

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2010-0558-MLM-E **TCEQ ID:** RN100629716 **CASE NO.:** 39475

**RESPONDENT NAME:** THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input checked="" type="checkbox"/> USED OIL
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Hutto Garbage Service, 962 Farm-to-Market Road 229, Crockett, Houston County</p> <p><b>TYPE OF OPERATION:</b> Municipal solid waste ("MSW") transfer station</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received on January 27, 2010, alleging that diesel was being spilled on the ground. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on October 4, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Judy Kluge, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5825; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Randy Platt, President, THOMAS &amp; DORIS HUTTO, INC., P.O. Box 2949, Kilgore, Texas 75663-2949  Ms. Marcie Platt, Secretary/Treasurer, THOMAS &amp; DORIS HUTTO, INC., P.O. Box 2949, Kilgore, Texas 75663-2949  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> January 27, 2010</p> <p><b>Date of Investigation Relating to this Case:</b> March 3, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> April 1, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation.</p> <p><b>WASTE</b></p> <p>1) Failed to restrict, after a significant work stoppage due to a mechanical breakdown, receiving and accumulating solid waste in quantities that could not be processed in a timely manner, and that created odors, insect breeding, or harborage of other vectors. Specifically, the Respondent continued accepting waste after the mechanical breakdown on February 26, 2010, when it was unable to process it. The accumulated waste had begun to harbor vectors such as flies and had an odor [30 TEX. ADMIN. CODE § 330.241(a) and (b) and MSW Registration No. 40033, Site Operating Plan ("SOP") Section 21, Page IV-28].</p> <p>2) Failed to prevent the unloading of waste in an unauthorized area of the MSW facility and to ensure that any waste deposited in an unauthorized area is immediately removed or properly disposed of, and any prohibited waste is returned to the transporter or generator of the waste. Specifically, approximately 160 cubic yards of MSW was piled on the concrete slab instead of in roll-off containers. Also, a dead animal, which is a prohibited waste according to the SOP, was observed on the concrete slab [30 TEX. ADMIN. CODE § 330.225(b) and (c) and MSW Registration No. 40033, SOP Section 13.2, Page IV-19 and</p>	<p><b>Total Assessed:</b> \$14,475</p> <p><b>Total Deferred:</b> \$2,895  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$380 (remaining \$11,200 due in 35 monthly payments of \$320 each)</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on March 5, 2010, the Beaumont Regional Office verified documentation that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Implemented procedures to restrict receipt of waste during mechanical breakdown;</p> <p>b. Placed the waste on the concrete pad in roll-off containers, properly processed it so that it was no longer capable of creating a nuisance; and transported it to an authorized facility;</p> <p>c. Sent the dead animal for disposal to an authorized facility;</p> <p>d. Began properly operating and maintaining the stationary compactor;</p> <p>e. Began properly controlling the windblown material;</p> <p>f. Removed the scrap tires and disposed of them at an authorized facility;</p> <p>g. Mowed the grass in the designated area for recyclable material and began properly maintaining it;</p> <p>h. Implemented procedures to prevent wastewater from interfering with or passing through the treatment facility's processes;</p> <p>i. Graded the area where the ponded stagnant water was previously observed;</p> <p>j. Began properly treating, collecting, and disposing of wash water in an authorized manner;</p> <p>k. Began maintaining all required records;</p> <p>l. Began conducting monthly safety and awareness meetings;</p>

DOCKET NO.: 2010-0558-MLM-E

<p>Section 4.2 Page IV-6].</p> <p>3) Failed to operate and maintain the stationary compactor to prevent a public nuisance through material loss and spillage. Specifically, waste was overflowing from the compactor and the roll-off containers [30 TEX. ADMIN. CODE § 330.215(1) and MSW Registration No. 40033, SOP Section 8, Page IV-11].</p> <p>4) Failed to properly control windblown material and litter throughout the storage area and to collect spilled waste materials at least once per day. Waste was observed on the ground both on-site and off-site and there was not a portable fence on-site to help reduce windblown waste [30 TEX. ADMIN. CODE §§ 330.233(a)(1), and 330.235 and MSW Registration No. 40033, SOP Section 17, Page IV-24 and Section 18, Page IV-25].</p> <p>5) Failed to store solid waste in a manner that does not constitute a fire, safety, or health hazard or provide food or harborage for animals and vectors and to provide an on-site storage area for recyclable materials. Specifically, multiple scrap tires were observed on the ground [30 Tex. ADMIN. CODE §§ 328.56(d)(4) and 330.205(b) and MSW Registration No. 40033, SOP Section 7, Page IV-10 and Section 8, Page IV-11].</p> <p>6) Failed to maintain an area for source-separated or recyclable material that is separate from the transfer station process area. Specifically, the designated area for recyclable material was not being maintained and grass was observed to be growing around a pile of concrete [30 Tex. ADMIN. CODE § 330.209(a) and (b) and MSW Registration No. 40033, SOP Section 7, Page IV-10].</p> <p>7) Failed to prevent wastewaters from interfering with or passing through the waste treatment facility's processes or operations. Specifically, the lids on the waste treatment system were removed from the tanks, water was visible at their surfaces, and the contaminated waters were observed to be running off-site [30 TEX. ADMIN. CODE § 330.207(f)(1) and MSW Registration No. 40033, SOP Section 6, Page IV-9].</p>		<p>m. Repaired the Facility sign to include an emergency contact number and ensured that it was clear of all obstructions and can be easily viewed;</p> <p>n. Implemented all provisions of the Facility's SOP; and</p> <p>o. Excavated, abated, and remediated the oil-contaminated soil and disposed of it at an authorized facility on April 22, 2010.</p>
---	--	---

