

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0716-MLM-E **TCEQ ID:** RN102888872 **CASE NO.:** 37583

RESPONDENT NAME: Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing Facility

| | | |
|--|--|--|
| 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 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 checked="" 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: S & M Vacuum & Liquid Waste Processing Facility, 1904 East Rancier Avenue, Killeen, Bell County</p> <p>TYPE OF OPERATION: Grease trap processing facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 21, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Danielle Porras, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-2602; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Glen L. Grandy, Jr., President, S & M Vacuum & Liquid Waste Processing Facility, Post Office Box 817, Killeen, Texas 76540 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|--|---|--|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 26, 2009</p> <p>Date of NOE Relating to this Case: April 27, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER/WASTE</p> <p>1) Failure to prevent an unauthorized discharge of wastewater into or adjacent to the water in the state. Specifically, 27,800 gallons of grease trap processing water was discharged onto Facility roads without authorization [30 TEX. ADMIN. CODE § 330.15(a)(1) and TEX. WATER CODE § 26.121(a)(1)].</p> <p>2) Failure to conduct proper tests to specify the characteristics and constituent concentrations of waste generated at the Facility. Specifically, the Respondent did not conduct paint filter tests on waste prior to disposal at the Temple Landfill [30 TEX. ADMIN. CODE § 330.205(a)].</p> <p>3) Failure to dispose waste at an authorized solid waste management facility. Specifically, the Respondent delivered approximately 75 cubic yards of recyclable materials to an unauthorized facility per manifests dated August 1, September 3, and September 26, 2008 [30 TEX. ADMIN. CODE § 330.205(b)].</p> <p>4) Failure to obtain a permit to continue operations following the termination of a registration. Specifically, the Respondent did not meet the registration requirement by failing to recycle 10% of incoming waste for two consecutive quarters after the registration terminated on September 3,</p> | <p>Total Assessed: \$17,706</p> <p>Total Deferred: \$3,541 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$14,165</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a) On May 9, 2009, began transporting wastewater to a wastewater treatment plant;</p> <p>b) On March 30, 2009, began conducting paint filter tests on waste;</p> <p>c) On September 26, 2009, ceased disposal of waste at the unauthorized facility;</p> <p>d) On April 16, 2009, began conducting annual analysis on the outgoing solids; and</p> <p>e) On August 9, 2009, received storm water coverage for no exposure.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to :</p> <p>a) Immediately upon the effective date of this Agreed Order, comply with terminated registration 43010 until such time that a permit authorization is obtained;</p> <p>b) Within 90 days after the effective date of this Agreed Order, submit an administratively complete permit application for the Facility;</p> <p>c) Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit applications within 30 days after the date of such requests or by any other deadline specified in writing; and</p> <p>d) Within 300 days after the effective date of this Agreed Order, submit written certification that either a permit authorization to operate the Facility has been obtained or that operation has ceased until such time appropriate authorization is obtained. The certification shall include</p> |

| | | |
|--|--|---|
| <p>2008 [30 TEX. ADMIN. CODE § 330.7(a)].</p> <p>5) Failure to conduct annual analysis on outgoing solids. Specifically, the Respondent did not conduct annual analysis on outgoing solids for benzene, lead, and petroleum hydrocarbons [30 TEX. ADMIN. CODE § 330.203(c)(2)].</p> <p>6) Failure to obtain authorization for storm water discharges under the Multi-Sector Industrial General Permit associated with an industrial facility. Specifically, the Respondent has not submitted a notice of intent to obtain coverage [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26].</p> | | <p>detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p> |
|--|--|---|

Additional ID No(s): SWR No. 83812, Waste Water General Permit No. 2E0000029, MSW Processing Reg. No. 43110, and Sludge Registration No. 20089

