

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO. 2008-1371-MLM-E RN105163950 CASE NO. 36439
RESPONDENT NAME: RONALD WEST, L.L.C.

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 checked="" 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 checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: One mile east of Highway 339 on County Road 656 in or near Kosse, Limestone County

TYPE OF OPERATION: Land Reclamation Project Using Tires (LRPUT)

SMALL BUSINESS: Yes No N/A

OTHER SIGNIFICANT MATTERS: One complaint was received, alleging that Respondent was illegally dumping waste on his land. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: The complainant has not indicated a desire to protest this action or speak at Agenda. No one other than the ED and Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired March 7, 2011. No comments were received.

CONTACTS AND MAILING LIST:

- TCEQ Attorney:** Jennifer Cook, Litigation Division, MC 175, (512) 239-3400
 Lena Roberts, Litigation Division, MC 175, (512) 239-3400
- TCEQ Enforcement Coordinator:** Danielle Porras, Waste Enforcement Section, MC R-12, (713) 767-3682
- TCEQ Regional Contact:** Frank Burleson, Waco Regional Office, MC R-9, (254) 761-3001
- Respondent:** Ronald West, Ronald West, L.L.C., P.O. Box 496 Groesbeck, Texas 76642
- Respondent's Attorney:** Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint: June 17, 2008</p> <p>Date of Investigation: June 19, 2008</p> <p>Date of NOE: July 31, 2008</p> <p>Background Facts: The EDPRP was filed on December 2, 2008. The EDFARP was filed on September 3, 2009. Respondent filed an answer and the case was referred to SOAH. The Agreed Order was signed on January 13, 2011.</p> <p>Current Compliance Status: Respondent has not yet submitted documentation demonstrating compliance with the technical requirements.</p> <p>MLM:</p> <ol style="list-style-type: none"> Failed to prevent the disposal of unauthorized waste resulting in an unauthorized discharge into or adjacent to water in the state [30 TEX. ADMIN. CODE § 330.15(a) and (c) and TEX. WATER CODE § 26.121(a)]. Failed to store scrap tires in totally enclosed and lockable containers [30 TEX. ADMIN. CODE § 328.60(a) and TCEQ Processor Registration ID Number 6200399]. 	<p>Total Assessed: \$1,800</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid/Due to General Revenue: \$100/\$1,700</p> <p>Respondent paid \$100 of the administrative penalty. The remaining amount of \$1,700 shall be payable in 17 monthly payments of \$100 each.</p> <p>Compliance History Classifications: <i>Person/CN</i> – High <i>Site/RN</i> – High</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Within 180 days, remove all unauthorized waste, including but not limited to household, oil field, and other waste, rubbish, televisions, insulation, five gallon buckets and containers with unknown contents, empty bags of Barite, Drilling Ugnosulfonate, Migel, and Mil-Carb, gallon paint cans, oil filters, and a container of polyacrylamide emulsion, and dispose of the waste at a facility authorized to accept the waste. Within 190 days, submit written certification demonstrating compliance with Ordering Provision No. 1. Within 360 days, store all scrap tires at the Site in accordance with the requirements of either LRPUR Registration No. 6200398 and Scrap Tire Processor Registration No. 6200399, or, if one or both of those Registrations are amended or superceded prior to the expiration of the 360-day deadline, in accordance with the Registration or Registrations that are valid and in effect on that date, as applicable, or cease storing tires at the Site. Within 370 days, submit written certification demonstrating compliance with Ordering Provision No. 3.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	11-Aug-2008			
	PCW	12-Nov-2009	Screening	25-Aug-2008	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Ronald West, L.L.C.				
Reg. Ent. Ref. No.	RN105163950				
Facility/Site Region	9-Waco	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	36439	No. of Violations	2		
Docket No.	2008-1371-MSW-E	Order Type	1660		
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Danielle Porras		
		EC's Team	Enforcement Team 7		
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$10,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
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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	-10.0% Enhancement	Subtotals 2, 3, & 7	-\$200
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Notes: Reduction of penalty because of high performance on compliance history.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

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: \$311
 Approx. Cost of Compliance: \$6,394
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,800
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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:

Final Penalty Amount	\$1,800
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,800
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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.

