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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1477-AIR-E **TCEQ ID:** RN102668654 **CASE NO.:** 40361
RESPONDENT NAME: Polk County

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input 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
<p>SITE WHERE VIOLATION(S) OCCURRED: Polk County Landfill, 3477 Farm-to-Market Road 942 West, Leggett, Polk County</p> <p>TYPE OF OPERATION: Municipal landfill</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 28, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: The Honorable John P. Thompson, County Judge, Polk County, P.O. Box 528, Leggett, Texas 77350 Mr. Jeff Hunter, Landfill Administrator, Polk County, P.O. Box 528, Leggett, Texas 77350 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 19, 2010</p> <p>Date of NOV/NOE Relating to this Case: August 23, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failed to submit semi-annual deviation reports. Specifically, the Respondent failed to submit semi-annual deviation reports for the following compliance periods: July 5, 2007 through January 3, 2008; January 4, 2008 through July 4, 2008; July 5, 2008 through January 3, 2009; January 4, 2009 through July 4, 2009; and July 5, 2009 through January 3, 2010 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. 2686, and General Operating Permit ("GOP") No. 517, Site-wide Requirements ("SWR") No. (b)(2)].</p> <p>2) Failed to maintain the required emissions data and/or records to verify eligibility for the claimed Permit by Rules ("PBRs") for the Site. Specifically, for PBRs in 30 TEX. ADMIN. CODE §§ 106.227, 106.454, and 106.511, records of air emissions calculations, total solvent makeup, and maximum annual operating hours for engines/turbines were not available during the investigation [30 TEX. ADMIN. CODE §§ 106.8(c)(2) and 106.8(c)(4), 122.143(4) and 122.144(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 2686, GOP No. 517, SWR Nos. (b)(2) and (b)(5)(C)ii].</p>	<p>Total Assessed: \$9,110</p> <p>Total Deferred: \$1,822 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$7,288</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Site:</p> <p>a. On August 4, 2010:</p> <p>i. Submitted a semi-annual deviation report for the reporting period from January 4, 2010 to July 4, 2010; and</p> <p>ii. Submitted photographic documentation verifying that a sign summarizing proper operating instructions had been posted for the degreasing unit.</p> <p>b. On September 10, 2010, implemented a Records Management Plan to comply with FOP No. 2686 and GOP No. 517 recordkeeping and reporting requirements and the applicable PBR conditions. The plan includes the following:</p> <p>i. Maintaining on-site an Air Emissions Summary to demonstrate the air emissions on a pounds per hour and tons per year basis;</p> <p>ii. Maintaining operating hour information for each of the portable engines covered by the PBR to ensure operation does not exceed 876 hours per year;</p> <p>iii. Establishing a monthly Parts Degreaser Inspection Log for solvent purchases, solvent use, and disposal for the manufacturing shop degreasing unit;</p> <p>iv. Implementing the recordkeeping and reporting requirements for the GOP; and</p> <p>v. Maintaining a Flare Visible Emissions Daily Log for opacity observations from the portable flare.</p>

<p>3) Failed to maintain, on a monthly basis, inspection and solvent use records for the manufacturing shop degreasing unit [30 TEX. ADMIN. CODE §§ 106.454(1)(A)(ii), 122.143(4) and 122.144(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 2686, GOP No. 517, SWR Nos. (b)(2) and (b)(5)(D)xxi].</p> <p>4) Failed to post a permanent and conspicuous label summarizing proper operating procedures to minimize emissions on or near the degreaser [30 TEX. ADMIN. CODE §§ 106.454(1)(E) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 2686, GOP No. 517, SWR Nos. (b)(2) and (b)(5)(D)xxi].</p> <p>5) Failed to report all deviations and accurately certify compliance in the Annual Compliance Certification ("ACC"). Specifically, the Respondent failed to report the deviation for failing to post a permanent and conspicuous label summarizing proper operating procedures to minimize emissions on or near the degreaser in the ACC report for the reporting period from July 5, 2009 through July 4, 2010 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 2686, GOP No. 517, SWR No. (b)(2)].</p> <p>6) Failed to maintain records of the daily flare observations [30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii), 122.143(4) and 122.144(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 2686, GOP No. 517, SWR No. (b)(2)].</p>		
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Additional ID No(s): Air Pfoo84K