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

| | | | | | | |
|----------------------|----------|-------------|-----------|------------|---------|--|
| TCEQ DATES | Assigned | 27-Apr-2009 | Screening | 7-May-2009 | EPA Due | |
| | PCW | 24-Sep-2009 | | | | |

| | | | |
|--|---|--------------------|-------|
| RESPONDENT/FACILITY INFORMATION | | | |
| Respondent | Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing Facility | | |
| Reg. Ent. Ref. No. | RN102888872 | | |
| Facility/Site Region | 9-Waco | Major/Minor Source | Minor |

| | | | |
|---------------------------------|-----------------------|-----------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 37583 | No. of Violations | 6 |
| Docket No. | 2009-0716-MLM-E | Order Type | 1660 |
| Media Program(s) | Municipal Solid Waste | Government/Non-Profit | No |
| Multi-Media | Water Quality | Enf. Coordinator | Danielle Porras |
| | | EC's Team | Enforcement Team 7 |
| Admin. Penalty \$ Limit Minimum | 50 | Maximum | \$10,000 |

| Penalty Calculation Section | | | |
|--|---|--|-----------------------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | <i>Subtotal 1</i> | | \$17,000 |
| 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 | 0.0% Enhancement | <i>Subtotals 2, 3, & 7</i> | \$0 |
| Notes | No adjustment for compliance history. | | |
| Culpability | No | 0.0% Enhancement | <i>Subtotal 4</i> \$0 |
| Notes | The Respondent does not meet the culpability criteria. | | |
| Good Faith Effort to Comply Total Adjustments | | <i>Subtotal 5</i> | \$2,500 |
| Economic Benefit | 0.0% Enhancement* | <i>Subtotal 6</i> | \$0 |
| Total EB Amounts | \$3,599 | <small>*Capped at the Total EB \$ Amount</small> | |
| Approx. Cost of Compliance | \$10,165 | | |
| SUM OF SUBTOTALS 1-7 | | <i>Final Subtotal</i> | \$14,500 |
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 22.1% | <i>Adjustment</i> | \$3,206 |
| <small>Reduces or enhances the Final Subtotal by the indicated percentage.</small> | | | |
| Notes | Recommended enhancement to capture the avoided cost of compliance associated with violation Nos. 1, 2, 3, and 5 | | |
| | | <i>Final Penalty Amount</i> | \$17,706 |
| STATUTORY LIMIT ADJUSTMENT | | <i>Final Assessed Penalty</i> | \$17,706 |
| DEFERRAL | 20.0% Reduction | <i>Adjustment</i> | -\$3,541 |
| <small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small> | | | |
| Notes | Deferral offered for expedited settlement. | | |
| PAYABLE PENALTY | | | \$14,165 |

Screening Date: 7-May-2009

Docket No.: 2009-0716-MLM-E

PCW

Respondent: Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste F

Policy Revision 2 (September 2002)

Case ID No.: 37583

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN102888872

Media [Statute]: Municipal Solid Waste

Enf. Coordinator: Danielle Porras

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 for compliance history.

