

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-1534-SLG-E **TCEQ ID:** RN102984226 **CASE NO.:** 36567
RESPONDENT NAME: Wayne Dobbins dba 3D Vacuum Service

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input checked="" 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: 3D Vacuum Service, 1547 Farm-to-Market Road 1686, Victoria, Victoria County</p> <p>TYPE OF OPERATION: Sludge transporter business</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 unauthorized disposal of septic and grease trap waste . 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 March 16, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Evette Alvarado, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2573; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Wayne Dobbins, Owner, 3D Vacuum Service, 1547 FM 1686, Victoria, Texas 77905 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 10, 2008</p> <p>Date of NOV/NOE Relating to this Case: September 8, 2008 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WATER</p> <p>1) Failure to deposit waste at a facility designated by or acceptable to the generator where the owner or operator of the facility agrees to receive the wastes and the (Texas) facility has written authorization by permit or registration issued by the Executive Director to receive wastes [30 TEX. ADMIN. CODE § 312.143 and TEX. WATER CODE § 26.121(a)(1)].</p> <p>2) Failure to maintain complete records of each individual collection and deposit [30 TEX. ADMIN. CODE § 312.145].</p>	<p>Total Assessed: \$3,080</p> <p>Total Deferred: \$616 <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: \$2,464</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease land application of sewage at the unauthorized site until such time as a registration or permit is issued by the TCEQ;</p> <p>b. Within 15 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 Provision a.;</p> <p>c. Within 30 days after the effective date of this Agreed Order, transport any waste remaining at the unauthorized site to a facility authorized to receive such waste;</p> <p>d. Within 30 days of the effective date of this Agreed Order, compile and begin maintaining complete trip ticket records; and</p> <p>e. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions c. and d.</p>

Additional ID No(s): SLG 22343



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	15-Sep-2008	Screening	19-Sep-2008	EPA Due	
	PCW	20-Oct-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Wayne Dobbins dba 3D Vacuum Service
Reg. Ent. Ref. No.	RN102984226
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36567	No. of Violations	2
Docket No.	2008-1534-SLG-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Evette Alvarado
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$3,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0.0% Enhancement Subtotals 2, 3, & 7 \$0

Notes

No adjustment to penalty amount due to Average Performer classification.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts	\$99
Approx. Cost of Compliance	\$450

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$3,000

OTHER FACTORS AS JUSTICE MAY REQUIRE 2.7% Adjustment \$80

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement recommended for the recovery of avoided cost of compliance.

Final Penalty Amount \$3,080

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$3,080

DEFERRAL 20.0% Reduction Adjustment -\$616

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 \$2,464

Screening Date 19-Sep-2008 **Docket No.** 2008-1534-SLG-E
Respondent Wayne Dobbins dba 3D Vacuum Service
Case ID No. 36567
Reg. Ent. Reference No. RN102984226
Media [Statute] Water Quality
Enf. Coordinator Evette Alvarado

PCW

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

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

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

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

No adjustment to penalty amount due to Average Performer classification.

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

Screening Date 19-Sep-2008	Docket No. 2008-1534-SLG-E	PCW												
Respondent Wayne Dobbins dba 3D Vacuum Service		<small>Policy Revision 2 (September 2002)</small>												
Case ID No. 36567		<small>PCW Revision June 12, 2008</small>												
Reg. Ent. Reference No. RN102984226														
Media [Statute] Water Quality														
Enf. Coordinator Evette Alvarado														
Violation Number <input type="text" value="1"/>														
Rule Cite(s)	30 Tex. Admin. Code § 312.143 and Tex Water Code § 26.121(a)(1)													
Violation Description	Failed to deposit waste at a facility designated by or acceptable to the generator where the owner or operator of the facility agrees to receive the wastes and the (Texas) facility has written authorization by permit or registration issued by the Executive Director to receive wastes. Specifically, septic sludge waste, in an amount less than 1000 gallons, was deposited on the ground adjacent to 1547 Farm-to-Market Road 1686 in Victoria County, on property owned by the Respondent.													
	Base Penalty	<input type="text" value="\$10,000"/>												
>> Environmental, Property and Human Health Matrix														
OR	Harm													
	Release Major Moderate Minor													
	Actual	<input type="text" value="x"/>												
	Potential	<input type="text"/>												
	Percent	<input type="text" value="10%"/>												
>>Programmatic Matrix														
	Falsification Major Moderate Minor													
	<input type="text"/>	Percent <input type="text" value="0%"/>												
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants as a result of this violation.													
	Adjustment	<input type="text" value="\$9,000"/>												
		<input type="text" value="\$1,000"/>												
Violation Events														
	Number of Violation Events <input type="text" value="2"/>	Number of violation days <input type="text" value="162"/>												
<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td style="text-align: center;"><input checked="" type="checkbox"/></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"/>	monthly	<input type="text"/>	quarterly	<input checked="" type="checkbox"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	Violation Base Penalty <input type="text" value="\$2,000"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input checked="" type="checkbox"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input type="text"/>													
	Two quarterly events are recommended from the April 10, 2008, investigation date to the September 19, 2008, screening date.													
Good Faith Efforts to Comply														
	0.0% Reduction	<input type="text" value="\$0"/>												
	<small>Before NOV NOV to EDPRP/Settlement Offer</small>													
	Extraordinary	<input type="text"/>												
	Ordinary	<input type="text"/>												
	N/A	<input checked="" type="checkbox"/> (mark with x)												
Notes	The Respondent does not meet the good faith criteria for this violation.													
	Violation Subtotal	<input type="text" value="\$2,000"/>												
Economic Benefit (EB) for this violation														
	Estimated EB Amount <input type="text" value="\$84"/>	Violation Final Penalty Total <input type="text" value="\$2,053"/>												
	Statutory Limit Test													
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,053"/>													

