

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2008-1220-IHW-E **TCEQ ID:** RN101462570 **CASE NO.:** 36253
RESPONDENT NAME: Load Trail, Ltd.

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 checked="" 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 type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Load Trail, 2097 Farm-to-Market Road 2352, Sumner, Lamar County</p> <p>TYPE OF OPERATION: Trailer manufacturing facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on March 28, 2008, alleging that industrial and hazardous waste was being burned on the Respondent's property. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 13, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Michael Meyer, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-4492; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Corny Thiessen, General Manager, Load Trail, Ltd., 220 Farm-to-Market Road 2216, Sumner, Texas 75846 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: March 28, 2008</p> <p>Date of Investigation Relating to this Case: April 1, 2008</p> <p>Date of NOV/NOE Relating to this Case: June 23, 2008 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WASTE</p> <p>1) Failure to prevent the unauthorized treatment and disposal of industrial and hazardous waste. Specifically, the investigators documented that the Respondent was burning paint waste containing xylene (F003) and methyl ethyl ketone (F005) listed hazardous wastes at a burn bin area located on the north edge of the Facility's property. Analysis of a soil sample collected from the west portion of the burn bin area measured a Total Chromium concentration of 60.8 milligrams per kilogram ("mg/kg"), in excess of the TCEQ median background concentration standard of 30 mg/kg [30 TEX. ADMIN. CODE §§ 335.2 and 335.4].</p> <p>2) Failure to provide notification to the TCEQ of the generation of hazardous waste [30 TEX. ADMIN. CODE § 335.6(a)].</p> <p>3) Failure to perform a hazardous waste determination on all wastes generated at the Facility. Specifically, the Respondent failed to classify the following wastestreams: wood waste debris from flooring, paint waste, paint filters, scrap metal from fabrication of trailers [30 TEX. ADMIN. CODE § 335.62 and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.11].</p> <p>4) Failure to close hazardous waste containers except when adding or removing waste [30 TEX. ADMIN. CODE §</p>	<p>Total Assessed: \$44,630</p> <p>Total Deferred: \$8,926 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$599 (remaining \$35,105 due in 59 monthly payments of \$595 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has undertaken the following corrective actions:</p> <p>a. On April 17, 2008, provided photographic documentation to the TCEQ Tyler Regional Office documenting that all containers storing hazardous waste were properly labeled; and</p> <p>b. As of October 1, 2008, the Respondent had removed and disposed of 253 tons of Class I non-hazardous waste and 38 tons of F003 and F005 hazardous waste from the Facility.</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, cease to cause, suffer, allow or permit the treatment and disposal of industrial solid waste until such time as a permit or authorization is obtained;</p> <p>b. Immediately upon the effective date of the Agreed Order, begin maintaining records of all waste activities at the Facility;</p> <p>c. Within 30 days after the effective date of this Agreed Order, submit complete notification of all solid waste management activities conducted at the Facility;</p> <p>d. Within 30 days after the effective date of this Agreed Order, conduct waste determinations and classify the following wastestreams: wood waste debris from flooring, paint waste, paint filters and scrap metal from fabrication of trailers;</p> <p>e. Within 30 days after the effective date of this Agreed Order, ensure that all waste containers are closed except when adding or removing waste;</p> <p>f. Within 30 days after the effective date of the Agreed Order, develop and implement procedures to ensure that weekly inspections are conducted and documented of container storage areas;</p>

