**DOCKET NO.:** 2008-1197-MLM-E **TCEQ ID:** RN105554810 **CASE NO.:** 36254

RESPONDENT NAME: Rogelio Ramon

ORDER TYPE:					
X 1660 AGREED ORDER	FINDINGS AGREED ORDER				
findings default order	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER			
AMENDED ORDER	EMERGENCY ORDER				
CASE TYPE:					
<u>X</u> AJR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE			
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION			
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL			
X MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION			
SITE WHERE VIOLATION(S) OCCURRED: Ramon Property CR 4521, south side of County Road 4521, approximately 430 yards east of the intersection of County Road 452 and County Road 4521east of Port Lavaca, northwest of Palacios, Jackson County  TYPE OF OPERATION: Unauthorized disposal site  SMALL BUSINESS: YesX_ No					
OTHER SIGNIFICANT MATTERS: A complaint was received on April 18, 2008, alleging that the property owner was dumping construction and house debris onto the property and burning it. There is no record of additional pending enforcement actions regarding this site location.					
INTERESTED PARTIES: A complaint was received but the complainant has not expressed the desire to protest this action or speak at Agenda.					
COMMENTS RECEIVED: The Texas Register comment period expired on January 5, 2009. No comments were received.					
CONTACTS AND MAILING LIST:  TCEQ Attorney/SEP Coordinator: None  TCEQ Enforcement Coordinator: Mr. Clinton Sims, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-6933; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  Respondent: Mr. Rogelio Ramon, Property Owner, 1212 County Road, Palacios, Texas 77465					

# RESPONDENT NAME: Rogelio Ramon DOCKET NO.: 2008-1197-MLM-E

VIOLATION SUMMARY CHART:					
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED			
Type of Investigation:  X. Complaint — Routine — Enforcement Follow-up — Records Review  Date of Complaint Relating to this Case: April 18, 2008  Date of Investigation Relating to this Case: April 18, 2008  Date of NOE Relating to this Case: June 19, 2008 (NOE)  Background Facts: This was a compliant investigation.  AIR  1) Failure to comply with the general prohibition on outdoor burning. Specifically, evidence of the outdoor burning of approximately 125 cubic yards of solid waste (trees, limbs, construction materials, insulation, corrugated metal, a sewing machine, electrical wiring, metal piping, a mobile home floor with the axles and rims, flat bed trailers, glass, and treated lumber) was observed at the Site [30 Tex. ADMIN. Code § 111.201 and Tex. Health & Safety Code § 382.085(b)].  WASTE  2) Failure to prevent the unauthorized disposal of municipal solid waste. Specifically, the Respondent allowed approximately 45 cubic yards of municipal solid waste (including clothes, household items, treated lumber, insulation, construction materials, appliances, empty propane cylinders, broken windows, unusable tires, a piano, household trash,	Total Assessed: \$3,740  Total Deferred: \$748				
and burned metal) to be disposed of at the Site [30 Tex. ADMIN. CODE § 330.15(c)].					