Economic Benefit Worksheet

Respondent Wayne Dobbins dba 3D Vacuum Service
Case ID No. 36567
Reg. Ent. Reference No. RN102984226
Media Water Quality
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
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	\$75	10-Apr-2008	18-Mar-2009	0.94	\$4	n/a	\$4
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Cost per 1,000 gallons of septic sludge charged by the authorized receiving facility (Guadalupe-Brazos River Authority). The Respondent's sludge transportation truck has a capacity of 1,000 gallons. Date required is date of investigation and final date is expected 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]	\$75	10-Apr-2008	19-Sep-2008	1.36	\$5	\$75	\$80
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs Cost per 1,000 gallons of septic sludge charged by the authorized receiving facility (Guadalupe-Brazos River Authority). The Respondent's sludge transportation truck has a capacity of 1,000 gallons. Date required is date of investigation and final date is the screening date.

Approx. Cost of Compliance \$150

TOTAL \$84

Screening Date 19-Sep-2008		Docket No. 2008-1534-SLG-E		PCW
Respondent Wayne Dobbins dba 3D Vacuum Service				<small>Policy Revision 2 (September 2002)</small>
Case ID No. 36567				<small>PCW Revision June 12, 2008</small>
Reg. Ent. Reference No. RN102984226				
Media [Statute] Water Quality				
Enf. Coordinator Evette Alvarado				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 312.145"/>		
Violation Description		Failed to maintain complete records of each individual collection and deposit. Specifically, for at least half of the trips listed on the disposal facility records, the Respondent did not have corresponding trip ticket records. Also, for less than half of the trip tickets reviewed, the Respondent did not obtain the generator's signature.		
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="At least 70% 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"/>		Number of violation days <input type="text" value="162"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		
				Violation Base Penalty <input type="text" value="\$1,000"/>
<input type="text" value="One single event is recommended based on documentation of the violation during the investigation on April 10, 2008."/>				
Good Faith Efforts to Comply		<input type="text" value="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	<input checked="" type="checkbox"/>	<input type="text"/>	<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="\$15"/>		Violation Final Penalty Total		<input type="text" value="\$1,027"/>
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$1,027"/>

Economic Benefit Worksheet

Respondent Wayne Dobbins dba 3D Vacuum Service
Case ID No. 36567
Reg. Ent. Reference No. RN102984226
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$300	10-Apr-2008	17-Apr-2009	1.02	\$15	n/a	\$15
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

Approximate cost to develop a recordkeeping system (file cabinets, folders, etc.) that ensures required records are completely maintained and readily available for viewing. Required date is date of investigation. Final date is expected 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

\$300

TOTAL

\$15

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601526932 Wayne Dobbins DBA 3D Vacuum Service	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN102984226 3D VACUUM SERVICE	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	SLUDGE	REGISTRATION	22343
Location:	1547 FM 1686, VICTORIA, TX, 77905	Rating Date: 9/1/2008 Repeat Violator: NO	
TCEQ Region:	REGION 14 - CORPUS CHRISTI		
Date Compliance History Prepared:	October 08, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	October 8, 2003 to October 8, 2008		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Evette Alvarado	Phone:	239 - 2573

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.)
N/A
 - 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

Mathematical Analysis

The first part of the course deals with the theory of functions of a real variable. It begins with the definition of a function and its properties, such as continuity and differentiability. The concept of a limit is introduced, and the epsilon-delta definition is used to prove theorems about limits. The derivative is defined as the limit of the difference quotient, and the rules of differentiation are derived. The integral is defined as the limit of a Riemann sum, and the Fundamental Theorem of Calculus is proved. The course also covers the theory of series, including the convergence of sequences and series of numbers and functions.

