

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO. 2010-0255-SLG-E**

**RN104662283**

**CASE NO. 39043**

**RESPONDENT NAME: ANNETTE VILLEGAS DBA GULF COAST ENVIRONMENTAL**

ORDER TYPE:		
<input checked="" type="checkbox"/> 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 VIOLATION(S) OCCURRED:** 501 North Clarkwood Road, Corpus Christi, Nueces County

**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 Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired February 8, 2011. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Stephanie J. Frazee, Litigation Division, MC 175, (512) 239-3693  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

**TCEQ Enforcement Coordinator:** Ms. Lanae Foard, Waste Enforcement Section, MC 169, (512) 239-2554

**TCEQ Regional Contact:** Mr. Brad Genzer, Corpus Christi Regional Office, MC R-14, (361) 825-3106

**Respondents:** Ms. Annette Villegas, Owner, Gulf Coast Environmental, 1133 Nancy Drive, Corpus Christi, Texas 78412

**Respondents' Attorney:** Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint:</b> N/A</p> <p><b>Date of Investigation:</b> December 16, 2009</p> <p><b>Date of NOE:</b> January 8, 2010</p> <p><b>Background Facts:</b> The EDPRP was filed on June 18, 2010. Respondent filed an answer and the case was referred to SOAH. The Agreed Order was signed on August 12, 2010, however, the initial penalty payment of \$350 was not received until December 13, 2010 (three days before the scheduled Evidentiary Hearing date).</p> <p><b>Current Compliance Status:</b> Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p><b>SLG:</b></p> <ol style="list-style-type: none"> <li>Failed to submit an application to renew an existing TCEQ Sludge Transporter registration by June 15 of the year in which the registration expired [30 Tex. ADMIN. CODE § 312.142(d)].</li> <li>Failed to obtain written approval from the Executive Director prior to temporarily storing waste at a fixed or permanent site [30 TEX. ADMIN. CODE § 312.147(b)].</li> </ol>	<p><b>Total Assessed:</b> \$12,600</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid/Due to General Revenue:</b> \$350/\$12,250</p> <p>Respondent paid \$350 of the administrative penalty. The remaining amount of \$12,250 shall be payable in 35 monthly payments of \$350 each.</p> <p><b>Compliance History Classifications:</b>  <i>Person/CN</i> – Average  <i>Site/RN</i> – Average</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Immediately: <ol style="list-style-type: none"> <li>Cease the unauthorized transport of grease-trap waste until such time as a registration is issued; and</li> <li>Cease the storage of grease-trap waste at the Facility until such time as written approval is issued; and</li> </ol> </li> <li>Within 15 days, submit written certification demonstrating compliance with Ordering Provision No. 1.</li> <li>Within 30 days: <ol style="list-style-type: none"> <li>Submit an administratively complete Application to Register or Renew Registration as a Transporter of Municipal Sludges or Other Wastes; and</li> <li>Submit an Application for Temporary Storage of Municipal Sludges and Similar Wastes by Registered Transporters.</li> </ol> </li> <li>Within 45 days, submit written certification demonstrating compliance with Ordering Provision No. 3.</li> </ol>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	11-Jan-2010			
	<b>PCW</b>	11-Jun-2010	<b>Screening</b>	22-Jan-2010	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	Annette Villegas dba Gulf Coast Environmental				
<b>Reg. Ent. Ref. No.</b>	RN104662283				
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Minor		

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	39043	<b>No. of Violations</b>	2		
<b>Docket No.</b>	2010-0255-SLG-E	<b>Order Type</b>	1660		
<b>Media Program(s)</b>	Municipal Solid Waste	<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Lanae Foard		
		<b>EC's Team</b>	Enforcement Team 1		
<b>Admin. Penalty \$ Limit</b>	<b>Minimum</b>	\$0	<b>Maximum</b>	\$10,000	

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$12,000
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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.