Additional ID No(s).: None

	Penalty Calculation	n Worksheet (P	•	
Policy Revision 2 (Sep	tember 2002)		PCW Revisi	on June 12, 2008
DATES Assigned	23-Jun-2008			
PCW		EPA Due		A vite and a secondarion of distinction
RESPONDENT/FACILITY	INFORMATION	.'		
	Rogelio Ramon			
Reg. Ent. Ref. No.			T	
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor	
CASE INFORMATION				
Enf./Case ID No.	36254	No. of Violations	2	-
	2008-1197-MLM-E	Order Type		
Media Program(s)	Municipal Solid Waste	Government/Non-Profit		$\dashv$
Multi-Media		Enf. Coordinator	Clinton Sims	
		EC's Team	Enforcement Team 7	
Admin. Penalty \$ I	Limit Minimum \$0 Maximum	\$10,000		
	Penalty Calcula	tion Section		
TOTAL BASE PENAL	TY (Sum of violation base penaltie	s)	Subtotal 1	\$2,000
ADJUSTMENTS (+/-)	TO SUBTOTAL 1			
	ned by multiplying the Total Base Penalty (Subtotal 1) by			
Compliance Histo	ory 0.0%	Enhancement Subt	otals 2, 3, & 7	\$0
Natas	No obanco due te no provious co	malianaa histori		di tan
Notes	No change due to no previous co	mpliance history.		approximation (pro-
		. ,	<u></u>	1
Culpability	No 0.0%	Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the	culpability criteria.		
		V i i i i i i i i i i i i i i i i i i i	1	
Good Faith Efford	t to Comply Total Adjustments	E	Subtotal 5	\$0
Good / Gilli Ellon		and the A. 1995 (1995)		
	· .			٠ ,
Economic Benefi	er and the contract of the con	Enhancement*	Subtotal 6	\$0
Annov		at the Total EB \$ Amount		
Approx.	Cost of Compliance \$2,528			
SUM OF SUBTOTALS	6 4 17 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	· 사회통하게 되는데 한 경험에 다르겠다.	Einal Subtatal	\$2,000
SOM OF SUBTOTAL		in, edisulumi di Arabiti (#	Final Subtotal	\$2,000
OTHER EACTORS AS	S JUSTICE MAY REQUIRE	97.00/	A statement of the	\$1,745
	ubtotal by the indicated percentage.	87.0%	Adjustment	\$1,745
reduces of enhances the final S			7	
Notes	Recommended adjustment to capture the av	voided cost associated with		9
110100	Violation No. 1.			Q.
	·	Final Pe	nalty Amount	\$3,745
			-	
STATUTORY LIMIT A	DJUSTMENT	Final Asse	essed Penalty	\$3,740
DEFERRAL		20.0% Reduction	Adjustment	-\$748
	alty by the indicted percentage. (Enter number only; e.g.			- I
Notes	Deferral offered for expedited	i settlement.		
•				OX with disk
•				

Screening Date 18-Jul-2008

Docket No. 2008-1197-MLM-E

**PCW** 

Policy Revision 2 (September 2002)
PCW Revision June 12, 2008

Respondent Rogelio Ramon

**Case ID No.** 36254

Reg. Ent. Reference No. RN105554810

Media [Statute] Municipal Solid Waste

Enf. Coordinator Clinton Sims

#### **Compliance History Worksheet**

Component		Enter Number Here	Aujust.
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%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	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%
Judgments	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%
and Consent Decrees	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%
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%
7 Iddie	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 19. 1 (19.7)	0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No .	0%
Oulei	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 F	Percentage (S	ubtotal 2) [
peat Violator (Su		: Paraantaga (S)	ubtotal 2)
N/.	Adjustment F	ercentage (Si	ubiolai 3) [
	y Person Classification (Subtotal 7)		1 84 1 1 N
N/	A Adjustment F	Percentage (Si	ubtotal 7) [
mpliance Histor	y Summary		_
Compliance	No change due to no previous compliance history.		· · ·
History Notes			]