<p>335.69(a)(1)(A) and 40 CFR §§ 262.34(a)(1)(i) and 265.173(a)].</p> <p>5) Failure to properly document weekly inspections of hazardous waste container storage areas [30 TEX. ADMIN. CODE § 335.69(a)(1)(A) and 40 CFR §§ 262.34(a)(1)(i) and 265.15(d)].</p> <p>6) Failure to maintain records of hazardous waste generated at the Facility. The Respondent was unable to provide the following records for review: contingency plan and emergency procedures, personnel training records, hazardous waste manifests, documents identifying the location of each Satellite Accumulation Area and Land Disposal Restriction documents for the disposal of hazardous waste generated at the Facility [30 TEX. ADMIN. CODE §§ 335.10(a) and 335.431(c) and 40 CFR §§ 268.7(a)(8) and 262.20(a)].</p> <p>7) Failure to maintain or provide the required Source Reduction and Waste Minimization Plan [30 TEX. ADMIN. CODE §§ 335.474 and 335.479].</p> <p>8) Failure to submit the TCEQ Annual Waste Summaries. Specifically, the Respondent was not able to provide annual waste summaries for 2005, 2006 and 2007 [30 TEX. ADMIN. CODE § 335.9(a)(2)].</p> <p>9) Failure to label each container of hazardous waste in the container storage area with the beginning accumulation date and the description of the contents. Specifically, the investigator documented at least 25 55-gallon drums, 95 five-gallon containers and two 250-gallon totes which were not labeled [30 TEX. ADMIN. CODE § 335.69(a)(2) and (a)(3) and 40 CFR § 262.34(a)(2) and (a)(3)].</p>		<p>g. Within 30 days after the effective date of this Agreed Order, prepare and submit a Source Reduction and Waste Minimization Plan for the Facility;</p> <p>h. Within 30 days after the effective date of this Agreed Order, submit Annual Waste Summaries for calendar years 2005, 2006 and 2007;</p> <p>i. Within 30 days of the effective date of this Agreed Order, submit a closure report for the burn bin area for review, possible modification and approval. The Respondent shall respond to any request(s) for information from the Environmental Cleanup Section to complete closure of the burn bin area; and</p> <p>j. 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 i.</p>
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Additional ID No(s): 33804



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

DATES	Assigned	1-Jul-2008	Screening	18-Jul-2008	EPA Due	27-Mar-2009
	PCW	13-Feb-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Load Trail, Ltd.
Reg. Ent. Ref. No.	RN101462570
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36253	No. of Violations	9
Docket No.	2008-1220-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Michael Meyer
		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 \$44,000

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 \$880
 2.0% Enhancement

Notes: There was one NOV for dissimilar violations during the previous five years.

Culpability Subtotal 4 \$0
 No 0.0% Enhancement

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$250

Economic Benefit Subtotal 6 \$0
 0.0% Enhancement*

Total EB Amounts \$2,713
 Approx. Cost of Compliance -\$70,535
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$44,630

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0
 0.0%

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$44,630

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$44,630

DEFERRAL Adjustment -\$8,926
 20.0% Reduction

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 \$35,704

Screening Date 18-Jul-2008

Docket No. 2008-1220-IHW-E

PCW

Respondent Load Trail, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 36253

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101462570

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	0	0%
	Other written NOV's	1	2%
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) 2%

>> 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

There was one NOV for dissimilar violations during the previous five years.

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

Screening Date 18-Jul-2008	Docket No. 2008-1220-IHW-E	PCW		
Respondent Load Trail, Ltd.		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36253		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN101462570				
Media [Statute] Industrial and Hazardous Waste				
Enf. Coordinator Michael Meyer				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code §§ 335.2 and 335.4"/>			
Violation Description	<p>Failed to prevent the unauthorized treatment and disposal of hazardous waste, as documented during an investigation conducted on April 1, 2008. Specifically, the investigators documented that the Respondent was burning paint waste containing xylene (F003) and methyl ethyl ketone (F005) listed hazardous wastes at a burn bin area located on the north edge of the Facility. Analysis of a soil sample collected from the west portion of the burn bin area measured a Total Chromium concentration of 60.8 milligrams per kilogram ("mg/kg"), in excess of the TCEQ median background concentration standard of 30 mg/kg.</p>			
	Base Penalty	<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual	<input type="text" value="x"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
>> Programmatic Matrix				
	Falsification	Major Moderate Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Human health and the environment has been exposed to significant amounts of pollutants."/>			
	Adjustment	<input type="text" value="\$7,500"/>		
		<input type="text" value="\$2,500"/>		
Violation Events				
	Number of Violation Events	<input type="text" value="4"/>	Number of violation days	
		<input type="text" value="108"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text" value="x"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
			Violation Base Penalty <input type="text" value="\$10,000"/>	
<input type="text" value="Four monthly events are recommended from the April 1, 2008 investigation to the July 18, 2008 screening date."/>				
Good Faith Efforts to Comply				
	<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$0"/>	
	<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input type="text" value="x"/>	<small>(mark with x)</small>		
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
	Violation Subtotal	<input type="text" value="\$10,000"/>		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$2,209"/>	Violation Final Penalty Total	<input type="text" value="\$10,200"/>	
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$10,200"/>	