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	30-Aug-2010	Screening	7-Sep-2010	EPA Due	
	PCW	8-Sep-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Polk County
Reg. Ent. Ref. No.	RN102668654
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	40361	No. of Violations	6	
Docket No.	2010-1477-AIR-E	Order Type	1660	
Media Program(s)	Air	Government/Non-Profit	Yes	
Multi-Media		Enf. Coordinator	Heather Podlipny	
		EC's Team	Enforcement Team 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$9,100
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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	20.0% Enhancement	Subtotals 2, 3, & 7	\$1,820
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Notes: Enhancement for one order with denial.

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	\$1,810
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$775
 Approx. Cost of Compliance: \$14,746
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,110
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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	\$9,110
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,110
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,822
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$7,288
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Screening Date 7-Sep-2010

Docket No. 2010-1477-AIR-E

PCW

Respondent Polk County

Policy Revision 2 (September 2002)

Case ID No. 40361

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102668654

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("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>)	1	20%
	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%

Please Enter Yes or No

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) 20%

>> 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 for one order with denial.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date 7-Sep-2010

Docket No. 2010-1477-AIR-E

PCW

Respondent Polk County

Policy Revision 2 (September 2002)

Case ID No. 40361

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102668654

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(B), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. 2686, General Operating Permit ("GOP") No. 517, Site-wide Requirements ("SWR") No. (b)(2)

Violation Description Failed to submit semi-annual deviation reports. Specifically, the Respondent failed to submit semi-annual deviation reports for the following compliance periods: July 5, 2007 through January 3, 2008; January 4, 2008 through July 4, 2008; July 5, 2008 through January 3, 2009; January 4, 2009 through July 4, 2009; and July 5, 2009 through January 3, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			10%
100% of the rule requirement was not met.					

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 5 Number of violation days 914

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

Violation Base Penalty \$5,000

Five single events are recommended based on the five semi-annual deviation reports that were not submitted.

Good Faith Efforts to Comply

	25.0%	Reduction	\$1,250
		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary			
Ordinary	X		
N/A		(mark with x)	

Notes The Respondent returned to compliance on August 4, 2010 and the NOE was dated August 23, 2010.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$302

Violation Final Penalty Total \$4,750

This violation Final Assessed Penalty (adjusted for limits) \$4,750

Economic Benefit Worksheet

Respondent Polk County
Case ID No. 40361
Reg. Ent. Reference No. RN102668654
Media Air
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	\$2,416	2-Feb-2008	4-Aug-2010	2.50	\$302	n/a	\$302
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 for preparation and submittal of five semi-annual deviation reports and to improve the recordkeeping system. The Date Required is the date the first report was due and the Final Date is the 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

\$2,416

TOTAL

\$302

Screening Date 7-Sep-2010

Docket No. 2010-1477-AIR-E

PCW

Respondent Polk County

Policy Revision 2 (September 2002)

Case ID No. 40361

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102668654

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 106.8(c)(2) and 106.8(c)(4), 122.143(4) and 122.144(1), Tex. Health & Safety Code § 382.085(b), and FOP No. 2686, GOP No. 517, SWR Nos. (b)(2) and (b)(5)(C)ii

Violation Description

Failed to maintain the required emissions data and/or records to verify eligibility for the claimed Permit By Rules ("PBRs") for the Site. Specifically, for PBRs in 30 Tex. Admin. Code §§ 106.227, 106.454, and 106.511, records of air emissions calculations, total solvent makeup, and maximum annual operating hours for engines/turbines were not available during the investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