Screening Date	18-Jul-2008	Docket No. 2008-1197-MLM-E	PCW
Respondent	_	Policy Re	evision 2 (September 2002)
Case ID No.	36254	· PO	CW Revision June 12, 2008
Reg. Ent. Reference No.	RN105554810		
Media [Statute]	Municipal Solid Wast	te	
Enf. Coordinator	Clinton Sims		
Violation Number	1 ]		
Rule Cite(s)	30 Tex. Admin	. Code § 111.201 and Tex. Health & Safety Code § 382.085(b)	•
Violation Description	the outdoor burn construction materia metal piping, a mo	n the general prohibition on outdoor burning. Specifically, evidence of ing of approximately 125 cubic yards of solid waste (trees, limbs, als, insulation, corrugated metal, a sewing maching, electrical wiring, abile home floor with the axles and rims, flat bed trailers, glass, and sobserved at the Site during an investigation conducted on April 18, 2008.	and the second s
		Base Penalty[	\$10,000
>> Environmental, Property an	d Human Health	Matrix	
>> Cirvinorimental, 1 toperty and		irm	
Release		erate Minor	
OR Actual			
Potential		Percent 10%	
	erra proportionale de la compansión de la Compansión de la compansión		
>>Programmatic Matrix Falsification	Major Mode	erate Minor	
Faisilication	IVIAJOI IVIOUR	Percent 0%	
	LIL	10,0011 [	
[			
E. Production	or the environment ha	as been exposed to insignificant amounts of pollutants which do not exceed protective levels.	
Notes		exceed protective levels.	
	e das a suscid	Adjustment \$9,000	
· ·			\$1,000
is the second of			
Violation Events	. Journagem		
NO. 1711			•
Number of Vi	olation Events	1 Number of violation days	
GP WORTH	daily		
NAME OF THE PROPERTY OF THE PR	monthly		
mark only one	quarterly	Violation Base Penalty	\$1,000
with an x	semiannual		
	annual		
and the state of t	single event	X	
Ir-			
POCANOMINA	$\sim$	one single event is recommended.	
***************************************			
Ľ-			
Good Faith Efforts to Comply	A 400 PM	0.0% Reduction	\$0
		e NOV NOV to EDPRP/Settlement Offer	
	Extraordinary		
	Ordinary	Variable Market and Control of the C	
	N/A[	X (mark with x)	
	Notes The I	Respondent does not meet the good faith criteria for this violation.	
	<u> </u>		addition and the second
To delicate the second		Violation Subtotal	\$1,000
Economic Benefit (EB) for this	violation	Statutory Limit Test	
		ii Signalishaadh mahannaisinnin An Aseanna An Aseanna marannin man mahannain man dan is man Tarban man mah Sistema (1974 - 1974) an 1974 - 197	ini ini na matali ini ini na mana matantari ini na mingatamata tahun tahih da
Estimate	d EB Amount	\$1,745 Violation Final Penalty Total	\$1,870
The second secon		This violation Final Assessed Penalty (adjusted for limits)	\$1,870
		THIS VIOLATION I MAI ASSESSED FEMALLY (AUJUSTED TOT IIIIIIIS)	Ψ1,070

	E	conomic l	3enefit W	orks	heet	e de la companya de La companya de la co	
Respondent	Rogelio Ramon					**.	
Case ID No.	36254						
Reg. Ent. Reference No.	RN105554810						
	Municipal Solid	Waste				[	Years of
Violation No.						Percent Interest	Depreciation
Violation ivo.	•					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$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	content in/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs						name this section is a second section of the sectio	
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before			one-time avoided	
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]	\$1,598	18-Apr-2008	21-Mar-2009	1.84	\$147	\$1,598	\$1,745
Other (as needed)			<u> </u>	0.00	\$0	\$0	\$0
Notes for AVOIDED costs						e that was disposed expected date of con	
Approx. Cost of Compliance		\$1,598			TOTAL		\$1,74