DOCKET NO.: 2010-0558-MLM-E

<p>8) Failed to prevent and control surface water drainage to minimize surface water running onto, into, and off the treatment area and off-site and failed to prevent water from ponding to avoid becoming a nuisance. Specifically, contaminated water was allowed to run off and pond due to the drainage system being clogged by waste [30 TEX. ADMIN. CODE § 330.227 and MSW Registration No. 40033, SOP Section 6, Page IV-9].</p> <p>9) Failed to store solid waste in odor-retaining containers and vessels, and to take appropriate odor control measures and failed to conduct cleaning and maintenance of mobile waste processing unit equipment each day of operation. Specifically, flies were observed and an odor was detected [30 TEX. ADMIN. CODE § 330.245(c), (f), (i), and (k) and MSW Registration No. 40033, SOP Section 22, Page IV-29].</p> <p>10) Failed to wash down the working surface at least two times per week and to properly treat, collect, and dispose of the wash waters in an authorized manner. Specifically, the wastewater treatment system was not in operation at the time of the investigation and the Respondent was not properly treating, collecting, and disposing of wash waters in an authorized manner [30 TEX. ADMIN. CODE § 330.243(a) and MSW Registration No. 40033, Section 6, Page IV-9].</p> <p>11) Failed to maintain all required records. Specifically, employee training records and a copy of the SOP was not available for review [30 TEX. ADMIN. CODE § 330.219(a) and (b) and MSW Permit No. 40033, SOP Section 10, Page IV-13].</p> <p>12) Failed to train employees in a fire protection plan and appropriate sections of the health and safety plan. Specifically, monthly safety and awareness meetings were not being conducted [30 TEX. ADMIN. CODE §§ 330.221(c) and 330.247 and MSW Registration No. 40033, SOP Section 24, Page IV-31].</p> <p>13) Failed to maintain and list all required information on the facility sign. Specifically, the facility's site sign did not include an emergency contact number and was partially obstructed</p>		
--	--	--

DOCKET NO.: 2010-0558-MLM-E

<p>from view at the time of the investigation [30 TEX. ADMIN. CODE § 330.231 and MSW Registration No. 40033, SOP Section 16, Page IV-23].</p> <p>14) Failed to adhere to the provisions of the permit at all times. Specifically, the Respondent was not following a significant portion of the SOP regarding the unloading of waste, conducting safety training, and observing capacity limitations [30 TEX. ADMIN. CODE §§ 330.15 and 330.215(2)].</p> <p>15) Failed to abate used oil spills and to contain the spills and contaminated water from the storage and processing areas. Specifically, approximately 50 square feet of oil-stained soil was observed near the Facility's office area [30 TEX. ADMIN. CODE §§ 324.6 and 330.227 and 40 Code of Federal Regulations § 279.22(d)].</p>		
--	--	--

Additional ID No(s): MSW Facility ID No. 40033





# Penalty Calculation Worksheet (PCW)

**TCEQ**

<b>DATES</b>	Assigned	5-Apr-2010	Screening	7-Apr-2010	EPA Due	
	PCW	17-Jun-2010				

### RESPONDENT/FACILITY INFORMATION

Respondent	THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service		
Reg. Ent. Ref. No.	RN100629716		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

### CASE INFORMATION

Enf./Case ID No.	39475	No. of Violations	1
Docket No.	2010-0558-MLM-E	Order Type	1660
Media Program(s)	Used Oil	Government/Non-Profit	No
Multi-Media	Municipal Solid Waste	Enf. Coordinator	Judy Kluge
Admin. Penalty \$ Limit Minimum	\$0	EC's Team	Enforcement Team 6
Maximum	\$2,500		

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts	\$7
Approx. Cost of Compliance	\$1,000

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

*Reduces or enhances the Final Subtotal by the indicated percentage.*

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes

**PAYABLE PENALTY**

Screening Date 7-Apr-2010

Docket No. 2010-0558-MLM-E

PCW

Respondent THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Se

Policy Revision 2 (September 2002)

Case ID No. 39475

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100629716

Media [Statute] Used Oil

Enf. Coordinator Judy Kluge

### 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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

No adjustment due to compliance history.

