

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO. 2009-1512-SLG-E TCEQ ID RN102456092 CASE NO. 38367
RESPONDENT NAME: WEBB COUNTY

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input checked="" type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATIONS OCCURRED: 7210 East Saunders Street, Webb County, Texas

TYPE OF OPERATION: Sludge transporter

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired April 12, 2010. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney: Mr. Marshall Coover; Litigation Division, MC 175, (512) 239-3400
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400
TCEQ SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-3400
TCEQ Enforcement Coordinator: Ms. Evette Alvarado, Water Enforcement Section, MC 169, (512) 239-2573
TCEQ Regional Contact: Ms. Rose Luna-Pirtle, Laredo Regional Office, MC R-16, (956) 753-4052
Respondent: The Honorable Danny Valdez, Webb County Judge, 1000 Houston Street, Laredo, Texas 78040
Respondent's Attorney: Webb County Attorney's Office, 1000 Houston Street, Laredo, Texas 78040

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 23, 2009</p> <p>Dates of NOE Relating to this Case: August 21, 2009</p> <p>Background Facts: The case was referred to the Litigation Division on December 30, 2009. The agreed order was signed on February 4, 2010.</p> <p>Current Compliance Status: No outstanding Technical Requirements.</p> <p>SLG:</p> <ol style="list-style-type: none"> Failed to transport only the waste types specified in 30 TEX. ADMIN. CODE § 312.141(a) [30 TEX. ADMIN. CODE § 312.141(b)]. Failed to maintain a copy of the registration authorization in each vehicle operated under that registration [30 TEX. ADMIN. CODE § 312.142(c)]. Failed to maintain trip tickets with all required information [30 TEX. ADMIN. CODE § 312.145(a)]. 	<p>Total Assessed: \$4,543</p> <p>Total Deferred: \$4,543</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input checked="" type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$0</p> <p>The administrative penalty is conditionally offset by the completion of a Supplemental Environmental Project (SEP).</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 performed the following corrective actions at the Site:</p> <ol style="list-style-type: none"> By July 23, 2009, ceased transporting pathological waste from the Webb County Medical Examiner's Office. By August 5, 2009, updated operation guidance and conducted employee training to ensure the following: <ol style="list-style-type: none"> A copy of the registration is maintained inside each registered vehicle; All required information is maintained on trip tickets; and Only authorized wastes are transported. <p>Ordering Provisions:</p> <p>The Respondent shall implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A) – <i>Abandoned Tire Cleanup Program</i>.</p>

Attachment A
Docket Number: 2009-1512-SLG-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Webb County
Penalty Amount:	Four Thousand Five Hundred Forty-Three (\$4,543)
SEP Offset Amount:	Four Thousand Five Hundred Forty-Three (\$4,543)
Type of SEP:	Pre-approved SEP
Third-Party Recipient:	Texas Association of Resource Conservation & Development Areas, Inc. (“RC&D”) <i>Abandoned Tire Clean Up</i>
Location of SEP:	Webb County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** to be used for the *Abandoned Tire Clean Up* program. Specifically, the contribution will be used to clean up sites where tires have been disposed of illegally. SEP Funds will be used to pay for the labor and disposal costs associated with proper collection, clean up, and disposal of abandoned tires. Eligible clean up sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. Any SEP Funds remaining after completion of this project may, upon approval of the Executive Director, be applied to another approved RC&D project.

The projects will be administered in accordance with federal, state, and local environmental laws and regulations. The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents, which carry disease. The potential for tire

fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation
and Development Areas, Inc. (RC&D)
Attention: Amber Gibson
1716 Briarcrest Drive Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	24-Aug-2009	Screening	4-Sep-2009	EPA Due	
	PCW	29-Dec-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Webb County
Reg. Ent. Ref. No.	RN102456092
Facility/Site Region	16-Laredo
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	38367	No. of Violations	3	
Docket No.	2009-1512-SLG-E	Order Type	1660	
Media Program(s)	Water Quality	Government/Non-Profit	Yes	
Multi-Media		Enf. Coordinator	Evette Alvarado	
		EC's Team	Enforcement Team 1	
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,900
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	2.0% Enhancement	Subtotals 2, 3, & 7	\$118
---------------------------	------------------	--------------------------------	-------

Notes	Enhancement recommended for one NOV with violations unrelated to those cited in this case.
--------------	--

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	------------------	-------------------	-----

Notes	The Respondent does not meet the culpability criteria.
--------------	--

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,475
--	-------------------	---------

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
-------------------------	-------------------	-------------------	-----

Total EB Amounts	\$6	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,543
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
--------------	--

Final Penalty Amount	\$4,543
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,543
-----------------------------------	-------------------------------	---------

DEFERRAL	0.0%	Reduction	Adjustment	\$0
-----------------	------	-----------	-------------------	-----

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

Notes	Deferral not offered for non-expedited settlement.
--------------	--

PAYABLE PENALTY	\$4,543
------------------------	---------

Screening Date 4-Sep-2009

Docket No. 2009-1512-SLG-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. 38367

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102456092

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

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 (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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

Enhancement recommended for one NOV with violations unrelated to those cited in this case.