Economic Benefit Worksheet

Respondent Load Trail, Ltd.
Case ID No. 36253
Reg. Ent. Reference No. RN101462570
Media Industrial and Hazardous 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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$54,885	1-Apr-2008	1-Oct-2008	0.50	\$1,376	n/a	\$1,376
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	1-Apr-2008	30-Nov-2009	1.67	\$833	n/a	\$833

Notes for DELAYED costs

Cost to remove and properly dispose of 253 tons of Class I non-hazardous waste and 38 tons of F003 and F005 hazardous waste from the Facility. Date Required is the April 1, 2008 investigation and the Final Date is the date of compliance. Estimated cost (\$10,000) to prepare and submit the environmental site assessment and closure report to the TCEQ and to respond to any requests for information needed to complete closure of the burn bin area. The Date Required is the April 1, 2008 investigation and the Final Date is the projected date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$64,885	TOTAL	\$2,209
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Screening Date 18-Jul-2008	Docket No. 2008-1220-IHW-E	PCW			
Respondent Load Trail, Ltd.		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36253		<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN101462570					
Media [Statute] Industrial and Hazardous Waste					
Enf. Coordinator Michael Meyer					
Violation Number <input type="text" value="2"/>					
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 335.6(a)"/>				
Violation Description	<input type="text" value="Failed to provide notification to the TCEQ of the generation of hazardous waste, as documented during an investigation conducted on April 1, 2008."/>				
	Base Penalty	<input type="text" value="\$10,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major Moderate Minor			
	Actual	<input type="text"/>	Percent <input type="text" value="0%"/>		
	Potential	<input type="text"/>			
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Matrix Notes	<input type="text" value="100 percent of the rule requirement was not met."/>				
	Adjustment				<input type="text" value="\$9,000"/>
<input type="text" value="\$1,000"/>					
Violation Events					
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="108"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>			
	weekly	<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				<input type="text" value="\$1,000"/>
<input type="text" value="One single event is recommended."/>					
Good Faith Efforts to Comply					
	0.0% Reduction				<input type="text" value="\$0"/>
	Before NOV	NOV to EDPRP/Settlement Offer			
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	x	(mark with x)			
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>				
	Violation Subtotal				<input type="text" value="\$1,000"/>
Economic Benefit (EB) for this violation			Statutory Limit Test		
	Estimated EB Amount	<input type="text" value="\$17"/>	Violation Final Penalty Total	<input type="text" value="\$1,020"/>	
This violation Final Assessed Penalty (adjusted for limits)					<input type="text" value="\$1,020"/>

Economic Benefit Worksheet

Respondent Load Trail, Ltd.
Case ID No. 36253
Reg. Ent. Reference No. RN101462570
Media Industrial and Hazardous 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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$200	1-Apr-2008	30-Nov-2009	1.67	\$17	n/a	\$17
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to notify the agency of the generation of industrial hazardous waste. The Date Required is the April 1, 2008 investigation and the Final Date is the estimated compliance date.

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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$17

Screening Date 18-Jul-2008	Docket No. 2008-1220-IHW-E	PCW	
Respondent Load Trail, Ltd.		Policy Revision 2 (September 2002)	
Case ID No. 36253		PCW Revision October 30, 2008	
Reg. Ent. Reference No. RN101462570			
Media [Statute] Industrial and Hazardous Waste			
Enf. Coordinator Michael Meyer			
Violation Number 3			
Rule Cite(s)	30 Tex. Admin. Code § 335.62 and 40 CFR § 262.11		
Violation Description	Failed to perform a hazardous waste determination on all hazardous wastes generated at the Facility, as documented during an investigation conducted on April 1, 2008. Specifically, the Respondent failed to conduct a hazardous waste determination for the following wastestreams: wood waste debris from flooring, paint waste, paint filters and scrap metal from fabrication of trailers.		
	Base Penalty	\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="text"/>	Percent 25%
	Potential	x	
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<input type="text"/>	<input type="text"/>	Percent 0%
Matrix Notes	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health.		
	Adjustment	\$7,500	
		\$2,500	
Violation Events			
	Number of Violation Events	4	Number of violation days 1
mark only one with an x	daily	<input type="text"/>	Violation Base Penalty \$10,000
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	
	Four single events (one event per wastestream).		
Good Faith Efforts to Comply		0.0% Reduction	\$0
		Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	x	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
	Violation Subtotal	\$10,000	
Economic Benefit (EB) for this violation		Statutory Limit Test	
	Estimated EB Amount	\$167	Violation Final Penalty Total \$10,200
		This violation Final Assessed Penalty (adjusted for limits) \$10,000	

