

Executive Summary – Enforcement Matter – Case No. 39025
Ronald Triplette d/b/a AAA Triplette Environmental Vacuum Truck
RN105378673
Docket No. 2010-0097-SLG-E

Order Type:
Default Order

Findings Order Justification:
N/A

Media:
SLG

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
8006 Belbay Street, Houston, Harris County; 1401 Booneville Road, Bryan, Brazos County

Type of Operation:
sludge transporting business

Other Significant Matters:

Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: \$594.03 (Account No. 0803808H)
Other: None
Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: September 2, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed: \$7,000

Amount Deferred for Expedited Settlement: N/A

Amount Deferred for Financial Inability to Pay: N/A

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$7,000

SEP Conditional Offset: N/A

Compliance History Classifications:

Person/CN – Average
Site/RN – Average by Default

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 39025
Ronald Triplette d/b/a AAA Triplette Environmental Vacuum Truck
RN105378673
Docket No. 2010-0097-SLG-E

Investigation Information

Complaint Date(s): October 19, 2009
Complaint Information: Complaint alleged that Respondent deliberately discharged sludge from his transport vehicle behind a Valero convenience store.

Date(s) of Investigation: October 20, 2009; January 14, 2010

Date(s) of NOV(s): N/A

Date(s) of NOE(s): December 18, 2009; March 19, 2010

Violation Information

1. Failed to renew an existing TCEQ Sludge Transporter Registration by August 31 of the year in which it expired [30 TEX. ADMIN. CODE § 312.142(d)].
2. Failed to deposit wastes at an authorized facility, resulting in an unauthorized discharge into or adjacent to water in the state [30 TEX. ADMIN. CODE § 312.143 and TEX. WATER CODE § 26.121(a)(1)].
3. Failed to pay TCEQ Waste Management Sludge Haulers fees and associated late fees [30 TEX. ADMIN. CODE § 312.9 and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. Immediately cease transporting sludge until the proper transporter registration is obtained.
2. Within 15 days, submit written certification of compliance with Technical Requirement No. 1.
3. Within 30 days, pay all outstanding fees, including any associated penalties and interest.
4. Within 45 days, submit written certification of compliance with Technical Requirement No. 3.

Litigation Information

Date Petition(s) Filed: June 14, 2010; August 20, 2010; November 30, 2010; July 8, 2011

Date(s) Green Card(s) Signed: June 16, 2010; August 23, 2010; December 2, 2010; Unclaimed

Date(s) Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Contact Information

TCEQ Attorneys: Sharesa Y. Alexander, Litigation Division, (512) 239-3503
Lena Roberts, Litigation Division, (512) 239-3400

TCEQ Enforcement Coordinator: Heather Brister, Water Enforcement Section, (254) 761-3034

TCEQ Regional Contact: Frank Burleson, Waco Regional Office, (254) 761-3001

Respondent: Ronald Triplette, 10004 Bissonnet Street, Houston, Texas 77036

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	21-Dec-2009	Screening	14-Jan-2010	EPA Due	
	PCW	26-May-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Ronald Triplette dba AAA Triplette Environmental Vacuum Truck
Reg. Ent. Ref. No.	RN105378673
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	39025	No. of Violations	3	
Docket No.	2010-0097-SLG-E	Order Type	1660	
Media Program(s)	Water Quality	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Heather Brister	
		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	\$7,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment due to compliance history.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$38	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,100	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$7,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,000
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$7,000
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Screening Date 14-Jan-2010

Docket No. 2010-0097-SLG-E

PCW

Respondent Ronald Triplette dba AAA Triplette Environmental Vacuur

Policy Revision 2 (September 2002)

Case ID No. 39025

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105378673

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment due to compliance history.

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

Screening Date 14-Jan-2010	Docket No. 2010-0097-SLG-E	PCW		
Respondent Ronald Triplette dba AAA Triplette Environmental Vacuum Truck	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 39025	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN105378673				
Media [Statute] Water Quality				
Enf. Coordinator Heather Brister				
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 312.142(d)			
Violation Description	Failed to renew an existing TCEQ Sludge Transporter Registration by August 31 of the year which it expired. Specifically, Respondent continued to transport sludge after the his registration expired on August 31, 2008..			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Percent				0%
>>Programmatic Matrix				
Falsification				
Major Moderate Minor				
<input type="text"/> <input checked="" type="text"/> <input type="text"/> <input type="text"/>				
Percent				10%
Matrix Notes	100% of the rule requirement was not met.			
Adjustment			\$9,000	
			\$1,000	
Violation Events				
Number of Violation Events		6	415	
		Number of violation days		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
Violation Base Penalty			\$6,000	
Six quarterly events are recommended from the Registration expiration date (August 31, 2008) to the screening date (January 14, 2009).				
Good Faith Efforts to Comply			\$0	
0.0% Reduction				
Before NOV NOV to EDRP/Settlement				
Extraordinary	<input type="text"/>			
Ordinary	<input type="text"/>			
N/A	<input checked="" type="text"/>	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal			\$6,000	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$25	Violation Final Penalty Total	
			\$6,000	
This violation Final Assessed Penalty (adjusted for limits)			\$6,000	