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

| | | | |
|---|---|---|---|
| Screening Date 7-May-2009 | Docket No. 2009-0716-MLM-E | PCW | |
| Respondent Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing | <i>Policy Revision 2 (September 2002)</i> | | |
| Case ID No. 37583 | <i>PCW Revision October 30, 2008</i> | | |
| Reg. Ent. Reference No. RN10288872 | | | |
| Media [Statute] Municipal Solid Waste | | | |
| Enf. Coordinator Danielle Porras | | | |
| Violation Number <input type="text" value="1"/> | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 330.15(a)(1) and Tex. Water Code § 26.121(a)(1) | | |
| Violation Description | Failed to prevent an unauthorized discharge of wastewater into or adjacent to the water in the state, as documented during an investigation conducted on March 26, 2009. Specifically, 27,800 gallons of grease trap processing water was discharged onto Facility roads without authorization. | | |
| Base Penalty | <input type="text" value="\$10,000"/> | | |
| >> Environmental, Property and Human Health Matrix | | | |
| OR | Release | Harm | |
| | | Major Moderate Minor | |
| | Actual | <input type="text" value="x"/> | Percent <input type="text" value="25%"/> |
| | Potential | | |
| >> Programmatic Matrix | | | |
| | Falsification | Major Moderate Minor | |
| | | | Percent <input type="text" value="0%"/> |
| Matrix Notes | Human health or the environment has been exposed to significant amount of pollutants which do not exceed protective levels. | | |
| Adjustment | <input type="text" value="\$7,500"/> | | |
| | | | <input type="text" value="\$2,500"/> |
| Violation Events | | | |
| | Number of Violation Events <input type="text" value="2"/> | <input type="text" value="42"/> | Number of violation days |
| <i>mark only one with an x</i> | daily | <input type="text"/> | |
| | weekly | <input type="text"/> | |
| | monthly | <input checked="" type="text" value="x"/> | |
| | quarterly | <input type="text"/> | |
| | semiannual | <input type="text"/> | |
| | annual | <input type="text"/> | |
| | single event | <input type="text"/> | |
| | | | |
| Two monthly events are recommended from the March 26, 2009 investigation to the May 7, 2009 screening date. | | | |
| Good Faith Efforts to Comply | | | |
| | <input type="text" value="10.0%"/> | Reduction | <input type="text" value="\$500"/> |
| | Before NOV | NOV to EDRP/Settlement Offer | |
| Extraordinary | <input type="text"/> | <input type="text"/> | |
| Ordinary | <input type="text"/> | <input checked="" type="text" value="x"/> | |
| N/A | <input type="text"/> | (mark with x) | |
| Notes | The Respondent came into compliance on May 9, 2009. | | |
| Violation Subtotal | <input type="text" value="\$4,500"/> | | |
| Economic Benefit (EB) for this violation | | | Statutory Limit Test |
| Estimated EB Amount | <input type="text" value="\$1,569"/> | Violation Final Penalty Total | <input type="text" value="\$5,495"/> |
| This violation Final Assessed Penalty (adjusted for limits) | | | <input type="text" value="\$5,495"/> |

Economic Benefit Worksheet

Respondent Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing Facility

Case ID No. 37583

Reg. Ent. Reference No. RN102888872

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) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

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] | \$1,390 | 11-Sep-2007 | 9-May-2009 | 2.58 | \$179 | \$1,390 | \$1,569 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Estimated cost to dispose of approximately 27,800 gallons of grease trap processing water at an authorized disposal facility (\$.05 per gallon). The Date Required is the beginning violation date and the Final Date is the date of compliance.

