EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1654-MSW-E **TCEQ ID:** RN102002185 **CASE NO.:** 34796

RESPONDENT NAME: City of Mason

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
X MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: City of Mason Landfill, 1605 Landfill Road, Mason, Mason County

TYPE OF OPERATION: Local government landfill

SMALL BUSINESS: ___ Yes X No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 31, 2008. No comments were received.

CONTACTS AND MAILING LIST:

SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Mr. Clinton Sims, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-6933; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: The Honorable Brent Hinckley, Mayor, City of Mason, P.O. Box 68, Mason, Texas 76856
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint X Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigations Relating to this Case:** April 30, 2007, May 7, 2007, June 5, 2007, and June 12, 2007 **Date of NOE Relating to this Case:** June 27, 2007 (NOE) **Background Facts:** There were routine investigations. **WASTE** 1) Failure to prevent the concentration of methane gas from exceeding 5% by volume in monitoring points and probes at the Facility's property boundary. Specifically, landfill gas (LFG) monitoring reports for gas monitoring probes GMP-4400 and GMP- 5400 indicate that methane gas concentration has exceeded the regulatory limit of 5% since April 30, 2007. LFG for GMP-4400 and GMP-5400 was reported at 30.2% and 44.6% on April 30, 2007, 53.8% and 40.6% on May 7, 2007, 46.1% and 25.3% on June 5, 2007, and 61.1% and 47.0% on June 12, 2007 [30 TEX. ADMIN. CODE § 330.371(a) and (c)(3) and MSW Permit No. 195, Landfill Gas Management Plan]. 2) Failure to maintain easement and buffer zone protection. Specifically, dumpsters consisting of the citizen's collection station were located within the easement and buffer zone located on the northwest corner of the Facility. In addition, no easement markers were noted on the southeastern corner of the Facility where underground sewer lines are present [30 TEX. ADMIN. CODE §§ 330.121(b) and 330.141(a) and MSW Permit No. 195, Site Operating Plan]. 3) Failure to maintain a runoff management system from the active	**Total Assessed:** $11,550 **Total Deferred:** $2,310 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $9,240 **Total Paid (Due) to General Revenue:** $0 **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** __ Yes X No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility: a) The Respondent removed the dumpsters located within the easement and buffer zone and placed sewer line easement markers by July 23, 2007; b) The Respondent rebuilt the berm below the active disposal area by May 2, 2007; c) The Respondent covered the exposed waste in the active disposal area and repaired the erosion of the side slope of the cell located near the northeast corner of the site by July 2, 2007; d) The approved Landfill Gas Management Plan, Site Operating Plan, and Contaminated Water Plan were maintained at the Facility by July 2, 2007; and e) The Respondent submitted the inflation update for the local government financial test on May 18, 2007. **Ordering Provisions:** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A). 3) The Order will require the Respondent to: a) Within 30 days after the effective date of this Agreed Order, certify that methane gas concentration levels are compliant with regulatory levels; and b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering

portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm. Specifically, it was documented that the berm below the active disposal area had been cut to allow storm water to drain from the disposal area. Storm water and waste drained from the active disposal area were noted below the berm [30 TEX. ADMIN. CODE § 330.305(c) and (g) and MSW Permit No. 195, Contaminated Water Plan]. 4) Failure to provide adequate daily landfill cover and repair erosion of landfill cover. Specifically, it was documented that exposed waste was present in the active disposal area at the time of the investigation. In addition, erosion of a side slope of the cell located near the northeastern corner of the Facility was noted [30 TEX. ADMIN. CODE §§ 330.133(f) and 330.165(a) and MSW Permit No. 195, Site Operating Plan]. 5) Failure to maintain required plans at the landfill. Specifically, the approved Landfill Gas Management Plan, Site Operating Plan, and Contaminated Water Plan were not available at the Facility at the time of the investigation [30 TEX. ADMIN. CODE § 330.125(a) and MSW Permit No. 195, Site Operating Plan]. 6) Failure to update the Facility's financial assurance. Specifically, a record review conducted by TCEQ's Financial Assurance indicated that the inflation update for the local government financial test was due April 30, 2007 [30 TEX. ADMIN. CODE § 330.503].		Provision No. 3.a.