Economic Benefit Worksheet

Respondent Load Trail, Ltd.
Case ID No. 36253
Reg. Ent. Reference No. RN101462570
Media Industrial and Hazardous Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$2,000	1-Apr-2008	30-Nov-2009	1.67	\$167	n/a	\$167
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct waste determinations and classify four wastestreams generated at the Facility. The Date Required is the April 1, 2008 investigation and the Final Date is the estimated compliance date.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$167

Screening Date 18-Jul-2008	Docket No. 2008-1220-IHW-E	PCW
Respondent Load Trail, Ltd.		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 36253		<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No. RN101462570		
Media [Statute] Industrial and Hazardous Waste		
Enf. Coordinator Michael Meyer		
Violation Number <input type="text" value="4"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 335.69(a)(1)(A) and 40 CFR §§ 262.34(c)(1)(i) and 265.173(a)"/>	
Violation Description	<input type="text" value="Failed to close hazardous waste containers except when adding or removing waste, as documented during an investigation conducted on April 1, 2008."/>	
	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" value="x"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="25%"/>

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events <input type="text" value="4"/>	<input type="text" value="108"/>	Number of violation days														
<p><small>mark only one with an x</small></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td style="text-align: center;"><input checked="" type="checkbox"/></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><input type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input checked="" type="checkbox"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>		Violation Base Penalty <input type="text" value="\$10,000"/>
daily	<input type="text"/>															
weekly	<input type="text"/>															
monthly	<input checked="" type="checkbox"/>															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input type="text"/>															
<input type="text" value="Four monthly events are recommended from the April 1, 2008 investigation to the July 18, 2008 screening date."/>																

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>	
	Violation Subtotal	<input type="text" value="\$10,000"/>

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount <input type="text" value="\$42"/>	Violation Final Penalty Total <input type="text" value="\$10,200"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$10,200"/>	

Economic Benefit Worksheet

Respondent Load Trail, Ltd.
Case ID No. 36253
Reg. Ent. Reference No. RN101462570
Media Industrial and Hazardous Waste
Violation No. 4

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	1-Apr-2008	30-Nov-2009	1.67	\$42	n/a	\$42

Notes for DELAYED costs
 Estimated cost to develop and implement procedures to ensure that containers are closed except when adding or removing waste. The Date Required is the April 1, 2008 investigation 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$42

Screening Date 18-Jul-2008	Docket No. 2008-1220-IHW-E	PCW
Respondent Load Trail, Ltd.		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 36253		<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No. RN101462570		
Media [Statute] Industrial and Hazardous Waste		
Enf. Coordinator Michael Meyer		
Violation Number <input type="text" value="5"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 335.69(a)(1)(A) and 40 CFR §§ 262.34(a)(1)(i) and 265.15(d)"/>	
Violation Description	<input type="text" value="Failed to properly document weekly inspections of hazardous waste container storage areas, as documented during an investigation conducted on April 1, 2008."/>	
	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 checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="10%"/>
Matrix Notes	<input type="text" value="100 percent of the rule requirement was not met."/>				
					Adjustment <input type="text" value="\$9,000"/>

Violation Events

Number of Violation Events <input type="text" value="4"/>	<input type="text" value="108"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>
	Violation Base Penalty	<input type="text" value="\$4,000"/>
<input type="text" value="Four monthly events are recommended from the April 1, 2008 investigation to the July 18, 2008 screening date."/>		

Good Faith Efforts to Comply

	0.0%	Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>	
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>		
		Violation Subtotal	<input type="text" value="\$4,000"/>

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$17"/>	Violation Final Penalty Total <input type="text" value="\$4,080"/>
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$4,080"/>

Economic Benefit Worksheet

Respondent Load Trail, Ltd.
Case ID No. 36253
Reg. Ent. Reference No. RN101462570
Media Industrial and Hazardous 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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	1-Apr-2008	30-Nov-2009	1.67	\$17	n/a	\$17

Notes for DELAYED costs
 Estimated cost to develop and implement procedures to ensure that weekly inspections of the container storage areas are conducted and that records of these investigations are kept on-site and made available for inspection upon request by TCEQ personnel. The Date Required is the April 1, 2008 investigation and the Final Date is the estimated compliance date.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$17