Approx. Cost of Compliance

\$1,390

TOTAL

\$1,569

| | | | |
|---|--|---|---------------------------------------|
| Screening Date: 7-May-2009 | Docket No.: 2009-0716-MLM-E | PCW | |
| Respondent: Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing F | <i>Policy Revision 2 (September 2002)</i> | | |
| Case ID No.: 37583 | <i>PCW Revision October 30, 2008</i> | | |
| Reg. Ent. Reference No.: RN10288872 | | | |
| Media [Statute]: Municipal Solid Waste | | | |
| Enf. Coordinator: Danielle Porras | | | |
| Violation Number: 2 | | | |
| Rule Cite(s): | 30 Tex. Admin. Code § 330.205(a) | | |
| Violation Description: | Failed to conduct proper tests to specify the characteristics and constituent concentrations of waste generated by the Facility, as documented during an investigation conducted on March 26, 2009. Specifically, the Respondent did not conduct paint filter tests on waste prior to disposal at the Temple Landfill. | | |
| Base Penalty: | | \$10,000 | |
| >> Environmental, Property and Human Health Matrix | | | |
| OR | Harm | | |
| | Major | Moderate | Minor |
| Actual | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Potential | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Percent | | | 25% |
| >> Programmatic Matrix | | | |
| Falsification | | | |
| Major Moderate Minor | | | |
| <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | | | |
| Percent | | | 0% |
| Matrix Notes | Human health or the environment will or could be exposed to pollutants which would exceed protective levels. | | |
| Adjustment: | | \$7,600 | |
| | | \$2,500 | |
| Violation Events | | | |
| Number of Violation Events: <input type="text" value="1"/> | | Number of violation days: <input type="text" value="4"/> | |
| <i>mark only one with an x</i> | daily | <input type="checkbox"/> | |
| | weekly | <input type="checkbox"/> | |
| | monthly | <input checked="" type="checkbox"/> | |
| | quarterly | <input type="checkbox"/> | |
| | semiannual | <input type="checkbox"/> | |
| | annual | <input type="checkbox"/> | |
| | single event | <input type="checkbox"/> | |
| One monthly event is recommended from the March 26, 2009 investigation to the March 30, 2009 compliance date. | | | Violation Base Penalty \$2,500 |
| Good Faith Efforts to Comply | | 25.0% Reduction | \$625 |
| | | Before NOV NOV to EDRP/Settlement Offer | |
| Extraordinary | <input type="checkbox"/> | <input type="checkbox"/> | |
| Ordinary | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| N/A | (mark with x) | | |
| Notes: | The Respondent came into compliance on March 30, 2009. | | |
| Violation Subtotal: | | \$1,875 | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | |
| Estimated EB Amount: <input type="text" value="\$25"/> | | Violation Final Penalty Total: <input type="text" value="\$2,290"/> | |
| This violation Final Assessed Penalty (adjusted for limits): | | <input type="text" value="\$2,290"/> | |

Economic Benefit Worksheet

Respondent Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing Facility

Case ID No. 37583

Reg. Ent. Reference No. RN102888872

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 | | | | 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

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] | \$25 | 25-Mar-2009 | 30-Mar-2009 | 0.00 | \$0 | \$25 | \$25 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Estimated cost to conduct paint filter test. The Date Required is the date prior to the investigation and the Final Date is the date of compliance.

Approx. Cost of Compliance

\$25

TOTAL

\$25

| | | | | |
|--|---|--|--------------------------------------|---------|
| Screening Date 7-May-2009 | Docket No. 2009-0716-MLM-E | PCW | | |
| Respondent Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing F | <i>Policy Revision 2 (September 2002)</i> | | | |
| Case ID No. 37583 | <i>PCW Revision October 30, 2008</i> | | | |
| Reg. Ent. Reference No. RN10288872 | | | | |
| Media [Statute] Municipal Solid Waste | | | | |
| Enf. Coordinator Danielle Porras | | | | |
| Violation Number 3 | | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 330.205(b) | | | |
| Violation Description | Failed to dispose waste at an authorized solid waste management facility, as documented during an investigation conducted on March 26, 2009. Specifically, the Respondent delivered approximately 75 cubic yards of recyclable materials to an unauthorized facility per manifests dated August 1, September 3, and September 26, 2008. | | | |
| Base Penalty | | \$10,000 | | |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | | | x |
| | Potential | | | |
| | | Percent | 10% | |
| >> Programmatic Matrix | | | | |
| | Falsification | Major | Moderate | Minor |
| | | | | |
| | | Percent | 0% | |
| Matrix Notes | Human health or the environment has been exposed to insignificant amounts of pollutants which would not exceed protective levels. | | | |
| Adjustment | | \$9,000 | | |
| | | \$1,000 | | |
| Violation Events | | | | |
| Number of Violation Events | | 3 | Number of violation days | |
| | | 42 | | |
| <i>mark only one with an x</i> | daily | | | |
| | weekly | | | |
| | monthly | | | |
| | quarterly | | | |
| | semiannual | | | |
| | annual | | | |
| | single event | x | | |
| | | Violation Base Penalty | \$3,000 | |
| Three single events are recommended. | | | | |
| Good Faith Efforts to Comply | | 25.0% Reduction | | \$750 |
| | | Before NOV | NOV to EDCRP/Settlement Offer | |
| Extraordinary | | | | |
| Ordinary | x | | | |
| N/A | | (mark with x) | | |
| Notes | The Respondent came into compliance on September 26, 2008. | | | |
| Violation Subtotal | | \$2,250 | | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | |
| Estimated EB Amount | | \$790 | Violation Final Penalty Total | |
| | | | \$2,747 | |
| | | This violation Final Assessed Penalty (adjusted for limits) | | \$2,747 |

