

Page 1 of 2

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-0840-MLM-E TCEQ ID: RN105189526 CASE NO.: 33641**  
**RESPONDENT NAME: GEORGE WILLIAMS**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 17189 Benton City Road, Von Ormy, Bexar County</p> <p><b>TYPE OF OPERATION:</b> Unauthorized disposal site</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> One complaint was received. There is no record of additional pending enforcement actions regarding this location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter. A complaint was received, but the complainant has not indicated a desire to protest this action or speak at agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 24, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  TCEQ Attorney: Mr. Benjamin O. Thompson, Litigation Division, MC 175, (512) 239-1297  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  TCEQ Enforcement Coordinator: Mr. John Shelton, Waste Enforcement Section, MC R 128, (512) 239-2863  TCEQ Regional Contact: Mr. Henry Karnei Jr., San Antonio Regional Office, MC R-13, (210) 403-4010  Respondent: Mr. George Williams, 17189 Benton City Road, Von Ormy, Texas 78073  Respondent's Attorney: Not represented by counsel.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case:                      March 17, 2007</p> <p>Date of Investigation Relating to this Case:                      March 17, 2007</p> <p>Date of NOE Relating to this Case:                      April 16, 2007</p> <p>Background Facts:</p> <p>An EDPRP was filed on November 20, 2007. The Respondent received notice of the EDPRP on or about November 25, 2007. The Respondent has not filed an answer or requested a hearing.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>MLM:</p> <p>1. Failed to prevent the disposal of municipal solid waste at an unauthorized site [30 TEX. ADMIN. CODE § 330.15(c)].</p> <p>2. Failed to comply with the general prohibition on outdoor burning [30 TEX. ADMIN. CODE § 111.201 and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$2,000</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Due to General Revenue: \$2,000</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Site Compliance History Classification:                      NA</p> <p>Person Compliance History Classification:                      NA</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 Respondent shall undertake the following technical requirements:</p> <p>1. Immediately:</p> <p>a. Cease all unauthorized burning of waste materials; and</p> <p>b. Cease accepting any additional waste at the Site.</p> <p>2. Within 30 days, remove all waste materials from the Site and dispose of the waste at an authorized facility.</p> <p>3. Within 45 days, submit written certification demonstrating compliance with Ordering Provisions Nos. 1 and 2.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES	Assigned	16-Apr-2007	Screening	29-May-2007	EPA Due	
	PCW	5-Sep-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	George Williams
Reg. Ent. Ref. No.	RN105189526
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	33641	No. of Violations	2	
Docket No.	2007-0840-MLM-E	Order Type	1660	
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	Marlin Bullard	
Multi-Media	Air Quality	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  Enhancement Subtotals 2, 3, & 7

Notes

Culpability   Enhancement Subtotal 4

Notes

Good Faith Effort to Comply  Reduction Subtotal 5

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

Notes

Total EB Amounts   Enhancement\* Subtotal 6   
 Approx. Cost of Compliance  \*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. (Enter number only; e.g. -30 for -30%.)  
 Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL  Reduction Adjustment

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

PAYABLE PENALTY

Screening Date 29-May-2007

Docket No. 2007-0840-MLM-E

PCW

Respondent George Williams

Policy Revision 2 (September 2002)

Case ID No. 33641

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN105189526

Media [Statute] Municipal Solid Waste

Enf. Coordinator Marlin Bullard

### 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)	0	0%
	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) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has not received any previous NOVs or Orders for this site in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 29-May-2007

Docket No. 2007-0840-MLM-E

PCW

Respondent George Williams

Policy Revision 2 (September 2002)

Case ID No. 33641

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN105189526

Media [Statute] Municipal Solid Waste

Enf. Coordinator Marlin Bullard

Violation Number

Rule Cite(s)

Violation Description Failed to prevent the disposal of municipal solid waste at an unauthorized site, as documented during an investigation conducted on March 17, 2007. Specifically, the Respondent allowed approximately 100 cubic yards of municipal solid waste, including sheetrock, brush, construction materials, and plastic, to be disposed of at the unauthorized site.

