

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2005-0383-MSW-E TCEQ ID: RN104157763 CASE NO.:
RESPONDENT NAME: CAPITOL CITY DISPOSAL, INC.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input 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: 11204 Moore Road, Austin, Travis County</p> <p>TYPE OF OPERATION: Municipal solid waste Type V processing facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: Complaints were received on February 10, 2004 and December 3, 2004. There is one additional pending enforcement action regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter. The complainant has not indicated a desire to protest this action or speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 27, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p>TCEQ Attorney: Ms. Kari Gilbreth, Litigation Division, MC 175, (512) 239-1320 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873</p> <p>TCEQ Enforcement Coordinator: Mr. Colin Barth, Waste Enforcement Section, MC 128, (512) 239-0086</p> <p>TCEQ Regional Contact: Mr. Barry Kalda, Austin Regional Office, MC R-11, (512) 239-6684</p> <p>Respondent: Mr. Juan DeAnda, President, Capitol City Disposal, Inc., 11401 Brooklyn, Houston, Texas 77093</p> <p>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:</p> <p><input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: February 10, 2004 and December 3, 2004</p> <p>Dates of Investigation Relating to this Case: March 5, 2004, March 19, 2004, and December 7, 2004</p> <p>Dates of NOE and NOV's Relating to this Case: August 16, 2004 and June 24, 2004 (NOV's); March 22, 2005 (NOE)</p> <p>Background Facts:</p> <p>An EDPRP was filed on September 28, 2005. The matter was referred to SOAH on April 27, 2007. The Respondent signed an Agreed Order on June 7, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>MSW</p> <p>Failed to obtain the proper authorization prior to the operation of a municipal solid waste Type V processing facility [30 TEX. ADMIN. CODE § 330.4(a)].</p>	<p>Total Assessed: \$8,700</p> <p>Total Deferred: \$0</p> <p>Total Paid/Due to General Revenue: \$300/\$8,400</p> <p>The Respondent has paid \$300 of the administrative penalty. The remaining amount of \$8,400 of the administrative penalty shall be payable in 35 monthly payment of \$240 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>Technical Requirements:</p> <ol style="list-style-type: none"> 1. The Respondent shall immediately cease storage and processing of waste material at the Facility. 2. Within 30 days, the Respondent shall remove and dispose of all waste material at the Facility and transport the material to an authorized municipal solid waste facility.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision March 02, 2005

DATES	Assigned	31-Jan-2005	Screening	23-Feb-2005	Priority Due	01-Apr-2005	EPA Due	
	PCW	27-May-2005						

RESPONDENT/FACILITY INFORMATION	
Respondent	Capitol City Disposal, Inc.
Reg. Ent. Ref. No.	RN104157763
Additional ID No(s)	None
Facility/Site Region	11-Austin
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	24703	No. of Violations	1
Docket No.	2005-0383-MSW-E	Order Type	1660
Case Priority	3	Enf. Coordinator	Colin Barth
Media Program(s)	Municipal Solid Waste	EC's Team	Enforcement Team 7
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1: \$6,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 45% Enhancement Subtotals 2, 3, & 7: \$2,700

Notes: Enhancement due to Repeat Violator status, Poor Performer classification, and two NOVs for same or similar violations at this site issued on 6/24/04 and 8/16/04.

Culpability No 0% Enhancement Subtotal 4: \$0

Notes: The Respondent does not meet culpability requirements.

Good Faith Effort to Comply 0% Reduction Subtotal 5: \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The Respondent is not yet in compliance.

Economic Benefit 0% Enhancement Subtotal 6: \$0

Total EB Amounts	\$123	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,500	

SUM OF SUBTOTALS 1-7 Final Subtotal: \$8,700

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment: \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount: \$8,700

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty: \$8,700

DEFERRAL Reduction: Adjustment: \$0

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

Notes: No deferral is offered because the 60-day settlement period has expired.

PAYABLE PENALTY \$8,700

Screening Date 23-Feb-2005 **Docket No.** 2005-0383-MSW-E **PCW**
Respondent Capitol City Disposal, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 24703 *PCW Revision March 02, 2005*
Reg. Ent. Reference No. RN104157763
Additional ID No(s) None
Media [Statute] Municipal Solid Waste
Enf. Coordinator Colin Barth
Site Address 11000 Block of Moore Road, Austin, Travis County

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (<i>number of NOV's meeting criteria</i>)	2	10%
	Other written NOV's	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

>> **Repeat Violator (Subtotal 3)**

 Adjustment Percentage (Subtotal 3) 25%

>> **Compliance History Person Classification (Subtotal 7)**

 Adjustment Percentage (Subtotal 7) 10%

>> **Compliance History Summary**

Compliance History Notes Enhancement due to Repeat Violator status, Poor Performer classification, and two NOV's for same or similar violations at this site issued on 6/24/04 and 8/16/04.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 45%

Screening Date 23-Feb-2005 **Docket No.** 2005-0383-MSW-E **PCW**
Respondent Capitol City Disposal, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 24703 *PCW Revision March 02, 2005*
Reg. Ent. Reference No. RN104157763
Additional ID No(s). None
Media [Statute] Municipal Solid Waste
Enf. Coordinator Colin Barth
Violation Number 1
Primary Rule Cite(s) 30-Tex.-Admin.-Code-§.330.4(a)
Secondary Rule Cite(s)
Violation Description Failure to obtain proper TCEQ authorization prior to the operation of a municipal solid waste Type V processing facility.