Economic Benefit Worksheet

Respondent: Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing Facility

Case ID No.: 37583

Reg. Ent. Reference No.: RN10288872

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

| 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) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

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] | \$750 | 1-Aug-2008 | 26-Sep-2008 | 1.07 | \$40 | \$750 | \$790 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Estimated cost to dispose of 75 cubic yards of recovered grease trap solids at an authorized facility. The Date Required is the beginning violation date and the Final Date is the ending violation date.

Approx. Cost of Compliance

\$750

TOTAL

\$790

| | | | | |
|--|--|--|--------------------------------------|--------------------------|
| Screening Date 7-May-2009 | Docket No. 2009-0716-MLM-E | PCW | | |
| Respondent Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing F | <small>Policy Revision 2 (September 2002)</small> | | | |
| Case ID No. 37583 | <small>PCW Revision October 30, 2008</small> | | | |
| Reg. Ent. Reference No. RN102888872 | | | | |
| Media [Statute] Municipal Solid Waste | | | | |
| Enf. Coordinator Danielle Porras | | | | |
| Violation Number 4 | | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 330.7(a) | | | |
| Violation Description | Failed to obtain a permit to continue operations following the termination of a registration, as documented during an investigation conducted on March 26, 2009. Specifically, the Respondent did not meet the registration requirement by failing to recycle 10% of incoming waste for two consecutive quarters after the registration terminated on September 3, 2008. | | | |
| | Base Penalty | \$10,000 | | |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Potential | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | Percent | 0% | |
| >> Programmatic Matrix | | | | |
| | Falsification | Major | Moderate | Minor |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | Percent | 10% | |
| Matrix Notes | 100% of the rule requirement was not met. | | | |
| | Adjustment | \$9,000 | | |
| | | | \$1,000 | |
| Violation Events | | | | |
| | Number of Violation Events | 2 | Number of violation days | |
| | | 42 | | |
| <small>mark only one with an x</small> | daily | <input type="checkbox"/> | | |
| | weekly | <input type="checkbox"/> | | |
| | monthly | <input checked="" type="checkbox"/> | | |
| | quarterly | <input type="checkbox"/> | | |
| | semiannual | <input type="checkbox"/> | | |
| | annual | <input type="checkbox"/> | | |
| | single event | <input type="checkbox"/> | | |
| | | Violation Base Penalty | \$2,000 | |
| | Two monthly events are recommended from the March 26, 2009 investigation to the May 7, 2009 screening date. | | | |
| Good Faith Efforts to Comply | | | 0.0% Reduction | |
| | | Before NOV | NOV to EDRP/Settlement Offer | |
| Extraordinary | <input type="checkbox"/> | <input type="checkbox"/> | | |
| Ordinary | <input type="checkbox"/> | <input type="checkbox"/> | | |
| N/A | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <small>(mark with x)</small> | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | | |
| | Violation Subtotal | \$2,000 | | |
| Economic Benefit (EB) for this violation | | | Statutory Limit Test | |
| | Estimated EB Amount | \$351 | Violation Final Penalty Total | |
| | | | \$2,442 | |
| | | This violation Final Assessed Penalty (adjusted for limits) | | |
| | | \$2,442 | | |

Economic Benefit Worksheet

Respondent: Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing Facility
Case ID No.: 37583
Reg. Ent. Reference No.: RN10288872
Media: Municipal Solid Waste
Violation No.: 4

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost <small>No commas or \$</small> | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|---|---------------|------------|-----|----------------|---------------|-----------|
|------------------|---|---------------|------------|-----|----------------|---------------|-----------|