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

Screening Date 7-Apr-2010

Docket No. 2010-0658-MLM-E

PCW

Respondent THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

Policy Revision 2 (September 2002)

Case ID No. 39475

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100829718

Media [Statute] Used Oil

Enf. Coordinator Judy Kluge

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 324.6 and 330.227 and 40 Code of Federal Regulations § 279.22(d)

Violation Description Failed to abate used oil spills and to contain the spills and contaminated water from the storage and processing areas. Specifically, approximately 60 square feet of oil-stained soil was observed near the Facility's office area.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes The environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$2,250

\$250

Violation Events

Number of Violation Events 1 Number of violation days 35

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$250

One quarterly event is recommended based on documentation of the violation during the March 3, 2010 investigation to the April 7, 2010 screening date.

Good Faith Efforts to Comply

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

\$25

Notes The Respondent came into compliance on April 22, 2010 after the NOE dated April 1, 2010.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Estimated EB Amount \$7

Statutory Limit Test

Violation Final Penalty Total \$225

This violation Final Assessed Penalty (adjusted for limits) \$225

# Economic Benefit Worksheet

**Respondent** THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service  
**Case ID No.** 39475  
**Reg. Ent. Reference No.** RN100629716  
**Media** Used Oil  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	16

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	\$1,000	3-Mar-2010	22-Apr-2010	0.14	\$7	n/a	\$7
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and properly dispose of contaminated soil. The date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$7



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	5-Apr-2010	Screening	7-Apr-2010	EPA Due	
	PCW	17-Jun-2010				

## RESPONDENT/FACILITY INFORMATION

Respondent	THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service		
Reg. Ent. Ref. No.	RN100629716		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	39475	No. of Violations	11
Docket No.	2010-0558-MLM-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media	Used Oil	Enf. Coordinator	Judy Kluge
Admin. Penalty \$ Limit Minimum	\$0	EC's Team	Enforcement Team 6
Maximum	\$10,000		

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  **Subtotals 2, 3, & 7**

Notes

**Culpability**   **Subtotal 4**

Notes

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  **Subtotal 6**

Total EB Amounts	\$6
Approx. Cost of Compliance	\$23,360

\*Cepped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes

**PAYABLE PENALTY**

Screening Date 7-Apr-2010

Docket No. 2010-0558-MLM-E

PCW

Respondent THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Se

Policy Revision 2 (September 2002)

Case ID No. 39475

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100629716

Media [Statute] Municipal Solid Waste

Enf. Coordinator Judy Kluge

### 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 due to compliance history.

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

Screening Date 7-Apr-2010

Docket No. 2010-0558-MLM-E

PCW

Respondent THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

Policy Revision 2 (September 2002)

Case ID No. 39475

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100629716

Media [Statute] Municipal Solid Waste

Enf. Coordinator Judy Kluge

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 330.241(a) and (b) and Municipal Solid Waste ("MSW") Registration No. 40033, Site Operating Plan ("SOP") Section 21, Page IV-28

Violation Description Failed to restrict, after a significant work stoppage due to a mechanical breakdown, receiving and accumulating solid waste in quantities that could not be processed in a timely manner, and that created odors, insect breeding, or harborage of other vectors. Specifically, the Respondent continued accepting waste after the mechanical breakdown on February 26, 2010, when it was unable to process it. The accumulated waste had begun to harbor vectors such as flies and had an odor.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 2

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One monthly event is recommended based on documentation of the violation during the March 3, 2010 investigation to the March 5, 2010 compliance date.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes The Respondent came into compliance on March 5, 2010 prior to the NOE dated April 1, 2010.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,875

This violation Final Assessed Penalty (adjusted for limits) \$1,875

## Economic Benefit Worksheet

**Respondent:** THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service  
**Case ID No.:** 39475  
**Reg. Ent. Reference No.:** RN100629716  
**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
No commas or \$							

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	3-Mar-2010	6-Mar-2010	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement procedures to restrict receipt of waste and any work stoppage due to a mechanical breakdown. The date required is the date of the investigation and the final date is the date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$0

Screening Date 7-Apr-2010

Docket No. 2010-0558-MLM-E

PCW

Respondent THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

Policy Revision 2 (September 2002)

Case ID No. 39475

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100629716

Media [Statute] Municipal Solid Waste

Enf. Coordinator Judy Kluge

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 330.225(b) and (c) and MSW Registration No. 40033, SOP Section 13.2, Page IV-19 and Section 4.2 Page IV-6

Violation Description Failed to prevent the unloading of waste in an unauthorized area of the municipal solid waste ("MSW") facility and to ensure that any waste deposited in an unauthorized area is immediately removed or properly disposed of, and any prohibited waste is returned to the transporter or generator of the waste. Specifically, approximately 160 cubic yards of MSW was piled on the concrete slab instead of in a roll-off container. Also, a dead animal, which is a prohibited waste according to the SOP, was observed on the concrete slab.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed protective levels.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 2 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
single event		

Violation Base Penalty \$2,500

One monthly event is recommended based on documentation of the violation during the March 3, 2010 investigation to the March 5, 2010 compliance date.