<b>Compliance History</b>	5.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$600
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<b>Notes</b>	Enhancement recommended due to one NOV with violations same or similar to those cited in this action.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$10	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$12,600
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$12,600
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$12,600
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	\$12,600
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Screening Date 22-Jan-2010

Docket No. 2010-0255-SLG-E

PCW

Respondent Annette Villegas dba Gulf Coast Environmental

Policy Revision 2 (September 2002)

Case ID No. 39043

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104662283

Media [Statute] Municipal Solid Waste

Enf. Coordinator Lanae Foard

### 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)	1	5%
	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) 5%

>> 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

Enhancement recommended due to one NOV with violations same or similar to those cited in this action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

**Screening Date** 22-Jan-2010 **Docket No.** 2010-0255-SLG-E **PCW**  
**Respondent** Annette Villegas dba Gulf Coast Environmental *Policy Revision 2 (September 2002)*  
**Case ID No.** 39043 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN104662283  
**Media [Statute]** Municipal Solid Waste  
**Enf. Coordinator** Lanae Foard

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code § 312.142(d)  
**Violation Description** Failed to submit an application to renew an existing TCEQ Sludge Transporter registration by June 15 of the year in which the registration expired. Specifically, Respondent did not submit an application to renew her sludge transporter registration, which expired on August 31, 2008, and continued to transport grease-trap waste after the registration expired..

**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

OR	<b>Harm</b>			Percent	
	<b>Release</b>	Major	Moderate		Minor
	Actual				
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		x			

Matrix Notes: 100% of rule requirement was not met.

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events 6 510 Number of violation days

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

**Violation Base Penalty** \$6,000

Six quarterly events are recommended from the date the registration expired (August 31, 2008) to the screening date (January 22, 2010).

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement
Extraordinary		
Ordinary		
N/A	x	(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** \$1

**Violation Final Penalty Total** \$6,300

**This violation Final Assessed Penalty (adjusted for limits)** \$6,300

## Economic Benefit Worksheet

**Respondent** Annette Villegas dba Gulf Coast Environmental  
**Case ID No.** 39043  
**Reg. Ent. Reference No.** RN104662283  
**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
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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	\$10	31-Aug-2008	27-Aug-2010	1.99	\$1	n/a	\$1
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to submit a complete application to renew a registration as a transporter of municipal sludge and similar wastes based on \$10 per registered vehicle. Date required is the date the registration expired. Final date is the expected 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 \$10

**TOTAL** \$1

**Screening Date** 22-Jan-2010 **Docket No.** 2010-0255-SLG-E **PCW**  
**Respondent** Annette Villegas dba Gulf Coast Environmental *Policy Revision 2 (September 2002)*  
**Case ID No.** 39043 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN104662283  
**Media [Statute]** Municipal Solid Waste  
**Enf. Coordinator** Lanae Foard

**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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="text" value="100% of the rule requirement was not met."/>					
<b>Adjustment</b>					<input type="text" value="\$9,000"/>

**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 checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**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** Annette Villegas dba Gulf Coast Environmental  
**Case ID No.** 39043  
**Reg. Ent. Reference No.** RN104662283  
**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

Economic benefit for this violation is included with violation no. 1.

### 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: CN602860322 Annette Villegas dba Gulf Coast Environmental Classification: AVERAGE  
 Rating: 4.67

Regulated Entity: RN104662283 GULF COAST ENVIRONMENTAL Classification: AVERAGE

Location: 501 N CLARKWOOD RD, CORPUS CHRISTI, NUECES COUNTY, TEXAS

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: January 22, 2010

Compliance Period: January 22, 2005 to January 22, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:  
 Name: Lanae Foard Phone: 512-239-2554

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

### Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 

1	07/15/2005	(398633)
2	11/28/2005	(437991)
3	01/08/2010	(786061)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 

<b>Date:</b>	<b>(398633)</b>	<b>CN602860322</b>	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 312, SubChapter G 312.144(a)		
Description:	Failure to mark the transport vehicle with company name, telephone number, and authorization stickers.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 312, SubChapter G 312.144(b)		
Description:	Failure to maintain sanitary conditions.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 312, SubChapter G 312.144(d)		
Description:	Failure to use a site gauge to measure amount of collected waste in the container.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 312, SubChapter G 312.144(f)		
Description:	Failure to mark portal valves.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 312, SubChapter G 312.147(b)		
Description:	Failure to submit an application for the temporary storage of grease trap waste.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 312, SubChapter G 312.147(b)(1)		
Description:	Failure to dispose of waste from a fixed site within 30 days.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 312, SubChapter G 312.147(b)(7)		
Description:	Failure to prevent a public health nuisance condition at the facility temporary holding site.		
Self Report?	NO	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(3)		
Description:	Failure to prevent an unauthorized discharge.		
- 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  
ANNETTE VILLEGAS DBA GULF  
COAST ENVIRONMENTAL;  
RN104662283**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2010-0255-SLG-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Annette Villegas d/b/a Gulf Coast Environmental ("Respondent") 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 Respondent appear before the Commission and together stipulate that:

1. Respondent owns and operates a sludge transporter business located at 501 North Clarkwood Road, Corpus Christi, Nueces County, Texas (the "Facility"). The Facility involves the management and/or the disposal of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and TCEQ rules.
3. The Commission and Respondent agree that the Commission has jurisdiction to enter this Agreed Order and that Respondent 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 Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of twelve thousand six hundred dollars (\$12,600.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid three hundred fifty dollars (\$350.00) of the administrative penalty. The remaining amount of twelve thousand two hundred fifty dollars (\$12,250.00) of the administrative penalty shall be payable in 35 monthly payments of three hundred fifty dollars (\$350.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the

payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

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 Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to the approval of the Commission.
8. 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 Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.
10. 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 December 16, 2009, a TCEQ Corpus Christi Regional Office investigator documented that Respondent violated:
  - a. 30 TEX. ADMIN. CODE § 312.142(d), by failing to submit an application to renew an existing TCEQ Sludge Transporter registration by June 15 of the year in which the registration expired. Specifically, Respondent did not submit an application to renew her sludge transporter registration, which expired on August 31, 2008, and continued to transport grease-trap waste after the registration expired;
  - b. 30 TEX. ADMIN. CODE § 312.147(b), by failing to obtain written approval from the Executive Director prior to temporarily storing waste at a fixed or permanent site. Specifically, Respondent continued to store grease-trap waste at the Facility after the written approval to store the waste expired on August 31, 2008.
2. Respondent received notice of the violations on or about January 13, 2010.

## **III. DENIALS**

Respondent generally denies each Allegation in Section II.

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and 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 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: Annette Villegas d/b/a Gulf Coast Environmental, Docket No. 2010-0255-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. Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, Respondent shall:
    - i. Cease the unauthorized transport of grease-trap waste until such time as a registration is issued by the TCEQ in accordance with 30 TEX. ADMIN. CODE § 312.142; and
    - ii. Cease the storage of grease-trap waste at the Facility until such time as written approval is issued by the TCEQ in accordance with 30 TEX. ADMIN. CODE § 312.147.
  - b. Within 15 days after the effective date of this Agreed Order, Respondent shall submit written certification of compliance with Ordering Provision No. 2.a. in accordance with Ordering Provision No. 2.e., below.
  - c. Within 30 days after the effective date of this Agreed Order, Respondent shall:
    - i. Submit an administratively complete Application pursuant to 30 TEX. ADMIN. CODE § 312.142 to Register or Renew Registration as a Transporter of Municipal Sludges or Other Wastes to the following address:

Texas Commission on Environmental Quality  
MSW Registration Team, MC 129  
P.O. Box 13088  
Austin, Texas 78711-3088
    - ii. Submit an Application pursuant to 30 TEX. ADMIN. CODE § 312.147 for Temporary Storage of Municipal Sludges and Similar Wastes by Registered Transporters to the following address:

Permitting and Remediation Support Division  
MSW Registration Team, MC 129  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- d. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification of compliance with Ordering Provision No. 2.c. in accordance with Ordering Provision No. 2.e., below.
- e. The certifications required by Ordering Provision Nos. 2.b. and 2.d. 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  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

and

Waste Section Manager  
Texas Commission on Environmental Quality  
Corpus Christi Regional Manager  
6300 Ocean Drive, Suite 1200  
Corpus Christi, Texas 78412-5503

- 3. The provisions of this Agreed Order shall apply to and be binding upon Respondent. 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 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, Respondent's failure to comply is not a violation of this Agreed 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.
- 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 Respondent shall be made in writing to the Executive Director. Extensions are not

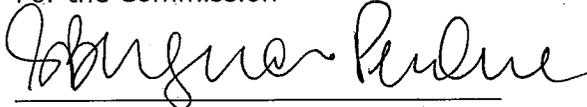
effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against 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 separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
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 Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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



\_\_\_\_\_  
For the Executive Director

2/3/2011

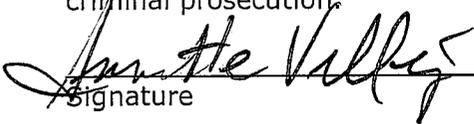
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Date

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

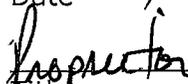
I also understand that failure to comply with the Ordering Provisions in this order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

Annette Villegas  
\_\_\_\_\_  
Name (Printed or typed)

8/12/10  
\_\_\_\_\_  
Date  
  
\_\_\_\_\_  
Title