Base Penalty \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			10%

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

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 6

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

Violation Base Penalty \$6,000

Six monthly events are recommended based on the 12/7/04 investigation date through the end of the 60-day settlement period, 5/21/05.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$123	Violation Final Penalty Total \$8,700
This violation Final Assessed Penalty (adjusted for limits) \$8,700	

Economic Benefit Worksheet

Respondent: Capitol City Disposal, Inc.
 Case ID No: 24703
 Reg. Ent. Reference No: RN104157763
 Additional ID No(s): None
 Media [Statute]: Municipal Solid Waste
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

Item	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	\$2,500	07-Dec-2004	01-Dec-2005	1.0	\$123	n/a	\$123
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to obtain the proper TCEQ authorization to operate a municipal solid waste Type V processing facility. Date required is the investigation date. Final date is the projected 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 \$2,500 TOTAL \$123

Compliance History

Customer/Respondent/Owner-Operator:	CN602635153 Capitol City Disposal, Inc.	Classification: POOR	Rating: 255.000
Regulated Entity:	RN104157763 CAPITOL CITY DISPOSAL	Classification: POOR	Site Rating: 255.00
ID Number(s):			
Location:	11,100 block of Moore Rd		Rating Date: 9/17/04 Repeat Violator: YES
TCEQ Region:	REGION 11 - AUSTIN		
Date Compliance History Prepared:	February 25, 2005		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	February 25, 2000 to February 25, 2005		

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

Name: Mike Limos Phone: (512) 239-5839

Site Compliance History Components

- | | |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

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 08/15/2004 (289774)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
Date: 06/24/2004 (249657)
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 330, SubChapter A 330.4(a)
Description: Failure to obtain proper authorization from TCEQ for the operation of a Type V processing facility.
Date: 08/16/2004 (289774)
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 330, SubChapter A 330.4(a)
Description: Failure to obtain proper authorization from TCEQ for the operation of a Type V processing facility.
- F. Environmental audits.
N/A
Description:
- 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
CAPITOL CITY DISPOSAL, INC.,
RN104157763

§
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§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2005-0383-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 Capitol City Disposal, Inc. ("CCD") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and CCD, appear before the Commission and together stipulate that:

1. CCD owns and operates a municipal solid waste Type V processing facility located at 11204 Moore Road, Austin, Travis 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. HEALTH & SAFETY CODE ch. 361 and TCEQ rules.
3. The Commission and CCD agree that the Commission has jurisdiction to enter this Agreed Order, and that CCD is subject to the Commission's jurisdiction.
4. CCD received notice of the violations alleged in Section II ("Allegations") on or about June 29, 2004, August 21, 2004 and March 27, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by CCD of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of eight thousand seven hundred dollars (\$8,700.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). CCD has paid three hundred dollars (\$300.00) of the administrative penalty. The remaining amount of eight thousand four hundred dollars (\$8,400.00) of the

administrative penalty shall be payable in thirty-five monthly payments of two hundred forty dollars (\$240.00) each. The first 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.

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 CCD 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 CCD 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

CCD is alleged to have violated 30 TEX. ADMIN. CODE § 330.4(a) by failing to obtain the proper authorization prior to the operation of a municipal solid waste Type V processing facility, as documented during inspections conducted on March 5, 2004, March 19, 2004 and December 7, 2004, by a TCEQ Austin Regional Office investigator.

III. DENIALS

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

IV. ORDER

1. It is, therefore, ordered by the TCEQ that CCD pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and CCD'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. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Capitol City Disposal, Inc., Docket No. 2005-0383-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. CCD shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Agreed Order, CCD shall cease the storage and processing of waste material at the Facility;
 - b. Within 30 days after the effective date of this Agreed Order, CCD shall remove and dispose of all waste material at the Facility and transport the material to an authorized municipal solid waste facility;
 - c. Within 45 days after the effective date of this Agreed Order, CCD shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Order Provision Nos. 2.a. and 2.b. to:

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

and

Mr. Barry Kalda, Waste Section Manager
Texas Commission on Environmental Quality
Austin Regional Office
1921 Cedar Bend Drive, Suite 150
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon CCD. CCD 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.
4. If CCD 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, CCD's failure to comply is not a violation of this Agreed Order. CCD shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. CCD shall notify the Executive Director within seven days after CCD 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 CCD shall be made in writing to the Executive Director. Extensions are not effective until CCD receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against CCD in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to CCD, or three days after the date on which the Commission mails notice of the Order to CCD, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Capitol City Disposal, Inc.
Docket No. 2005-0383-MSW-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

8/9/07

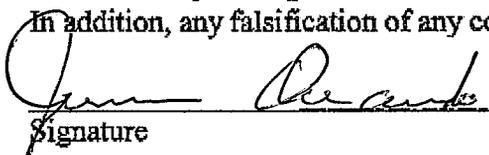
Date

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
- TCEQ seeking other relief as authorized by law.

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



Signature

6-7-07

Date

JUAN DE ANDA

Name (Printed or typed)
Authorized representative of
Capitol City Disposal, Inc.

PRESIDENT

Title