Good Faith Efforts to Comply

	10.0% Reduction	\$250
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes The Respondent came into compliance on March 5, 2010 prior to the NOE dated April 1, 2010.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$2,250

This violation Final Assessed Penalty (adjusted for limits) \$2,250

## Economic Benefit Worksheet

**Respondent** THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service  
**Case ID No.** 39475  
**Reg. Ent. Reference No.** RN100629716  
**Media** Municipal Solid Waste  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$3,630	3-Mar-2010	5-Mar-2010	0.01	\$1	n/a	\$1
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to transport and dispose of approximately 1,100 cubic yards of municipal waste to an authorized landfill. The date required is the date of the investigation and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance

\$3,630

TOTAL

\$1

Screening Date 7-Apr-2010

Docket No. 2010-0568-MLM-E

PCW

Respondent THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

Policy Revision 2 (September 2002)

Case ID No. 39475

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100629716

Media [Statute] Municipal Solid Waste

Enf. Coordinator Judy Kluge

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 330.215(1), 330.233(a)(1), and 330.235 and MSW Registration No. 40033, SOP Section 8, Page IV-11, Section 17 Page IV-24, and Section 18, Page IV-25

Violation Description

Failed to operate and maintain the stationary compactor to prevent a public nuisance through material loss and spillage. Specifically, waste was overflowing from the compactor and the roll-off containers. Also, failed to properly control windblown material and litter throughout the storage area and to collect spilled waste materials at least once per day. Waste was observed on the ground both on-site and off-site and there was not a portable fence on-site to help reduce windblown waste.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

The environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 2

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended based on documentation of the violation during the March 3, 2010 investigation to the March 5, 2010 compliance date.

Good Faith Efforts to Comply

	25.0% Reduction	\$250
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent came into compliance on March 5, 2010 prior to the NOE dated April 1, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

## Economic Benefit Worksheet

**Respondent** THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

**Case ID No.** 39475

**Reg. Ent. Reference No.** RN100629716

**Media** Municipal Solid Waste

**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	3-Mar-2010	6-Mar-2010	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain the stationary compactor and control wind-blown waste. The date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$0

Screening Date 7-Apr-2010

Docket No. 2010-0558-MLM-E

PCW

Respondent THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

Policy Revision 2 (September 2002)

Case ID No. 39475

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100629716

Media [Statute] Municipal Solid Waste

Enf. Coordinator Judy Kluge

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 328.56(d)(4), 330.205(b), and 330.209(a) and (b) and MSW Registration No. 40033, SCP Section 7, Page IV-10, Section 8, Page IV-11; and Section 7, Page IV-10

Violation Description

Failed to store solid waste in a manner that does not constitute a fire, safety, or health hazard or provide food or harborage for animals and vectors and to provide an on-site storage area for recyclable materials. Specifically, multiple scrap tires were observed on the ground. Also, failed to maintain an area for source-separated or recyclable material that is separate from the transfer station process area. Specifically, the designated area for recyclable material was not being maintained and grass was observed to be growing around a pile of concrete.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events: 1 Number of violation days: 2

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One monthly event is recommended based on documentation of the violation during the March 3, 2010 investigation to the March 5, 2010 compliance date.

Good Faith Efforts to Comply

25.0% Reduction \$625

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

Notes

The Respondent came into compliance on March 5, 2010 prior to the NOE dated April 1, 2010.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,875

This violation Final Assessed Penalty (adjusted for limits) \$1,875

## Economic Benefit Worksheet

**Respondent** THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service  
**Case ID No.** 39475  
**Reg. Ent. Reference No.** RN100629716  
**Media** Municipal Solid Waste  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	3-Mar-2010	5-Mar-2010	0.01	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to store solid waste in a manner that does not constitute a fire, safety, or health hazard or provide food or harborage for animals and vectors, to provide and maintain an on-site storage area for recyclable materials as required by the permit. The date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$0

Screening Date 7-Apr-2010

Docket No. 2010-0558-MLM-E

PCW

Respondent THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

Policy Revision 2 (September 2002)

Case ID No. 39475

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100629716

Media [Statute] Municipal Solid Waste

Enf. Coordinator Judy Kluge

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 330.207(f)(1) and MSW Registration No. 40033, SOP Section 6, Page IV-9

Violation Description

Failed to prevent wastewaters from interfering with or passing through the waste treatment facility's processes or operations. Specifically, the lids on the waste treatment system were removed from the tanks, water was visible at their surfaces, and the contaminated waters were observed to be running off-site.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

The environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended based on documentation of the violation during the March 3, 2010 investigation.