Base Penalty

>> Environmental Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

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

Violation Base Penalty

One quarterly event is recommended from the March 17, 2007 investigation date to the May 29, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

Respondent **George Williams**  
 Case ID No. **33641**  
 Reg. Ent. Reference No. **RN105189526**  
 Media **Municipal Solid Waste**  
 Violation No. **1**

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$0	\$0
Record Keeping System				0.0	\$0	\$0	\$0
Training/Sampling				0.0	\$0	\$0	\$0
Remediation/Disposal	\$1,300	17-Mar-2007	25-Jan-2008	0.9	\$56	\$56	\$56
Permit Costs				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for DELAYED costs: Estimated cost to dispose of approximately 100 cubic yards of the remaining unburned waste at a permitted municipal solid waste landfill at \$13 per cubic yard from the investigation date March 17, 2007 until the estimated date of compliance January 25, 2008.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
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 \$1,300 TOTAL \$56

Screening Date 29-May-2007

Docket No. 2007-0840-MLM-E

PCW

Respondent George Williams

Policy Revision 2 (September 2002)

Case ID No. 33641

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN105189526

Media [Statute] Municipal Solid Waste

Enf. Coordinator Marlin Bullard

Violation Number

Rule Cite(s)

Violation Description

Failed to comply with the general prohibition on outdoor burning, as documented during an investigation conducted on March 17, 2007. Specifically, during the investigation, the Respondent was observed burning a pile of construction debris. Approximately, 50 cubic yards of construction debris had been disposed by burning.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

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="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 **George Williams**  
 Case ID No. **33641**  
 Reg. Ent. Reference No. **RN105189526**  
 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
<i>No commas or \$</i>							
<b>Delayed Costs</b>							
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	na	\$0
Record Keeping System				0.0	\$0	na	\$0
Training/Sampling				0.0	\$0	na	\$0
Remediation/Disposal				0.0	\$0	na	\$0
Permit Costs				0.0	\$0	na	\$0
Other (as needed)				0.0	\$0	na	\$0

Notes for DELAYED costs

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	EB Amount
Disposal				0.0	\$0	\$0
Personnel				0.0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0
ONE-TIME avoided costs [3]	\$650	17-Mar-2007	17-Mar-2007	0.0	\$0	\$650
Other (as needed)				0.0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to properly dispose of the volume of waste that was disposed of by burning based on \$13 per cubic yard and 50 cubic yards of waste.

Approx. Cost of Compliance	\$650	<b>TOTAL</b>	\$650
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# Compliance History

Customer/Respondent/Owner-Operator: CN603167511 WILLIAMS, GEORGE Classification: Rating:  
Regulated Entity: RN105189526 17189 BENTON CITY RD Classification: Site Rating:  
ID Number(s): MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER 455130098  
Location: 17189 BENTON CITY RD, VON ORMY, TX, 78073  
TCEQ Region: REGION 13 - SAN ANTONIO  
Date Compliance History Prepared: May 23, 2007  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: May 23, 2002 to May 23, 2007

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

Name: Alison Echlin Phone: 512-239-3308

## 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.)  
N/A
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
  - 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  
GEORGE WILLIAMS,  
RN105189526

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**DEFAULT ORDER**  
**DOCKET NO. 2007-0840-MLM-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE chs. 361 and 382, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is George Williams ("Mr. Williams").