Economic Benefit Worksheet

Respondent Ronald Triplette dba AAA Triplette Environmental Vacuum Truck
Case ID No. 39025
Reg. Ent. Reference No. RN105378673
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$250	31-Aug-2008	20-Aug-2010	1.97	\$25	n/a	\$25
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to apply for and receive authorization to transport sludge and authorize vehicles. Date required is the date the Registration expired, final date is the anticipated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$25

Screening Date 14-Jan-2010 **Docket No.** 2010-0097-SLG-E **PCW**
Respondent Ronald Triplette dba AAA Triplette Environmental Vacuum Truck *Policy Revision 2 (September 2002)*
Case ID No. 39025 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105378673
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

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"/>	<input checked="" type="checkbox"/>	<input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

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 checked="" type="checkbox"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(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 Ronald Triplette dba AAA Triplette Environmental Vacuum Truck
Case ID No. 39025
Reg. Ent. Reference No. RN105378673
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	\$250	20-Oct-2009	31-Oct-2010	1.03	\$13	n/a	\$13
Remediation/Disposal	\$1,600	20-Oct-2009	21-Oct-2009	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 that the City of Bryan ("the City") spent to properly dispose of sludge at an authorized facility and to remove all sludge and contaminated surface soils from all affected areas and the cost to update operational guidance to ensure that all transported waste is disposed of at an authorized facility. The date required is the date the violation was documented. Final dates are the date the City completed the clean up and the anticipated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,850

TOTAL

\$13

Screening Date 14-Jan-2010 **Docket No.** 2010-0097-SLG-E **PCW**
Respondent Ronald Triplette dba AAA Triplette Environmental Vacuum Truck *Policy Revision 2 (September 2002)*
Case ID No. 39025 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105378673
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 312.9 and Tex. Water Code § 5.702
Violation Description Failed to pay the fiscal year 2008 TCEQ Waste Management Sludge Haulers fee and associated late fees for Account No. 0803808H.

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

No penalty is assessed for this violation, as penalty and interest will be assessed in the next billing cycle.

Adjustment \$10,000

\$0

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$0

Good Faith Efforts to Comply 0.0% Reduction \$0

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

Notes

Violation Subtotal \$0

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

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent Ronald Triplette dba AAA Triplette Environmental Vacuum Truck
Case ID No. 39025
Reg. Ent. Reference No. RN105378673
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				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

N/A

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

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN603271263 TRIPLETTE, RONALD Classification: AVERAGE Rating: 3.01

Regulated Entity: RN105378673 AAA TRIPLETTE Classification: AVERAGE BY Site Rating: 3.01
ENVIRONMENTAL VACUUM
TRUCK
DEFAULT

ID Number(s):

Location: 8006 BELBAY ST, HOUSTON, TX, 77033

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: February 25, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 25, 2005 to February 25, 2010

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

Name: Heather Brister Phone: 254-761-3034

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

Components (Multimedia) for the Site :

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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
RONALD TRIPLETTE D/B/A
AAA TRIPLETTE
ENVIRONMENTAL VACUUM
TRUCK;
RN105378673**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2010-0097-SLG-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Third Amended Report and Petition filed pursuant to TEX. WATER CODE chs. 5, 7 and 26, TEX. HEALTH & SAFETY CODE ch. 361, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Ronald Triplette d/b/a AAA Triplette Environmental Vacuum Truck ("Respondent").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owns and operates a sludge transporting business located at 8006 Belbay Street, Houston, Harris County, Texas (the "Business"). The Business involves the management and/or the disposal of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361. Respondent has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.
2. During an investigation conducted on October 20, 2009, a TCEQ Waco Regional Office investigator documented that Respondent:
 - a. Failed to renew an existing TCEQ Sludge Transporter Registration by August 31 of the year in which it expired. Specifically, Respondent continued to transport sludge after his registration expired on August 31, 2008; and
 - b. Failed to deposit wastes at an authorized facility, resulting in an unauthorized discharge into or adjacent to water in the state. Specifically, on October 19, 2009, Respondent discharged approximately 2,000 gallons of sludge behind a Valero convenience store located at 1401 Booneville Road in Bryan, Brazos County, Texas, which discharged down a grassy knoll towards a drainage ditch located on the property line.