Additional ID No(s).: MSW Permit No. 195

Attachment A
Docket Number: 2007-1654-MSW-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**City of Mason**
Payable Penalty Amount:	**Nine Thousand Two Hundred Forty Dollars ($9,240)**
SEP Amount:	**Nine Thousand Two Hundred Forty Dollars ($9,240)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. (RC&D)-Household Hazardous Waste Clean-Up**
Location of SEP:	**Mason County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide local residents with a means of properly disposing household hazardous wastes such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers in one day collection events. SEP monies will be used to pay for the associated labor, materials, and disposal costs. Citizens will not be charged disposal fees. The project is administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a means of properly disposing household hazardous waste which might otherwise be disposed of in storm drains, the sewage system, or other means detrimental to the environment.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision September 19, 2007*

TCEQ

DATES						
Assigned	5-Sep-2007					
PCW	19-Dec-2007	Screening	15-Oct-2007	EPA Due		

RESPONDENT/FACILITY INFORMATION

Respondent	City of Mason		
Reg. Ent. Ref. No.	RN102002185		
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34796	No. of Violations	6
Docket No.	2007-1654-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	Clinton Sims
Multi-Media		EC's Team	EnforcementTeam 7
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$11,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **5%** Enhancement — *Subtotals 2, 3, & 7* **$550**

Notes: The Respondent received one NOV with same or similar violations.

Culpability — No — **0%** Enhancement — *Subtotal 4* **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — **0%** Reduction — *Subtotal 5* **$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$348
Approx. Cost of Compliance	$11,850

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$11,550**

OTHER FACTORS AS JUSTICE MAY REQUIRE — **0%** — *Adjustment* **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$11,550**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$11,550**

DEFERRAL — **20%** Reduction — *Adjustment* **-$2,310**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$9,240**

Screening Date 15-Oct-2007 **Docket No.** 2007-1654-MSW-E **PCW**

Respondent City of Mason

Policy Revision 2 (September 2002)

Case ID No. 34796

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102002185

Media [Statute] Municipal Solid Waste

Enf. Coordinator Clinton Sims

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*)	1	5%
	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) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent received one NOV with same or similar violations.

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

Screening Date 15-Oct-2007 **Docket No.** 2007-1654-MSW-E **PCW**

Respondent City of Mason *Policy Revision 2 (September 2002)*

Case ID No. 34796 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN102002185

Media [Statute] Municipal Solid Waste

Enf. Coordinator Clinton Sims

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 330.371(a) and (c)(3) and MSW Permit No. 195, Landfill Gas Management Plan

Violation Description Failed to prevent the concentration of methane gas from exceeding 5% by volume in monitoring points and probes at the Facility's property boundary. Specifically, landfill gas (LFG) monitoring reports for gas monitoring probes GMP-4400 and GMP- 5400 indicate that methane gas concentration has exceeded the regulatory limit of 5% since April 30, 2007. LFG for GMP-4400 and GMP-5400 was reported at 30.2% and 44.6% on April 30, 2007, 53.8% and 40.6% on May 7, 2007, 46.1% and 25.3% on June 5, 2007, and 61.1% and 47.0% on June 12, 2007.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to significant amounts of pollutants as a result of this violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 2 | 168 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $5,000

Two quarterly events are recommended from the April 30, 2007 investigation date to the October 15, 2007 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount $279

Statutory Limit Test

Violation Final Penalty Total $5,250

This violation Final Assessed Penalty (adjusted for limits) $5,250

Economic Benefit Worksheet

Respondent City of Mason
Case ID No. 34796
Reg. Ent. Reference No. RN102002185
Media Municipal Solid Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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	$5,000	30-Apr-2007	11-Jun-2008	1.1	$279	n/a	$279
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 for additional oversight and monitoring which might have reduced or alleviated the exceedance of methane levels. The Date Required is the first investigation date and the Final Date is the expected 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 $279

Screening Date 15-Oct-2007 **Docket No.** 2007-1654-MSW-E **PCW**

Respondent City of Mason *Policy Revision 2 (September 2002)*

Case ID No. 34796 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN102002185

Media [Statute] Municipal Solid Waste

Enf. Coordinator Clinton Sims

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 330.121(b) and 330.141(a) and MSW Permit No. 195, Site Operating Plan

Violation Description Failed to maintain easement and buffer zone protection. Specifically, dumpsters consisting of the citizen's collection station were located within the easement and buffer zone located on the northwest corner of the Facility. In addition, no easement markers were noted on the southeastern corner of the site where underground sewer lines are present.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>>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 which would not exceed protective levels.