PAYABLE PENALTY	\$1,800
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Screening Date 25-Aug-2008

Docket No. 2008-1371-MSW-E

PCW

Respondent Ronald West, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 36439

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN105163950

Media [Statute] Municipal Solid Waste

Enf. Coordinator Danielle Porras

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
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) 0%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> **Compliance History Summary**

Compliance History Notes

Reduction of penalty because of high performance on compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) -10%

Screening Date 25-Aug-2008 **Docket No.** 2008-1371-MSW-E **PCW**
Respondent Ronald West, L.L.C. *Policy Revision 2 (September 2002)*
Case ID No. 36439 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN105163950
Media [Statute] Municipal Solid Waste
Enf. Coordinator Danielle Porras

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="10%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<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
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 West, L.L.C.
Case ID No. 36439
Reg. Ent. Reference No. RN105163950
Media Municipal Solid Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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	\$4,394	19-Jun-2008	1-May-2009	0.87	\$190	n/a	\$190
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove the unauthorized waste and dispose of it at a facility authorized to accept the waste. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,394

TOTAL

\$190

Screening Date 25-Aug-2008 **Docket No.** 2008-1371-MSW-E **PCW**
Respondent Ronald West, L.L.C. *Policy Revision 2 (September 2002)*
Case ID No. 36439 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN105163950
Media [Statute] Municipal Solid Waste
Enf. Coordinator Danielle Porras

Violation Number
Rule Cite(s)
Violation Description
Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="10%"/>
	Major	Moderate	Minor	
	Actual <input type="text"/>	<input type="text"/>	x	
Potential <input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

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

Matrix Notes
Adjustment

Violation Events

Number of Violation Events Number of violation days
 mark only one with an x
 daily
 monthly
 quarterly
 semiannual
 annual
 single event
Violation Base Penalty

Good Faith Efforts to Comply Reduction

Before NOV NOV to EDRP/Settlement Offer
 Extraordinary
 Ordinary
 N/A (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 West, L.L.C.
Case ID No. 36439
Reg. Ent. Reference No. RN105163950
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	\$2,000	19-Jun-2008	1-May-2009	0.87	\$6	\$115	\$121
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain enclosed and lockable tire storage containers. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$121

Compliance History Report

Customer/Respondent/Owner-Operator: CN603153875 Ronald West, L.L.C. Classification: HIGH Rating: 0.00
Regulated Entity: RN105163950 ONE MILE EAST OF HWY 339 ON COUNTY RD 656 Classification: HIGH Site Rating: 0.00

ID Number(s): TIRES REGISTRATION 6200398
TIRES REGISTRATION 6200399

Location: ONE MILE EAST OF HWY 339 ON COUNTY RD 656, Rating Date: 9/1/2008 Repeat Violator: NO
KOSSE, LIMESTONE COUNTY

TCEQ Region: REGION 09 - WACO
Date Compliance History: October 28, 2008
Agency Decision Requiring Compliance Enforcement
Compliance Period: October 28, 2003 to October 28, 2008
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:
Name: Danielle Porras Phone: (512) 239-2602

Site Compliance History Components

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

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 08/08/2008 (687812)
 - 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 WEST, L.L.C.;
RN105163950**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2008-1371-MLM- 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 Ronald West, L.L.C. (“West”) under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and West appear before the Commission and together stipulate that:

1. West owns and operates a Land Reclamation Project Using Tires (“LRPUT”) located one mile east of Highway 339 on County Road 656 in or near Kosse, Limestone County, Texas (the “Site”).
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, TEX. WATER CODE ch. 26, and TCEQ rules.
3. The Commission and West agree that the Commission has jurisdiction to enter this Agreed Order, and that West 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 West of any violation alleged in Section II (“Allegations”), nor of any statute or rule.
5. An administrative penalty in the amount of one thousand eight hundred dollars (\$1,800.00) is assessed by the Commission in settlement of the violations alleged in Section II. West paid one hundred dollars (\$100.00) of the administrative penalty. The remaining amount of one thousand seven hundred dollars (\$1,700.00) of the administrative penalty shall be payable in 17 monthly payments of one hundred dollars (\$100.00) 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 West 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, West's failure to meet the payment schedule of this Agreed Order constitutes the failure by West 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 West agreed on a settlement of the matters alleged in this enforcement action, 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 West 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 June 19, 2008, a TCEQ Waco Regional Office investigator documented that West violated:
 - a. 30 TEX. ADMIN. CODE § 330.15(a) and (c) and TEX. WATER CODE §26.121(a), by failing to prevent the disposal of unauthorized waste resulting in an unauthorized discharge into or adjacent to water in the state. Specifically, West was allowing the disposal of unauthorized waste at the LRPUT. The unauthorized waste included but was not limited to household, oil field, and other waste, including rubbish, a television, insulation, five gallon buckets and containers with unknown contents, empty bags of Barite, Drilling Ugnosulfonate, Migel, and Mil-Carb, gallon paint cans, an oil filter, and a container of polyacrylamide emulsion; and
 - b. 30 TEX. ADMIN. CODE § 328.60(a), and TCEQ Processor Registration ID Number 6200399, by failing to store scrap tires in totally enclosed and lockable containers. Specifically, West is authorized to store a 30 day supply of 5,000 tires in totally

enclosed lockable containers, however, approximately 2,000 tires were observed stored on the ground.

2. West received notice of the violations on or about August 5, 2008.

III. DENIALS

West generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that West pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and West'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: Ronald West, L.L.C., Docket No. 2008-1371-MLM-E" to:

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

2. West shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Agreed Order, West shall remove all unauthorized waste, including but not limited to household, oil field, and other waste, rubbish, televisions, insulation, five gallon buckets and containers with unknown contents, empty bags of Barite, Drilling Ugnosulfonate, Migel, and Mil-Carb, gallon paint cans, oil filters, and a container of polyacrylamide emulsion, and dispose of the waste at a facility authorized to accept the waste;
 - b. Within 190 days after the effective date of this Agreed Order, West shall submit written certification as described in Ordering Provision no. 2.e. below, and include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with the ordering provision in Ordering Provision no. 2.a. above;
 - c. Within 360 days after the effective date of this Agreed Order, West shall store all scrap tires at the Site in accordance with the requirements of either LRP

Registration No. 6200398 and Scrap Tire Processor Registration No. 6200399, or, if one or both of those Registrations are amended or superceded prior to the expiration of the 360-day deadline, in accordance with the Registration or Registrations that are valid and in effect on that date, as applicable, or cease storing tires at the Site.

- d. Within 370 days after the effective date of this Agreed Order, West shall submit written certification as described in Ordering Provision no. 2.e. below, and include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with the ordering provision in Ordering Provision no. 2.c. above; and
- e. The certifications required by Ordering Provision nos. 2.b. and 2.d. shall include detailed supporting documentation including photographs, receipts, and/or other records, to demonstrate compliance. The certification 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.”

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

- 3. The provisions of this Agreed Order shall apply to and be binding upon West. West 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.

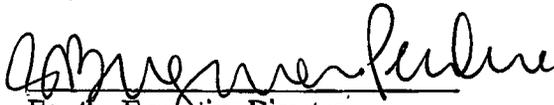
4. If West fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, West's failure to comply is not a violation of this Agreed Order. West shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. West shall notify the Executive Director within seven days after West 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 West shall be made in writing to the Executive Director. Extensions are not effective until West 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 West 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 the Agreed Order to West, or three days after the date on which the Commission mails notice of this Agreed Order to West, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Ronald West, L.L.C.
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/18/2011

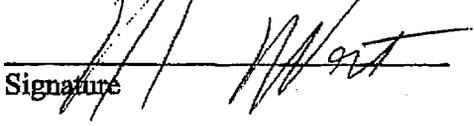
Date

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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on West's compliance history;
- Greater scrutiny of any permit applications submitted by West;
- 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 West;
- Automatic referral to the Attorney General's Office of any future enforcement actions against West; and
- TCEQ seeking other relief as authorized by law.

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



Signature

1/13/11

Date

Ronald West
Authorized representative of
Ronald West, L.L.C.

Manager

Title