Screening Date		Docket No. 2008-1197-MLM-E	PCW
•	Rogelio Ramon		Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.			PCW Revision June 12, 2008
•	Municipal Solid Was	nto	
Enf. Coordinator	•	ste ,	1
Violation Number			
Rule Cite(s)	<u> </u>	20 Tour Admin Code \$ 220 45(a)	1
		30 Tex. Admin. Code § 330.15(c)	
Violation Description	an investigation approximately 45 co treated lumber, in	e unauthorized disposal of municipal solid waste, as documented during a conducted on April 18, 2008. Specifically, the Respondent allowed ubic yards of municipal solid waste (including clothes, household items, sulation, construction materials, appliances, empty propane cylinders, s, unusable tires, a piano, household trash, and burned metal) to be disposed of at the Site.	
4 AAAAA 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4		Base Penalty	\$10,000
	garaganagan san angsinan - esi iringgaganenganan arasinasi adara	THE RESIDENCE OF THE RE	
>> Environmental, Property ar			t re college
Release		larm derate Minor	Secretal and the second
OR Actual	<del>,</del>	x x	*
Potential	<u> </u>	Percent 10%	court dealers
	ne sit with a second was	news x x - 1 - mail to with the interference and globest even and bending the first of the	interestabilit next
>>Programmatic Matrix	سينتيندنا بالمستعمر سياريا السا		N. combined
Falsification	Major Mo	derate Minor	local investor
		Percent 0%	
			1
Table, a Sill of the care	n or the environment	has been exposed to insignificant amounts of pollutants which do not	
Notes		exceed protective levels.	
	***************************************		<u>.</u>
	italisin da	Adjustment \$9,000	
entering sections and the section of			\$1,000
			<u> </u>
Violation Events	education of the con-	(1) 11 (1) 12 (1) 12 (1) 13 (	A Company of the Comp
The state of the s			to take the control of
Number of Vi	iolation Events	Number of violation days	To common which is
	daily		
autorio de la constanta de la	monthly		
mark only one	quarterly	X Violation Base Penalty	\$1,000
with an x	semiannual		
· ·	annual	· ·	and the second s
REAL PROPERTY OF THE PROPERTY	single event		and the
· [			T .
One quarte	rly event is recomme	ended from the April 18, 2008 investigation date to the July 18, 2008 screening date.	0.00
		Screening date.	
			1 00
Good Faith Efforts to Comply		0.0% Reduction  ore NOV NOV to EDPRP/Settlement Offer	\$0
PALL STATEMENT AND ADDRESS OF THE PART AND ADDRESS OF	Extraordinary	JIE NOV	The desiration of the second o
MAYON BAO	Ordinary		Adoles of the Control
atorigin "-coda	N/A	X (mark with x)	
			ar to so date.
WW.W. 171	Notes	e Respondent does not meet the good faith criteria for this violation.	*
		TIO GATO	
**		Walatian Cultura	\$1,000
A A A A A A A A A A A A A A A A A A A		Violation Subtota	ν φ1,000
Economic Benefit (EB) for this	violation	Statutory Limit Test	
Fetimate	d EB Amount	\$43 Violation Final Penalty Tota	\$1,870
and the state of t			
FPA-68		This violation Final Assessed Penalty (adjusted for limits)	\$1,870

	E	conomic	Benefit W	orks	heet		
Respondent	Rogelio Ramon	í					
Case ID No.	•					1. No. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	
Reg. Ent. Reference No.							
	Municipal Solid	Wasta				1333 33	Years of
	•	Wasie	,			Percent Interest	Depreciation
Violation No.	4						•
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment		<u> </u>	r	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	\$930	18-Apr-2008	21-Mar-2009	0.92	\$43	n/a	\$43
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs  Avoided Costs	disposal site.	The Date Required	is the investigation	n date a	nd the Final Date	and dispose of it at is the expected date one-time avoided o	of compliance.
Disposal	7.53	1	1	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		\$930	]		TOTAL		\$43

