

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2007-1848-MSW-E **TCEQ ID:** RN102142999 **CASE NO.:** 34956
RESPONDENT NAME: City of Eldorado

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: City of Eldorado Landfill, 6 South Cottonwood Street, Eldorado, Schleicher County</p> <p>TYPE OF OPERATION: Municipal solid waste landfill</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 24, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Colin Barth, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-0086; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable John Nikolauk, Mayor, City of Eldorado, P.O. Box 713, Eldorado, Texas 76936 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 18, 2007</p> <p>Date of NOV/NOE Relating to this Case: October 2, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WASTE</p> <p>1) Failed to display required lettering information on landfill signs found at all entrances through which wastes are received. Specifically, the lettering on the landfill sign located at the entry lane and US Highway 290 was noted to be less than three inches [30 TEX. ADMIN. CODE § 330.137 and Permit No. 2264, Part IV-Site Operating Plan (k)].</p> <p>2) Failed to maintain the working face in a manner as to control windblown solid waste. Specifically, windblown solid waste was observed to the south, west, and north of the working face [30 TEX. ADMIN. CODE § 330.139 and Permit No. 2264, Part IV-Site Operating Plan (l)].</p> <p>3) Failed to provide daily cover to the working face of the landfill and failed to provide intermediate cover to inactive portions of the landfill. Specifically, exposed waste was observed in an area which is to be covered daily and exposed waste was also found on the inactive portions of the landfill [30 TEX. ADMIN. CODE § 330.165(a) and (b) and Permit No. 2264, Part IV-Site Operating Plan (y)].</p> <p>4) Failed to maintain a cover application record on site and make readily available for inspection. Specifically, the Respondent had not recorded a cover log for daily cover since September 10, 2007</p>	<p>Total Assessed: \$4,810</p> <p>Total Deferred: \$962 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,848</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>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order:</p> <p>i. Collect and return to the active disposal area any windblown waste and develop and implement procedures to ensure waste does not migrate from authorized areas;</p> <p>ii. Begin applying daily cover to the working face of the landfill in a manner in which no waste is exposed and begin to provide intermediate cover to the inactive portions of the landfill;</p> <p>iii. Begin maintaining cover application record logs at the Facility;</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Modify landfill signs found at all entrances through which wastes are received with the required lettering;</p> <p>ii. Remove all ponded water at the landfill and fill in the area in which the ponding occurred;</p> <p>iii. Submit an updated Site Development Plan/Site Layout Plan to include the on-site fuel tank located at the south of the gate house and the dumpsters located at the north of the gate house;</p> <p>c. Within 60 days after the effective date of this Agreed Order, implement a run-on control system for the south and east sides of the existing trench, capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25 year rainfall event; and</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. through c.</p>

and for intermediate cover since August 22, 2007 [30 TEX. ADMIN. CODE § 330.165(h) and Permit No. 2264, Part IV-Site Operating Plan (y)(7)].

5) Failed to control ponded water on the landfill surface. Specifically, ponded water was observed in previously filled areas and in the existing trench [30 TEX. ADMIN. CODE § 330.167 and Permit No. 2264, Part IV-Site Operating Plan (z)].

6) Failed to provide written notice to the Executive Director of any changes concerning waste management methods. Specifically, an on-site fuel tank was observed south of the gate house and dumpsters were observed north of the gate house. The Facility's current Site Development Plan/ Site Layout Plan did not include the fuel tank or the dumpsters [30 TEX. ADMIN. CODE § 330.11(b)].

7) Failed to maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25 year rainfall event. Specifically, a complete run-on control structure was not in place on the south and east sides of the existing trench [30 TEX. ADMIN. CODE § 330.305(b) and Permit No. 2264, Part III-Site Development Plan (g)].

Additional ID No(s): MSW 2264



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

DATES	Assigned	8-Oct-2007	Screening	9-Nov-2007	EPA Due <input style="width: 80%;" type="text"/>
	PCW	12-Nov-2007			

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Eldorado		
Reg. Ent. Ref. No.	RN102142999		
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34956	No. of Violations	7
Docket No.	2007-1848-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	Colin Barth
Multi-Media		EC's Team	Enforcement Team 7
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Subtotals 2, 3, & 7**

Notes The Respondent has received two NOV's with same or similar violation and one Agreed Order at this site within the past five years.