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

**FINDINGS OF FACT**

1. Mr. Williams owns property that includes an unauthorized disposal site located at 17189 Benton City Road, Von Ormy, Bexar County, Texas (the "Site").
2. The Site involves the management and/or disposal of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361, and consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003.
3. During an inspection on March 17, 2007, TCEQ San Antonio Regional Office investigators documented that Mr. Williams:
  - a. Failed to prevent the disposal of municipal solid waste at an unauthorized site. Specifically, Mr. Williams allowed approximately 100 cubic yards of municipal solid waste, including sheetrock, brush, construction materials, and plastic to be disposed of at the unauthorized site; and

- b. Failed to comply with the general prohibition on outdoor burning. Specifically, during the investigation, Mr. Williams was observed burning a pile of construction debris. Approximately 50 cubic yards of construction debris had been disposed by burning.
4. Mr. Williams received notice of the violations on or about April 21, 2007.
5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of George Williams" (the "EDPRP") in the TCEQ Chief Clerk's office on November 20, 2007.
6. By letter dated November 20, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Williams with notice of the EDPRP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Mr. Williams received notice of the EDPRP.
7. More than 20 days have elapsed since Mr. Williams received notice of the EDPRP, provided by the Executive Director. Mr. Williams failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Williams is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE chs. 361 and 382 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Mr. Williams failed to prevent the disposal of municipal solid waste at an unauthorized site. Specifically, Mr. Williams allowed approximately 100 cubic yards of municipal solid waste, including sheetrock, brush, construction materials, and plastic to be disposed of at the unauthorized site, in violation of 30 TEX. ADMIN. CODE § 330.15(c).
3. As evidenced by Finding of Fact No. 3.b., Mr. Williams failed to comply with the general prohibition on outdoor burning. Specifically, during the investigation, Mr. Williams was observed burning a pile of construction debris. Approximately 50 cubic yards of construction debris had been disposed by burning, in violation of 30 TEX. ADMIN. CODE § 111.201; and TEX. HEALTH & SAFETY CODE § 382.085(b).

4. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director has timely served Mr. Williams with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
5. As evidenced by Finding of Fact No. 7, Mr. Williams has failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mr. Williams and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Williams for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of two thousand dollars (\$2,000.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

#### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. Williams is assessed an administrative penalty in the amount of two thousand dollars (\$2,000.00) for violations of TEX. HEALTH & SAFETY CODE chs. 361 and 382 and rules of the TCEQ. The payment of this administrative penalty and Mr. Williams' compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: George Williams; Docket No. 2007-0840-MLM-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. Mr. Williams shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Order, cease all unauthorized burning of waste materials;
  - b. Immediately upon the effective date of this Order, cease accepting any additional waste at the Site;
  - c. Within 30 days after the effective date of this Order, remove all waste materials from the Site and dispose of the waste at an authorized facility; and
  - d. Within 45 days after the effective date of this Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 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 Antonio Regional Office  
Texas Commission on Environmental Quality  
14250 Judson Road  
San Antonio, Texas 78233-4480

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Mr. Williams. Mr. Williams is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
5. If Mr. Williams fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Williams' failure to comply is not a violation of this Order. Mr. Williams shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Williams shall notify the Executive Director within seven days after Mr. Williams 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 Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Williams shall be made in writing to the Executive Director. Extensions are not effective until Mr. Williams receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Williams if the Executive Director determines that Mr. Williams has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

George Williams  
DOCKET NO. 2007-0840-MLM-E  
Page 6

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

AFFIDAVIT OF BENJAMIN O. THOMPSON

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Benjamin O. Thompson. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of George Williams” (the “EDPRP”) with the Office of the Chief Clerk on November 20, 2007.

I sent the EDPRP to Mr. Williams at his last known address on November 20, 2007 via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as “unclaimed.” The first class mail has not been returned, indicating the respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

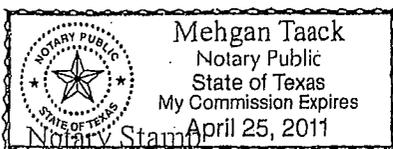
More than 20 days have elapsed since Mr. Williams received notice of the EDPRP. Mr. Williams failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference”.



Benjamin O. Thompson  
Attorney  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Benjamin O. Thompson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 5<sup>th</sup> day of February, A.D., 2008.



  
Notary Signature