### **Compliance History**

Ragiolated Entity: RM 198564810 RAMON PROPERTY CR 4621 Classification: Site Reting:  ID Number(s): MUNICIPAL SOLID WASTE NON ID NUMBER South after of County Rosed 4621, approximately 400 yards east of Profit Laveza, northwest of County Rosed 4521, and 4521, east of Profit Laveza, northwest of County Rosed 4521, and 4521, east of Profit Laveza, northwest northwes	Customer/Respondent/Owner-Operator:	CN603376351	RAMON, ROGELIO		Classification:	Rating:
Location: South Side of Country Energy Read 4521, approximately 430 year's east of the intersection of Country Read 4521, approximately 430 year's east of the intersection of Country Read 452 and 4521, east of POT Larea, northwest of Palacies, 19 Agency Decision Requiring Compliance History:  REGION 14 - CORPUS CHRISTI Data Compliance Requiring Compliance History: Enforcement July 62, 2008 Agency Decision Requiring Compliance History: Enforcement TOER Staff Member to Contact for Additional Information Regarding this Compliance History Name: Clinton Sims Phone: (512) 239-6933  Site Compliance History Components  1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No 3. If Yes, who is the current owner? Air Yes, who sis the current owner? NA 4. If Yes, who washvere the prior owner(s)? NA  Components (Multimedia) for the Site: NA Components (Multimedia) for the Site: NA B. Any oriminal convictions of the state of Texas and the federal government. NA C. Circonic excessive emissions events. NA D. The approval dates of investigations, (CCEDS Inv. Track. No.) NA C. Written notices of violations (NOV), (CCEDS Inv. Track. No.) NA C. Type of environmental audits. NA C. Type of environmental management systems (EMSs). NA C. Participation in a voluntary collution reduction program. NA L. Early, compliance. NA L. Early, compliance. NA Early compliance. Endower of Search Sacration of Country of Search Sacration of Search Sacration of Search Sacration Search Sacratio	Regulated Entity:	RN105554810	RAMON PROPERTY (	CR 4521	Classification:	•
South able of Courty Road AS21, approximately 40 year's east of the Intersection of Courty, Texa 4521, approximately 40 year's east of the Intersection of Courty, Texa 4521, east of Port Lavaca, northwest of Palacios, Jackson Courty, Texas    TCEQ Region:   REGION 14 - CORPUS CHRISTI	ID Number(s):	MUNICIPAL SOL	ID WASTE NON	ID NUMBER		1014 (554 (00 (0
Date Compilance History Prepared:  Agency Decision Requiring Compilance History:  Definition Sims    Phone   P	Location:	South side of Cou	unty Road 4521, approximection of County Road 452	ately 430 yards 2 and 4521, east of		UNA455140043
Agency Decision Requiring Compilance History: Enforcement July 02, 2003 to July 02, 2008 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Clinton Sims Phone: (512) 239-6933  Site Compliance History Components  1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No  3. If Yes, who is the current owner? 4. If Yes, who was/were the prior owner(s)?  5. When did the change(s) in ownership occur?  6. When did the change(s) in ownership occur?  7. A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  8. N/A  8. Any oriminal convictions of the state of Texas and the federal government.  8. N/A  9. The approval dates of investigations. (CCEDS Inv. Track. No.)  8. N/A  9. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  8. N/A  9. Environmental audits.  8. N/A  9. In Participation in a voluntary pollution reduction program.  8. N/A  9. Voluntary on-site compliance assessment dates.  8. N/A  9. Early compliance.  8. N/A  9. Early compliance.  8. N/A  9. Early compliance.  8. N/A	TCEQ Region:	REGION 14 - CO	RPUS CHRISTI			
Compliance Period: July 02, 2003 to July 02, 2008  TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Clinton Sims Phone: (512) 239-5933  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?  4. If Yes, who is the current owner?  5. When did the change(s) in ownership occur?  6. Whan did the change(s) in ownership occur?  7. Whan did the change(s) in ownership occur?  8. A Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  8. Any criminal convictions of the state of Texas and the federal government.  8. N/A  9. Any criminal convictions of the state of Texas and the federal government.  8. N/A  9. The approval dates of investigations. (CCEDS Inv. Track. No.)  8. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  8. Any criminal convictions of the state of Texas and the federal government.  8. N/A  9. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  8. Any criminal convictions of the state of Texas and the federal government.  8. N/A  9. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  8. Any criminal convictions of the state of Texas and the federal government.  8. N/A  9. Usundary on-site compliance assessment dates.  8. N/A  9. Voluntary on-site compliance assessment dates.  8. N/A  9. Early compliance.  8. N/A  9. Early compliance.  8. N/A	Date Compliance History Prepared:	July 02, 2008				
TCEQ Staff Member to Contact for Additional Information Regarding this Compiliance History Name: Clinton Sims Phone: (512) 239-8933  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  H. Voluntary on-site compliance assessment dates.  N/A  I. Participation in a voluntary pollution reduction program.  N/A  J. Early compliance.  N/A	Agency Decision Requiring Compliance History:	Enforcement				
Name: Clinton Sims Phone: (512) 238-6933    Site Compliance History Components	Compliance Period:	July 02, 2003 to J	uly 02, 2008			
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  N/A  1. If Yes, who is the current owner?  4. If Yes, who was/were the prior owner(s)?  N/A  5. When did the change(s) in ownership occur?  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  J. Participation in a voluntary pollution reduction program.  N/A  J. Early, compliance.  N/A	TCEQ Staff Member to Contact for Additional Info	ormation Regarding	this Compliance History			
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### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING ROGELIO RAMON RN105554810