Culpability **Subtotal 4**

Notes 0% Enhancement The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **Subtotal 5**

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Subtotal 6

Total EB Amounts	\$466	0% Enhancement*
Approx. Cost of Compliance	\$9,800	*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Adjustment**

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

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 9-Nov-2007

Docket No. 2007-1848-MSW-E

PCW

Respondent City of Eldorado

Policy Revision 2 (September 2002)

Case ID No. 34956

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102142999

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 (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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 submitted</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%

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) 30%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The Respondent has received two NOVs with same or similar violation and one Agreed Order at this site within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 30%

Screening Date 9-Nov-2007	Docket No. 2007-1848-MSW-E	PCW
Respondent City of Eldorado		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34956		<small>PCW Revision November 6, 2007</small>
Reg. Ent. Reference No. RN102142999		
Media [Statute] Municipal Solid Waste		
Enf. Coordinator Colin Barth		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 330.137 and Permit No. 2264, Part IV-Site Operating Plan (k)"/>	
Violation Description	<input type="text" value="Failed to display required lettering information on landfill signs found at all entrances through which wastes are received, as documented during an investigation conducted on September 18, 2007. Specifically, the lettering on the landfill sign located at the entry lane and US Highway 190 was noted to be less than three inches."/>	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x	Percent <input type="text" value="1%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<small>mark only one with an x</small>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	x

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$4"/>	Violation Final Penalty Total <input type="text" value="\$130"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$130"/>	

Economic Benefit Worksheet

Respondent City of Eldorado
Case ID No. 34956
Reg. Ent. Reference No. RN102142999
Media Municipal Solid Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$100	18-Sep-2007	11-Jul-2008	0.8	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to ensure the required lettering is displayed on all landfill signs found at entrances through which wastes are received. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.0	\$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

\$100

TOTAL

\$4

Screening Date 9-Nov-2007	Docket No. 2007-1848-MSW-E	PCW
Respondent City of Eldorado		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 34956		<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No. RN102142999		
Media [Statute] Municipal Solid Waste		
Enf. Coordinator Colin Barth		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 330.139 and Permit No. 2264, Part IV-Site Operating Plan (I)"/>	
Violation Description	<input type="text" value="Failed to maintain the working face in a manner as to control windblown solid waste, as documented during an investigation conducted on September 18, 2007. Specifically, windblown solid waste was observed to the south, west, and north of the working face."/>	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification			
		Major	Moderate	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Matrix Notes	<input type="text" value="Human health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation."/>			

Adjustment

Violation Events

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="53"/>	Number of violation days												
<i>mark only one with an x</i>	<table border="1" style="width:100%"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align:center">x</td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	Violation Base Penalty <input type="text" value="\$500"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	x													

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$73"/>	Violation Final Penalty Total <input type="text" value="\$650"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$650"/>	

Economic Benefit Worksheet

Respondent City of Eldorado
Case ID No. 34956
Reg. Ent. Reference No. RN102142999
Media Municipal Solid Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	18-Sep-2007	11-Jun-2008	0.7	\$73	n/a	\$73

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. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,000

TOTAL \$73

Screening Date 9-Nov-2007	Docket No. 2007-1848-MSW-E	PCW
Respondent City of Eldorado	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34956	<small>PCW Revision November 6, 2007</small>	
Reg. Ent. Reference No. RN102142999		
Media [Statute] Municipal Solid Waste		
Enf. Coordinator Colin Barth		
Violation Number <input type="text" value="3"/>		
Rule Cite(s)	30 Tex. Admin. Code § 330.165(a) and (b) and Permit No. 2264, Part IV-Site Operating Plan (y)	
Violation Description	Failed to provide daily cover to the working face of the landfill and failed to provide intermediate cover to inactive portions of the landfill, as documented during an investigation conducted on September 18, 2007. Specifically, exposed waste was observed in an area which is to be covered daily and exposed waste was also found on the inactive portions of the landfill.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Violation Events

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="53"/>	Number of violation days												
<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	Violation Base Penalty <input type="text" value="\$500"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	x													
One single event is recommended.														

