330.134

Description: Failure to control ponded water on the landfill surface.

Self Report? NO Classification: Moderate

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

Description: Failure to have all landfill markers properly in place to clearly mark significant features.

Date: 06/01/2006 (458934)

Self Report? NO Classification: Moderate

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

Description: Failure to apply weekly cover on the active face of the landfill.

Self Report? NO Classification: Moderate

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

Description: Failure to prevent the disposal of trash in an unauthorized area of the landfill.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.120[G]

Description: Failure to maintain control of windblown trash along the east side of the landfill.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.122

Description: Failure to maintain a red SLER marker on the middle east side of the landfill.

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  
HARRISON COUNTY,  
RN102143211

§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2007-0485-MSW-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Harrison County ("the County") under the authority of TEX. WATER CODE chs. 5 and 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and the County, appear before the Commission and together stipulate that:

1. The County owns a Type IV permitted landfill located at 347 Muntz Cut Off Road, Hallsville, Harrison County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 5 and TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and the County agree that the Commission has jurisdiction to enter this Agreed Order, and that the County is subject to the Commission's jurisdiction.
4. The County received notice of the violations alleged in Section II ("Allegations") on or about February 7, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the County of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of eight thousand eight hundred dollars (\$8,800.00) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). Eight thousand eight hundred dollars (\$8,800.00) shall be conditionally offset by the County's completion of a Supplemental Environmental Project ("SEP") as defined in Attachment A, incorporated herein by reference. The County's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

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 the 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 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 the County has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

The County is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 330.165(b) by failing to apply weekly cover to a Type IV landfill, as documented during an investigation conducted on November 15, 2006. Specifically, the investigator observed exposed waste in an area which is to be covered no less than weekly.
2. 30 TEX. ADMIN. CODE § 330.139(2) by failing to pick up windblown solid waste once per day, as documented during an investigation conducted on November 15, 2006. Specifically, the investigator observed windblown solid waste along the east boundary of the landfill.
3. 30 TEX. ADMIN. CODE § 330.143(b)(3) by failing to have landfill markers identifying the buffer zone properly in place, as documented during an investigation conducted on November 15, 2006. Specifically, the investigator observed yellow buffer zone markers were not present at the landfill. Yellow buffer zone markers must be placed at all corners and between corners at intervals no greater than 300 feet along the buffer zone boundary.

4. 30 TEX. ADMIN. CODE § 330.133(b) by failing to prevent the unloading of waste at an unauthorized area of the landfill, as documented during an investigation conducted on November 15, 2006. Specifically, the investigator observed waste being unloaded outside the boundary of the red Soil and Liner Evaluation Report ("SLER") markers on the north side of the landfill.
5. 30 TEX. ADMIN. CODE § 330.167 by failing to control ponded water on the landfill surface, as documented during an investigation conducted on November 15, 2006. Specifically, the investigator observed ponded water on the southern portion of the landfill.
6. 30 TEX. ADMIN. CODE § 330.153(a) and Municipal Solid Waste Permit 307, Special Provision (E) by failing to provide all-weather roads within the facility, as documented during an investigation conducted on November 15, 2006. Specifically, the investigator observed the road along the east property boundary was impassable due to excessive mud.
7. 30 TEX. ADMIN. CODE § 330.305(2) by failing to maintain dikes and embankments in a manner as to minimize the potential for erosion, as documented during an investigation conducted on November 15, 2006. Specifically, the investigator observed embankments south of the landfill eroding.
8. 30 TEX. ADMIN. CODE § 330.131 and Municipal Solid Waste Permit 307, Special Provision (E) by failing to maintain fences around landfill perimeter, as documented during an investigation conducted on November 15, 2006. Specifically, the investigator observed a portion of fence along the north landfill boundary was down.
9. 30 TEX. ADMIN. CODE §§ 205.6 and 330.602 and TEX. WATER CODE § 5.702 by failing to pay outstanding general permits storm water fees and solid waste disposal fees for the TCEQ Financial Account No. 20009106 and 0708685 for the fiscal year of 2007, as documented during a record review investigation conducted on March 28, 2007.

### III. DENIALS

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

### IV. ORDER

1. It is, therefore, ordered by the TCEQ that the County pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the 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 considering or requiring corrective action or penalties for violations which are not raised here.

2. The County shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, eight thousand eight hundred dollars (\$8,800.00) of the assessed administrative penalty shall be offset with the condition that the County implement the SEP defined in Attachment A, incorporated herein by reference. The County's obligation to pay the conditionally offset portion of the administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. The County shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, the County shall:
    - i. Begin applying weekly cover to the working face of the landfill in a manner in which no waste is exposed and develop and implement procedures to ensure that capped areas are not disturbed, in accordance with 30 TEX. ADMIN. CODE § 330.165(b);
    - ii. Pick up windblown waste daily and develop and implement procedures to ensure waste does not migrate from authorized areas, in accordance with 30 TEX. ADMIN. CODE § 330.139(2); and
    - iii. Properly place buffer zone markers at all corners and between corners at intervals no greater than 300 feet, in accordance with 30 TEX. ADMIN. CODE § 330.143(b)(3).
  - b. Within 30 days after the effective date of this Agreed Order, the County shall:
    - i. Remove all waste placed outside the boundary of the SLER markers and dispose of the waste at an authorized area of the landfill, in accordance with 30 TEX. ADMIN. CODE § 330.133(b);
    - ii. Remove all ponded water at the landfill and fill in the area in which the ponding occurred, in accordance with 30 TEX. ADMIN. CODE § 330.167;
    - iii. Stabilize the embankment south of the landfill and develop and implement procedures to minimize the erosion and soil loss on the embankments and dikes within the landfill, in accordance with 30 TEX. ADMIN. CODE § 330.305(2);