53 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$100

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

Notes

The Respondent returned to compliance on September 10, 2010 and the NOE is dated August 23, 2010.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent Polk County
Case ID No. 40361
Reg. Ent. Reference No. RN102668654
Media Air
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	\$2,416	19-Jul-2010	10-Sep-2010	0.15	\$18	n/a	\$18
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 for improving the recordkeeping system to maintain required records and emissions data. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

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

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

\$2,416

TOTAL

\$18

Screening Date 7-Sep-2010

Docket No. 2010-1477-AIR-E

PCW

Respondent Polk County

Policy Revision 2 (September 2002)

Case ID No. 40361

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102668654

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 106.454(1)(A)(ii), 122.143(4) and 122.144(1), Tex. Health & Safety Code § 382.085(b), and FOP No. 2686, GOP No. 517, SWR Nos. (b)(2) and (b)(5)(D)xxi

Violation Description Failed to maintain, on a monthly basis, inspection and solvent use records for the manufacturing shop degreasing unit.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%
100% of the rule requirement was not met.					

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 432 Number of violation days

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

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction \$100

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

Notes The Respondent returned to compliance on September 10, 2010 and the NOE is dated August 23, 2010.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$143

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent Polk County
Case ID No. 40361
Reg. Ent. Reference No. RN102668654
Media Air
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	\$2,416	5-Jul-2009	10-Sep-2010	1.18	\$143	n/a	\$143
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 for improving the recordkeeping system for properly maintaining inspection and solvent use records. The Date Required is the start date of the violation and the Final Date is the 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

\$2,416

TOTAL

\$143

Screening Date 7-Sep-2010

Docket No. 2010-1477-AIR-E

PCW

Respondent Polk County

Policy Revision 2 (September 2002)

Case ID No. 40361

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102668654

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 106.454(1)(E) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. 2686, GOP No. 517, SWR Nos. (b)(2) and (b)(5)(D)xxi

Violation Description Failed to post a permanent and conspicuous label summarizing proper operating procedures to minimize emissions on or near the degreaser.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%
100% of the rule requirement was not met.					

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 395 Number of violation days

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

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes The Respondent returned to compliance on August 4, 2010, and the NOE is dated August 23, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$950

This violation Final Assessed Penalty (adjusted for limits) \$950

Economic Benefit Worksheet

Respondent Polk County
Case ID No. 40361
Reg. Ent. Reference No. RN102668654
Media Air
Violation No. 4

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)	\$250	5-Jul-2009	4-Aug-2010	1.08	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost for posting a label summarizing proper operating procedures for the degreaser and for providing employee training on those operating procedures. The Date Required is the start date of the violation and the Final Date is the 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

\$14

Screening Date 7-Sep-2010

Docket No. 2010-1477-AIR-E

PCW

Respondent Polk County

Policy Revision 2 (September 2002)

Case ID No. 40361

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102668654

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(1), Tex. Health & Safety Code § 382.085(b), and FOP No. 2686, GOP No. 517, SWR No. (b)(2)

Violation Description Failed to report all deviations and accurately certify compliance in the Annual Compliance Certification ("ACC"). Specifically, the Respondent failed to report the deviation for failing to post a permanent and conspicuous label summarizing proper operating procedures to minimize emissions on or near the degreaser in the ACC report for the reporting period from July 5, 2009 through July 4, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes More than 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 38

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

Violation Base Penalty \$100

One single event is recommended based on the one incomplete report.

Good Faith Efforts to Comply

	10.0% Reduction	\$10
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes The Respondent submitted corrective actions on September 10, 2010 and the NOE is dated August 23, 2010.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$110

This violation Final Assessed Penalty (adjusted for limits) \$110

Economic Benefit Worksheet

Respondent Polk County
Case ID No. 40361
Reg. Ent. Reference No. RN102668654
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$2,416	3-Aug-2010	10-Sep-2010	0.10	\$13	n/a	\$13
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 for improving the recordkeeping/reporting system for submittal of complete and accurate reports. The Date Required is the date the ACC report was submitted and the Final Date is the 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

\$2,416

TOTAL

\$13

Screening Date 7-Sep-2010

Docket No. 2010-1477-AIR-E

PCW

Respondent Polk County

Policy Revision 2 (September 2002)

Case ID No. 40361

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102668654

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 111.111(a)(4)(A)(ii), 122.143(4) and 122.144(1), Tex. Health & Safety Code § 382.085(b), and FOP No. 2686, GOP No. 517, SWR No. (b)(2)

Violation Description Failed to maintain records of the daily flare observations.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
	x			10%
100% of the rule requirement was not met.				

