

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-1223-MSW-E TCEQ ID: RN105225718 CASE NO.: 34345
RESPONDENT NAME: VICTOR C. LOPEZ

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 type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 6607 Farm-to-Market Road 1346, San Antonio, Bexar County</p> <p>TYPE OF OPERATION: Private Property</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: One complaint was received, alleging that the Respondent was accepting waste onto the property. There is no record of additional pending enforcement actions regarding this facility.</p> <p>INTERESTED PARTIES: The complainant has not expressed a desire to protest this action or speak at agenda. No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired June 15, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="padding-left: 20px;">TCEQ Attorney: Mr. Rudy Calderon, Litigation Division, MC 175, (512) 239-0205 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019</p> <p style="padding-left: 20px;">TCEQ Enforcement Coordinator: Mr. Clint Sims, Waste Enforcement Section, MC 169, (512) 239-6933</p> <p style="padding-left: 20px;">TCEQ Regional Contact: Mr. Henry Karnei, San Antonio Regional Office, MC R-13, (210) 403-4010</p> <p style="padding-left: 20px;">Respondent: Mr. Victor C. Lopez, 6607 Farm-to-Market Road 1346, San Antonio, Texas 78220</p> <p style="padding-left: 20px;">Respondent's Attorney: Mr. Miguel Ortiz, Ortiz Law Office, 909 N.E. Loop 410, Suite 715, San Antonio, Texas 78209.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: March 16, 2007</p> <p>Date of Investigation Relating to this Case: April 11, 2007</p> <p>Date of NOE Relating to this Case: August 26, 2007</p> <p>Background Facts: The EDPRP was filed April 25, 2008. The Respondent signed the agreed order March 10, 2009.</p> <p>Current Compliance Status: Not yet in compliance.</p> <p>MSW: Failed to prevent the unauthorized disposal of municipal solid waste at an unauthorized disposal site [30 TEX. ADMIN. CODE § 330.15(c)].</p>	<p>Total Assessed: \$2,000</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid / Due to General Revenue: \$100 / \$1900</p> <p>The Respondent paid \$100 of the administrative penalty. The remaining amount of \$1,900 shall be payable in 19 monthly payments of \$100 each.</p> <p>Site Compliance History Classification <input type="checkbox"/> Poor <input checked="" type="checkbox"/> Average <input type="checkbox"/> High</p> <p>Person Compliance History Classification <input type="checkbox"/> Poor <input checked="" type="checkbox"/> Average <input type="checkbox"/> High</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 ceased accepting waste at the site and disposed of all waste from the site at an authorized facility.</p>



Penalty Calculation Worksheet (PCW)

DATES	Assigned	18-Jun-2007	Screening	25-Jul-2007	EPA Due	
	PCW	6-Dec-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Victor C. Lopez		
Reg. Ent. Ref. No.	RN105225718		
Facility/Site Region	13-San Antonio	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34345	No. of Violations	1
Docket No.	2007-1223-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	Marlin Bullard
Multi-Media		EC's Team	EnforcementTeam 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section	
TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1 <input type="text" value="\$2,000"/>

ADJUSTMENTS (+/-) TO SUBTOTAL 1	
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>	
Compliance History	Subtotals 2, 3, & 7 <input type="text" value="\$0"/>

Notes: The Respondent has no prior orders or NOVs at this site within the past five years.

Culpability	No	Subtotal 4 <input type="text" value="\$0"/>
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	Subtotal 5 <input type="text" value="\$0"/>
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Total EB Amounts	\$129	Subtotal 6 <input type="text" value="\$0"/>
Approx. Cost of Compliance	\$2,600	<small>*Capped at the Total EB \$ Amount</small>

SUM OF SUBTOTALS 1-7	Final Subtotal <input type="text" value="\$2,000"/>
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment <input type="text" value="\$0"/>
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	<input type="text" value="\$2,000"/>
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty <input type="text" value="\$2,000"/>
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DEFERRAL	0%	Adjustment <input type="text" value="\$0"/>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	<input type="text" value="\$2,000"/>
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Screening Date 25-Jul-2007

Docket No. 2007-1223-MSW-E

PCW

Respondent Victor C. Lopez

Policy Revision 2 (September 2002)

Case ID No. 34345

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN105225718

Media [Statute] Municipal Solid Waste

Enf. Coordinator Marlin Bullard

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has no prior orders or NOVs at this site within the past five years.