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

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## AGREED ORDER DOCKET NO. 2008-1197-MLM-E

#### I. JURISDICTION AND STIPULATIONS

At its	agenda, the Texas Commission on Environmental Quality ("the
Commission" or "	CEQ") considered this agreement of the parties, resolving an enforcement action
	amon ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs.
361 and 382 and	TEX WATER CODE ch. 7. The Executive Director of the TCEO, through the
Enforcement Divisi	n, and the Respondent appear before the Commission and together stipulate that:
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- 1. The Respondent owns and operates an unauthorized disposal site on the south side of County Road 4521, approximately 430 yards east of the Intersection of County Road 452 and County Road 4521 east of Port Lavaca, northwest of Palacios, Jackson County, Texas (the "Site").
- 2. The Site consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12) and involves or involved the management of municipal 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 24, 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.

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6. An administrative penalty in the amount of Three Thousand Seven Hundred Forty Dollars (\$3,740) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Sixty-Three Dollars (\$163) of the administrative penalty and Seven Hundred Forty-Eight Dollars (\$748) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Two Thousand Eight Hundred Twenty-Nine Dollars (\$2,829) of the administrative penalty shall be payable in 23 monthly payments of One Hundred Twenty-Three Dollars (\$123) 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 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.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Site, the Respondent is alleged to have:

1. Failed to comply with the general prohibition on outdoor burning, in violation of 30 TEX. ADMIN. CODE § 111.201 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 18, 2008. Specifically, evidence of the outdoor burning of approximately 125 cubic yards of solid waste (trees, limbs, construction materials, insulation, corrugated metal, a sewing machine, electrical wiring, metal piping, a mobile home floor with the

Rogelio Ramon DOCKET NO. 2008-1197-MLM-E Page 3

axles and rims, flat bed trailers, glass, and treated lumber) was observed at the Site during investigation conducted on April 18, 2008.

2. Failed to prevent the unauthorized disposal of municipal solid waste, in violation of 30 TEX. ADMIN. CODE § 330.15(c), as documented during an investigation conducted on April 18, 2008. Specifically, the Respondent allowed approximately 45 cubic yards of municipal solid waste (including clothes, household items, treated lumber, insulation, construction materials, appliances, empty propane cylinders, broken windows, unusable tires, a piano, household trash, and burned metal) to be disposed of at the Site.

#### 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: Rogelio Ramon, Docket No. 2008-1197-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. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, cease all unauthorized burning of waste at the Site;
  - b. Immediately upon the effective date of this Agreed Order, cease disposing of any additional waste at the Site;
  - c. Within 30 days after the effective date of this Agreed Order, remove all municipal solid waste and dispose of the waste at an authorized facility; and
  - d. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.c.

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"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 Corpus Christi Regional Office Texas Commission on Environmental Quality 6300 Ocean Drive, Suite 1200 Corpus Christi, Texas 78412-5503

- 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 Site 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

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Rogelio Ramon DOCKET NO. 2008-1197-MLM-E Page 5

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.

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### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	10-24-08 1/23/2009 Date
attached Agreed Order on behalf of the entit	the attached Agreed Order. I am authorized to agree to the cy indicated below my signature, and I do agree to the terms acknowledge that the TCEQ, in accepting payment for the representation.
<ul> <li>timely pay the penalty amount, may result in:</li> <li>A negative impact on compliance his</li> <li>Greater scrutiny of any permit applic.</li> <li>Referral of this case to the Attorney penalties, and/or attorney fees, or to a Increased penalties in any future enformation.</li> <li>Automatic referral to the Attorney General Screen and Screen</li></ul>	tory; ations submitted; General's Office for contempt, injunctive relief, additional a collection agency; breement actions; eneral's Office of any future enforcement actions; and
Signature  Rogelic Ramon  Name (Printed or typed)  Authorized Representative of Rogelio Ramon	Date  Daver  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.