Screening Date 18-Jul-2008	Docket No. 2008-1220-IHW-E	PCW														
Respondent Load Trail, Ltd.		<small>Policy Revision 2 (September 2002)</small>														
Case ID No. 36253		<small>PCW Revision October 30, 2008</small>														
Reg. Ent. Reference No. RN101462570																
Media [Statute] Industrial and Hazardous Waste																
Enf. Coordinator Michael Meyer																
Violation Number <input type="text" value="6"/>																
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code §§ 335.10(a) and 335.431(c) and 40 CFR §§ 268.7(a)(8) and 262.20(a)"/>															
Violation Description	<input type="text" value="Failed to maintain records of hazardous waste generated at the Facility, as documented during an investigation conducted on April 1, 2008. The Respondent was unable to provide the following records for review: contingency plan and emergency procedures, personnel training records, hazardous waste manifests, documents identifying the location of each Satellite Accumulation Area and Land Disposal Restriction documents for the disposal of hazardous waste generated at the Facility."/>															
	Base Penalty	<input type="text" value="\$10,000"/>														
>> Environmental, Property and Human Health Matrix																
	Harm															
	Major Moderate Minor															
OR	Actual	<input type="text"/>														
	Potential	<input type="text"/>														
	Percent	<input type="text" value="0%"/>														
>> Programmatic Matrix																
	Falsification Major Moderate Minor															
	<input type="text"/>	<input type="text" value="x"/>														
	<input type="text"/>	<input type="text"/>														
	Percent	<input type="text" value="10%"/>														
Matrix Notes	<input type="text" value="100 percent of the rule requirement was not met."/>															
	Adjustment	<input type="text" value="\$9,000"/>														
		<input type="text" value="\$1,000"/>														
Violation Events																
Number of Violation Events	<input type="text" value="4"/>	Number of violation days														
	<input type="text" value="108"/>															
	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input checked="" type="text" value="x"/></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><input type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input checked="" type="text" value="x"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	
daily	<input type="text"/>															
weekly	<input type="text"/>															
monthly	<input checked="" type="text" value="x"/>															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input type="text"/>															
<small>mark only one with an x</small>		Violation Base Penalty														
		<input type="text" value="\$4,000"/>														
	<input type="text" value="Four monthly events are recommended from the April 1, 2008 investigation to the July 18, 2008 screening date."/>															
Good Faith Efforts to Comply																
	0.0% Reduction	<input type="text" value="\$0"/>														
	Before NOV NOV to EDPRP/Settlement Offer															
Extraordinary	<input type="text"/>															
Ordinary	<input type="text"/>															
N/A	<input checked="" type="text" value="x"/> (mark with x)															
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>															
	Violation Subtotal	<input type="text" value="\$4,000"/>														
Economic Benefit (EB) for this violation																
	Statutory Limit Test															
Estimated EB Amount	<input type="text" value="\$79"/>	Violation Final Penalty Total														
		<input type="text" value="\$4,080"/>														
	This violation Final Assessed Penalty (adjusted for limits)															
		<input type="text" value="\$4,080"/>														

Economic Benefit Worksheet

Respondent Load Trail, Ltd.
Case ID No. 36253
Reg. Ent. Reference No. RN101462570
Media Industrial and Hazardous 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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,000	1-Apr-2008	31-Oct-2009	1.58	\$79	n/a	\$79
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and implement a procedure to maintain records of waste generated and waste management and have the records readily available for inspection by TCEQ Personnel. The Date Required is the April 1, 2008 investigation and the Final Date is the projected date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$79

Screening Date 18-Jul-2008	Docket No. 2008-1220-IHW-E	PCW
Respondent Load Trail, Ltd.		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 36253		<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No. RN101462570		
Media [Statute] Industrial and Hazardous Waste		
Enf. Coordinator Michael Meyer		
Violation Number <input type="text" value="7"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code §§ 335.474 and 335.479"/>	
Violation Description	<input type="text" value="Failed to maintain or provide the required Source Reduction and Waste Minimization Plan, as documented during an investigation conducted on April 1, 2008."/>	
	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 checked="" type="checkbox"/>	<input type="text"/>		<input type="text"/>
				Percent <input type="text" value="10%"/>	
Matrix Notes	<input type="text" value="100 percent of the rule requirement was not met."/>				
				Adjustment <input type="text" value="\$9,000"/>	