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

<p>Screening Date 25-Jul-2007</p> <p>Respondent Victor C. Lopez</p> <p>Case ID No. 34345</p> <p>Reg. Ent. Reference No. RN105225718</p> <p>Media [Statute] Municipal Solid Waste</p> <p>Enf. Coordinator Marlin Bullard</p> <p>Violation Number <input type="text" value="1"/></p> <p>Rule Cite(s) <input type="text" value="30 Tex. Admin. Code § 330.15(c)"/></p> <p>Violation Description <input type="text" value="Failed to prevent the unauthorized disposal of municipal solid waste at an unauthorized disposal site, as documented during an investigation conducted on April 11, 2007. Specifically, the respondent disposed of approximately 200 cubic yards of municipal solid waste including construction and demolition debris, tires, furniture, and other wastes at the unauthorized disposal site."/></p>	<p align="right">Docket No. 2007-1223-MSW-E</p> <p align="right">PCW</p> <p align="right"><small>Policy Revision 2 (September 2002)</small></p> <p align="right"><small>PCW Revision June 26, 2007</small></p>																									
Base Penalty <input type="text" value="\$10,000"/>																										
>> Environmental, Property and Human Health Matrix																										
<p>OR</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td align="center" colspan="3">Harm</td> <td></td> </tr> <tr> <td></td> <td align="center">Major</td> <td align="center">Moderate</td> <td align="center">Minor</td> <td></td> </tr> <tr> <td>Release</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td align="center">x</td> <td></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> </table> <p align="right">Percent <input type="text" value="10%"/></p>		Harm					Major	Moderate	Minor		Release					Actual	<input type="text"/>	<input type="text"/>	x		Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
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Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>																							
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<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td align="center">Falsification</td> <td align="center">Major</td> <td align="center">Moderate</td> <td align="center">Minor</td> <td></td> </tr> <tr> <td></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> </table> <p align="right">Percent <input type="text" value="0%"/></p> <p>Matrix Notes <input type="text" value="Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors."/></p>		Falsification	Major	Moderate	Minor			<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>															
	Falsification	Major	Moderate	Minor																						
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																						
Adjustment <input type="text" value="\$9,000"/>																										
<input type="text" value="\$1,000"/>																										
Violation Events																										
<p>Number of Violation Events <input type="text" value="2"/></p> <p>Number of violation days <input type="text" value="105"/></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="5" style="vertical-align: middle;"><small>mark only one with an x</small></td> <td>daily</td> <td><input type="text"/></td> </tr> <tr> <td>monthly</td> <td><input type="text"/></td> </tr> <tr> <td>quarterly</td> <td align="center">x</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> <p align="right">Violation Base Penalty <input type="text" value="\$2,000"/></p> <p><input type="text" value="Two quarterly events are recommended from the April 11, 2007 investigation date to the July 25, 2007 screening date."/></p>	<small>mark only one with an x</small>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	x	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>													
<small>mark only one with an x</small>		daily	<input type="text"/>																							
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		quarterly	x																							
		semiannual	<input type="text"/>																							
	annual	<input type="text"/>																								
single event	<input type="text"/>																									
Economic Benefit (EB) for this violation																										
<p>Estimated EB Amount <input type="text" value="\$129"/></p>	<p>Statutory Limit Test</p> <p>Violation Final Penalty Total <input type="text" value="\$2,000"/></p> <p>This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,000"/></p>																									