Good Faith Efforts to Comply

	25.0% Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

\$250

Notes

The Respondent came into compliance on March 5, 2010 prior to the NOE dated April 1, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Estimated EB Amount \$1

Statutory Limit Test

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

## Economic Benefit Worksheet

**Respondent** THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service  
**Case ID No.** 39475  
**Reg. Ent. Reference No.** RN100629716  
**Media** Municipal Solid Waste  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$2,500	3-Mar-2010	5-Mar-2010	0.01	\$1	n/a	\$1
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain approval from TCEQ for the off-site discharge of contaminated waters and to prevent wastewaters from interfering with or passing through the treatment facility's processes. The date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$1

Screening Date 7-Apr-2010

Docket No. 2010-0558-MLM-E

PCW

Respondent THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

Policy Revision 2 (September 2002)

Case ID No. 39475

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100629716

Media [Statute] Municipal Solid Waste

Enf. Coordinator Judy Kluge

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 330.227 and 330.245(c), (f), (l), and (k) and MSW Registration No. 40033, SOP Section 6, Page IV-8, and Section 22, Page IV-29

Violation Description

Failed to prevent and control surface water drainage to minimize surface water running onto, into, and off the treatment area and off-site and failed to prevent water from ponding to avoid becoming a nuisance. Specifically, contaminated water was allowed to run off and pond due to the drainage system being clogged by waste. Also, failed to store solid waste in odor-retaining containers and vessels, and to take appropriate odor control measures and failed to conduct cleaning and maintenance of mobile waste processing unit equipment each day of operation. Specifically, flies were observed and an odor was detected.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		25%
	Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed protective levels.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 2

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One monthly event is recommended based on documentation of the violation during the March 3, 2010 investigation to the March 5, 2010 compliance date.

Good Faith Efforts to Comply

	25.0% Reduction	\$625
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A	(mark with x)	

Notes The Respondent came into compliance on March 5, 2010 prior to the NOE dated April 1, 2010.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,875

This violation Final Assessed Penalty (adjusted for limits) \$1,875

## Economic Benefit Worksheet

**Respondent** THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

**Case ID No.** 39475

**Reg. Ent. Reference No.** RN100629716

**Media** Municipal Solid Waste

**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	3-Mar-2010	5-Mar-2010	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prevent and control surface water drainage, to maintain odor-retaining containers, and to maintain the mobile waste processing unit daily. The date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$0

Screening Date 7-Apr-2010

Docket No. 2010-0558-MLM-E

PCW

Respondent THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

Policy Revision 2 (September 2002)

Case ID No. 39475

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100629716

Media [Statute] Municipal Solid Waste

Enf. Coordinator Judy Kluge

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 330.243(a) and MSW Registration No. 40033, Section 6, Page IV 9

Violation Description

Failed to wash down the working surface at least two times per week and to properly treat, collect, and dispose of the wash waters in an authorized manner. Specifically, the wastewater treatment system was not in operation at the time of the investigation and the Respondent was not properly treating, collecting, and disposing of wash waters in an authorized manner.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

1

2

Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended based on documentation of the violation during the March 3, 2010 investigation to the March 5, 2010 compliance date.

Good Faith Efforts to Comply

25.0% Reduction

\$250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent came into compliance on March 5, 2010 prior to the NOE dated April 1, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

## Economic Benefit Worksheet

**Respondent** THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service  
**Case ID No.** 39475  
**Reg. Ent. Reference No.** RN100629716  
**Media** Municipal Solid Waste  
**Violation No.** 7

Percent Interest	Years of Depreciation
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	n/a	\$0
Other (as needed)	\$5,000	3-Mar-2010	5-Mar-2010	0.01	\$1	n/a	\$1

Notes for DELAYED costs

The estimated cost to properly maintain the on-site sewage facility. The date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$1

Screening Date 7-Apr-2010

Docket No. 2010-0558-MLM-E

PCW

Respondent THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

Policy Revision 2 (September 2002)

Case ID No. 39475

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100629716

Media [Statute] Municipal Solid Waste

Enf. Coordinator Judy Kluge

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 330.219(a) and (b) and MSW Permit No. 40033, SOP Section 10, Page IV-13

Violation Description

Failed to maintain all required records. Specifically, employee training records and a copy of the SOP was not available for review.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

	1	2	Number of violation days
mark only one with an x	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
			single event

Violation Base Penalty \$1,000

One single event is recommended based on documentation of the violation during the March 3, 2010 investigation.