Violation Events

	<input type="text" value="1"/>		<input type="text" value="1"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<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 <input type="text" value="\$1,000"/>
	<input type="text" value="One single event is recommended."/>			

Good Faith Efforts to Comply Reduction

	Before NOV		NOV to EDPRP/Settlement Offer	
	Extraordinary	<input type="text"/>	<input type="text"/>	
	Ordinary	<input type="text"/>	<input type="text"/>	
	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<small>(mark with x)</small>
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
				Violation Subtotal <input type="text" value="\$1,000"/>

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$42"/>	Violation Final Penalty Total <input type="text" value="\$1,020"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,020"/>	

Economic Benefit Worksheet

Respondent Load Trail, Ltd.
Case ID No. 36253
Reg. Ent. Reference No. RN101462570
Media Industrial and Hazardous 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
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	1-Apr-2008	30-Nov-2009	1.67	\$42	n/a	\$42
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and prepare a Source Reduction and Waste Minimization Plan at the Site. The Date Required is the April 1, 2008 investigation date and the Final Date is the projected date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$42

Screening Date 18-Jul-2008 **Docket No.** 2008-1220-IHW-E **PCW**
Respondent Load Trail, Ltd. *Policy Revision 2 (September 2002)*
Case ID No. 36253 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101462570
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Michael Meyer
Violation Number 8
Rule Cite(s) 30 Tex. Admin. Code § 335.9(a)(2)
Violation Description Failed to submit the TCEQ Annual Waste Summaries, as documented during an investigation conducted on April 1, 2008. Specifically, the Respondent was not able to provide annual waste summaries for 2005, 2006 and 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			10%
100 percent of the rule requirement was not met.					

Adjustment \$9,000

\$1,000

Violation Events

Number of violation days
mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,000

Three single events are recommended (one event each for the years of 2005, 2006 and 2007).

Good Faith Efforts to Comply

0.0% Reduction **\$0**
 Before NOV NOV to EDPRP/Settlement Offer
 Extraordinary
 Ordinary
 N/A (mark with x)
Notes The Respondent does not meet the good faith criteria for this violation.
Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$141 **Violation Final Penalty Total** \$3,060
This violation Final Assessed Penalty (adjusted for limits) \$3,060

Economic Benefit Worksheet

Respondent Load Trail, Ltd.
Case ID No. 36253
Reg. Ent. Reference No. RN101462570
Media Industrial and Hazardous Waste
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$750	1-Mar-2006	30-Nov-2009	3.75	\$141	n/a	\$141

Notes for DELAYED costs

Estimated annual cost to prepare a waste summary and submit the report to the TCEQ. The Date Required is the date the Annual Waste Summary for calendar year 2005 was due and the Final Date is the projected date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$750

TOTAL \$141

Screening Date 18-Jul-2008	Docket No. 2008-1220-IHW-E	PCW			
Respondent Load Trail, Ltd.		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36253		<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN101462570					
Media [Statute] Industrial and Hazardous Waste					
Enf. Coordinator Michael Meyer					
Violation Number 9					
Rule Cite(s)	30 Tex. Admin. Code § 335.69(a)(2) and (a)(3) and 40 CFR § 262.34(a)(2) and (a)(3)				
Violation Description	Failed to label each container of hazardous waste in the container storage area with the beginning accumulation date and the description of the contents, as documented during an investigation conducted on April 1, 2008. Specifically, the investigator documented at least 25 55-gallon drums, 95 five-gallon containers and two 250-gallon totes which were not labeled.				
	Base Penalty	\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major Moderate Minor			
	Actual	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>	
Potential	<input type="text"/>	<input type="text"/>			
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent <input type="text" value="10%"/>
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	
Matrix Notes	100 percent of the rule requirement was not met.				
	Adjustment			\$9,000	
\$1,000					
Violation Events					
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="112"/>	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>		Violation Base Penalty	<input type="text" value="\$1,000"/>
	weekly	<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"/>			
	One single event is recommended based on the April 1, 2008 investigation.				
Good Faith Efforts to Comply					
		25.0%	Reduction	<input type="text" value="\$250"/>	
		<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>		
N/A	<input type="text"/>	<input type="text"/>	<small>(mark with x)</small>		
Notes	The Respondent achieved compliance on April 17, 2008.				
	Violation Subtotal			<input type="text" value="\$750"/>	
Economic Benefit (EB) for this violation			Statutory Limit Test		
	Estimated EB Amount	<input type="text" value="\$1"/>	Violation Final Penalty Total	<input type="text" value="\$770"/>	
	This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$770"/>	