Economic Benefit Worksheet

Respondent Victor C. Lopez
 Case ID No. 34345
 Reg. Ent. Reference No. RN105225718
 Media Municipal Solid 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$2,600	11-Apr-2007	8-Apr-2008	1.0	\$129	n/a	\$129
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to dispose of approximately 200 cubic yards of municipal solid waste at an authorized facility. The Date Required is the date of the investigation and the Final Date is the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance TOTAL

\$2,600	\$129
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Compliance History

Customer/Respondent/Owner-Operator:	CN603189275 LOPEZ, VICTOR C	Classification:	Rating:
Regulated Entity:	RN105225718 6607 FM 1346	Classification:	Site Rating:
<hr/>			
ID Number(s):			
<hr/>			
Location:	6607 FM 1346, SAN ANTONIO, TX, 78220		
<hr/>			
TCEQ Region:	REGION 13 - SAN ANTONIO		
<hr/>			
Date Compliance History Prepared:	July 13, 2007		
<hr/>			
Agency Decision Requiring Compliance History:	Enforcement		
<hr/>			
Compliance Period:	July 13, 2002 to July 13, 2007		
<hr/>			

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

Name: Marlin Bullard Phone: (254) 761-3038

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.)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
VICTOR C. LOPEZ,
RN105225718

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1223-MSW-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Victor C. Lopez ("Mr. Lopez") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, Mr. Lopez, represented by Miguel Ortiz of the Ortiz Law Office, P.C., appear before the Commission and together stipulate that:

1. Mr. Lopez owns property located at 6607 Farm-to-Market Road 1346 in San Antonio, Bexar County, Texas (the "Site")
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and TCEQ rules.
3. The Commission and Mr. Lopez agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Lopez is subject to the Commission's jurisdiction.
4. Mr. Lopez received notice of the violations alleged in Section II ("Allegations") on or about August 31, 2007
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Lopez of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of two thousand dollars (\$2,000.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Lopez paid one hundred dollars (\$100.00) of the administrative penalty. The remaining amount of one thousand nine hundred dollars (\$1,900.00) of the administrative penalty shall be payable in 19 monthly payments of one hundred dollars (\$100.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Mr. Lopez fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his 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, Mr. Lopez's failure to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Lopez to timely and satisfactorily comply with all of 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 Mr. Lopez 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 Mr. Lopez implemented the following corrective measures at the Site in response to this enforcement action:
 - a. Mr. Lopez ceased accepting and/or disposing of any additional waste at the Site; and
 - b. Mr. Lopez removed all waste from the Site and disposed of it at an authorized 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 Mr. Lopez 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

During an investigation conducted on April 11, 2007, a TCEQ San Antonio Regional Office investigator documented that Mr. Lopez violated 30 TEX. ADMIN. CODE § 330.15(c) by failing to prevent the unauthorized disposal of municipal solid waste at an unauthorized disposal site. Specifically, Mr. Lopez disposed of approximately 200 cubic yards of municipal solid waste including construction and demolition debris, tires, furniture, and other wastes at the Site.

III. DENIALS

Mr. Lopez generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Lopez pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Lopez'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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Victor C. Lopez, Docket No. 2007-1223-MSW-E " to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon Mr. Lopez 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.
3. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Lopez 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.
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be

transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

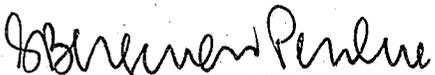
5. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Mr. Lopez, or three days after the date on which the Commission mails notice of the Order to Mr. Lopez, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Victor C. Lopez
Docket No. 2007-1223-MSW-E
Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

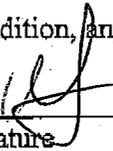
5/11/2009
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Mr. Lopez's compliance history;
- Greater scrutiny of any permit applications submitted by Mr. Lopez;
- 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 against Mr. Lopez;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Mr. Lopez; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

3/10/09
Date

Victor C. Lopez
Victor C. Lopez

Owner
Title