3. During a record review conducted on January 14, 2010, TCEQ Central Office staff documented that Respondent failed to pay TCEQ Waste Management Sludge Haulers fees and associated late fees for Account No. 0803808H for fiscal year 2008.
4. Respondent received notice of the violations in Findings of Fact Nos. 2.a. and 2.b. on or about December 23, 2009. Respondent received notice of the violation in Finding of Fact No. 3 on or about March 24, 2010.
5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Ronald Triplette d/b/a AAA Triplette Environmental" (the "EDPRP") in the TCEQ Chief Clerk's office on June 14, 2010.
6. By letter dated June 14, 2010, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on June 16, 2010, as evidenced by the signature on the card.
7. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Ronald Triplette d/b/a AAA Triplette Environmental" (the "EDFARP") in the TCEQ Chief Clerk's office on August 20, 2010.
8. By letter dated August 20, 2010, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDFARP. According to the return receipt "green card," Respondent received notice of the EDFARP on August 23, 2010, as evidenced by the signature on the card.
9. The Executive Director filed the "Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Ronald Triplette d/b/a AAA Triplette Environmental Vacuum Truck" (the "EDSARP") in the TCEQ Chief Clerk's office on November 30, 2010.
10. By letter dated November 30, 2010, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDSARP. According to the return receipt "green card," Respondent received notice of the EDSARP on December 2, 2010, as evidenced by the signature on the card.
11. The Executive Director filed the "Executive Director's Third Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Ronald Triplette d/b/a AAA Triplette Environmental Vacuum Truck" (the "EDTARP") in the TCEQ Chief Clerk's office on July 8, 2011.

12. By letter dated July 8, 2011, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDTARP. The United States Postal Service returned the EDTARP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDTARP.
13. More than 20 days have elapsed since Respondent received notice of the EDPRP, EDFARP, EDSARP and EDTARP provided by the Executive Director. Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5 and 26, TEX. HEALTH & SAFETY CODE ch. 361, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to renew an existing TCEQ Sludge Transporter Registration by August 31 of the year in which it expired, in violation of 30 TEX. ADMIN. CODE § 312.142(d).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to deposit wastes at an authorized facility, resulting in an unauthorized discharge into or adjacent to water in the state, in violation of 30 TEX. ADMIN. CODE § 312.143 and TEX. WATER CODE § 26.121(a)(1).
4. As evidenced by Finding of Fact No. 3, Respondent failed to pay TCEQ Waste Management Sludge Haulers fees and associated late fees for Account No. 0803808H for fiscal year 2008, in violation of 30 TEX. ADMIN. CODE § 312.9 and TEX. WATER CODE § 5.702.
5. As evidenced by Findings of Fact Nos. 5 through 12, the Executive Director timely served Respondent with proper notice of the EDPRP, EDFARP, EDSARP, and the EDTARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a) and (c)(2).
6. As evidenced by Finding of Fact No. 13, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of seven thousand dollars (\$7,000.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty in the amount of seven thousand dollars (\$7,000.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Ronald Triplette d/b/a AAA Triplette Environmental Vacuum Truck; Docket No. 2010-0097-SLG-E" to:

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

3. Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, Respondent shall cease transporting sludge until the proper transporter registration is obtained, in accordance with 30 TEX. ADMIN. CODE § 312.142;
 - b. Within 15 days after the effective date of this Order, Respondent shall submit written certification of compliance with Ordering Provision No. 3.a., in accordance with Ordering Provision No. 3.e. below;
 - c. Within 30 days after the effective date of this Order, Respondent shall pay all outstanding fees, including any associated penalties and interest, and with the notation "Ronald Triplette d/b/a AAA Triplette Environmental Vacuum Truck – Account No. 0803808H" to:

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

- d. Within 45 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.e. below, and include detailed supporting documentation including photographs, receipts, and /or other records to demonstrate compliance with Ordering Provision No. 3.c.
- e. The certification required by these Ordering Provisions shall be notarized by a State of Texas Notary Public and include the following certification language:

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

Respondent shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

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

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Business operations referenced in this Order.
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the

Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

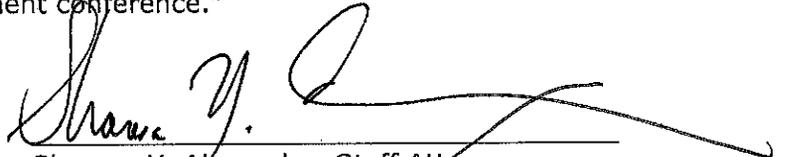
S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

The EDTARP was mailed to Respondent at his last known address on July 8, 2011, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDTARP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDTARP.

More than 20 days have elapsed since Respondent received notice of the EDPRP, the EDFARP, EDSARP and the EDTARP. Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference."



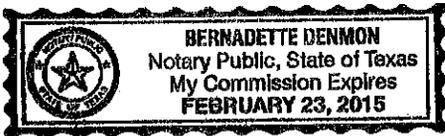
Sharesa Y. Alexander, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Sharesa Y. Alexander, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 10th day of August, A.D. 2011.



Notary Signature



Notary without Bond