Economic Benefit Worksheet

Respondent Load Trail, Ltd.
Case ID No. 36253
Reg. Ent. Reference No. RN101462570
Media Industrial and Hazardous Waste
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	1-Apr-2008	17-Apr-2008	0.04	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to label containers of hazardous waste. The Date Required is the April 1, 2008 investigation and the Final Date is the date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$1
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Compliance History Report

Customer/Respondent/Owner-Operator:	CN603378712 Load Trail, Ltd.	Classification: AVERAGE	Rating: 0.75
Regulated Entity:	RN101462570 LOAD TRAIL	Classification: AVERAGE	Site Rating: 0.75
ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT	33804
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	LA01750
	AIR NEW SOURCE PERMITS	AFS NUM	4827700021
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000079186
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	LA01750
Location:	2097 FM 2352, SUMNER, TX, 75486		Rating Date: 9/1/2008 Repeat Violator: NO
TCEQ Region:	REGION 05 - TYLER		
Date Compliance History Prepared:	November 12, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	November 13, 2003 to November 12, 2008		

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

Name: Michael Meyer Phone: 239 - 4492

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	06/06/2008	(681857)
2	07/31/2008	(687387)
3	08/29/2008	(700703)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	06/11/2008	(681857)
Self Report?	NO	
Citation:	30 TAC Chapter 101, SubChapter A 101.10(e) 5C THSC Chapter 382 382.085(b)	
Description:	Failure to submit a 2007 Emissions Inventory: Category B19 (g)(3)	
Classification:	Moderate	
- 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 NATURAL RESOURCE CONSERVATION COMMISSION



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LOAD TRAIL, LTD.
RN101462570

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-1220-IHW-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 Load Trail, Ltd. ("the Respondent") 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 Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a trailer manufacturing facility at 2097 Farm-to-Market Road 2352 in Sumner, Lamar County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 28, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Forty-Four Thousand Six Hundred Thirty Dollars (\$44,630) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Hundred Ninety-Nine Dollars (\$599) of the administrative penalty and Eight Thousand Nine Hundred Twenty-Six Dollars (\$8,926) is

deferred contingent upon the Respondent'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 Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Thirty-Five Thousand One Hundred Five Dollars (\$35,105) of the administrative penalty shall be payable in 59 monthly payments of Five Hundred Ninety-Five Dollars (\$595) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

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 Respondent 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 Respondent has undertaken the following corrective action:
 - a. On April 17, 2008, provided photographic documentation to the TCEQ Tyler Regional Office documenting that all containers storing hazardous waste were properly labeled; and
 - b. As of October 1, 2008, the Respondent had removed and disposed of 253 tons of Class I non-hazardous waste and 38 tons of F003 and F005 hazardous waste from the Facility.
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 Respondent 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 Respondent is alleged to have:

1. Failed to prevent the unauthorized treatment and disposal of industrial and hazardous waste, in violation of 30 TEX. ADMIN. CODE §§ 335.2 and 335.4, as documented during an investigation conducted on April 1, 2008. Specifically, the investigators documented that the Respondent was burning paint waste containing xylene (F003) and methyl ethyl ketone (F005) listed hazardous wastes at a burn bin area located on the north edge of the Facility's property. Analysis of a soil sample collected from the west portion of the burn bin area measured a Total Chromium concentration of 60.8 milligrams per kilogram ("mg/kg"), in excess of the TCEQ median background concentration standard of 30 mg/kg.
2. Failed to provide notification to the TCEQ of the generation of hazardous waste, in violation of 30 TEX. ADMIN. CODE § 335.6(a), as documented during an investigation conducted on April 1, 2008.
3. Failed to perform a hazardous waste determination on all wastes generated at the Facility, in violation of 30 TEX. ADMIN. CODE § 335.62 and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.11, as documented during an investigation conducted on April 1, 2008. Specifically, the Respondent failed to classify the following wastestreams: wood waste debris from flooring, paint waste, paint filters, scrap metal from fabrication of trailers.
4. Failed to close hazardous waste containers except when adding or removing waste, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(1)(A) and 40 CFR §§ 262.34(a)(1)(i) and 265.173(a), as documented during an investigation conducted on April 1, 2008.
5. Failed to properly document weekly inspections of hazardous waste container storage areas, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(1)(A) and 40 CFR §§ 262.34(a)(1)(i) and 265.15(d), as documented during an investigation conducted on April 1, 2008.
6. Failed to maintain records of hazardous waste generated at the Facility, in violation of 30 TEX. ADMIN. CODE §§ 335.10(a) and 335.431(c) and 40 CFR §§ 268.7(a)(8) and 262.20(a), as documented during an investigation conducted on April 1, 2008. The Respondent was unable to provide the following records for review: contingency plan and emergency procedures, personnel training records, hazardous waste manifests, documents identifying the location of each Satellite Accumulation Area and Land Disposal Restriction documents for the disposal of hazardous waste generated at the Facility.
7. Failed to maintain or provide the required Source Reduction and Waste Minimization Plan, in violation of 30 TEX. ADMIN. CODE §§ 335.474 and 335.479, as documented during an investigation conducted on April 1, 2008.
8. Failed to submit the TCEQ Annual Waste Summaries, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(2), as documented during an investigation conducted on April 1, 2008. Specifically, the Respondent was not able to provide annual waste summaries for 2005, 2006 and 2007.
9. Failed to label each container of hazardous waste in the container storage area with the beginning accumulation date and the description of the contents, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(2) and (a)(3) and 40 CFR § 262.34(a)(2) and (a)(3), as documented during an investigation conducted on April 1, 2008. Specifically, the investigator documented at least 25 55-gallon drums, 95 five-gallon containers and two 250-gallon totes which were not labeled.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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: Load Trail, Ltd., Docket No. 2008-1220-IHW-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 Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, cease to cause, suffer, allow or permit the treatment and disposal of industrial solid waste until such time as a permit or authorization is obtained, in accordance with 30 TEX. ADMIN. CODE § 335.2;
 - b. Immediately upon the effective date of the Agreed Order, begin maintaining records of all waste activities at the Facility, in accordance with 30 TEX. ADMIN. CODE §§ 335.10(a) and 335.431(c) and 40 CFR §§ 268.7(a)(8) and 262.20(a);
 - c. Within 30 days after the effective date of this Agreed Order, submit complete notification of all solid waste management activities conducted at the Facility, in accordance with 30 TEX. ADMIN. CODE § 335.6(a);
 - d. Within 30 days after the effective date of this Agreed Order, conduct waste determinations and classify the following wastestreams: wood waste debris from flooring, paint waste, paint filters and scrap metal from fabrication of trailers, in accordance with 30 TEX. ADMIN. CODE § 335.62;
 - e. Within 30 days after the effective date of this Agreed Order, ensure that all waste containers are closed except when adding or removing waste, in accordance with 40 CFR § 265.173(a) and 30 TEX. ADMIN. CODE § 335.69(a)(1)(A);
 - f. Within 30 days after the effective date of the Agreed Order, develop and implement procedures to ensure that weekly inspections are conducted and documented of container storage areas, in accordance with 40 CFR § 265.15(d);

- g. Within 30 days after the effective date of this Agreed Order, prepare and submit a Source Reduction and Waste Minimization Plan for the Facility, in accordance with 30 TEX. ADMIN. CODE §§ 335.474 and 335.479;
- h. Within 30 days after the effective date of this Agreed Order, submit Annual Waste Summaries for calendar years 2005, 2006 and 2007, in accordance with 30 TEX. ADMIN. CODE § 335.9(a)(2);
- i. Within 30 days of the effective date of this Agreed Order, submit a closure report, in accordance with 30 TEX. ADMIN. CODE § 335.8(d) for the burn bin area for review, possible modification and approval, to:

Environmental Cleanup Section
Remediation Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

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

The Respondent shall respond to any request(s) for information from the Environmental Cleanup Section to complete closure of the burn bin area.

- j. 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.i. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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:

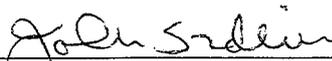
Manager, Waste Section
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

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

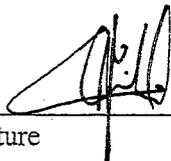
9/3/2009
Date

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

5-18-09
Date

Cory Thiessen

Name (Printed or typed)
Authorized Representative of
Load Trail, Ltd.

General Manager

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.