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$37"/>	Violation Final Penalty Total <input type="text" value="\$650"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$650"/>	

Economic Benefit Worksheet

Respondent City of Eldorado
Case ID No. 34956
Reg. Ent. Reference No. RN102142999
Media Municipal Solid Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	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)	\$1,000	18-Sep-2007	11-Jun-2008	0.7	\$37	n/a	\$37

Notes for DELAYED costs

Estimated cost of applying intermediate coverage to the inactive portions of the landfill in a manner in which no waste is exposed. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.0	\$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

\$37

Screening Date 9-Nov-2007

Docket No. 2007-1848-MSW-E

PCW

Respondent City of Eldorado

Policy Revision 2 (September 2002)

Case ID No. 34956

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102142999

Media [Statute] Municipal Solid Waste

Enf. Coordinator Colin Barth

Violation Number

Rule Cite(s)

Violation Description

Failed to maintain a cover application record on site and make readily available for inspection, as documented during an investigation conducted on September 18, 2007. Specifically, the Respondent had not recorded a cover log for daily cover since September 10, 2007 and for intermediate cover since August 22, 2007.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

>> Programmatic Matrix

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

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Eldorado
Case ID No. 34956
Reg. Ent. Reference No. RN102142999
Media Municipal Solid Waste
Violation No. 4

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost No commas or \$	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	\$500	11-Sep-2007	11-Jun-2008	0.8	\$19	n/a	\$19
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain required cover application records. The Date required is the first day in which cover application logs were not recorded and the Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.0	\$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

\$19

Screening Date 9-Nov-2007	Docket No. 2007-1848-MSW-E	PCW			
Respondent City of Eldorado	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 34956	<small>PCW Revision November 6, 2007</small>				
Reg. Ent. Reference No. RN102142999					
Media [Statute] Municipal Solid Waste					
Enf. Coordinator Colin Barth					
Violation Number <input type="text" value="5"/>					
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 330.167 and Permit No. 2264, Part IV-Site Operating Plan (z)"/>				
Violation Description	<input type="text" value="Failed to control ponded water on the landfill surface, as documented during an investigation conducted on September 18, 2007. Specifically, ponded water was observed in previously filled areas and in the existing trench."/>				
Base Penalty		<input type="text" value="\$10,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5%"/>
Potential	<input type="text"/>	<input type="text"/>	x		
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Human health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation."/>				
Adjustment				<input type="text" value="\$9,500"/>	
				<input type="text" value="\$500"/>	
Violation Events					
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="53"/>			
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$500"/>		
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	x			
<input type="text" value="One single event is recommended."/>					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$41"/>		Violation Final Penalty Total <input type="text" value="\$650"/>			
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$650"/>	

Economic Benefit Worksheet

Respondent City of Eldorado
Case ID No. 34956
Reg. Ent. Reference No. RN102142999
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
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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	18-Sep-2007	11-Jul-2008	0.8	\$41	n/a	\$41

Notes for DELAYED costs

Estimated cost to prevent water from ponding on the landfill surface. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$41

Screening Date 9-Nov-2007

Docket No. 2007-1848-MSW-E

PCW

Respondent City of Eldorado

Policy Revision 2 (September 2002)

Case ID No. 34956

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102142999

Media [Statute] Municipal Solid Waste

Enf. Coordinator Colin Barth

Violation Number

Rule Cite(s)

Violation Description

Failed to provide written notice to the Executive Director of any changes concerning waste management methods, as documented during an investigation conducted on September 18, 2007. Specifically, an on-site fuel tank was observed south of the gate house and dumpsters were observed north of the gate house. The Facility's current Site Development Plan/ Site Layout Plan did not include the fuel tank or the dumpsters.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1%"/>

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Eldorado
Case ID No. 34956
Reg. Ent. Reference No. RN102142999
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
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)	\$200	18-Sep-2007	11-Jul-2008	0.8	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost to update the Facility's Site Development Plan/ Site Layout Plan to include the on-site fuel tank and dumpsters. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.0	\$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

\$200

TOTAL

\$8

Screening Date 9-Nov-2007

Docket No. 2007-1848-MSW-E

PCW

Respondent City of Eldorado

Policy Revision 2 (September 2002)

Case ID No. 34956

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102142999

Media [Statute] Municipal Solid Waste

Enf. Coordinator Colin Barth

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 330.305(b) and Permit No. 2264, Part III-Site Development Plan (g)

Violation Description

Failed to maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25 year rainfall event, as documented during an investigation conducted on September 18, 2007. Specifically, a complete run-on control structure was not in place on the south and east sides of the existing trench.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