Integration

The second part of the course deals with the theory of integration. It begins with the definition of the Riemann integral and the properties of the integral. The Fundamental Theorem of Calculus is proved, and the techniques of integration are discussed. The course also covers the theory of multiple integrals, including the double and triple integrals. The change of variables formula is proved, and the applications of multiple integrals are discussed.

Differential Equations

The third part of the course deals with the theory of differential equations. It begins with the definition of a differential equation and the methods of solution. The course covers the theory of ordinary differential equations, including the existence and uniqueness theorems. The theory of partial differential equations is also discussed, including the wave equation and the heat equation. The applications of differential equations are discussed, including the motion of a particle and the growth of a population.

Vector Calculus

The fourth part of the course deals with the theory of vector calculus. It begins with the definition of a vector field and the operations of vector calculus. The course covers the theory of line integrals, surface integrals, and volume integrals. The Gauss theorem, Stokes theorem, and Green theorem are proved. The applications of vector calculus are discussed, including the calculation of the work done by a force field and the flux of a vector field through a surface.

Complex Analysis

The fifth part of the course deals with the theory of complex analysis. It begins with the definition of a complex function and the properties of analytic functions. The course covers the theory of conformal mappings, the Cauchy integral, and the residue theorem. The applications of complex analysis are discussed, including the evaluation of real integrals and the solution of differential equations.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WAYNE DOBBINS DBA 3D VACUUM
SERVICE
RN102984226

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-1534-SLG-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 Wayne Dobbins dba 3D Vacuum Service ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. 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 sludge transporter business at 1547 Farm-to-Market Road 1686 in Victoria, Victoria County, Texas (the "Site").
2. The Respondent has discharged sewage into or adjacent to water in the state, in violation of TEX. WATER CODE ch. 26.
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 September 13, 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 Three Thousand Eighty Dollars (\$3,080) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Four Hundred Sixty-Four Dollars (\$2,464) of the

administrative penalty and Six Hundred Sixteen Dollars (\$616) 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.

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 deposit waste at a facility designated by or acceptable to the generator where the owner or operator of the facility agrees to receive the wastes and the (Texas) facility has written authorization by permit or registration issued by the Executive Director to receive wastes, in violation of 30 TEX. ADMIN. CODE § 312.143 and TEX. WATER CODE § 26.121(a)(1), as documented during an investigation conducted on April 10, 2008. Specifically, septic sludge waste was deposited on the ground adjacent to the Site, on property owned by the Respondent.
2. Failed to maintain complete records of each individual collection and deposit, in violation of 30 TEX. ADMIN CODE § 312.145, as documented during an investigation conducted on April 10, 2008. Specifically, for at least half of the trips listed on the disposal facility records, the Respondent did not have corresponding trip ticket records. Additionally, for less than half of the trip tickets reviewed during the investigation, the Respondent did not obtain the generator's signature.

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: Wayne Dobbins dba 3D Vacuum Service, Docket No. 2008-1534-SLG-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 land application of sewage at the unauthorized site until such time as a registration or permit is issued by the TCEQ, in accordance with 30 TEX. ADMIN. CODE § 312.143;
 - b. Within 15 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a;
 - c. Within 30 days after the effective date of this Agreed Order, transport any waste remaining at the unauthorized site to a facility authorized to receive such waste;
 - d. Within 30 days of the effective date of this Agreed Order, compile and begin maintaining complete trip ticket records, in accordance with 30 TEX. ADMIN. CODE § 312.145; and
 - e. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. and 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible

for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water 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.
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.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Jordan
For the Executive Director

2/16/2009
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.

Wayne Dobb
Signature

12/19/08
Date

WAYNE DOBBINS
Name (Printed or typed)
Authorized Representative of
Wayne Dobbins dba 3D Vacuum Service

Owner
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.

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