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 | \$5,000 | 26-Mar-2009 | 20-Aug-2010 | 1.40 | \$351 | n/a | \$351 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimate cost to obtain a permit to continue Facility operations. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| 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

\$351

| | | | |
|--|---|---|--|
| Screening Date 7-May-2009 | Docket No.: 2009-0716-MLM-E | PCW | |
| Respondent: Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing F | <small>Policy Revision 2 (September 2002)</small> | | |
| Case ID No.: 37583 | <small>PCW Revision October 30, 2008</small> | | |
| Reg. Ent. Reference No.: RN102888872 | | | |
| Media [Statute]: Municipal Solid Waste | | | |
| Enf. Coordinator: Danielle Porras | | | |
| Violation Number: 5 | | | |
| Rule Cite(s): | 30 Tex. Admin. Code § 330.203(c)(2) | | |
| Violation Description: | Failed to conduct annual analysis on outgoing solids, as documented during an investigation conducted on March 26, 2009. Specifically, the Respondent did not conduct annual analysis on outgoing solids for benzene, lead, and petroleum hydrocarbons. | | |
| Base Penalty: | | \$10,000 | |
| >> Environmental, Property and Human Health Matrix | | | |
| OR | Harm | | |
| | Major | Moderate | Minor |
| Actual | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Potential | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Percent | | | 25% |
| >> Programmatic Matrix | | | |
| Falsification | | | |
| Major Moderate Minor | | | |
| <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | | | Percent 0% |
| Matrix Notes | Human health or the environment will or could be exposed to pollutants which would exceed protective levels. | | |
| Adjustment | | | \$7,500 |
| | | | \$2,500 |
| Violation Events | | | |
| Number of Violation Events: 1 | | Number of violation days: 365 | |
| <small>mark only one with an x</small> | daily | <input type="checkbox"/> | Violation Base Penalty: \$2,500 |
| | weekly | <input type="checkbox"/> | |
| | monthly | <input type="checkbox"/> | |
| | quarterly | <input type="checkbox"/> | |
| | semiannual | <input type="checkbox"/> | |
| | annual | <input checked="" type="checkbox"/> | |
| | single event | <input type="checkbox"/> | |
| One annual event is recommended for the 12 month period preceeding the March 26, 2009 investigation. | | | |
| Good Faith Efforts to Comply | | 25.0% Reduction \$625 | |
| | | <small>Before NOV NOV to EDRP/Settlement Offer</small> | |
| Extraordinary | <input type="checkbox"/> | <input type="checkbox"/> | |
| Ordinary | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| N/A | <input type="checkbox"/> | <small>(mark with x)</small> | |
| Notes | The Respondent came into compliance on April 16, 2009. | | |
| Violation Subtotal | | | \$1,875 |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | |
| Estimated EB Amount: \$822 | | Violation Final Penalty Total: \$2,290 | |
| | | This violation Final Assessed Penalty (adjusted for limits): \$2,290 | |

Economic Benefit Worksheet

Respondent: Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing Facility

Case ID No.: 37583

Reg. Ent. Reference No.: RN102B88872

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 | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

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] | \$750 | 26-Mar-2008 | 26-Mar-2009 | 1.92 | \$72 | \$750 | \$822 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Estimated cost to conduct annual analysis on outgoing solids (\$250 per constituent). The Date Required is one year prior to the investigation and the Final Date is the investigation date.