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 432

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

Violation Base Penalty \$1,100

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$100

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

Notes The Respondent returned to compliance on September 10, 2010 and the NOE is dated August 23, 2010.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$286

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent Polk County
Case ID No. 40361
Reg. Ent. Reference No. RN102668654
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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	\$2,416	5-Jul-2009	10-Sep-2010	1.18	\$143	n/a	\$143
Training/Sampling	\$2,416	5-Jul-2009	10-Sep-2010	1.18	\$143	n/a	\$143
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 costs for improving the recordkeeping/reporting system for visible emission observations and for providing training on recordkeeping requirements. The Date Required is the start date of the violation and the Final Date is the 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

\$4,832

TOTAL

\$286

Compliance History Report

Customer/Respondent/Owner-Operator: CN600336077 Polk County Classification: AVERAGE Rating: 3.93
 Regulated Entity: RN102668654 POLK COUNTY LANDFILL Classification: AVERAGE Site Rating: 11.00

ID Number(s):	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	PF0084K
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	PF0084K
	AIR NEW SOURCE PERMITS	AFS NUM	4837300677
	USED OIL	REGISTRATION	C81748
	MUNICIPAL SOLID WASTE DISPOSAL	PERMIT	1384A
	AIR OPERATING PERMITS	ACCOUNT NUMBER	PF0084K
	AIR OPERATING PERMITS	PERMIT	2686
	STORMWATER	PERMIT	TXR05O151
	STORMWATER	PERMIT	TXR15O143

Location: 3477 FM 942 W, LEGGETT, TX, 77350

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: September 08, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 30, 2005 to August 30, 2010

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

Name: Heather Podlipny Phone: 239 - 2603

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: 9/1/2010 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.

Effective Date: 07/03/2008

ADMINORDER 2007-0298-MSW-E

Classification: Major

Citation: 30 TAC Chapter 37, SubChapter B 37.111
30 TAC Chapter 37, SubChapter C 37.271(5)

Description: Failed to provide financial assurance for closure, post closure, or corrective action

Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.121(a)
Rqmt Prov: MSW Permit 1384A, Section VIII, Pgph S OP

Description: Failed to construct internal roads in accordance with the MSW Permit

Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter G 330.151
Rqmt Prov: MSW Permit 1384A, Section VIII, Pgph. M OP

Description: Failed to conduct vector monitoring and control measures in areas where scrap tires are stored outside.

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. (CEEDS Inv. Track. No.)

1	08/30/2005	(401410)
2	11/10/2006	(515136)
3	03/01/2008	(618951)
4	07/21/2008	(687061)
5	07/22/2008	(338584)
6	08/14/2008	(699899)
7	06/19/2009	(736193)
8	07/23/2009	(762528)
9	08/19/2009	(764573)
10	10/05/2009	(765888)
11	03/17/2010	(785860)
12	07/30/2010	(801792)
13	08/23/2010	(845968)

E. Written notices of violations (NOV). (CEEDS Inv. Track. No.)

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
POLK COUNTY
RN102668654**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2010-1477-AIR-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Polk County ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns a municipal landfill at 3477 Farm-to-Market Road 942 West in Leggett, Polk County, Texas (the "Site").
2. The Site consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 28, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand One Hundred Ten Dollars (\$9,110) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Two Hundred Eighty-Eight