>> Programmatic Matrix

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

Matrix Notes

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

Adjustment

Violation Events

Number of violation days

mark only one with an x

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

Violation Base Penalty

One quarterly event is recommended from the investigation date of September 18, 2007 to the screening date of November 9, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Eldorado
Case ID No. 34956
Reg. Ent. Reference No. RN102142999
Media Municipal Solid Waste
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$5,000	18-Sep-2007	11-Jul-2008	0.8	\$14	\$271	\$285
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 construct run-on control system for the south and east side of the existing trench. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.0	\$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

\$285

Compliance History

Customer/Respondent/Owner-Operator:	CN600735484	City Of Eldorado	Classification: AVERAGE	Rating: 5.73
Regulated Entity:	RN102142999	CITY OF ELDORADO LANDFILL	Classification: AVERAGE	Site Rating: 16.63
ID Number(s):	MUNICIPAL SOLID WASTE DISPOSAL	PERMIT		2264
Location:	6 S COTTONWOOD ST, ELDORADO, TX, 76936		Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 08 - SAN ANGELO			
Date Compliance History Prepared:	November 01, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	November 01, 2002 to November 01, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	<u>Colin Barth</u>	Phone:	<u>512 239 0086</u>	

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 Effective Date: 11/06/2005 ADMINORDER 2005-0560-MSW-E
 Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 330, SubChapter A 330.5(a)[G]
 30 TAC Chapter 330, SubChapter E 330.55(b)(2)
 30 TAC Chapter 330, SubChapter F 330.111
 30 TAC Chapter 330, SubChapter F 330.139

Rqmt Prov: Site Development Plan - Part III, 2, g PERMIT
 Description: Failure to prevent the unauthorized discharge of contaminated water and to construct and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during the peak discharge from at least a 25-year storm.

Classification: Moderate
 Citation: 30 TAC Chapter 330, SubChapter F 330.111[G]
 30 TAC Chapter 330, SubChapter F 330.132
 30 TAC Chapter 330, SubChapter F 330.133(a)
 30 TAC Chapter 330, SubChapter F 330.133(b)

Rqmt Prov: Site Op. Plan, y; Site Dev. Plan, 2g PERMIT
 Description: Failure to apply daily cover and compact waste at an MSW landfill and follow provisions for All-weather operation.

- 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 | 01/29/2003 | (22987) |
| 2 | 05/07/2003 | (35797) |
| 3 | 02/18/2005 | (342104) |
| 4 | 04/15/2005 | (375173) |

5 07/25/2005 (401267)
 6 02/02/2007 (537460)
 7 08/08/2007 (570761)
 8 10/02/2007 (594413)
 9 10/28/2007 (598243)

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

Date	02/18/2005	(342104)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 330, SubChapter F 330.111			
Rqmt Prov:	PERMIT LGMP, Section 2			
Description:	Failure to install bar holes in accordance with approved permit.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 330, SubChapter F 330.113(a)			
Description:	Failure to maintain the landfill operating record at an authorized location.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 330, SubChapter F 330.113(b)(2)			
Description:	Failure to maintain random load inspection records.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 330, SubChapter A 330.5[G]			
Description:	Failure to prohibit the unloading of prohibited waste at a municipal solid waste facility.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 330, SubChapter F 330.118			
Rqmt Prov:	PERMIT Part IV, SOP, (j)			
Description:	Failure to operate within approved hours.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 330, SubChapter F 330.119			
Rqmt Prov:	PERMIT Part IV, SOP, Section k			
Description:	Failure to post accurate information on the site sign.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 330, SubChapter F 330.111			
Rqmt Prov:	PERMIT SDP, Attach 1, SLP			
Description:	Failure to follow SDP Attachment 1, Site Layout Plan(SLP).			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 330, SubChapter F 330.116			
Description:	Failure to secure a facility, area or site when required.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 330, SubChapter F 330.128			
Description:	Failure to designate a large item salvage area in the landfill by the use of signs according to Part IV of the permit, SOP, section p, Disposal of Large Items.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 330, SubChapter F 330.117(a)			
Description:	Failure to confine the unloading of waste to as small an area as practical.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 330, SubChapter F 330.113(b)(11)			
Rqmt Prov:	PERMIT SDP, Attachment 4, Section f			
Description:	Failure to perform channel/ditch inspections.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 330, SubChapter E 330.55(a)(3)			
Description:	Failure to follow the approved permit, Part III, Site Development Plan (SDP), Section 2c.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 330, SubChapter F 330.136(b)[G]			
Description:	Failure to maintain Paint Filter Test records for dried sludge received at the COELF from City of Rocksprings WWTP.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 330, SubChapter F 330.122			
Description:	Failure to install an adequate marker system.			
Date	02/02/2007	(537460)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 330, SubChapter F 330.133(a)			
Rqmt Prov:	PERMIT 2264			
Description:	Failure to provide adequate daily cover.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 330, SubChapter F 330.133(b)			