Good Faith Efforts to Comply

	25.0%	Reduction	\$250
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	X		
N/A		(mark with x)	

Notes The Respondent came into compliance on March 5, 2010 prior to the NOE dated April 1, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Estimated EB Amount \$0

Statutory Limit Test

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

## Economic Benefit Worksheet

**Respondent** THOMAS & DORIS HUTTO, INC, dba Hutto Garbage Service

**Case ID No.** 39475

**Reg. Ent. Reference No.** RN100629716

**Media** Municipal Solid Waste

**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Item Description</b>	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	\$500	3-Mar-2010	5-Mar-2010	0.01	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain all records on-site. The date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$0

Screening Date 7-Apr-2010

Docket No. 2010-0558-MLM-E

PCW

Respondent THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

Policy Revision 2 (September 2002)

Case ID No. 39475

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100629716

Media [Statute] Municipal Solid Waste

Enf. Coordinator Judy Kluge

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 330.221(c) and 330.247 and MSW Registration No. 40033, SOP Section 24, Page IV-31

Violation Description

Failed to train employees in a fire protection plan and appropriate sections of the health and safety plan. Specifically, monthly safety and awareness meetings were not being conducted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

2 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,000

One quarterly event is recommended based on documentation of the violation during the March 3, 2010 investigation.

Good Faith Efforts to Comply

25.0% Reduction

\$250

Before NOV NOV to EOPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent came into compliance on March 5, 2010 prior to the NOE dated April 1, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

## Economic Benefit Worksheet

**Respondent** THOMAS & DORIS HUTTO, INC, dba Hutto Garbage Service

**Case ID No.** 39475

**Reg. Ent. Reference No.** RN100629716

**Media** Municipal Solid Waste

**Violation No.** 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$500	3-Mar-2010	5-Mar-2010	0.01	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct monthly health and safety awareness meetings. The date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$0

Screening Date 7-Apr-2010

Docket No. 2010-0558-MLM-E

PCW

Respondent THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

Policy Revision 2 (September 2002)

Case ID No. 39475

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN100629716

Media [Statute] Municipal Solid Waste

Enf. Coordinator Judy Kluge

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 330.231 and MSW Registration No. 40033, SOP Section 16, Page IV-23

Violation Description

Failed to maintain and list all required information on the facility sign. Specifically, the facility's site sign did not include an emergency contact number and was partially obstructed from view at the time of the investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 2

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended based on documentation of the violation during the March 3, 2010 investigation.

Good Faith Efforts to Comply

	25.0% Reduction	
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

\$250

Notes: The Respondent came into compliance on March 5, 2010 prior to the NOE dated April 1, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Estimated EB Amount \$0

Statutory Limit Test

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

## Economic Benefit Worksheet

**Respondent** THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

**Case ID No.** 39475

**Reg. Ent. Reference No.** RN100629716

**Media** Municipal Solid Waste

**Violation No.** 10

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	\$250	3-Mar-2010	5-Mar-2010	0.01	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain all facility signage as required by the permit. The date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$0

Screening Date 7-Apr-2010

Docket No. 2010-0558-MLM-E

PCW

Respondent THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

Policy Revision 2 (September 2002)

Case ID No. 39475

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100629716

Media [Statute] Municipal Solid Waste

Enf. Coordinator Judy Kluge

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code §§ 330.15 and 330.215(2)

Violation Description Failed to adhere to the provisions of the permit at all times. Specifically, the Respondent was not following a significant portion of the SOP regarding the unloading of waste, conducting safety training, and observing capacity limitations.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 2

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One monthly event is recommended based on documentation of the violation during the March 3, 2010 investigation.

Good Faith Efforts to Comply

	25.0% Reduction	\$625
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A	(mark with x)	

Notes The Respondent came into compliance on March 5, 2010 prior to the NOE dated April 1, 2010.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Estimated EB Amount \$1

Statutory Limit Test

Violation Final Penalty Total \$1,875

This violation Final Assessed Penalty (adjusted for limits) \$1,875

## Economic Benefit Worksheet

**Respondent** THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

**Case ID No.** 39475

**Reg. Ent. Reference No.** RN100629716

**Media** Municipal Solid Waste

**Violation No.** 11

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	3-Mar-2010	5-Mar-2010	0.01	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to adhere to the provisions of the permit. The date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$1

# Compliance History Report

Customer/Respondent/Owner-Operator: CN602672198 THOMAS AND DORIS HUTTO, INC. Classification: AVERAGE Rating: 3.01  
Regulated Entity: RN100629716 HUTTO GARBAGE SERVICE Classification: AVERAGE Site Rating: 3.01  
BY DEFAULT