Approx. Cost of Compliance

\$750

TOTAL

\$822

| | | | |
|---|---|-------------------------------------|--------------------------------------|
| Screening Date 7-May-2009 | Docket No. 2009-0716-MLM-E | PCW | |
| Respondent Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing F | <i>Policy Revision 2 (September 2002)</i> | | |
| Case ID No. 37583 | <i>PCW Revision October 30, 2008</i> | | |
| Reg. Ent. Reference No. RN102888872 | | | |
| Media [Statute] Municipal Solid Waste | | | |
| Enf. Coordinator Danielle Porras | | | |
| Violation Number 6 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 281.25(a)(4) and 40 Federal Code of Regulation § 122.26 | | |
| Violation Description | Failed to obtain authorization for storm water discharges under the Multi-Sector Industrial General Permit associated with an industrial facility, as documented during an investigation conducted on March 26, 2009. Specifically, the Respondent has not submitted a notice of intent to obtain coverage. | | |
| Base Penalty | | \$10,000 | |
| >> Environmental, Property and Human Health Matrix | | | |
| OR | Harm | | |
| | Major | Moderate | Minor |
| Actual | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Potential | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Percent | | | 0% |
| >> Programmatic Matrix | | | |
| Falsification | | | |
| Major | | | Minor |
| <input type="checkbox"/> | | | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | | | <input type="checkbox"/> |
| Percent | | | 10% |
| Matrix Notes | 100% of the rule requirement was not met. | | |
| Adjustment | | | \$9,000 |
| | | | \$1,000 |
| Violation Events | | | |
| Number of Violation Events | | 2 | Number of violation days |
| | | 42 | |
| <i>mark only one with an x</i> | daily | <input type="checkbox"/> | Violation Base Penalty |
| | weekly | <input type="checkbox"/> | |
| | monthly | <input checked="" type="checkbox"/> | |
| | quarterly | <input type="checkbox"/> | |
| | semiannual | <input type="checkbox"/> | |
| | annual | <input type="checkbox"/> | |
| | single event | <input type="checkbox"/> | |
| Two monthly events are recommended from the March 26, 2009 investigation to the May 7, 2009 screening date. | | | \$2,000 |
| Good Faith Efforts to Comply | | | 0.0% Reduction |
| | | | \$0 |
| Before NOV | | | NOV to EDPRP/Settlement Offer |
| Extraordinary | <input type="checkbox"/> | <input type="checkbox"/> | |
| Ordinary | <input type="checkbox"/> | <input type="checkbox"/> | |
| N/A | <input checked="" type="checkbox"/> | <input type="checkbox"/> | (mark with x) |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | |
| Violation Subtotal | | | \$2,000 |
| Economic Benefit (EB) for this violation | | | Statutory Limit Test |
| Estimated EB Amount | | \$42 | Violation Final Penalty Total |
| | | | \$2,442 |
| This violation Final Assessed Penalty (adjusted for limits) | | | \$2,442 |

Economic Benefit Worksheet

Respondent: Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing Facility
Case ID No.: 37583
Reg. Ent. Reference No.: RN102888872
Media: Municipal Solid Waste
Violation No.: 6

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| 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 | \$2,250 | 26-Mar-2009 | 9-Aug-2009 | 0.37 | \$42 | n/a | \$42 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to obtain a Multi-Sector Industrial General Permit and develop and implement a storm water pollution prevention plan. 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

\$2,250

TOTAL

\$42

Compliance History Report

Customer/Respondent/Owner-Operator: CN601465578 GRANDY, GLEN L. JR. Classification: AVERAGE Rating: 3.01
Regulated Entity: RN102888872 S & M VACUUM & LIQUID WASTE PROCESSING FACILITY Classification: AVERAGE BY DEFAULT Site Rating: 3.0
ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE TRANSPORTATION SOLID WASTE REGISTRATION # (SWR) 83812
WASTE WATER GENERAL PERMIT PERMIT 2E0000029
MUNICIPAL SOLID WASTE PROCESSING REGISTRATION 43010
SLUDGE REGISTRATION 20089
Location: 1904 E RANCIER AVE, KILLEEN, TX, 76541
TCEQ Region: REGION 09 - WACO
Date Compliance History Prepared: April 29, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 29, 2004 to April 29, 2009

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

Name: Danielle Porras Phone: (512) 239-2602

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: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 04/20/2009 (739906)
2 04/20/2009 (740503)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GLEN L. GRANDY, JR. DBA S & M
VACUUM & LIQUID WASTE
PROCESSING FACILITY
RN102888872**