Rqmt Prov:	PERMIT 2264		
Description:	Failure to provide adequate intermediate cover.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 330, SubChapter F 330.120[G]		
Rqmt Prov:	PERMIT 2264		
Description:	Failure to control windblown waste and litter.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 330, SubChapter A 330.15		

Description:	Failure to prevent a discharge of diesel fuel.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 330, SubChapter A 330.11(b)		
Rqmt Prov:	PERMIT 2264		
Description:	Failure to completely update Site Development Plan / Site Layout Plan to include all applicable features, including but not limited to the on-site fuel tank and dumpsters.		

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
CITY OF ELDORADO
RN102142999**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1848-MSW-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Eldorado ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a municipal solid waste landfill at 6 South Cottonwood Street in Eldorado, Schleicher County, Texas (the "Facility").
2. The Facility involves or involved the management of municipal solid waste.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about October 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 City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand Eight Hundred Ten Dollars (\$4,810) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Three Thousand Eight Hundred Forty-Eight Dollars (\$3,848) of the administrative penalty and Nine Hundred Sixty-Two Dollars (\$962) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The

deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

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 City 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 City 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

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

1. Failed to display required lettering information on landfill signs found at all entrances through which wastes are received, in violation of 30 TEX. ADMIN. CODE § 330.137 and Permit No. 2264, Part IV-Site Operating Plan (k), as documented during an investigation conducted on September 18, 2007. Specifically, the lettering on the landfill sign located at the entry lane and US Highway 290 was noted to be less than three inches.
2. Failed to maintain the working face in a manner as to control windblown solid waste, in violation of 30 TEX. ADMIN. CODE § 330.139 and Permit No. 2264, Part IV-Site Operating Plan (l), as documented during an investigation conducted on September 18, 2007. Specifically, windblown solid waste was observed to the south, west, and north of the working face.
3. Failed to provide daily cover to the working face of the landfill and failed to provide intermediate cover to inactive portions of the landfill, in violation of 30 TEX. ADMIN. CODE § 330.165(a) and (b) and Permit No. 2264, Part IV-Site Operating Plan (y), as documented during an investigation conducted on September 18, 2007. Specifically, exposed waste was observed in an area which is to be covered daily and exposed waste was also found on the inactive portions of the landfill.
4. Failed to maintain a cover application record on site and make readily available for inspection, in violation of 30 TEX. ADMIN. CODE § 330.165(h) and Permit No. 2264, Part IV-Site Operating Plan (y)(7), as documented during an investigation conducted on September 18, 2007. Specifically, the City had not recorded a cover log for daily cover since September 10, 2007 and for intermediate cover since August 22, 2007.

5. Failed to control ponded water on the landfill surface, in violation of 30 TEX. ADMIN. CODE § 330.167 and Permit No. 2264, Part IV-Site Operating Plan (z), as documented during an investigation conducted on September 18, 2007. Specifically, ponded water was observed in previously filled areas and in the existing trench.
6. Failed to provide written notice to the Executive Director of any changes concerning waste management methods, in violation of 30 TEX. ADMIN. CODE § 330.11(b), as documented during an investigation conducted on September 18, 2007. Specifically, an on-site fuel tank was observed south of the gate house and dumpsters were observed north of the gate house. The Facility's current Site Development Plan/ Site Layout Plan did not include the fuel tank or the dumpsters.
7. Failed to maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25 year rainfall event, in violation of 30 TEX. ADMIN. CODE § 330.305(b) and Permit No. 2264, Part III-Site Development Plan (g), as documented during an investigation conducted on September 18, 2007. Specifically, a complete run-on control structure was not in place on the south and east sides of the existing trench.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Eldorado, Docket No. 2007-1848-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. It is further ordered that the City shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:
 - i. Collect and return to the active disposal area any windblown waste and develop and implement procedures to ensure waste does not migrate from authorized areas, in accordance with 30 TEX. ADMIN. CODE § 330.139 and Permit No. 2264, Part IV-Site Operating Plan (l);