ID Number(s): SLUDGE REGISTRATION 23859  
MUNICIPAL SOLID WASTE PROCESSING REGISTRATION 40033

Location: 962 FM 229, CROCKETT, TX, 75835

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: April 07, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 07, 2005 to April 07, 2010

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

Name: Judy Kluge Phone: 817-588-5825

## 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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

## Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, 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 (EMS).  
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  
THOMAS & DORIS HUTTO, INC.  
DBA HUTTO GARBAGE SERVICE  
RN100629716**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2010-0558-MLM-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 THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a municipal solid waste ("MSW") transfer station at 962 Farm-to-Market Road 229 in Crockett, Houston County, Texas (the "Facility").
2. The Facility involves 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 April 6, 2010.
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 Fourteen Thousand Four Hundred Seventy-Five Dollars (\$14,475) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The Respondent has paid Three Hundred Eighty Dollars (\$380) of the administrative penalty and Two Thousand Eight Hundred Ninety-Five Dollars (\$2,895) is deferred contingent upon Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Respondent to pay all or part of the deferred penalty.

The remaining amount of Eleven Thousand Two Hundred Dollars (\$11,200) of the administrative penalty shall be payable in 35 monthly payments of Three Hundred Twenty Dollars (\$320) 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 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 Respondent to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on March 5, 2010, the Beaumont Regional Office verified documentation that the Respondent has implemented the following corrective measures at the Facility:
  - a. Implemented procedures to restrict receipt of waste during mechanical breakdown;
  - b. Placed the waste on the concrete pad in roll-off containers, properly processed it so that it was no longer capable of creating a nuisance; and transported it to an authorized facility;
  - c. Sent the dead animal for disposal to an authorized facility;
  - d. Began properly operating and maintaining the stationary compactor;
  - e. Began properly controlling the windblown material;
  - f. Removed the scrap tires and disposed of them at an authorized facility;
  - g. Mowed the grass in the designated area for recyclable material and began properly maintaining it;
  - h. Implemented procedures to prevent wastewater from interfering with or passing through the treatment facility's processes;
  - i. Graded the area where the ponded stagnant water was previously observed;

- j. Began properly treating, collecting, and disposing of wash water in an authorized manner;
  - k. Began maintaining all required records;
  - l. Began conducting monthly safety and awareness meetings;
  - m. Repaired the Facility sign to include an emergency contact number and ensured that it was clear all obstructions and can be easily viewed;
  - n. Implemented all provisions of the Facility's site operating plan ("SOP"); and
  - o. Excavated, abated, and remediated the oil-contaminated soil and disposed of it at an authorized facility on April 22, 2010.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to restrict, after a significant work stoppage due to a mechanical breakdown, receiving and accumulating solid waste in quantities that could not be processed in a timely manner, and that created odors, insect breeding, or harborage of other vectors, in violation of 30 TEX. ADMIN. CODE § 330.241(a) and (b) and MSW Registration No. 40033, Site Operating Plan ("SOP") Section 21, Page IV-28, as documented during an investigation conducted on March 3, 2010. Specifically, the Respondent continued accepting waste after the mechanical breakdown on February 26, 2010, when it was unable to process it. The accumulated waste had begun to harbor vectors such as flies and had an odor.
2. Failed to prevent the unloading of waste in an unauthorized area of the MSW facility and to ensure that any waste deposited in an unauthorized area is immediately removed or properly disposed of, and any prohibited waste is returned to the transporter or generator of the waste, in violation of 30 TEX. ADMIN. CODE § 330.225(b) and (c) and MSW Registration No. 40033, SOP Section 13.2, Page IV-19 and Section 4.2 Page IV-6, as documented during an investigation conducted on March 3, 2010. Specifically, approximately 160 cubic yards of MSW was piled on the concrete slab instead of in roll-off containers. Also, a dead animal, which is a prohibited waste according to the SOP, was observed on the concrete slab.