- iv. Repair the portion of the fence along the north landfill boundary that is down, in accordance with 30 TEX. ADMIN. CODE § 330.131 and Municipal Solid Waste Permit 307, Special Provision (E); and
- v. Submit payment for outstanding fees, including any associated penalties and interest and with the notations, "Harrison County and Harrison County Power Project", Account Nos. 0708685 and 20009106", 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

- c. Within 90 days after the effective date of this Agreed Order, the County shall construct an all-weather road at the Facility, in accordance with 30 TEX. ADMIN. CODE § 330.153(a) and Municipal Solid Waste Permit 307, Special Provision (E).
- d. Within 115 days after the effective date of this Agreed Order, the County shall 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. through 2.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 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

and

Michael Brashear, Waste Section Manager  
Texas Commission on Environmental Quality  
Tyler Regional Office  
2916 Teague Drive  
Tyler, Texas 75701-3734

4. The provisions of this Agreed Order shall apply to and be binding upon the County. The 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 the County fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the County's failure to comply is not a violation of this Agreed Order. The County shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The County shall notify the Executive Director within seven days after the County becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the County shall be made in writing to the Executive Director. Extensions are not effective until the County receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the County in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to the County, or three days

after the date on which the Commission mails notice of the Order to the 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



For the Executive Director

11/9/07

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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 Harrison Co. will forward this order to the operation who is responsible for operation of the
- TCEQ seeking other relief as authorized by law.

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



Signature

September 12, 2007

Date

Facility

Richard M. Anderson  
Name (Printed or typed)  
Authorized representative of  
Harrison County

County Judge

Title

Attachment A

Docket Number: 2007-0485-MSW-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	Harrison County
<b>Penalty Amount:</b>	Eight Thousand Eight Hundred Dollars (\$8,800)
<b>SEP Amount:</b>	Eight Thousand Eight Hundred Dollars (\$8,800)
<b>Type of SEP:</b>	Pre-approved
<b>Third-Party Recipient:</b>	Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D") <i>Unauthorized Trash Dump Clean Up</i>
<b>Location of SEP:</b>	Harrison County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset 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 the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, SEP funds will be used by the *Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")* for the Unauthorized Trash Dump Clean-Up program in Harrison County. In the alternative, if all SEP funds are not expended on the clean up of illegal trash dumps, the funds will be spent on the Abandoned Tire Site Clean-Up, Wastewater Treatment Assistance, or other pre-approved SEP project in Harrison County. SEP monies will pay for the labor and disposal costs associated with proper clean up and disposal of wastes, debris, or abandoned tires, assistance to low-income residents with failing on-site wastewater systems, plugging of abandoned wells, or antifreeze recycling.

The projects will be administered in accordance with federal, state, and local environmental laws and regulations. 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

The illegal dump and abandoned tire clean up portions of this project will provide a discernable environmental benefit by providing for the proper disposal of debris and waste, reducing the potential health threats associated with illegally dumped wastes, helping rid the community of hazardous contaminants that may leach into the soil and water, and helping to prevent the release of harmful chemicals into the air should illegally dumped tires catch fire.

The wastewater portion of this SEP would provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as lawns or streets, or waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

The plugging of abandoned wells would provide an environmental benefit by reducing the potential for contamination of groundwater and aquifers from pollutants that may be dumped into the well opening.

Recycling of antifreeze would provide an environmental benefit by providing a convenient disposal method for used antifreeze. Antifreeze (ethylene glycol) is a common coolant for automobile engines. Ingestion of antifreeze and its derivatives may lead to kidney failure and harmful effects to the liver. Exposure to ethylene glycol may cause eye and skin irritation. If improperly disposed in the environment, ethylene glycol may be ingested by domestic animals or wildlife. Ingestion may be fatal to small animals. A sudden release of ethylene / propylene glycol into a waterway can produce adverse impacts upon fresh water and marine environments. Glycol degradation in the environment has a high oxygen demand and as a result threatens or negatively impacts aquatic life. Ammonia gas is also released to the environment by the degradation of glycols.

#### 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 shall 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. (RC&D)  
Attention: Eddi Darilek  
1716 Briarcrest Drive Suite 510  
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:

Litigation Division  
Attention: SEP Coordinator, MC 175  
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.

In the event of incomplete performance, the Respondent shall submit a check to "Texas Commission on Environmental Quality" for any remaining amount due with the notation "SEP Refund" and the docket number of the case, and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.