Dollars (\$7,288) of the administrative penalty and One Thousand Eight Hundred Twenty-Two Dollars (\$1,822) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Site:
 - a. On August 4, 2010:
 - i. Submitted a semi-annual deviation report for the reporting period from January 4, 2010 to July 4, 2010; and
 - ii. Submitted photographic documentation verifying that a sign summarizing proper operating instructions had been posted for the degreasing unit.
 - b. On September 10, 2010, implemented a Records Management Plan to comply with the Federal Operating Permit ("FOP") No. 2686 and General Operating Permit ("GOP") No. 517 recordkeeping and reporting requirements and the applicable Permit By Rule ("PBR") conditions. The plan includes the following:
 - i. Maintaining on-site an Air Emissions Summary to demonstrate the air emissions on a pounds per hour and tons per year basis;
 - ii. Maintaining operating hour information for each of the portable engines covered by the PBR to ensure operation does not exceed 876 hours per year;
 - iii. Establishing a monthly Parts Degreaser Inspection Log for solvent purchases, solvent use, and disposal for the manufacturing shop degreasing unit;
 - iv. Implementing the recordkeeping and reporting requirements for the GOP; and
 - v. Maintaining a Flare Visible Emissions Daily Log for opacity observations from the portable flare.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement

proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner of the Site, the Respondent is alleged to have:

1. Failed to submit semi-annual deviation reports, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 2686, GOP No. 517, Site-wide Requirements ("SWR") No. (b)(2), as documented during an investigation conducted on July 19, 2010. Specifically, the Respondent failed to submit semi-annual deviation reports for the following compliance periods: July 5, 2007 through January 3, 2008; January 4, 2008 through July 4, 2008; July 5, 2008 through January 3, 2009; January 4, 2009 through July 4, 2009; and July 5, 2009 through January 3, 2010.
2. Failed to maintain the required emissions data and/or records to verify eligibility for the claimed PBRs for the Site, in violation of 30 TEX. ADMIN. CODE §§ 106.8(c)(2) and 106.8(c)(4), 122.143(4) and 122.144(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 2686, GOP No. 517, SWR Nos. (b)(2) and (b)(5)(C)ii, as documented during an investigation conducted on July 19, 2010. Specifically, for PBRs in 30 TEX. ADMIN. CODE §§ 106.227, 106.454, and 106.511, records of air emissions calculations, total solvent makeup, and maximum annual operating hours for engines/turbines were not available during the investigation.
3. Failed to maintain, on a monthly basis, inspection and solvent use records for the manufacturing shop degreasing unit, in violation of 30 TEX. ADMIN. CODE §§ 106.454(1)(A)(ii), 122.143(4) and 122.144(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 2686, GOP No. 517, SWR Nos. (b)(2) and (b)(5)(D)xxi, as documented during an investigation conducted on July 19, 2010.
4. Failed to post a permanent and conspicuous label summarizing proper operating procedures to minimize emissions on or near the degreaser, in violation of 30 TEX. ADMIN. CODE §§ 106.454(1)(E) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 2686, GOP No. 517, SWR Nos. (b)(2) and (b)(5)(D)xxi, as documented during an investigation conducted on July 19, 2010.
5. Failed to report all deviations and accurately certify compliance in the Annual Compliance Certification ("ACC"), in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 2686, GOP No. 517, SWR No. (b)(2), as documented during an investigation conducted on July 19, 2010. Specifically, the Respondent failed to report the deviation for failing to post a permanent

and conspicuous label summarizing proper operating procedures to minimize emissions on or near the degreaser in the ACC report for the reporting period from July 5, 2009 through July 4, 2010.

6. Failed to maintain records of the daily flare observations, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii), 122.143(4) and 122.144(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 2686, GOP No. 517, SWR No. (b)(2), as documented during an investigation conducted on July 19, 2010.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Polk County, Docket No. 2010-1477-AIR-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. 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.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 2/10/2011

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

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

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

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


Signature

Date 11/18/2010

John P. Thompson
Name (Printed or typed)
Authorized Representative of
Polk County

County Judge
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.