3. Failed to operate and maintain the stationary compactor to prevent a public nuisance through material loss and spillage, in violation of 30 TEX. ADMIN. CODE § 330.215(1) and MSW Registration No. 40033, SOP Section 8, Page IV-11, as documented during an investigation conducted on March 3, 2010. Specifically, waste was overflowing from the compactor and the roll-off containers.
4. Failed to properly control windblown material and litter throughout the storage area and to collect spilled waste materials at least once per day, in violation of 30 TEX. ADMIN. CODE §§ 330.233(a)(1), and 330.235 and MSW Registration No. 40033, SOP Section 17, Page IV-24 and Section 18, Page IV-25, as documented during an investigation conducted on March 3, 2010. Waste was observed on the ground both on-site and off-site and there was not a portable fence on-site to help reduce windblown waste.
5. Failed to store solid waste in a manner that does not constitute a fire, safety, or health hazard or provide food or harborage for animals and vectors and to provide an on-site storage area for recyclable materials, in violation of 30 TEX. ADMIN. CODE §§ 328.56(d)(4) and 330.205(b) and MSW Registration No. 40033, SOP Section 7, Page IV-10 and Section 8, Page IV-11, as documented during an investigation conducted on March 3, 2010. Specifically, multiple scrap tires were observed on the ground.
6. Failed to maintain an area for source-separated or recyclable material that is separate from the transfer station process area, in violation of 30 TEX. ADMIN. CODE § 330.209(a) and (b) and MSW Registration No. 40033, SOP Section 7, Page IV-10, as documented during an investigation conducted on March 3, 2010. Specifically, the designated area for recyclable material was not being maintained and grass was observed to be growing around a pile of concrete.
7. Failed to prevent wastewaters from interfering with or passing through the waste treatment facility's processes or operations, in violation of 30 TEX. ADMIN. CODE § 330.207(f)(1) and MSW Registration No. 40033, SOP Section 6, Page IV-9, as documented during an investigation conducted on March 3, 2010. Specifically, the lids on the waste treatment system were removed from the tanks, water was visible at their surfaces, and the contaminated waters were observed to be running off-site.
8. Failed to prevent and control surface water drainage to minimize surface water running onto, into, and off the treatment area and off-site and failed to prevent water from ponding to avoid becoming a nuisance, in violation of 30 TEX. ADMIN. CODE § 330.227 and MSW Registration No. 40033, SOP Section 6, Page IV-9, as documented during an investigation conducted on March 3, 2010. Specifically, contaminated water was allowed to run off and pond due to the drainage system being clogged by waste.
9. Failed to store solid waste in odor-retaining containers and vessels, and to take appropriate odor control measures and failed to conduct cleaning and maintenance of mobile waste processing unit equipment each day of operation, in violation of 30 TEX. ADMIN. CODE § 330.245(c), (f), (i), and (k) and MSW Registration No. 40033, SOP Section 22, Page IV-29, as documented during an investigation conducted on March 3, 2010. Specifically, flies were observed and an odor was detected.

10. Failed to wash down the working surface at least two times per week and to properly treat, collect, and dispose of the wash waters in an authorized manner, in violation of 30 TEX. ADMIN. CODE § 330.243(a) and MSW Registration No. 40033, Section 6, Page IV-9, as documented during an investigation conducted on March 3, 2010. Specifically, the wastewater treatment system was not in operation at the time of the investigation and the Respondent was not properly treating, collecting, and disposing of wash waters in an authorized manner.
11. Failed to maintain all required records, in violation of 30 TEX. ADMIN. CODE § 330.219(a) and (b) and MSW Permit No. 40033, SOP Section 10, Page IV-13, as documented during an investigation conducted on March 3, 2010. Specifically, employee training records and a copy of the SOP was not available for review.
12. Failed to train employees in a fire protection plan and appropriate sections of the health and safety plan, in violation of 30 TEX. ADMIN. CODE §§ 330.221(c) and 330.247 and MSW Registration No. 40033, SOP Section 24, Page IV-31, as documented during an investigation conducted on March 3, 2010. Specifically, monthly safety and awareness meetings were not being conducted.
13. Failed to maintain and list all required information on the facility sign, in violation of 30 TEX. ADMIN. CODE § 330.231 and MSW Registration No. 40033, SOP Section 16, Page IV-23, as documented during an investigation conducted on March 3, 2010. Specifically, the facility's site sign did not include an emergency contact number and was partially obstructed from view at the time of the investigation.
14. Failed to adhere to the provisions of the permit at all times, in violation of 30 TEX. ADMIN. CODE §§ 330.15 and 330.215(2), as documented during an investigation conducted on March 3, 2010. Specifically, the Respondent was not following a significant portion of the SOP regarding the unloading of waste, conducting safety training, and observing capacity limitations.
15. Failed to abate used oil spills and to contain the spills and contaminated water from the storage and processing areas, in violation of 30 TEX. ADMIN. CODE §§ 324.6 and 330.227 and 40 CODE OF FEDERAL REGULATIONS § 279.22(d), as documented during an investigation conducted on March 3, 2010. Specifically, approximately 50 square feet of oil-stained soil was observed near the Facility's office area.

### 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: THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service, Docket No. 2010-0558-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. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. 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.
4. 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.
5. 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.
6. 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 under this Agreed Order.
7. 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

THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

DOCKET NO. 2010-0558-MLM-E

Page 7

Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John Szalinski  
For the Executive Director

10/11/2010  
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.

Marcie Platt  
Signature

7/15/10  
Date

Marcie Platt  
Name (Printed or typed)  
Authorized Representative of  
THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service

pec / head  
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.