Adjustment $9,500

$500

Violation Events

Number of Violation Events 1

84 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $6

Statutory Limit Test

Violation Final Penalty Total $525

This violation Final Assessed Penalty (adjusted for limits) $525

Economic Benefit Worksheet

Respondent City of Mason
Case ID No. 34796
Reg. Ent. Reference No. RN102002185
Media Municipal Solid Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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)	$500	30-Apr-2007	23-Jul-2007	0.2	$6	n/a	$6

Notes for DELAYED costs: Estimated cost to implement procedures to ensure easement and buffer zone protection, i.e. that dumpsters are not stationed within easement and buffer zones and to provide easement markers above underground sewer lines on the southeastern corner of the site. The Date Required is the investigation date and the Final Date is the date the Respondent came into 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: $6

PCW

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

Screening Date 15-Oct-2007 **Docket No.** 2007-1654-MSW-E

Respondent City of Mason

Case ID No. 34796

Reg. Ent. Reference No. RN102002185

Media [Statute] Municipal Solid Waste

Enf. Coordinator Clinton Sims

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 330.305(c) and (g) and MSW Permit No. 195, Contaminated Water Plan

Violation Description Failed to maintain a runoff management system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm. Specifically, it was documented that the berm below the active disposal area had been cut to allow stormwater to drain from the disposal area. Stormwater and waste drained from the active disposal area were noted below the berm.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

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 which would not exceed protective levels.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended from the April 30, 2007 investigation date to the May 2, 2007 date of compliance.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $1,050

This violation Final Assessed Penalty (adjusted for limits) $1,050

Economic Benefit Worksheet

Respondent City of Mason
Case ID No. 34796
Reg. Ent. Reference No. RN102002185
Media Municipal Solid Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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	$1,000	30-Apr-2007	2-May-2007	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 maintain an acceptable runoff management system from the active portion of the landfill. The Date Required is the investigation date and the Final Date is the date the Respondent came into 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 $0

Screening Date 15-Oct-2007 **Docket No.** 2007-1654-MSW-E **PCW**

Respondent City of Mason *Policy Revision 2 (September 2002)*

Case ID No. 34796 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN102002185

Media [Statute] Municipal Solid Waste

Enf. Coordinator Clinton Sims

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 330.133(f) and 330.165(a) and MSW Permit No. 195, Site Operating Plan

Violation Description Failed to provide adequate daily landfill cover and repair erosion of landfill cover. Specifically, it was documented that exposed waste was present in the active disposal area at the time of the investigation. In addition, erosion of a side slope of the cell located near the northeastern corner of the site was noted.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>>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 which would not exceed protective levels.

Adjustment $9,500

$500

Violation Events

Number of Violation Events 1

63 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $60

Statutory Limit Test

Violation Final Penalty Total $525

This violation Final Assessed Penalty (adjusted for limits) $525

Economic Benefit Worksheet

Respondent City of Mason
Case ID No. 34796
Reg. Ent. Reference No. RN102002185
Media Municipal Solid Waste
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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	30-Apr-2007	2-Jul-2007	0.2	$3	$58	$60
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 adequate daily landfill cover and repair erosion of landfill cover. The Date Required is the investigation date and the Final Date is the date the Respondent came into 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: $60

Screening Date 15-Oct-2007 **Docket No.** 2007-1654-MSW-E **PCW**

Respondent City of Mason *Policy Revision 2 (September 2002)*

Case ID No. 34796 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN102002185

Media [Statute] Municipal Solid Waste

Enf. Coordinator Clinton Sims

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 330.125(a) and MSW Permit No. 195, Site Operating Plan

Violation Description Failed to maintain required plans at the landfill. Specifically, the approved Landfill Gas Management Plan, Site Operating Plan, and Contaminated Water Plan were not maintained at the landfill at the time of the investigation.

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
	x		

Percent 10%

Matrix Notes: 100% of the rule requirement was met.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 3

63 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $3,000

Three single events are recommended, one for each plan not kept on-site.