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

Screening Date	4-Sep-2009	Docket No.	2009-1512-SLG-E	PCW
Respondent	Webb County	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	38367	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.	RN102456092			
Media [Statute]	Water Quality			
Enf. Coordinator	Evette Alvarado			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 312.141(b)			
Violation Description	Failed to transport only the waste types specified in 30 Tex. Admin. Code § 312.141(a), as documented during an investigation conducted on July 23, 2009. Specifically, the Respondent transported four separate loads of pathological waste from the Webb County Medical Examiner's Office on June 9, 2008, November 14, 2008, and February 9 and 25, 2009. Pathological waste is not specified in 30 Tex. Admin. Code § 312.141(a).			
Base Penalty	\$10,000			

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential			
				Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10%
Matrix Notes	100% of the rule requirement was not met.				
					Adjustment \$9,000

Violation Events

Number of Violation Events	4	4	Number of violation days
<i>mark only one with an x</i>	daily		Violation Base Penalty \$4,000
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
Four single events are recommended, one for each load transported.			

Good Faith Efforts to Comply 25.0% Reduction \$1,000

	Before NOV	NOV to EDRP/Settlement
Extraordinary		
Ordinary	x	
N/A		(mark with x)
Notes	The Respondent returned to compliance by August 5, 2009.	
Violation Subtotal	\$3,000	

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount	\$6	Violation Final Penalty Total	\$3,080
This violation Final Assessed Penalty (adjusted for limits)		\$3,080	

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 38367
Reg. Ent. Reference No. RN102456092
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	8-Jun-2008	5-Aug-2009	1.16	\$6	n/a	\$6
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 employee training and update operational guidance to ensure that only authorized wastes are transported. Date required is the first date the unauthorized waste was transported. Final date is the date compliance was achieved.

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	\$100	TOTAL	\$6
-----------------------------------	-------	--------------	-----

Screening Date 4-Sep-2009 **Docket No.** 2009-1512-SLG-E **PCW**
Respondent Webb County *Policy Revision 2 (September 2002)*
Case ID No. 38367 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102456092
Media [Statute] Water Quality
Enf. Coordinator Evette Alvarado

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	
<input type="text" value="Between 30% and 70% of the rule requirement was met."/>					

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 38367
Reg. Ent. Reference No. RN102456092
Media Water Quality
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	\$75	23-Jul-2009	5-Aug-2009	0.04	\$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 update operational guidance and conduct employee training to ensure that a copy of the registration is maintained inside each registered sludge transportation vehicle. Date required is the date of the investigation. Final date is the date compliance was achieved.

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

\$75

TOTAL

\$0

Screening Date 4-Sep-2009 **Docket No.** 2009-1512-SLG-E **PCW**
Respondent Webb County *Policy Revision 2 (September 2002)*
Case ID No. 38367 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102456092
Media [Statute] Water Quality
Enf. Coordinator Evette Alvarado

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 312.145(a)
Violation Description Failed to maintain trip tickets with all required information, as documented during an investigation conducted on July 23, 2009. Specifically, signatures of either the generator, transporter, or receiving facility operator were missing on nine separate trip tickets, and the quantity of waste was missing on one trip ticket.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 9 Number of violation days 9

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$900

Nine single events are recommended, one for each individual trip ticket.

Good Faith Efforts to Comply 25.0% Reduction \$225

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

Notes: The Respondent returned to compliance by August 5, 2009.

Violation Subtotal \$675

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0

Violation Final Penalty Total \$693

This violation Final Assessed Penalty (adjusted for limits) \$693

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 38367
Reg. Ent. Reference No. RN102456092
Media Water Quality
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	\$75	23-Jul-2009	5-Aug-2009	0.04	\$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 update operational guidance and conduct employee training to ensure that all required information is maintained on trip tickets. Date required is the date of the investigation. Final date is the date compliance was achieved.

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

\$75

TOTAL

\$0

Compliance History Report Pending

Customer/Respondent/Owner-Operator:	CN600612758	Webb County	Classification: AVERAGE	Rating: 6.60
Regulated Entity:	RN102456092	WEBB COUNTY RD & BRIDGE DEPT	Classification: AVERAGE	Site Rating: 0.67
ID Number(s):	PETROLEUM STORAGE TANK	REGISTRATION		28255
	REGISTRATION			
	SLUDGE	REGISTRATION		21519
Location:	7210 E SAUNDERS ST, LAREDO, TX, 78041			
TCEQ Region:	REGION 16 - LAREDO			
Date Compliance History Prepared:	September 16, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 01, 2004 to August 31, 2009			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	<u>Evette Alvarado</u>	Phone:	<u>512 - 239 - 2573</u>	

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 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	05/22/2006	(463416)
2	08/21/2009	(765956)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 04/26/2006 (463416)			
Self	NO	Classification:	Minor
Citation: 30 TAC Chapter 312, SubChapter G 312.144(a)			
Description: Failure to place registration number on both sides of transport vehicle.			
Self	NO	Classification:	Minor
Citation: 30 TAC Chapter 312, SubChapter G 312.144(f)			
Description: Failure to prominently mark discharge valves.			
 - 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
WEBB COUNTY;
RN102456092**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-1512-SLG-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Webb County (“the County”) under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and the County, represented by the Webb County Attorney’s Office appear before the Commission and together stipulate that:

1. The County owns and operates a sludge transporter operation located at 7210 East Saunders Street in Laredo, Webb County, Texas (the “Site”). The Site involves or involved the management of medical waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. This Agreed Order is entered pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and the County agree that the Commission has jurisdiction to enter this Agreed Order, and that the County is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the County of any violation alleged in Section II (“Allegations”), nor of any statute or rule.
5. An administrative penalty in the amount of four thousand five hundred forty-three dollars (\$4,543.00) is assessed by the Commission in settlement of the violations alleged in Section II (“Allegations”). Pursuant to TEX. WATER CODE § 7.067, four thousand five hundred forty-three dollars (\$4,543.00) of the administrative penalty shall be conditionally offset by the County’s completion of a Supplemental Environmental Project (SEP) as defined in

Attachment A, incorporated herein by reference. The County's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

6. 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.
7. The Executive Director of the TCEQ and the County agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the County has implemented the following corrective measures at the Site:
 - a. By July 23, 2009, ceased transporting pathological waste from the Webb County Medical Examiner's Office;
 - b. By August 5, 2009, updated operational guidance and conducted employee training to ensure that:
 - i. A copy of the registration is maintained inside each registered vehicle;
 - ii. All required information is maintained on trip tickets; and
 - iii. Only authorized wastes are transported.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the County has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. During an investigation conducted on July 23, 2009, a TCEQ Laredo Regional Office investigator documented that The County violated the following requirements:
 - a. 30 TEX. ADMIN. CODE § 312.141(b) by failing to transport only the waste types specified in 30 TEX. ADMIN. CODE § 312.141(a). Specifically, the County transported four separate loads of pathological waste from the Webb County Medical Examiner's Office on June 9, 2008, November 14, 2008, and February 9 and 25, 2009. Pathological waste is not specified in 30 TEX. ADMIN. CODE § 312.141(a);
 - b. 30 TEX. ADMIN. CODE § 312.142(c) by failing to maintain a copy of the registration authorization in each vehicle operated under that registration; and
 - c. 30 TEX. ADMIN. CODE § 312.145(a) by failing to maintain trip tickets with all required information. Specifically, signatures of either the generator, transporter, or receiving facility operator were missing on nine separate trip tickets, and the quantity of waste was missing on one trip ticket.
2. The County received notice of the violations on or about August 26, 2009.

III. DENIALS

The County generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the County pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and the County's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Webb County; TCEQ Docket No. 2009-1512-SLG-E" to:

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

2. The County shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067 and as set forth in Section I, Paragraph 5, above. Four thousand five hundred forty-three dollars (\$4,543.00) of the assessed administrative penalty shall be offset with the condition that the County implement and complete the SEP pursuant to the terms of the SEP as defined in Attachment A, incorporated herein by reference. The County's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the County. The County is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If the County 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 County's failure to comply is not a violation of this Agreed Order. the County shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. the County shall notify the Executive Director within seven days after the County 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 County shall be made in writing to the Executive Director. Extensions are not effective until the County 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 County 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.

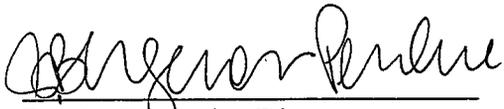
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of this Agreed Order to the County, or three days after the date on which the Commission mails notice of this Agreed Order to the County, 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



For the Executive Director

3/10/2010

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on the County's compliance history;
- Greater scrutiny of any permit applications submitted by the County;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against the County;
- Automatic referral to the Attorney General's Office of any future enforcement actions against the County; and
- TCEQ seeking other relief as authorized by law.

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



Signature

2-4-10

Date

Danny Valdez, Webb County

Name (Printed or typed)

Webb County Sarge

Title

Authorized representative of Webb County

Attachment A
Supplemental Environmental Project

Attachment A
Docket Number: 2009-1512-SLG-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Webb County
Penalty Amount:	Four Thousand Five Hundred Forty-Three (\$4,543)
SEP Offset Amount:	Four Thousand Five Hundred Forty-Three (\$4,543)
Type of SEP:	Pre-approved SEP
Third-Party Recipient:	Texas Association of Resource Conservation & Development Areas, Inc. (“RC&D”) <i>Abandoned Tire Clean Up</i>
Location of SEP:	Webb County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** to be used for the *Abandoned Tire Clean Up* program. Specifically, the contribution will be used to clean up sites where tires have been disposed of illegally. SEP Funds will be used to pay for the labor and disposal costs associated with proper collection, clean up, and disposal of abandoned tires. Eligible clean up sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. Any SEP Funds remaining after completion of this project may, upon approval of the Executive Director, be applied to another approved RC&D project.

The projects will be administered in accordance with federal, state, and local environmental laws and regulations. The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents, which carry disease. The potential for tire

fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation
and Development Areas, Inc. (RC&D)
Attention: Amber Gibson
1716 Briarcrest Drive Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.