- ii. Begin applying daily cover to the working face of the landfill in a manner in which no waste is exposed and begin to provide intermediate cover to the inactive portions of the landfill, in accordance with 30 TEX. ADMIN. CODE § 330.165(a) and (b) and Permit No. 2264, Part IV-Site Operating Plan (y); and
 - iii. Begin maintaining cover application record logs at the Facility, in accordance with 30 TEX. ADMIN. CODE § 330.165(h) and Permit No. 2264, Part IV-Site Operating Plan (y)(7).
- b. Within 30 days after the effective date of this Agreed Order:
- i. Modify landfill signs found at all entrances through which wastes are received with the required lettering, in accordance with 30 TEX. ADMIN. CODE § 330.137 and Permit No. 2264, Part IV-Site Operating Plan (k);
 - 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 and Permit No. 2264, Part IV-Site Operating Plan (z); and
 - iii. Submit an updated Site Development/Site Layout Plan to include the on-site fuel tank located at the south of the gate house and the dumpsters located at the north of the gate house, in accordance with 30 TEX. ADMIN. CODE § 330.11(b). The updated Site Development/Site Layout Plan should be sent to;

Municipal Solid Waste Permits Section, MC 124
Waste Permits Division
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

- c. Within 60 days after the effective date of this Agreed Order, implement a run-on control system for the south and east sides of the existing trench, capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25 year rainfall event, in accordance with 30 TEX. ADMIN. CODE § 330.305 (b) and Permit No. 2264, Part III-Site Development Plan (g).
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. 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

with a copy to:

Waste Section Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7013

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City 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 the City 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 City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City 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 the City 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.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice to ensure transparency and accountability.

Furthermore, it is noted that regular audits are essential to identify any discrepancies or errors in the accounting process. This helps in maintaining the integrity of the financial statements and ensures compliance with relevant regulations.

In addition, the document highlights the need for clear communication between all stakeholders involved in the financial management of the organization. Regular meetings and reports should be conducted to keep everyone informed of the current financial status.

It is also stressed that the financial team should always stay updated with the latest market trends and economic indicators. This knowledge is crucial for making informed decisions and forecasting future financial performance.

The document concludes by stating that a strong financial foundation is key to the long-term success of any business. By adhering to these principles, the organization can ensure its financial health and sustainability.

Finally, it is recommended that the organization should consider seeking professional advice from accountants or financial consultants to ensure that all financial practices are in line with the best industry standards.

Overall, the document provides a comprehensive overview of the key aspects of financial management, from record-keeping to strategic planning, and offers practical advice for implementing these practices effectively.

The document also mentions that the financial records should be stored securely and backed up regularly to prevent any data loss. This is particularly important in today's digital age where cyber threats are a significant concern.

Moreover, it is advised that the organization should maintain a clear separation between personal and business finances. This helps in avoiding any confusion and ensures that the business's financial health is not affected by personal expenses.

The document further notes that the financial team should always be transparent in their reporting and should not hesitate to report any issues or concerns to the management. This fosters a culture of trust and accountability.

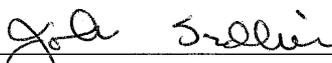
In conclusion, the document serves as a valuable guide for anyone responsible for the financial management of an organization. It provides a clear framework for ensuring that all financial activities are conducted in a professional and ethical manner.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, 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

3/21/2008
Date

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

1-9-08
Date

JOHN NIKOLAUK
Name (Printed or typed)
Authorized Representative of
City of Eldorado

MAYOR
Title

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

THE UNIVERSITY OF CHICAGO

PHILOSOPHY DEPARTMENT

PHILOSOPHY 101

1. The first part of the course will deal with the foundations of philosophy, including the history of philosophy and the major philosophical traditions.

2. The second part of the course will deal with the philosophy of language, including the philosophy of grammar and the philosophy of semantics.

3. The third part of the course will deal with the philosophy of mind, including the philosophy of consciousness and the philosophy of the self.

4. The fourth part of the course will deal with the philosophy of action, including the philosophy of intention and the philosophy of responsibility.