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $3,150

This violation Final Assessed Penalty (adjusted for limits) $3,150

Economic Benefit Worksheet

Respondent City of Mason
Case ID No. 34796
Reg. Ent. Reference No. RN102002185
Media Municipal Solid Waste
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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	$250	30-Apr-2007	2-Jul-2007	0.2	$2	n/a	$2
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 the approved Landfill Gas Management Plan, Site Operating Plan, and Contaminated Water Plan at the landfill. The Date Required is the investigation date and the Final Date is the date the Respondent came into 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 $250

TOTAL $2

Screening Date 15-Oct-2007 **Docket No.** 2007-1654-MSW-E **PCW**

Respondent City of Mason *Policy Revision 2 (September 2002)*

Case ID No. 34796 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN102002185

Media [Statute] Municipal Solid Waste

Enf. Coordinator Clinton Sims

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 330.503

Violation Description Failed to update the Facility's financial assurance. Specifically, a record review conducted by TCEQ's Financial Assurance indicated that the inflation update for the local government financial test was due April 30, 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
	x		

Percent 10%

Matrix Notes: 100% of the rule requirement was met.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1

18 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

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $1,050

This violation Final Assessed Penalty (adjusted for limits) $1,050

Economic Benefit Worksheet

Respondent City of Mason
Case ID No. 34796
Reg. Ent. Reference No. RN102002185
Media Municipal Solid Waste
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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	$100	30-Apr-2007	18-May-2007	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 inflation update for the local government financial test to the TCEQ Financial Assurance Section. The Date Required is the investigation date and the Final Date is the date the Respondent came into 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** $0

Compliance History

Customer/Respondent/Owner-Operator:	CN600678221	City Of Mason	Classification: Average	Rating: 2.11
Regulated Entity:	RN102002185	CITY OF MASON LANDFILL	Classification: Average	Site Rating: 1.71

ID Number(s): MUNICIPAL SOLID WASTE DISPOSAL PERMIT 195

Location: 1605 LANDFILL RD, MASON, TX, 76856 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 08 - SAN ANGELO

Date Compliance History Prepared: October 04, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 04, 2002 to October 04, 2007

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

Name: Clinton Sims Phone: (512) 239-6933

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 01/24/2003 (22182)

N/A

2 05/21/2003 (37929)
3 03/02/2005 (371624)
4 08/05/2005 (401575)
5 06/27/2007 (560264)
6 08/10/2007 (571795)

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

Date: 08/05/2005 (401575)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter E 330.55(b)(10)(J)
Description: Failure to maintain a permanent benchmark as required by TCEQ rules.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter E 330.55(b)(10)(F)
Description: Failure to install and maintain landfill grid markers as required by TCEQ rules.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter F 330.111(a)
Description: Deviation from the Site Operating Plan/Contaminated Water Plan.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter K 330.281(b)
30 TAC Chapter 330, SubChapter K 330.283(b)
Description: Failure to submit financial assurance information to the TCEQ Financial Assurance Section as required.

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
THE CITY OF MASON	§	
RN102002185	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1654-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 the City of Mason ("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 local government landfill at 1605 Landfill Road in Mason County, Texas (the "Facility").

2. The Facility involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.

3. The Commission and 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 July 2, 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 Eleven Thousand Five Hundred Fifty Dollars ($11,550) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Two Thousand Three Hundred Ten Dollars ($2,310) 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. Nine Thousand Two Hundred Forty Dollars ($9,240) shall be conditionally offset by the City's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and 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 recognizes that the City has implemented the following corrective measures at the Facility:

   a. The City removed the dumpsters located within the easement and buffer zone and placed sewer line easement markers by July 23, 2007;

   b. The City rebuilt the berm below the active disposal area by May 2, 2007;

   c. The City covered the exposed waste in the active disposal area and repaired the erosion of the side slope of the cell located near the northeast corner of the site by July 2, 2007;

   d. The approved Landfill Gas Management Plan, Site Operating Plan, and Contaminated Water Plan were maintained at the Facility by July 2, 2007; and

   e. The City submitted the inflation update for the local government financial test on May 18, 2007.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