§
§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-0716-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 Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing Facility ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a grease trap processing facility located at 1904 East Rancier Avenue in Killeen, Bell County, Texas (the "Facility").
2. The Facility involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Facility has discharged municipal solid waste or waste into or adjacent to the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 2, 2009.
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 Seventeen Thousand Seven Hundred Six Dollars (\$17,706) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand One Hundred Sixty-Five Dollars (\$14,165) of the administrative penalty and Three Thousand Five Hundred Forty-One Dollars (\$3,541) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On May 9, 2009, began transporting wastewater to a wastewater treatment plant;
 - b. On March 30, 2009, began conducting paint filter tests on waste;
 - c. On September 26, 2008, ceased disposal of waste at the unauthorized facility;
 - d. On April 16, 2009, began conducting annual analysis on the outgoing solids; and
 - e. On August 9, 2009, received storm water coverage for no exposure.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to prevent an unauthorized discharge of wastewater into or adjacent to the water in the state, in violation of 30 TEX. ADMIN. CODE § 330.15(a)(1) and TEX. WATER CODE § 26.121(a)(1),

as documented during an investigation conducted on March 26, 2009. Specifically, 27,800 gallons of grease trap processing water was discharged onto Facility roads without authorization.

2. Failed to conduct proper tests to specify the characteristics and constituent concentrations of waste generated by the Facility, in violation of 30 TEX. ADMIN. CODE § 330.205(a), as documented during an investigation conducted on March 26, 2009. Specifically, the Respondent did not conduct paint filter tests on waste prior to disposal at the Temple Landfill.
3. Failed to dispose waste at an authorized solid waste management facility, in violation of 30 TEX. ADMIN. CODE § 330.205(b), as documented during an investigation conducted on March 26, 2009. Specifically, the Respondent delivered approximately 75 cubic yards of recyclable materials to an unauthorized facility per manifests dated August 1, September 3, and September 26, 2008.
4. Failed to obtain a permit to continue operations following the termination of a registration, in violation of 30 TEX. ADMIN. CODE § 330.7(a), as documented during an investigation conducted on March 26, 2009. Specifically, the Respondent did not meet the registration requirement by failing to recycle 10% of incoming waste for two consecutive quarters after the registration terminated on September 3, 2008.
5. Failed to conduct annual analysis on outgoing solids, in violation of 30 TEX. ADMIN. CODE § 330.203(c)(2), as documented during an investigation conducted on March 26, 2009. Specifically, the Respondent did not conduct annual analysis on outgoing solids for benzene, lead, and petroleum hydrocarbons.
6. Failed to obtain authorization for storm water discharges under the Multi-Sector Industrial General Permit associated with an industrial facility, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 FEDERAL CODE OF REGULATION § 122.26, as documented during an investigation conducted on March 26, 2009. Specifically, the Respondent has not submitted a notice of intent to obtain coverage.

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: Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing Facility, Docket No. 2009-0716-MLM-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Agreed Order, comply with terminated registration 43010 until such time that a permit authorization is obtained;
 - b. Within 90 days after the effective date of this Agreed Order, submit an administratively complete permit application for the Facility, in accordance with 30 TEX. ADMIN. CODE ch. 305 to:

Municipal Solid Waste Permits Section, MC 124
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit applications within 30 days after the date of such requests or by any other deadline specified in writing; and
 - d. Within 300 days after the effective date of this Agreed Order, submit written certification that either a permit authorization to operate the Facility has been obtained or that operation has ceased until such time appropriate authorization is obtained. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

003807 2165

STATE COMMISSION
ON ENVIRONMENTAL QUALITY

For the Commission

John Szolter

For the Executive Director

1/29/2010

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.

[Signature]

Signature

10-14-09

Date

GLEN L. GRANDY, JR.

Name (Printed or typed)

President

Title

Authorized Representative of
Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing Facility

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.