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

II. ALLEGATIONS

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

1. Failed to prevent the concentration of methane gas from exceeding 5% by volume in monitoring points and probes at the Facility's property boundary, in violation of 30 TEX. ADMIN. CODE § 330.371(a) and (c)(3) and Municipal Solid Waste ("MSW") Permit No. 195, Landfill Gas

Management Plan, as documented during investigations conducted on April 30, 2007, May 7, 2007, June 5, 2007, and June 12, 2007. Specifically, landfill gas ("LFG") monitoring reports for gas monitoring probes GMP-4400 and GMP-5400 indicate that methane gas concentration has exceeded the regulatory limit of 5% since April 30, 2007. LFG for GMP-4400 and GMP-5400 was reported at 30.2% and 44.6% on April 30, 2007, 53.8% and 40.6% on May 7, 2007, 46.1% and 25.3% on June 5, 2007, and 61.1% and 47.0% on June 12, 2007.

2. Failed to maintain easement and buffer zone protection, in violation of 30 TEX. ADMIN. CODE §§ 330.121(b) and 330.141(a) and MSW Permit No. 195, Site Operating Plan, as documented during an investigation conducted on April 30, 2007. Specifically, dumpsters consisting of the citizen's collection station were located within the easement and buffer zone located on the northwest corner of the Facility. In addition, no easement markers were noted on the southeastern corner of the Facility where underground sewer lines are present.

3. Failed to maintain a runoff management system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm, in violation of 30 TEX. ADMIN. CODE § 330.305(c) and (g) and MSW Permit No. 195, Contaminated Water Plan, as documented during an investigation conducted on April 30, 2007. Specifically, it was documented that the berm below the active disposal area had been cut to allow stormwater to drain from the disposal area. Storm water and waste drained from the active disposal area were noted below the berm.

4. Failed to provide adequate daily landfill cover and repair erosion of landfill cover, in violation of 30 TEX. ADMIN. CODE §§ 330.133(f) and 330.165(a) and MSW Permit No. 195, Site Operating Plan, as documented during an investigation conducted on April 30, 2007. Specifically, it was documented that exposed waste was present in the active disposal area at the time of the investigation. In addition, erosion of a side slope of the cell located near the northeastern corner of the Facility was noted.

5. Failed to maintain required plans at the landfill, in violation of 30 TEX. ADMIN. CODE § 330.125(a) and MSW Permit No. 195, Site Operating Plan, as documented during an investigation conducted on April 30, 2007. Specifically, the approved Landfill Gas Management Plan, Site Operating Plan, Contaminated Water Plan were not available at the Facility at the time of the investigation.

6. Failed to update the Facility's financial assurance, in violation of 30 TEX. ADMIN. CODE § 330.503, as documented during an investigation conducted on April 30, 2007. Specifically, a record review conducted by TCEQ's Financial Assurance indicated that the inflation update for the local government financial test was due April 30, 2007.

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 Mason, Docket No. 2007-1654-MSW-E" to:

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

2. The City shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Nine Thousand Two Hundred Forty Dollars ($9,240) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City'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.

3. It is further ordered that the City shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, certify that methane gas concentration levels are compliant with regulatory levels, in accordance with TEX. ADMIN. CODE § 330.371(a) and (c)(3) and MSW Permit No. 195, Landfill Gas Management Plan; and

   b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.

      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:

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

4. 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.

5. 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.

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 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.

7. 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.

8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to 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

_____ 4/6/2008
For the Executive Director 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.

_____ January, 11, 2008
Signature Date

Brent Hinckley, Mayor Mayor, City of Mason
Name (Printed or typed) Title
Authorized Representative of
City of Mason

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.

Attachment A
Docket Number: 2007-1654-MSW-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**City of Mason**
Payable Penalty Amount:	**Nine Thousand Two Hundred Forty Dollars ($9,240)**
SEP Amount:	**Nine Thousand Two Hundred Forty Dollars ($9,240)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. (RC&D)-Household Hazardous Waste Clean-Up**
Location of SEP:	**Mason County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide local residents with a means of properly disposing household hazardous wastes such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers in one day collection events. SEP monies will be used to pay for the associated labor, materials, and disposal costs. Citizens will not be charged disposal fees. The project is administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a means of properly disposing household hazardous waste which might otherwise be disposed of in storm drains, the sewage system, or other means detrimental to the environment.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.